

**pbscommissions - Fwd: Cannabis Accommodation Spot Zoning**

Mendocino County

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/24/2022 3:11 PM  
**Subject:** Fwd: Cannabis Accommodation Spot Zoning

JAN 26 2022

Planning &amp; Building Services

Planning & Building Services Staff

County of Mendocino

*Main Office:*

860 N. Bush St, Ukiah CA 95482

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>>> Ron Hock <[ron@hocktools.com](mailto:ron@hocktools.com)> 1/23/2022 11:01 AM >>>

Dear Planning Commissioner,

I understand you have before you two applications for cannabis accommodation districts in our Simpson/Mitchell Creek neighborhood, Case #'s R\_2019-0012 and R\_2019-0013.

While I am sympathetic to the small-business nature of some of these commercial growing operations, I oppose these re-zoning efforts due to these serious concerns:

\* The proposed zoning change will reduce our property values. Prospective buyers may be understandably reticent about investing in a neighborhood with commercial cannabis operations. Commercial cultivation of marijuana may have been de-criminalized, but it has not been de-stigmatized.

\* While the use and possession of marijuana is now legal in California, the industry is still cash-only, as federal banking laws prohibit banks from doing business with growers and sellers. This means that growers must hold large amounts of cash making them a tempting target for breaking-and-entering and home-invasion type crimes. And the legalization measure was implemented with so many new layers of bureaucracy and so many restrictions and regulations that the black market will continue to thrive – a fact that can only encourage trespass

and theft of marijuana from those known to be growing.

\* Many of our neighbors have expressed concern about over-use of water from our water table. All businesses expand over time and cannabis cultivation is no different. Regardless of how much water they're taking from our aquifer now, that will surely increase. The risk to our wells is real.

\* This is a residential neighborhood. Allowing commercial operations alters the very complexion of our beloved Mitchell Creek home. It will affect the whole neighborhood to varying degrees, not just the few contiguous parcels included in the application. Some of the grow operations boast of having ten or more employees. We've all noticed the increase in traffic. I cherish our quiet neighborhood and hate to see it's rural residential character change for such selected commercial preference. Our roads have already deteriorated due to development. Our neighborhood is one of the most densely populated in the unincorporated areas of Fort Bragg, and we rely on Simpson Lane as our only egress.

My last issue has to do with Spot Zoning. I can't imagine the mental and legal gymnastics that are necessary to believe that this would NOT create an illegal spot zone. Approving these applications would most certainly expose the county to litigation from the many neighboring property owners who will bear the brunt of these decisions. I remind you of the survey done in 2018 where 90% of our neighbors voted in opposition to commercial cannabis production in our residential zone.

Please don't be bullied by the applicants. There are far more of us opposed to this than those who support it.

Thank you.

Sincerely,

Ron Hock

--

Ron Hock  
16650 Mitchell Creek Drive  
Fort Bragg, California 95437 USA

**pbscommissions - Fwd: Correction to Previous Email**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/25/2022 2:39 PM  
**Subject:** Fwd: Correction to Previous Email

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JAN 26 2022

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&gt;&gt;&gt; Linda Rosengarten &lt;tolinda@mcn.org&gt; 1/25/2022 1:36 PM &gt;&gt;&gt;

**To: Department Staff at Planning & Building Services, Mendocino County****Re: My error in sending you My Email meant for Planning Commissioner Marie Jones (I sent her one, as well) with the subject of two Cannabis Accommodation District Applications****Even so: The content of said email is basically for you, as well; with the exception that I urge you to *not recommend* said applications.**

If I've made this unclear, please let me know and I will attempt to clarify.

Thank you for your consideration,

Sincerely,

Linda Rosengarten

16650 Mitchell Creek Drive

Fort Bragg, CA 95437

(707) 964-37892

--

Linda Rosengarten

16650 Mitchell Creek Drive

Fort Bragg, CA 95437

**pbscommissions - Fwd: Please do not continued commercial cannabis operations in our RR-2 neighborhoods!!!**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/25/2022 2:39 PM  
**Subject:** Fwd: Please do not continued commercial cannabis operations in our RR-2 neighborhoods!!!

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JAN 26 2022

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>>> SerafinArts <serafinarts@gmail.com> 1/25/2022 1:40 PM >>>

r Members of the Planning Commission and Board of Supervisors,  
a Resident of the neighborhood ~~RR-2~~ neighborhoods.  
" do not continued commercial cannabis operations in our RR-2 neighborhoods.  
have been a resident ~~the~~ Simpson Lane and Mitchell Creek community,  
for over 29 years.  
**je water issues** around continuing the commercial cannabis rezoning. Other owners  
ad zone are also opposed. Some new owners had no idea their property w

re case numbers to reference are:

- 2019-0012 for Franklin Rd.
- 2019-0012 for Jade Ct.

u for your consideration on this important issue for all of us living here!

Serafina Andrews



**pbscommissions - Fwd: rezoning**

**From:** PBS PBS  
**To:** pbscommissions; Julia Krog  
**Date:** 1/25/2022 3:03 PM  
**Subject:** Fwd: rezoning

Mendocino County

JAN 26 2022

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>>> CAROL BECKER <cbecker43@comcast.net> 1/25/2022 2:11 PM >>>

I live on Franklin Road and am voicing OPPOSITION to the request for rezoning parcels on my street. Please take note this is not the first time I have spoken out about my opposition. Thank you. Carol Becker 16651 Franklin Rd.

**James Feenan - Fwd: Case # R\_2019-0013 and Case # R\_2019-0012, Applicant Brandy Moulton**

**From:** Russell Ford  
**To:** annaleagarza@gmail.com  
**Date:** 1/26/2022 10:40 AM  
**Subject:** Fwd: Case # R\_2019-0013 and Case # R\_2019-0012, Applicant Brandy Moulton  
**Cc:** James Feenan; Julia Krog

Mendocino County

JAN 26 2022

Planning & Building Services

Hi Anna.

Thanks for copying us on this. I'm forwarding it to our Commission Services Supervisor for incorporation to the file and so that it may be passed on to the Planning Commission.

-Russ

>>> Anna Lea Garza <annaleagarza@gmail.com> 1/26/2022 10:30 AM >>>

**January 26, 2022**

**TO: Planning Commission**

Dianne Wiedemann  
 Alison Pernell  
 Marie Jones  
 Clifford Paulin  
 Macci Morse

**Board of Supervisors**

Hon. Dan Gjerde, Chair  
 Hon. Ted Williams, Vice Chair  
 Hon. John Haschak, Supervisor  
 Hon. Glen McGourty, Supervisor  
 Hon. Maureen Mulheren, Supervisor

**CC: Department of Planning & Building Service**

Nash Gonzales, Interim Director  
 Julia Acker Krog, Asst. Director  
 Russ Ford, Staff Planner

**RE: Case # R\_2019-0013 and Case # R\_2019-0012, Applicant Brandy Moulton, request to Rezone parcels to create two Cannabis Accommodation Combining Districts**

**OPPOSED**

I am writing to state my opposition to the above applications for Cannabis Accommodation Combining Districts (spot zones).

I wrote to you in summer 2021 regarding my opposition to these two CA Combining District applications. This letter is to restate my concerns.

**Spot Zoning:** The parcel maps of both of these applications have the appearance of being spot zones. I'm sure you know that spot zoning applies a map classification for purposes of a municipal zoning ordinance to a particular parcel (s) of land without regard to its surrounding designations and spot zoning is illegal

in California. This form of zoning can have the appearance of favoritism toward a particular landowner. CA Combining District applications # R\_2019-0013 and 2019-0012 would place a commercial designation on each set of parcels situated in the middle of an otherwise RR-2 zone. There is no rhyme or reason why these particular parcels should receive this designation and in fact, many of the parcel owners in the proposed rezone did not know they had been included in the zone and object to being included in the application. There has been no study by the applicant or the County as to why these particular parcels should suddenly be rezoned to commercial use in the midst of a residential zone. How can this be good land use without any analysis or evidence of what public good might be achieved?

**Environmental Impact – CEQA:** I understand that an **Initial Study** (hereafter **IS**) was prepared by LACO for twin ordinances passed by the Board in 2017 and that the County determined that a simple Addendum to the MND (Mitigated Negative Declaration) would suffice for purposes of CEQA and the five proposed overlay zones, or cannabis combining districts, sought in 2018. Now in 2022, well past this Initial Study, regarding the application for a CA Combining District, Case # R\_2019-0013, on Franklin Rd and Case # R\_2019-0012 near Jade Ct, Fort Bragg the applications state that this previously adopted MND for “Mendocino Cannabis Cultivation Regulations appropriately addressed requirements under CEQA for amendments Ordinance No. 4381 and determined that no conditions calling for preparation of a subsequent environmental document”. I strongly disagree.

In reference to these cases, # R\_2019-0013 and 2019-0012, I ask that the Planning Commission and the Supervisors consider the following questions and serious issues:

- The IS for the MND did not encompass impacts to RR-2 zoning. RR-5 and RR-10 were both listed but there do not appear to be references to the predominant zoning form existing in Simpson Ln/Mitchell Creek, i.e. RR-2.
- **Aesthetics** were not analyzed in terms of RR-2 zoning in the IS. The IS states that “changes in the landscape may be visible as a result of the relocation or expansion of existing cultivation sites under Phase 1 implementation. Potentially visible features may include new structures, fencing, limited vegetation removal, and grading for roadway or site development.” But it fails to describe which of these “visible features” will be suddenly allowed in the RR-2. How will these unspecified and unquantified features impact the neighborhood and, obviously, affect property values? The IS does not say for RR-2.
- **Groundwater supplies** in Simpson/Mitchell Creek area. The 2017-2018 IS begins on the right foot by acknowledging a ‘Threshold of Significance’ with respect to this feature were the “project” to “substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level...” - - - To date,

the County has not offered any information on the nature and extent of groundwater sources and present demands for the Simpson Ln RR-2. It was never determined how any expanded operation of existing cannabis cultivators might impact water availability to an RR-2. Residents of Simpson/Mitchell Creek well know from past drought conditions that many resident wells go dry in summer months. It is now years later since the 2017 IS. California faces the most extreme weather conditions in history as well as extended drought. Before any zoning applications for commercializing cannabis cultivation in RR-2, I feel a more in depth environmental review is a necessity.

I would also point out that rural residents are currently reducing water use and making efforts to preserve groundwater supply. This is because many realize the importance of setting aside water resources in case of wildfire. This is a much better plan than permitting commercial agriculture in a densely populated residential zone; water conservation has the potential to save homes, and lives, in a wildfire.

An additional consideration as regards groundwater supplies must take into consideration the **Sustainable Groundwater Management Act (SGMA), 2014** (Oversight by the California Department of Water Resources). The historic passage of SGMA in 2014 set forth a statewide framework to help protect groundwater resources over the long-term. SGMA requires medium- and high-priority basins in the state to develop groundwater sustainability agencies (GSAs), develop groundwater sustainability plans (GSPs) and manage groundwater for long-term sustainability. The coastal area of Mendocino is still categorized as a 'Low Priority basin' and not yet subject to this type of planning. However, given drought conditions in California in recent years and projected future drought, it would be wise to adopt a conservative approach to protecting groundwater resources in Mendocino County. Does the County have data on the number of public supply wells that draw from this basin, the irrigated acreage overlying this basin, and the degree to which persons overlying the basin rely on groundwater as a primary source of water? Until the County has evaluated current groundwater supplies and the anticipated impact of drought and wildfire on these supplies it seems truly unwise to allow commercial farming in an already densely populated rural residential zone that relies solely on groundwater (wells). Allowing commercial use of residential well water will exacerbate this situation.

I feel it imperative that these applications be denied. We need greater environmental review of groundwater supplies especially; **we have very different water and drought conditions in 2022 from what existed in 2017.**

- **Noise** - RR-2 zones obviously situate neighbors closer together than either RR-5 or RR-10. One of the main impacts of cannabis cultivation on neighboring property owners and residents includes noise emitting from power generators and air circulation associated with indoor or greenhouse mixed-light operations. This can significantly degrade the low noise environment we enjoy in our rural setting.



Other noise impacts can include increased traffic of employees coming to the work site, work on required upgrades to the property for business purposes.

**Simpson Ln/Mitchell Creek documented opposition to rezoning for commercial cannabis operations:** In fall of 2018 the County of Mendocino surveyed residents of several proposed special Cannabis Combining Districts in the County, areas that would either support existing cannabis cultivation (Opt-In) or restrict then allowed commercial cannabis uses (Opt-Out). For the Mitchell Creek proposed Combining District the County survey was sent to 287 property owners, one survey response per parcel, in the selected proposed Combining District - a large population was surveyed. The response rate from the Mitchell Creek residents was **43%**, approximately half the residential population surveyed and twice the response rate from any other proposed Opt-In districts in the county. **Ninety percent (90%)** of these responding Mitchell Creek residents **OPPOSED** the establishment of any cannabis Combining District in their neighborhood. This is a resounding NO to the establishment of a Cannabis Accommodation Combining District in our neighborhood; this NO can still be heard loudly today from Simpson Ln/Mitchell Creek residents.

PLEASE! Do NOT approve application case #s R\_20190012 and R\_2019-0013.

Thank you for your time, sincerely,

Anna Garza

Mitchell Creek, Fort Bragg 95437

*Comment #1*

**pbscommissions - Fwd: Cannabis Accommodation District Applications #R\_2019-0012 and R\_2019-0013**

**From:** PBS PBS  
**To:** pbscommissions; Julia Krog  
**Date:** 1/25/2022 2:40 PM  
**Subject:** Fwd: Cannabis Accommodation District Applications #R\_2019-0012 and R\_2019-0013

Mendocino County

JAN 26 2022

Planning & Building Services

Planning & Building Services Staff

County of Mendocino

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>>> Linda Rosengarten <tolinda@mcn.org> 1/25/2022 1:30 PM >>>

**To: Marie Jones, 4th District Planning Commissioner**

**Re: Cannabis Accommodation District Applications #R\_2019-0012 and R\_2019-0013**

**For: The Record and Appropriate Agenda**

I understand the Planning Commission will review for approval Cannabis Accommodation District Applications - Case #'s R\_2019-0012 and R\_2019-0013.

Please know that I continue to be opposed to Cannabis Accommodation Districts in our established RR2 Zone areas of Simpson Lane/Mitchell Creek Drive and **urge you to reject these applications.**

On August 18, 2018 (<https://www.mendocinocounty.org/Home/Components/News/News/3445/>), The Board of Supervisors determined that strong community support must be demonstrated before a Cannabis Combining District be established in the Simpson Lane/Mitchell Creek area. The County proceeded to conduct a survey and found that 90% of responding property owners in the Simpson Lane/Mitchell Creek area are opposed to including a commercial zone with this established Rural Residential Two Acre Minimum zone.

On November 19, 2018, the BOS established four Cannabis Accommodation Combining Districts in the [Covelo Core](#), [Covelo Fairbanks](#), [Laytonville](#), and [South Leggett](#) areas. The Simpson Lane/Mitchell Creek and other areas were not included because of the overwhelming opposition of property owners. The Simpson Lane/Mitchell Creek Drive area remains a Rural Residential Two Acre Minimum and is NOT a Commercial Zone.

These applications include extending indefinitely the attending Sunset clause. As you know, the Sunset of 2021 was already extended by the BOS to 2022.

What is it that classifies the cannabis operations in these two applications differently from any other Rural

Residential Two Acre Minimum parcel in the Simpson Lane/Mitchell Creek area – which by the 2019 ordinance is *not designated* a CA district in Mendocino County?

To approve Case #'s R\_2019-0012 and R\_2019-0013 applications, or any CA Combining District applications one after the other, is Spot Zoning plain and simple. Spot Zoning is legal in California *only* if it is in the public interest. I see no public interest in a for-profit commercial industry that increases carbon emissions and is suspect in its use of a neighborhood reliant watershed. In the past year neighbors next door to growers' **wells have run dry!** Cannabis cultivation demands water the rest of us must monitor. Growers essentially appropriate water from their neighbors!

When will this end? How many times must property owners be "on our toes," study ordinances and agendas, learn the hard way about how to appropriately express our concerns and opposition in a timely manner to simply be recorded *and* even heard by our county's administrators and elected officials?

As you know, the Simpson Lane-Mitchell Creek Drive section of the county has only one ingress and one egress, which are the same. Although currently, some emergency vehicles can arrive toward the southern end of Mitchell Creek Drive through a restricted access road at the east end of Gibney Lane, Simpson Lane remains only one way in and one way out for all residents of this over-developed neighborhood. There is no other emergency access for residents.

As exemplified by the County's recognition of our perilous ingress and egress issues, Simpson Lane/Mitchell Creek Drive area is already overdeveloped for residential security. Not only does a commercial accommodation impact the quality of roads and lanes, but it also impacts efficient ingress and egress during emergencies. Consequently, if allowed to proceed, even one of these Cannabis Accommodation Districts will exacerbate an already perilous and possibly deadly transportation quagmire and is a direct slap in the face of these established transportation concerns and apprehensions for safety.

In no way is this RR2 Zone suitable for a commercial accommodation.

Also, **once again, please** consider the impact and conflicts inherent in commercial water use and residential water use. Commercial water usage prioritizes profit.

Properties in this neighborhood rely on wells for water. Although we have enjoyed rain so far this year, we are not out of this drought. Plus, we are subject to and endangered by droughts every few years. Many of our wells have become alarmingly low or gone dry during the various droughts over the years. Many of us are or are attempting to store water in case of wildfire.

Not only do these applications beg questions offered by California' Sustainable Groundwater Management Act of 2014, but your approval would worsen conflicts between neighbors, and continue property owner's search for remediation.

I will not address in further detail, but hope you consider:

- CEQA and the environmental impact on an RR2 Zone,
- Carbon release from the excessive electricity used for indoor grows and the noise for neighboring residents,
- Public safety,
- Loss in property value,
- The unmitigated odors,
- Etc.

Thank you for your time and consideration.

Sincerely,

Linda Rosengarten  
16650 Mitchell Creek Drive  
Fort Bragg, CA 95437

--

Linda Rosengarten  
16650 Mitchell Creek Drive  
Fort Bragg, CA 95437



*Comment #2*

**pbscommissions - Fwd: Cannabis Accommodation District Applications #R\_2019-0012 and R\_2019-0013**

**From:** PBS PBS  
**To:** Julia Krog; pbscommissions  
**Date:** 1/25/2022 2:40 PM  
**Subject:** Fwd: Cannabis Accommodation District Applications #R\_2019-0012 and R\_2019-0013

Mendocino County

JAN 26 2022

Planning & Building Services

Planning & Building Services Staff

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>>> Linda Rosengarten <tolinda@mcn.org> 1/25/2022 1:03 PM >>>

**To: Marie Jones, 4th District Planning Commissioner**

**Re: Cannabis Accommodation District Applications #R\_2019-0012 and R\_2019-0013**

**For: The Record and Appropriate Agenda**

I understand the Planning Commission will review for approval Cannabis Accommodation District Applications - Case #'s R\_2019-0012 and R\_2019-0013.

Please know that I continue to be opposed to Cannabis Accommodation Districts in our established RR2 Zone areas of Simpson Lane/Mitchell Creek Drive and **urge you to reject these applications.**

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When will this end? How many times must property owners be "on our toes," study ordinances and agendas, learn the hard way about how to appropriately express our concerns and opposition in a timely manner to simply be recorded *and* even heard by our county's administrators and elected officials?

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Sincerely,  
Linda Rosengarten  
16650 Mitchell Creek Drive  
Fort Bragg, CA 95437

--

Linda Rosengarten  
16650 Mitchell Creek Drive  
Fort Bragg, CA 95437

*Comment #3*

**pbscommissions - Fwd: Cannabis Accommodation District Applications #R\_2019-0012 and R\_2019-0013**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/25/2022 12:59 PM  
**Subject:** Fwd: Cannabis Accommodation District Applications #R\_2019-0012 and R\_2019-0013

Mendocino County

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JAN 26 2022

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Planning & Building Services

>>> Linda Rosengarten <tolinda@mcn.org> 1/25/2022 12:55 PM >>>

**To:** Staff Members of Mendocino County's Department of Planning & Building Services

**Re:** Cannabis Accommodation District Applications #R\_2019-0012 and R\_2019-0013

**For:** The Record, and Attached to the Appropriate Agenda for Planning & Building Commissioners

I understand the Planning Commission will review for approval Cannabis Accommodation District Applications - Case #'s R\_2019-0012 and R\_2019-0013.

Please know that I continue to be opposed to Cannabis Accommodation Districts in our established RR2 Zone areas of Simpson Lane/Mitchell Creek Drive and **urge you to recommend the Planning & Building Commissioners reject these applications.**

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When will this end? How many times must property owners be "on our toes," study ordinances and agendas, learn the hard way about how to appropriately express our concerns and opposition in a timely manner to simply be recorded *and* even heard by our county's administrators and elected officials?

As you know, the Simpson Lane-Mitchell Creek Drive section of the county has only one ingress and one egress, which are the same. Although currently, some emergency vehicles can arrive toward the southern end of Mitchell Creek Drive through a restricted access road at the east end of Gibney Lane, Simpson Lane remains only one way in and one way out for all residents of this over-developed neighborhood. There is no other emergency access for residents.

As exemplified by the County's recognition of our perilous ingress and egress issues, Simpson Lane/Mitchell Creek Drive area is already overdeveloped for residential security. Not only does a commercial accommodation impact the quality of roads and lanes, but it also impacts efficient ingress and egress during emergencies. Consequently, if allowed to proceed, even one of these Cannabis Accommodation Districts will exacerbate an already perilous and possibly deadly transportation quagmire and is a direct slap in the face of these established transportation concerns and apprehensions for safety.

In no way is this RR2 Zone suitable for a commercial accommodation.

Also, **once again, please** consider the impact and conflicts inherent in commercial water use and residential water use. Commercial water usage prioritizes profit.

Properties in this neighborhood rely on wells for water. Although we have enjoyed rain so far this year, we are not out of this drought. Plus, we are subject to and endangered by droughts every few years. Many of our wells have become alarmingly low or gone dry during the various droughts over the years. Many of us are or are attempting to store water in case of wildfire.

Not only do these applications beg questions offered by California' Sustainable Groundwater Management Act of 2014, but your approval would worsen conflicts between neighbors, and continue property owner's search for remediation.

I will not address in further detail, but hope you consider:

- CEQA and the environmental impact on an RR2 Zone,
- Carbon release from the excessive electricity used for indoor grows and the noise for neighboring residents,

- Public safety,
- Loss in property value,
- The unmitigated odors,
- Etc.

Thank you for your time and consideration.

Sincerely,  
Linda Rosengarten

16650 Mitchell Creek Drive  
Fort Bragg, CA 95437

--  
Linda Rosengarten  
16650 Mitchell Creek Drive  
Fort Bragg, CA 95437

*Comment #4*

**pbscommissions - Fwd: Cannabis Accommodation District Applications #R\_2019-0012 and R\_2019-0013**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/25/2022 12:59 PM  
**Subject:** Fwd: Cannabis Accommodation District Applications #R\_2019-0012 and R\_2019-0013

Mendocino County

JAN 26 2022

Planning &amp; Building Services

Planning & Building Services Staff

County of Mendocino

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>>> Linda Rosengarten <tolinda@mcn.org> 1/25/2022 12:58 PM >>>

**To: Mendocino County Planning & Building Commission**

**Re: Cannabis Accommodation District Applications #R\_2019-0012 and R\_2019-0013**

**For: The Record and Appropriate Agenda**

I understand the Planning Commission will review for approval Cannabis Accommodation District Applications - Case #'s R\_2019-0012 and R\_2019-0013.

Please know that I continue to be opposed to Cannabis Accommodation Districts in our established RR2 Zone areas of Simpson Lane/Mitchell Creek Drive and **urge you to reject these applications.**

On August 18, 2018 (<https://www.mendocinocounty.org/Home/Components/News/News/3445/>), The Board of Supervisors determined that strong community support must be demonstrated before a Cannabis Combining District be established in the Simpson Lane/Mitchell Creek area. The County proceeded to conduct a survey and found that 90% of responding property owners in the Simpson Lane/Mitchell Creek area are opposed to including a commercial zone with this established Rural Residential Two Acre Minimum zone.

On November 19, 2018, the BOS established four Cannabis Accommodation Combining Districts in the [Covelo Core](#), [Covelo Fairbanks](#), [Laytonville](#), and [South Leggett](#) areas. The Simpson Lane/Mitchell Creek and other areas were not included because of the overwhelming opposition of property owners. The Simpson Lane/Mitchell Creek Drive area remains a Rural Residential Two Acre Minimum and is NOT a Commercial Zone.

These applications include extending indefinitely the attending Sunset clause. As you know, the Sunset of 2021 was already extended by the BOS to 2022.

What is it that classifies the cannabis operations in these two applications differently from any other Rural Residential Two Acre Minimum parcel in the Simpson Lane/Mitchell Creek area – which by the 2019 ordinance is *not designated* a CA district in Mendocino County?

To approve Case #'s R\_2019-0012 and R\_2019-0013 applications, or any CA Combining District applications one after the other, is Spot Zoning plain and simple. Spot Zoning is legal in California *only* if it is in the public interest. I see no public interest in a for-profit commercial industry that increases carbon emissions and is suspect in its use of a neighborhood reliant watershed. In the past year neighbors next door to growers' **wells have run dry!** Cannabis cultivation demands water the rest of us must monitor. Growers essentially appropriate water from their neighbors!

When will this end? How many times must property owners be "on our toes," study ordinances and agendas, learn the hard way about how to appropriately express our concerns and opposition in a timely manner to simply be recorded *and* even heard by our county's administrators and elected officials?

As you know, the Simpson Lane-Mitchell Creek Drive section of the county has only one ingress and one egress, which are the same. Although currently, some emergency vehicles can arrive toward the southern end of Mitchell Creek Drive through a restricted access road at the east end of Gibney Lane, Simpson Lane remains only one way in and one way out for all residents of this over-developed neighborhood. There is no other emergency access for residents.

As exemplified by the County's recognition of our perilous ingress and egress issues, Simpson Lane/Mitchell Creek Drive area is already overdeveloped for residential security. Not only does a commercial accommodation impact the quality of roads and lanes, but it also impacts efficient ingress and egress during emergencies. Consequently, if allowed to proceed, even one of these Cannabis Accommodation Districts will exacerbate an already perilous and possibly deadly transportation quagmire and is a direct slap in the face of these established transportation concerns and apprehensions for safety.

In no way is this RR2 Zone suitable for a commercial accommodation.

Also, **once again, please** consider the impact and conflicts inherent in commercial water use and residential water use. Commercial water usage prioritizes profit.

Properties in this neighborhood rely on wells for water. Although we have enjoyed rain so far this year, we are not out of this drought. Plus, we are subject to and endangered by droughts every few years. Many of our wells have become alarmingly low or gone dry during the various droughts over the years. Many of us are or are attempting to store water in case of wildfire.

Not only do these applications beg questions offered by California' Sustainable Groundwater Management Act of 2014, but your approval would worsen conflicts between neighbors, and continue property owner's search for remediation.

I will not address in further detail, but hope you consider:

- CEQA and the environmental impact on an RR2 Zone,
- Carbon release from the excessive electricity used for indoor grows and the noise for neighboring residents,
- Public safety,
- Loss in property value,
- The unmitigated odors,
- Etc.



Thank you for your time and consideration.  
Sincerely,

Linda Rosengarten  
16650 Mitchell Creek Drive  
Fort Bragg, CA 95437

--  
Linda Rosengarten  
16650 Mitchell Creek Drive  
Fort Bragg, CA 95437

**James Feenan - Re: Case # R\_2019-0013 and Case # R\_2019-0012, Applicant Brandy Moulton**

**From:** Russell Ford  
**To:** Sid Garza-Hillman <sid@sidgarzahillman.com>  
**Date:** 1/27/2022 1:16 PM  
**Subject:** Re: Case # R\_2019-0013 and Case # R\_2019-0012, Applicant Brandy Moulton  
**Cc:** Julia Krog; James Feenan

Mendocino County

JAN 29 2022

Planning &amp; Building Services

Hi Sid.

Thanks for the project comments. I've added them to the file and they'll be posted to the website with the next update.

-Russ

**RUSSELL D. FORD**

SENIOR PLANNER - GIS/LAND

COUNTY OF MENDOCINO, PLANNING &amp; BUILDING SERVICES

860 NORTH BUSH STREET

UKIAH, CA 95482

[\(707\) 234-6650](tel:(707)234-6650)[fordr@mendocinocounty.org](mailto:fordr@mendocinocounty.org)[www.mendocinocounty.org/government/planning-building-services](http://www.mendocinocounty.org/government/planning-building-services)

&gt;&gt;&gt; Sid Garza-Hillman &lt;sid@sidgarzahillman.com&gt; 1/26/2022 8:33 PM &gt;&gt;&gt;

**TO: Planning Commission**

Dianne Wiedemann	Alison Pernel
Marie Jones	Clifford Paulin
Macci Morse	

**Board of Supervisors**

Hon. Dan Gjerde, Chair	Hon. Ted Williams, Vice Chair
Hon. John Haschak, Supervisor	Hon. Glen McGourty, Supervisor
Hon. Maureen Mulheren, Supervisor	

**CC: Department of Planning & Building Service**

Nash Gonzales, Interim Director  
 Julia Acker Krog, Asst. Director  
 Russ Ford, Staff Planner

**RE: Case # R\_2019-0013 and Case # R\_2019-0012, Applicant Brandy Moulton, request to Rezone parcels to create two Cannabis Accommodation Combining Districts**

**OPPOSED**

I am writing to state my opposition to the above applications for Cannabis Accommodation Combining Districts (spot zones).

This matter has already and overwhelmingly been decided and the county needs to strongly support the community's position.

**Spot Zoning:** The parcel maps of both of these applications have the appearance of being spot zones. I'm sure you know that spot zoning applies a map classification for purposes of a municipal zoning ordinance to a particular parcel(s) of land without regard to its surrounding designations and spot zoning is illegal in California. This form of zoning can have the appearance of favoritism toward a particular landowner. CA Combining District applications # R\_2019-0013 and 2019-0012 would place a commercial designation on each set of parcels situated in the middle of an otherwise RR-2 zone. There is no rhyme or reason why these particular parcels should receive this designation and in fact, many of the parcel owners in the proposed rezone did not know they had been included in the zone and object to being included in the application. There has been no study by the applicant or the County as to why these particular parcels should suddenly be rezoned to commercial use in the midst of a residential zone. How can this be good land use without any analysis or evidence of what public good might be achieved?

**Environmental Impact – CEQA:** I understand that an **Initial Study** (hereafter **IS**) was prepared by LACO for twin ordinances passed by the Board in 2017 and that the County determined that a simple Addendum to the MND (Mitigated Negative Declaration) would suffice for purposes of CEQA and the five proposed overlay zones, or cannabis combining districts, sought in 2018. Now in 2022, well past this Initial Study, regarding the application for a CA Combining District, Case # R\_2019-0013, on Franklin Rd and Case # R\_2019-0012 near Jade Ct, Fort Bragg the applications state that this previously adopted MND for "Mendocino Cannabis Cultivation Regulations appropriately addressed requirements under CEQA for amendments Ordinance No. 4381 and determined that no conditions calling for preparation of a subsequent environmental document". I strongly disagree. In reference to these cases, # R\_2019-0013 and 2019-0012, I ask that the Planning Commission and the Supervisors consider the following questions and serious issues:



The IS for the MND did not encompass impacts to RR-2 zoning. RR-5 and RR-10 were both listed but there do not appear to be references to the predominant zoning form existing in Simpson Ln/Mitchell Creek, i.e. RR-2.

**Aesthetics** were not analyzed in terms of RR-2 zoning in the IS. The IS states that “changes in the landscape may be visible as a result of the relocation or expansion of existing cultivation sites under Phase 1 implementation. Potentially visible features may include new structures, fencing, limited vegetation removal, and grading for roadway or site development.” But it fails to describe which of these “visible features” will be suddenly allowed in the RR-2. How will these unspecified and unquantified features impact the neighborhood and, obviously, affect property values? The IS does not say for RR-2.

**Groundwater supplies** in Simpson/Mitchell Creek area. The 2017-2018 IS begins on the right foot by acknowledging a ‘Threshold of Significance’ with respect to this feature were the “project” to “substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level...” - - - - To date, the County has not offered any information on the nature and extent of groundwater sources and present demands for the Simpson Ln RR-2. It was never determined how any expanded operation of existing cannabis cultivators might impact water availability to an RR-2. Residents of Simpson/Mitchell Creek well know from past drought conditions that many resident wells go dry in summer months. It is now years later since the 2017 IS. California faces the most extreme weather conditions in history as well as extended drought. Before any zoning applications for commercializing cannabis cultivation in RR-2, I feel a more in depth environmental review is a necessity.

I would also point out that rural residents are currently reducing water use and making efforts to preserve groundwater supply. This is because many realize the importance of setting aside water resources in case of wildfire. This is a much better plan than permitting commercial agriculture in a densely populated residential zone; water conservation has the potential to save homes, and lives, in a wildfire.

An additional consideration as regards groundwater supplies must take into consideration the **Sustainable Groundwater Management Act (SGMA), 2014** (Oversight by the California Department of Water Resources). The historic passage of SGMA in 2014 set forth a statewide framework to help protect groundwater resources over the long-term. SGMA requires medium- and high-priority basins in the state to develop groundwater sustainability agencies (GSAs), develop groundwater sustainability plans (GSPs) and manage groundwater for long-term



sustainability. The coastal area of Mendocino is still categorized as a 'Low Priority basin' and not yet subject to this type of planning. However, given drought conditions in California in recent years and projected future drought, it would be wise to adopt a conservative approach to protecting groundwater resources in Mendocino County. Does the County have data on the number of public supply wells that draw from this basin, the irrigated acreage overlying this basin, and the degree to which persons overlying the basin rely on groundwater as a primary source of water? Until the County has evaluated current groundwater supplies and the anticipated impact of drought and wildfire on these supplies it seems truly unwise to allow commercial farming in an already densely populated rural residential zone that relies solely on groundwater (wells). Allowing commercial use of residential well water will exacerbate this situation.

It is imperative that these applications be denied. We need greater environmental review of groundwater supplies especially; **we have very different water and drought conditions in 2022 from what existed in 2017.**

**Noise** - RR-2 zones obviously situate neighbors closer together than either RR-5 or RR-10. One of the main impacts of cannabis cultivation on neighboring property owners and residents includes noise emitting from power generators and air circulation associated with indoor or greenhouse mixed-light operations. This can significantly degrade the low noise environment we enjoy in our rural setting. Other noise impacts can include increased traffic of employees coming to the work site, work on required upgrades to the property for business purposes.

**Simpson Ln/Mitchell Creek documented opposition to rezoning for commercial cannabis operations:** In fall of 2018 the County of Mendocino surveyed residents of several proposed special Cannabis Combining Districts in the County, areas that would either support existing cannabis cultivation (Opt-In) or restrict then allowed commercial cannabis uses (Opt-Out). For the Mitchell Creek proposed Combining District the County survey was sent to 287 property owners, one survey response per parcel, in the selected proposed Combining District - a large population was surveyed. The response rate from the Mitchell Creek residents was **43%**, approximately half the residential population surveyed and twice the response rate from any other proposed Opt-In districts in the county. **Ninety percent (90%)** of these responding Mitchell Creek residents **OPPOSED** the establishment of any cannabis Combining District in their neighborhood. This is a resounding NO to the establishment of a Cannabis Accommodation Combining District in our neighborhood; this NO can still be heard loudly today from Simpson Ln/Mitchell Creek residents.

PLEASE! Do NOT approve application case #s R\_20190012 and R\_2019-0013.

Kind regards,  
Sid Garza-Hillman  
16440 Franklin Road,  
Fort Bragg 95437

ATTACHMENT C

**James Feenan - Against Rezoning**

**From:** Richard & Sharon Brayton <rsbrayton@gmail.com>  
**To:** <pbs@mendocinocounty.org>  
**Date:** 1/26/2022 8:55 AM  
**Subject:** Against Rezoning

Mendocino County

JAN 29 2022

Planning & Building Services

To Whom it May Concern,

I am opposed to these applications

R-2019-0012 for Franklin Road

R-2019-0012 for Jade Ct.

Thank You

Richard Brayton

31501 Pearl Drive

Fort Bragg, Ca

ATTACHMENT C

**pbscommissions - Fwd: Reject CACD applications**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/26/2022 2:41 PM  
**Subject:** Fwd: Reject CACD applications

Mendocino County

JAN 29 2022

Planning & Building Services

Planning & Building Services Staff

County of Mendocino

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>>> Katy Pye <forseaturtles@cs.com> 1/26/2022 1:59 PM >>>

Please reject these two applications. The community has strongly rejected and thus proven it does not want these grow facilities in residential neighborhoods. With our huge housing shortage, residential properties should be reserved for living, not commercial cannabis operations.

R-2019-0012 for Franklin Rd.

R-2019-0012 for Jade Ct.

Thank you.



**pbscommissions - Fwd: FEB 3rd Mtg Agenda Item: Please do not approve the current Commercial Cannabis Applications**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/27/2022 1:59 PM  
**Subject:** Fwd: FEB 3rd Mtg Agenda Item: Please do not approve the current Commercial Cannabis Applications

Mendocino County

JAN 28 2022

Planning &amp; Building Services

Planning &amp; Building Services Staff

County of Mendocino

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&gt;&gt;&gt; KEN LOUIS &lt;kslouis4@yahoo.com&gt; 1/26/2022 11:25 PM &gt;&gt;&gt;

To the Planning Commission,

I would like to advocate for keeping our residential neighborhoods zoned as rural residential (RR2) and not zoned for commercial cannabis operations. I believe that Commercial Cannabis was voted down in the past by a large margin and has no place in our quiet neighborhoods. I did not move to this wonderful city and current area to be inundated with the potential of it becoming noisy and more traffic ridden as well as the possibility of losing well water due to the unknown impact of Commercial Cannabis in our Franklin Rd neighborhood. All I can see is decreased home values which would directly effect the cities revenues. I implore you not to approve the various applications for these businesses because a local residential area should not even entertain such an idea for those reasons aforementioned.

Thanks you for your attention.

Ken and Sonya Louis  
17441 Franklin Rd  
Fort Bragg, Ca 95437  
[925-787-4898](tel:925-787-4898)



**pbscommissions - Public Comment -- 2/3/22 Planning Commission Mtg., Item No. 6b**

**From:** Jacob Patterson <jacob@lawjrp.com>  
**To:** <pbscommissions@mendocinocounty.org>  
**Date:** 1/27/2022 2:58 PM  
**Subject:** Public Comment -- 2/3/22 Planning Commission Mtg., Item No. 6b

Planning Commission,

I am writing in favor of the staff recommendation to deny this application. I found the staff report to be thorough and well written and agree with all of staff's recommendations. There is no reason for the County to grant this application and there is no legal requirement to do so since it is a matter of policy. In fact, granting the applicant's request could very likely be found to be inconsistent with various policies in the County's Housing Element. Residential properties like the property associated with this application are not where the County determined cannabis cultivation should be prioritized. Housing on the Coast is at a premium and we should not be doing anything that exacerbates the lack of available housing or property that is zoned to allow residential uses, which I feel this project would do both directly and indirectly. More importantly, the residents of the area already expressed their preferences to retain the neighborhood for residential uses rather than allowing prior unpermitted cultivation activity to continue past the sunset dates.

This applicant, and any other applicant who wished to begin or continue cultivating cannabis, have numerous alternative areas and zoning districts where cultivation is permitted and that is where those uses belong. Further, the water supplies in this neighborhood are already stressed and allowing cultivation to continue would only contribute to that existing problem. Please approve the staff recommendation and recommend that the Board of Supervisors deny this application.

Best regards,

--Jacob Patterson



JAN 23 2022

Planning &amp; Building Services

January 26, 2022

RE: Case #R\_2 019-0012 Notice of Public Hearing

Mendocino County Planning and Building Commission, and Board of Supervisors

We are -and remain- vehemently opposed to the continued rezoning requests submitted by Brandy Moulton to "Rezone to create a Cannabis Accommodation Combining District", and "suspend the Sunset Provision for Residential Districts to facilitate continued operation".

This has been an ongoing issue since 2018 when we voted a resounding **NO** to creating a Combined District in our residential neighborhood. Over the years following that resounding vote, we have written letters, attended meetings, and voiced our opinions at every turn. This has become a wearying struggle for 5 years now. It begs the question: when will it end?

As recently as one year ago, on May 18, 2021, we received a "Notice of Public Hearing from the County of Mendocino Department of Planning and Building Services" concerning the above Case #. We wrote letters in response, and on June 22, 2021, we received a letter that Ms Moulton had "withdrawn the application from consideration by the Mendocino County Planning Commission and Board of Supervisors". We later discovered that the application for the above Case #, was not so much withdrawn as it was invalid: Ms Moulton had initially failed to meet the required filing deadline (11/1/2019), neglected to sign the application, and did not pay the filing fee. We thought the issue was (finally) settled.

But here we are once again. With little to no notice, we received word that Ms Moulton had filed her request yet again on January 21, 2022. This latest filing will come before the Mendocino County Planning Commission on February 3rd. Very little notice indeed! I do not understand why the PBS office continues to entertain applications from Ms Moulton on this issue.

Not only are we vehemently opposed to the rezoning request submitted by Ms Moulton, we do not want to see the "Sunset Provision for Residential Districts" extended. We are zoned a Residential Neighborhood and wish to remain so. The Board of Supervisors has already extended the Sunset Provision by an 2 additional years to May of 2022. We want to see this date enforced, not extended.

As you know, we voted -overwhelmingly- against our neighborhood becoming a mixed use area. The vote was loud and clear: a resounding **NO!** A Sunset Provision was put in place. We do not want that Provision suspended, or extended. We do NOT want Rezoning of any kind.

Here are a few key points to consider:

- The Commercial Grows that exist in our neighborhood -both legal and illegal- were originally built before cannabis cultivation was legalized. The growers chose to hide their operations in our heavily forested neighborhood in order to evade detection by law enforcement. Their presence violates our zoning status. To fain legitimacy by asking to be "grandfathered in" now is simply wrong. Their existence was never sanctioned and is not welcomed here.
- Water is an ongoing issue of concern! In the last year alone, 3 of my closest neighbors have had their wells go dry. And, we are facing another year of serious drought. The high demand from Commercial Grows compromises the amount of water available to us for household use and for fire abatement. Ms Moulton is requesting that an additional 26 parcels be added to her rezoning request(s). This only adds to the problem. Our underground aquifers cannot -and should not be expected to- sustain commercial demand.



## ATTACHMENT C

- The Commercial Grows in our neighborhood are easy to spot . They are housed in new, very large, barn-like buildings, surrounded by tall, 8 foot fences. Nearby PG&E power poles are boosted to accommodate excessive electrical use. In the beginning, we witness a constant parade of plumbing trucks arriving daily to set up extensive and complex watering systems. Please note that all the grows are Indoor Grows - artificially supplied with heat, light, and water. Because these massive Indoor Grows are not dependent on climate or the natural environment, there is no reason that they need to be housed in our neighborhood. They could just as easily thrive in an industrial park.They could -and should- be relocated. There is no reason they must stay where they are. Again, including additional parcels in a rezoning request further compromises our neighborhood and our natural resources.
- Not only has traffic increased dramatically, but the large number of strangers brought in to work the Grows has become quite troubling. There have been multiple neighborhood break-ins, and many neighbors have been forced to adopt extra security measures. There is an ongoing need to protect our residential properties from errant thieves who might mistake our homes and garages for a “Grow”. We are families. We purchased our homes in a Residentially Zoned neighborhood. We did not bargain for -and do not want- commercial use of any sort.

Case # R\_2019-0012 asks to rezone 16 parcels.

Case # R\_2019-0013 asks to rezone 10 parcels.

Additional points to consider:

- Spot Zoning is illegal in California. The parcel maps attached to both applications appear to be spot zones. There is no rhyme nor reason to the properties being targeted. In fact, many of the targeted property owners either oppose or were not aware that their parcels were being included in the rezoning request!
- There are unresolved Environmental Impact (CEQA) issues. The Initial Study for the Mitigated Negative Declaration did not address impacts to RR-2 zoning. Aesthetics, Groundwater Supply, and Noise need to be addressed. Further studies need to be conducted and findings need to be broadly shared. These unknowns have a direct impact on property values and the peace of mind of property owners.

In the fall of 2018, the County of Mendocino surveyed residents of several proposed Cannabis Combining Districts within the county. Residents could support by voting to “Opt-In” or oppose by voting to “Opt-Out”. **Ninety percent** of Mitchell Creek residents who responded **OPPOSED** the idea of establishing a Combining District by voting to **Opt-Out**. At every opportunity -and for 5 years now- our neighborhood has overwhelmingly said **NO**. We are still saying **NO**:

**NO to rezoning.**

**NO to Commercial Grows in our neighborhood**

**NO to suspending the Sunset Provision for Residential Districts.**

Sincerely submitted,

John and Linda Turner  
31431 Emerald Dr  
Fort Bragg, CA 95437

Cc: DanGjerde

**pbscommissions - CASE#: R\_2019-0013**

---

**From:** Keevan Abramson <swampyoasis@yahoo.com>  
**To:** "pbs@mendocinocounty.org" <pbs@mendocinocounty.org>  
**Date:** 1/28/2022 8:43 AM  
**Subject:** CASE#: R\_2019-0013

Mendocino County

JAN 31 2022

Planning & Building Services

Hello to members of the Planning Commission,

I am writing to describe my concerns about two requests by Brandy Moulton.

1. **CASE#:** R\_2019-0012 which I will address as Jade Ct
2. **CASE#:** R\_2019-0013 which I will address as Franklin Road

Your approval will send these requests to the Supervisors but I am requesting you negate these. I cannot find a "mission statement" for the Planning Committee but will address the Mission Statement for the Board and hope that will influence you.

***The Mendocino County Board of Supervisors' mission is to create and maintain a responsive and responsible government that enhances the quality of life of the people of Mendocino County. The County's mission is to deliver services that meet: Public safety, health, social, cultural, education, transportation, economic, and environmental needs of our communities.***

The citizens of our impacted area have voted overwhelmingly to not allow commercial cannabis endeavors. A vote was authorized by the Board and democracy has spoken definitely. The above mission statement specifically states the ideal of being responsive and responsible.

Allowing a commercial activity that produces a non-essential product in a densely populated residential area, zoned accordingly, certainly will not enhance our quality of life. It is likely to degrade our safety, health, economic and environmental needs. Both areas in question overlie two significant watersheds, Mitchell Creek (Jade Ct) and Digger Creek (Franklin Road.) The latter flow goes west in close proximity to properties south of Simpson Lane, then runs through the Botanical Gardens which uses the water for irrigation just prior to discharging into the ocean. I live on Mitchell Creek Drive, due west of the Franklin Road proposal, where portions of the water table "daylight" with the emergence of springs, all of which coalesce into Digger Creek. I don't have to look in a well to see the effects of the drought as the springs which were active all year now are seasonal with greatly diminished flows or absent. Yet after significant winter rains of several days, our property exhibits huge flows of water. Small waterfalls display mounds of soap bubbles, indicating probable leaching from surface use of cleaning products. The impact of water usage and chemicals leaching into this water source for hundreds of citizens and wildlife cannot be predicted.

Several years ago when commercial cannabis growing in our community was first considered, I wrote to the Board about the increased risk of fire associated with commercial growing. I sent several links to websites with this information. Here is a more recent link:

<https://emergencyreporting.com/blog/fire-code-compliance-challenges-marijuana-grow-facilities/>

We take the risk of fire in our area seriously. Within the last few years, several residents of the Mitchell Creek Drive-Turner Road area, Anna Garza, Ron Hock, Michelle Patterson, and I, initiated the Fort Bragg South Fire Safe Council and have worked diligently with Supervisor Gjerde, Fort Bragg Fire Chief Steve Orsi, and Alex Leonard, Battalion Chief, Cal Fire, Mendocino Unit, to develop a secondary emergency egress in the event of a fire should Simpson Lane become blocked. This has happened many times with downed wires from falling trees and automobile accidents involving utility poles at the many curves in the road. An alternative route east from the coast for fire fighting crews and equipment was established on Gibney Lane through Jackson State Forrest but that is not suitable for automobiles. A possible route through Pearl Drive through private properties has been discussed and visited but obstacles (literally and figuratively) remain that will be dealt with as an emergency evolves. This is not ideal. We certainly don't need to add to the risks.

Please deny this application. It is my understanding, the applicant doesn't even live in our neighborhood. Please consider the significant risks involved with commercial Cannabis growing including increasing the risks of fire, the decrease or lack of water for residents for their daily uses which is becoming more commonplace, and water toxicity involving agricultural fertilizers and pest control. Above all, please respect the expressed opposition by our neighborhood residents not only by a vote authorized by the county but a large turnout for a pre-pandemic meeting where this was discussed.

Thank you and thanks for your participation on the Planning Committee.

Keevan Abramson  
16656 Mitchell Creek Drive  
Fort Bragg, CA 95437



**pbscommissions - Fwd: CACD pplications**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/28/2022 2:16 PM  
**Subject:** Fwd: CACD pplications

Mendocino County  
JAN 31 2022  
Planning & Building Services

Planning & Building Services Staff

County of Mendocino

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>>> Barb Prichard <bprichar@mcn.org> 1/28/2022 11:00 AM >>>

Hello! I am opposed to CACD applications # R\_2019-0013 Franklin Rd. & R\_2019-0012 Jade Ct. My home is in this neighborhood and I oppose any commercial cannabis growing.

Yours truly,

Barbara Prichard

31260 Digger Creek Drive

Fort Bragg

Sent from my iPad



**pbscommissions - Fwd: Cannabis rezoning applications**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/28/2022 2:20 PM  
**Subject:** Fwd: Cannabis rezoning applications

Mendocino County

JAN 31 2022

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County of Mendocino

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*Phone:* [\(707\) 964-5379](tel:(707)964-5379)*Web:* [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)>>> Nancy Philips <[gumbypoke@roadrunner.com](mailto:gumbypoke@roadrunner.com)> 1/28/2022 11:14 AM >>>

Please deny the below-referenced applications for rezoning. My husband and I live on Franklin Road and strenuously object to the idea of permitting commercial marijuana growing areas on our residential neighborhood. We've already voted on this and the majority voted against it. Please stand your ground and those of your constituents by denying these rezoning applications.

R-2019-0013 for Franklin Rd.

R-2019-0012 for Jade Ct.

Thank you,

Nancy Philips  
Casey J. Philips  
17390 Franklin Road  
Fort Bragg

JAN 31 2022

pbscommissions - Comment re; case #R\_2019-0013

Planning &amp; Building Services

---

**From:** michele herrick <memiherrick@yahoo.com>  
**To:** "pbscommissions@mendocinocounty.org" <pbscommissions@mendocinocounty.org>  
**Date:** 1/30/2022 4:26 PM  
**Subject:** Comment re; case #R\_2019-0013  
**Cc:** <dangjerde@netscape.net>

---

To whom this may concern,

Our names are Merle and Michele Herrick and live at 16830 Franklin Rd, Fort Bragg, CA. 95437.

We are in Opposition of rezoning properties for cannabis grows in our neighborhood. In fact we are in opposition of having Any cannabis grows in our Residential neighborhood. We spoke with a woman last year , updated our address and also wrote a letter regarding our

disapproval Again regarding having a cannabis grow in our residential neighborhood.

Now Brandy Moulan wants to rezone our properties for More Grows.

The county already gave her an extension, Enough is Enough.

This is a Residential Neighborhood, young children to frail elderly- and all in between.

Water is a HUGE issue. And one we All were concerned about several years ago and was told to the County. Yes, we ran out of water a few months ago. Had to buy water to put into a water tank and then drill a new well. Our neighbor's well went dry also, and they had to drill a new well also. I want to note that Yes we are in a Drought, and even in 1977 we were not even low on water. What we don't need is a Grow in our area, especially in a neighborhood, using water for cannabis and not for the people who Live here.

Putting up high fences, getting watch dogs, motion lights and camera surveillance, Even more water taken out of the aquifer possibly resulting in water tanks and new wells- all because a woman who doesn't even live here in our neighborhood has a grow that no one wants in our neighborhood and has spoken out numerous times against it.

One of Ms Moulan friend went to several neighbors to get their names in favor of a grow. In one instance they got signatures from renters, health care provider- Not even land owners.

We absolutely do Not want any grows in our Neighborhood. And Certainly not have properties rezoned to accommodate cannabis grows.

Thank You, Merle and Michele Herrick

16830 Franklin Rd

Fort Bragg, CA 95437



Mendocino County

**James Feenan - Fwd: Re: No on Cannabis Franklin rd/ Mitchell cr**

JAN 31 2022

Planning &amp; Building Services

**From:** James Feenan  
**To:** James Feenan  
**Date:** 1/31/2022 8:36 AM  
**Subject:** Fwd: Re: No on Cannabis Franklin rd/ Mitchell cr

>>> michele herrick <memiherrick@yahoo.com> 1/30/2022 4:14 PM >>>

Hello Rus,

Our names are Merle and Michele Herrick and live at 16830 Franklin Rd, Fort Bragg, CA. 95437.

Note this is also our Mailing address. We have not been receiving any notices and you tell me, Michele, its because you only have our old address. We are disappointed that it was never changed. A neighbor told us of Brandy Moulán new projected idea to create even More grows by rezoning our properties.

I spoke with a woman last year , updated my address and also wrote a letter regarding our disapproval Again regarding having a cannabis grow in our residential neighborhood.

Now Brandy Moulán wants to rezone our properties for More Grows.

The county already gave her an extension, Enough is Enough.

This is a Residential Neighborhood, young children to frail elderly- and all in between.

Water is a HUGE issue. And one we All were concerned about several years ago and was told to the County. Yes we ran out of water a few months ago. Had to buy water to put into a water tank and then drill a new well. Our neighbor's well went dry also, and they had to drill a new well also. I want to note that Yes we are in a Drought, and even in 1977 we were not even low on water. What we don't need is a Grow in our area, especially in a neighborhood, using water for cannabis and not for the people who Live here.

Putting up high fences, getting watch dogs, motion lights and camera surveillance, Even more water taken out of the aquifer possibly resulting in water tanks and new wells- all because a woman who doesn't even live here in our neighborhood has a grow that no one wants in our neighborhood and has spoken out numerous times against it.

One of Ms Moulán friend went to several neighbors to get their names in favor of a grow. In one instance they got signatures from renters, health care provider- Not even land owners.

We absolutely do Not want any grows in our Neighborhood. And Certainly not have properties rezoned to accommodate cannabis grows.

Thank You, Merle and Michele Herrick

16830 Franklin Rd  
 Fort Bragg, CA 95437

*James F. Feenan*

Commission Services Supervisor  
 Mendocino County Planning & Building Services  
 860 North Bush Street, Ukiah CA 95482  
 My Direct Line: [\(707\) 234-6664](tel:7072346664)  
 Main Line: [\(707\) 234-6650](tel:7072346650)  
 Fax: [\(707\) 463-5709](tel:7074635709)  
[feenanj@mendocinocounty.org](mailto:feenanj@mendocinocounty.org)  
<http://www.mendocinocounty.org/government/PBS>

>>> James Feenan 1/31/2022 8:36 AM >>>

*James F. Feenan*

Commission Services Supervisor  
Mendocino County Planning & Building Services  
860 North Bush Street, Ukiah CA 95482  
My Direct Line: [\(707\) 234-6664](tel:(707)234-6664)  
Main Line: [\(707\) 234-6650](tel:(707)234-6650)  
Fax: [\(707\) 463-5709](tel:(707)463-5709)  
[feenanj@mendocinocounty.org](mailto:feenanj@mendocinocounty.org)  
<http://www.mendocinocounty.org/government/PBS>



**pbscommissions - Fwd: Opposed to case #R\_2019-0012 and care #R\_2019-0013**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/28/2022 2:13 PM  
**Subject:** Fwd: Opposed to case #R\_2019-0012 and care #R\_2019-0013

Mendocino County

JAN 31 2022

Planning & Building Services

Planning & Building Services Staff

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>>> Judy Tichinin <jatichinin@gmail.com> 1/28/2022 9:52 AM >>>  
 January 28, 2022

To the Planning Commissioners of Mendocino County

I am writing to state my opposition to two applications coming before you at your February 3, 2022 public hearing.

**Case #R\_2019-0012 and case #R\_2019-0013** are both applications to rezone an RR-2 area to a Cannabis Accommodation Combining District (CACD). Both of these areas fall within the Simpson Lane/Mitchell Creek RR-2 zone, one of the largest RR-2 zones in the county. This is a cohesive and well-defined community surrounded by state park and state forest land and served by a single egress corridor, Simpson Lane.

As you know, the original 2017 Mendocino Cannabis Cultivation Ordinance banned commercial cannabis cultivation in RR-2 zones in the county but gave growers in these areas a 3-year grace period until a final sunset date. On the coast, that sunset was later extended to June 30, 2022.

Our community has fought hard to keep our rural residential neighborhoods residential and free from commercial cannabis operations. It took a lot of grass-roots organizing and outreach. It also involved multiple rounds of communications and meetings with officials, commissions and boards within the county government.

**It is clear where our community stands, we have the statistics to prove it:**

In 2018 the Board of Supervisors authorized a survey of our area property owners to gauge community support for a proposed CACD encompassing many of our RR-2 neighborhoods. The Board of Supervisors established that there needs to be strong community support before approving a CACD. They were looking for at least 60%.

**Of the responses to that survey, 90% were opposed to creating a CACD here.**

The Planning Commission denied this proposal and the Board of Supervisors upheld that decision.

In the March 3, 2020 election for our 4th District Supervisor, the challenger stated in a public forum that he thought the commercial cannabis growers should be allowed to continue growing in the Simpson Lane/Mitchell Creek area. Word spread quickly and the video was viewed widely.

**The final vote result was: 59.34% for the incumbent.**

Approving these rezoning applications would not be sound planning. Two special interest “boutique” zones would be created within an area of hundreds of RR-2 properties. One of these proposed zones is severely gerrymandered in order to cherry-pick the properties that might be supportive and/or are associated with the applicant, an owner of a dispensary.

Please vote to deny these applications. If approved, they would open the way for expanded commercial cannabis operations just as we are nearing the sunset for such activity in the Simpson Lane/Mitchell Creek community.

Thank you very much for your consideration,

Judy Tichinin  
POBox 1361  
Fort Bragg, CA 95437

**pbscommissions - R\_2019-0013 Application!**

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**From:** Silvia Reed <shreed19@gmail.com>  
**To:** <pbscommissions@mendocinocounty.org>  
**Date:** 1/30/2022 4:41 PM  
**Subject:** R\_2019-0013 Application!  
**Cc:** <bos@mendocinocounty.com>

Mendocino County  
JAN 31 2022  
Planning & Building Services

To Whom It May Concern;

My husband and I are opposed to the Application R\_2019-0013 against the rezoning..

Sincerely;

Parris & Silvia Reed  
15681 Shane Dr  
Fort Bragg, CA 95437

**pbscommissions - Fwd: Rezoning Applications for Cannabis Accommodation**

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**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/28/2022 2:18 PM  
**Subject:** Fwd: Rezoning Applications for Cannabis Accommodation

Mendocino County

JAN 31 2022

Planning &amp; Building Services

Planning &amp; Building Services Staff

County of Mendocino

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&gt;&gt;&gt; David Peterson &lt;dpeterson1138@gmail.com&gt; 1/28/2022 12:25 PM &gt;&gt;&gt;

I am writing to you regarding two case numbers for the rezoning of areas in my neighborhood to allow cannabis cultivation:

**R\_2019-0013** for Franklin Rd.

**R\_2019-0012** for Jade Ct.

As a resident close to these areas, I am strongly apposed the the granting of these applications.

Please vote to **NOT** approve.

--

David Peterson  
16901 Hills O Home Ln  
Fort Bragg, CA 95437

[916-202-0767](tel:916-202-0767)



Department of Planning and Building Commission Staff  
860 North Bush Street  
Ukiah, California

CASE# R 2019-0013

Dear Sirs,

I live on the west side of Franklin Road. Just 3 miles south of Simpson Road, apparently next to one of the proposed new sites on this application.

My well went dry this last summer and we have been on the list for a new well, to be drilled, for four months. My neighbour to the south of me has had to drill a new well, last week. Water is a precious and costly commodity when you do not have it.

I attended meetings at the Ukiah planning commission in the past, where supervisors said that only the permitted sites that are in existence, at that time, will be allowed to grow cannabis until the "sunset clause" takes effect. At that time they would have to cease. The commission said it would not be renewed. We are zoned RR-2, not commercial or Agricultural. I am against the commercial growing of cannabis in the residential zone, as are 90% of the residents surveyed in the 2018 survey done by the county.

Please vote them down.

Sincerely,

Doug Weston  
16850 Franklin Road  
Fort Bragg, California  
95437

Mendocino County

JAN 28 2022

Planning & Building Services



Jan. 25, 2022

Dept. of Planning and Building  
Commission Staff  
860 N. Bush St  
Ukiah, CA 95482

Mendocino County

JAN 31 2022

Planning & Building Services

RE: Case No. R2019-0013

Dear Commissioners:

I am a property owner on Simpson Lane  
at the corner of Franklin Road.

This issue came to my attention  
years ago when the County failed  
to give notice to property owners  
about zoning changes and proposed  
commercial growing businesses in  
residential zoning. At that time  
I submitted correspondence to the  
County, copied to all representatives,  
A county survey conducted provided  
no support for the project request.

Several of my neighbors are in the process of drilling wells, and water has always been my concern, in addition to other concerns.

I oppose commercial zoning for growing cannabis in a residential zone.

Please do not approve  
Case No. R2019-0013,

or any other requests for commercial growing activities in our residential neighborhood.

Thank you.

Jodi Mitchell  
30331 Simpson Lane  
Fort Bragg CA 95437

Mark Rodriguez



**pbscommissions - Fwd: Please deny cannabis cultivation**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/31/2022 1:52 PM  
**Subject:** Fwd: Please deny cannabis cultivation

Mendocino County

JAN 31 2022

Planning &amp; Building Services

Planning & Building Services Staff

County of Mendocino

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>>> Courtney Thiesen <csthiesen@gmail.com> 1/30/2022 6:13 PM >>>

To Whom it May Concern:

I am a home owner on 15815 Shane Drive. My husband and I are concerned about water and chemical usage, along with traffic and pollution considerations that come with cannabis cultivation in a residential neighborhood. Please deny the application.

Thank you for your consideration,  
Courtney Thiesen



**pbscommissions - Fwd: Commerce in rr-2**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/31/2022 2:20 PM  
**Subject:** Fwd: Commerce in rr-2

Mendocino County

JAN 31 2022

Planning &amp; Building Services

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&gt;&gt;&gt; Joel Franks &lt;joelfranks@hotmail.com&gt; 1/29/2022 8:31 AM &gt;&gt;&gt;

To the Planning Commission,

You have heard the many reasons that the majority of residents in the Mitchell Creek area are strongly opposed to commercial cannabis grows in our neighborhood. They are : Water, environmental issues, property devaluation, safety, lifestyle disruption and so forth.

I wonder why these grows are not considered in other residential neighborhoods in the county, such as Little Lake road, Little River, the Point Cabriilo area, Casper South ,Odem Lane, Cleone area, Little Valley road, just to name a few. This is INEQUALITY pure and simple. I do believe that you could not handle the opposition if you opened commercial cannabis grows equally in the county as I have stated above.

Sincerely,

Joel Franks

Sent from my iPad

**pbscommissions - Fwd: Opposition to R\_2019-0013**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/31/2022 1:53 PM  
**Subject:** Fwd: Opposition to R\_2019-0013

Mendocino County

JAN 31 2022

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>>> Joan Campagna <jccfortbragg@gmail.com> 1/31/2022 7:28 AM >>>

Good day Mendocino County Planning Commission,

I am writing to add my voice to those opposing the adoption of R\_2019-0013, which asks to create a Cannabis Accommodation Combining District in the Franklin Street area of unincorporated Fort Bragg.

While I don't live in the Franklin Street neighborhood, I do live in the Mitchell Creek Heights subdivision, which is experiencing a parallel attack against the quality of life in our own neighborhood. Launched by the same individuals.

And as with Application R\_2019-0012, aimed at Mitchell Creek, Application R\_2019-0013, aimed at Franklin Street, appears to use the very same tactic - gerrymandering - to selectively build a District that will meet the County's threshold to adopt this application.

**This is unfair and should not be allowed. If a "community" is to vote on an action that poses significant changes to the quality of life within that community - and potentially affects other surrounding communities - then the WHOLE affected community should be polled - not just the self-selected slice that supports what the Applicant wants.**

And a community, once having stated its opinion, should not have to restate that opinion over and over.

The County was told in the 2018 survey that the Franklin Street neighborhood does not want commercial cannabis operations in their neighborhood.

The County was told again in 2021, in response to the 2019 applications, that the Franklin Street neighborhood does not want commercial cannabis operations in their neighborhood.

And we are now having to stand together AGAIN - in 2022 - to say the same thing: The Franklin Street community does NOT WANT commercial cannabis operations in their neighborhood.

We thank the County for listening to our concerns as homeowners, and are gratified to see these concerns reflected in your Staff Report.

Best regards,  
 Joan Campagna  
 15780 Shane Drive



**pbscommissions - Fwd: Rezoning to create a Cannabis Accommodation District CASE#: R\_2019-0013 and CASE# R\_2019-0012**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/31/2022 2:59 PM  
**Subject:** Fwd: Rezoning to create a Cannabis Accommodation District CASE#: R\_2019-0013 and CASE# R\_2019-0012

Mendocino County

JAN 31 2022

Planning & Building Services

Planning & Building Services Staff

County of Mendocino

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>>> Lonnie Mathieson <lonnie@mcn.org> 1/30/2022 5:23 PM >>>

Planning and Building Services Staff

County of Mendocino

I am writing in regards to the proposed request by Brandy Moulton to rezone properties in the Franklin Rd and Jade Court neighborhoods to create Cannabis Accommodation Combining Districts.

My husband and I are owners of the property directly south of a cannabis cultivation site included in the proposal in the Franklin Rd neighborhood.

Our neighborhood has been an Opt-Out Zone for new commercial cannabis cultivation since 2018 due to overwhelming opposition to commercial cannabis cultivation. Existing permitted commercial cultivation was to Sunset in 2020. In spite of the neighborhood speaking out against extending the Sunset Clause, it was extended by the Board of Supervisors to May 2022.

In a family neighborhood of one and two acre parcels commercial cannabis cultivation is inappropriate. Since the "spec house" (cannabis cultivation site) next door was built, and the owner attempted unsuccessfully to sell it, there has been a revolving door of renters growing marijuana.

Over the past 13 years, since the house has been used illegally and legally as an indoor cannabis cultivation site, we have experienced:

1) A transformer in our front yard blew up due to a "power surge" (per PG&E) after a power outage was restored, We were told, it was due to a large number of grow lights all coming back on at the same time. The power in the neighborhood was out for an additional day.

2) Strangers have come onto our property uninvited. Items have been stolen from our property. We have subsequently spent thousands of dollars on a 7 foot gate/fence around our one acre property, have a 100 lb guard dog, and have installed security cameras.

3) intermittently, there is the odor of large amounts of marijuana being burned next door for days at a time. We have family members with lung issues. Large amounts of marijuana burning, with unknown chemicals used in the cultivation, are a health hazard.

4) Excessive traffic, and vehicles driving too fast. We have families with children living in this neighborhood who ride their bikes, take walks and walk their dogs. Before we had the fence, our dog was hit by a speeding driver on Franklin Rd.

Other concerns:

1) The potential for increased crime due to criminals looking for a high-dollar cash crop. We are fearful of home invasions as have happened numerous times in our county. The next door property is well known as a cannabis cultivation site.

2) Excessive water use. This neighborhood has water issues with a history of wells going dry. Two neighbors on Franklin Rd have had to drill new wells in the last year.

3) Spot zoning is illegal in California. Going ahead with this rezoning would invite lawsuits from property owners in the neighborhood.

My question to the Planning Commission and the Board of Supervisors is: "How many times do you need to hear from us before you honor our neighborhood's wishes, needs and safety?"

We have been at this for at least 5 years. Enough is enough!

No to a Cannabis Accommodation District

No to extending the Sunset Clause

No Commercial Cannabis Cultivation in our neighborhood Zoned RR2

Sincerely, Lonnie Mathieson and Lloyd Livingstone  
16700 Franklin Road  
Fort Bragg, CA 95437



**pbscommissions - Fwd: CASE#: R\_2019-0012 and CASE#: R\_2019-0013**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 1/31/2022 2:50 PM  
**Subject:** Fwd: CASE#: R\_2019-0012 and CASE#: R\_2019-0013

Mendocino County

JAN 31 2022

Planning & Building Services

Planning & Building Services Staff

County of Mendocino

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>>> "David Larkin, Jr." <ktlarkin45@gmail.com> 1/28/2022 4:01 PM >>>

Re: CASE#: R\_2019-0012 and CASE#: R\_2019-0013

Dear Planning Commissioners,

Here we go again! We reside at 30550 Simpson Lane, aka Dewey Lane. We are writing to express our concerns about the requests to rezone and to create Cannabis Accommodation Combining Districts.

We want the Planning Commission and the Board of Supervisors to know that we continue to oppose changing the zoning in our neighborhood from Rural Residential (RR2) to Commercial. We continue to be concerned about the environmental, safety, and traffic problems that could arise from the proposed requests, but our major concerns are protecting our water and protecting the peace and tranquility of this area.

As we've stated before, we really wonder if the proposal to re-zone our neighborhood from RR2 to Commercial zoning is really the best solution that the county has to offer? This neighborhood and the surrounding area already voted overwhelmingly against this area becoming a mix use area. We do not want rezoning of any kind!

Sincerely,

David and Kathy Larkin  
30550 Simpson Lane  
Fort Bragg, CA 95437

Kathy Larkin

  
[ktlarkin45gmail.com](mailto:ktlarkin45gmail.com)



Virus-free. [www.avg.com](http://www.avg.com)





Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)

To Whom It May Concern,

My name is Aaren Cooper. I am a resident of Mendocino County, am over 18, and have lived in this community for \_\_\_\_\_ years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

Mendocino County

Greater than sufficient property owner support (60%) in these zones,

FEB 02 2022

No local alternative cultivation property they could utilize.

Planning & Building Services

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and consideration in this matter.  
Sincerely,

Aaren Cooper  
Signature

Contact (Email or phone) \_\_\_\_\_

Date 10/25/2019



**Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)**

To Whom It May Concern,

My name is Amy Roenspie. I am a resident of Mendocino County, am over 18, and have lived in this community for 3 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

Mendocino County

**Greater than sufficient property owner support (60%)** in these zones,

FEB 02 2022

**No local alternative cultivation property** they could utilize.

Planning & Building Services

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and consideration in this matter.  
Sincerely,

  
\_\_\_\_\_  
Signature

amyroenspie@gmail.com  
\_\_\_\_\_  
Contact (Email or phone)

10/26/19  
\_\_\_\_\_  
Date



Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)

To Whom It May Concern,

My name is Anthony Thatcher. I am a resident of Mendocino County, am over 18, and have lived in this community for \_\_\_\_\_ years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

**Mendocino County**

**Greater than sufficient property owner support (60%)** in these zones.

FEB 02 2022

**No local alternative cultivation property** they could utilize.

**Planning & Building Services**

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: Please dont shut this down. This is the most professional and curties store in town.

Thank you for your time and consideration in this matter.

Sincerely,

Anthony Thatcher

Name (Please Print)

77.TheeRain@gmail.com

Contact (Email or phone)

10.22.19

Date



Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)

To Whom It May Concern,

My name is Ariana Pretino Reyes. I am a resident of Mendocino County, am over 18, and have lived in this community for 3 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

**Mendocino County**

**Greater than sufficient property owner support (60%)** in these zones, FEB 02 2022

**No local alternative cultivation property** they could utilize. **Planning & Building Services**

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: i love this farm!

Thank you for your time and consideration in this matter.

Sincerely,

Ariana Pretino Reyes

Signature

(707) 357-6208 ananadanae55@gmail

Contact (Email or phone)

11-24-19

Date



**Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)**

To Whom It May Concern,

My name is Ashley Vance. I am a resident of Mendocino County, am over 18, and have lived in this community for 29 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

Mendocino County

FEB 02 2022

Planning & Building Services

**Greater than sufficient property owner support (60%)** in these zones.

**No local alternative cultivation property** they could utilize.

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: I feel safe getting a product that hasn't possibly  
been filled with dangerous chemicals.

Thank you for your time and consideration in this matter.  
Sincerely,

Ashley Vance  
Name (Please Print)

Cheyenne and melanie@gmail.com  
Contact (Email or phone)

10/25/19  
Date



**Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)**

To Whom It May Concern,

My name is Ashton Calletti. I am a resident of Mendocino County, am over 18, and have lived in this community for 27 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

**Mendocino County**

**FEB 02 2022**

**Planning & Building Services**

**Greater than sufficient property owner support (60%) in these zones,**

**No local alternative cultivation property they could utilize.**

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

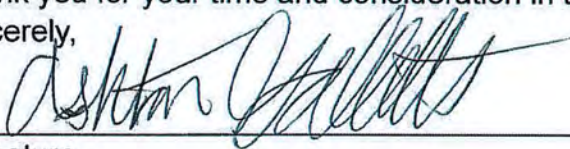
I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and consideration in this matter.

Sincerely,



Signature

Contact (Email or phone)

10/26/19

Date

**Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)**

To Whom It May Concern,

My name is AURORA ALLEN. I am a resident of Mendocino County, am over 18, and have lived in this community for \_\_\_\_\_ years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

**Mendocino County**

**Greater than sufficient property owner support (60%)** in these zones, **FEB 02 2022**

**Planning & Building Services**

**No local alternative cultivation property** they could utilize.

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and consideration in this matter.

Sincerely,

AURORA ALLEN

Name (Please Print)

mehawkx@yahoo.com

Contact (Email or phone)

10/23/17

Date



**Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)**

To Whom It May Concern,

My name is Billy S. I am a resident of Mendocino County, am over 18, and have lived in this community for 13 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

**Mendocino County**

**Greater than sufficient property owner support (60%)** in these zones, FEB 02 2022

**No local alternative cultivation property** they could utilize.

**Planning & Building Services**

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and consideration in this matter.

Sincerely,



Signature

Contact (Email or phone)

10/26/19  
Date



Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)

To Whom It May Concern,

My name is Brittini Cook. I am a resident of Mendocino County, am over 18, and have lived in this community for 3 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

**Mendocino County**

**Greater than sufficient property owner support (60%)** in these zones, **FEB 02 2022**

**Planning & Building Services**

**No local alternative cultivation property** they could utilize.

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: Noooo Its my medicine for disc Degeneration (only thing that works Sovereign HAS)

Thank you for your time and consideration in this matter.

Sincerely,

Brittini Cook  
Signature

Cook.brittini@yahoo.com  
Contact (Email or phone)

10/31/19  
Date

Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)

To Whom It May Concern,

My name is Bryan NeZ. I am a resident of Mendocino County, am over 18, and have lived in this community for 29 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

**Mendocino County**

**Greater than sufficient property owner support (60%)** in these zones,

**FEB 02 2022**

**No local alternative cultivation property** they could utilize.

**Planning & Building Services**

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and consideration in this matter.  
Sincerely,

Bryan NeZ

Name (Please Print)

Contact (Email or phone)

10/22/19  
Date



**Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)**

To Whom It May Concern,

My name is Casey Nez. I am a resident of Mendocino County, am over 18, and have lived in this community for 27 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

**Mendocino County**

**Greater than sufficient property owner support (60%)** in these zones, **FEB 02 2022**

**No local alternative cultivation property** they could utilize.

**Planning & Building Services**

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and consideration in this matter.  
Sincerely,

Casey Nez  
Name (Please Print)

707-972-1023  
Contact (Email or phone)

10/25/19  
Date



Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)

To Whom It May Concern,

My name is CD Grant. I am a resident of Mendocino County, am over 18, and have lived in this community for 30 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

Mendocino County

**Greater than sufficient property owner support (60%)** in these zones, FEB 02 2022

**No local alternative cultivation property** they could utilize.

Planning & Building Services

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: The LAW WAS PASSED TO SUPPORT  
SMALL BUSINESS OWNERS, NOT SHUT THEM OUT

Thank you for your time and consideration in this matter.  
Sincerely,

CD Grant  
Name (Please Print)

cloverstockle@gmail.com  
Contact (Email or phone)

12/0/19  
Date



Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)

To Whom It May Concern,

My name is Cher Henry. I am a resident of Mendocino County, am over 18, and have lived in this community for 1 1/2 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

Mendocino County

FEB 02 2022

Planning & Building Services

**Greater than sufficient property owner support (60%)** in these zones.

**No local alternative cultivation property** they could utilize.

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and consideration in this matter.

Sincerely,

Cher Henry  
Signature

Cheerney@gmail.com  
Contact (Email or phone)

11-26-19  
Date





Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)

To Whom It May Concern,

My name is Chris Nifong. I am a resident of Mendocino County, am over 18, and have lived in this community for 7 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

**Mendocino County**

**Greater than sufficient property owner support (60%)** in these zones, **FEB 02, 2022**

**No local alternative cultivation property** they could utilize.

**Planning & Building Services**

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and consideration in this matter.

Sincerely,

Chris Nifong  
Name (Please Print)

pennstate84@yahoo.com  
Contact (Email or phone)

10/24/19  
Date





**Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)**

To Whom It May Concern,

My name is Clifton Allen. I am a resident of Mendocino County, am over 18, and have lived in this community for 5 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

**Mendocino County**

I also understand that there is:

**FEB 02 2022**

**Greater than sufficient property owner support (60%) in these zones.**

**Planning & Building Services**

**No local alternative cultivation property they could utilize.**

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and consideration in this matter.  
Sincerely,

Clifton Allen

Name (Please Print)

d.allona@gmail.com

Contact (Email or phone)

10-22-19

Date

10/20/2011  
10/20/2011

Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)

To Whom It May Concern,

My name is Curtis Koval. I am a resident of Mendocino County, am over 18, and have lived in this community for 39 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

Mendocino County

I also understand that there is:

FEB 02 2022

**Greater than sufficient property owner support (60%)** in these zones, Planning & Building Services

**No local alternative cultivation property** they could utilize.

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and consideration in this matter.  
Sincerely,

Curtis Koval

Signature

Contact (Email or phone) \_\_\_\_\_

10/25/2019  
Date





**Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)**

To Whom It May Concern,

My name is Daniel Beers. I am a resident of Mendocino County, am over 18, and have lived in this community for \_\_\_\_\_ years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

Mendocino County

I also understand that there is:

FEB 02 2022

**Greater than sufficient property owner support (60%)** in these zones *Planning & Building Services*

**No local alternative cultivation property** they could utilize.

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your time and consideration in this matter.  
Sincerely,

Daniel Beers  
Signature

707 409 4102  
Contact (Email or phone)

Oct 25, 2019  
Date





Community Petition For Approval Of Cannabis Accommodation Zone (Opt-in Overlay Zone)

To Whom It May Concern,

My name is Ananda Wesley. I am a resident of Mendocino County, am over 18, and have lived in this community for 13 years.

It has been brought to my attention that the sunset clause will shut down Sovereign and other licensed cultivation facilities that provide cannabis to our community dispensary based on their parcel size and residential zoning.

I also understand that there is:

Mendocino County

**Greater than sufficient property owner support (60%)** in these zones,

FEB 02 2022

Planning & Building Services

**No local alternative cultivation property** they could utilize.

The **financial hardship** incurred by this ordinance would be crippling to the local economy (lost jobs, tax revenue, property etc).

I appreciate the county providing a framework to create exceptions to this ordinance in the form of a cannabis inclusion or opt in overlay zone. I rely on Sovereign to provide clean, tested, quality products and I hereby voice my support for Sovereign to be able to create overlay zones and continue their cultivation activities that supply our community.

I urge you approve these "opt-in" zones.

Comments: I refuse to go anywhere else.

Thank you for your time and consideration in this matter.

Sincerely,

Ananda Wesley  
Signature

(707) 734-0421  
Contact (Email or phone)

10/28/19  
Date



**pbscommissions - Fwd: Support**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/1/2022 1:42 PM  
**Subject:** Fwd: Support

Mendocino County

FEB 02 2022

Planning &amp; Building Services

Planning & Building Services Staff

County of Mendocino

*Main Office:*

860 N. Bush St, Ukiah CA 95482

*Phone:* [\(707\) 234-6650](tel:(707)234-6650)

*Coast Office:*

120 W. Fir St, Fort Bragg CA 95437

*Phone:* [\(707\) 964-5379](tel:(707)964-5379)

*Web:* [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)

>>> "C.G." <cimgo2@aol.com> 2/1/2022 4:26 AM >>>

Mendocino County Staff and Planning Commission,

I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.

Sovereign provides clean cannabis to the entire state and it would be at the community's detriment to deny this application.

I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has REWRITTEN the staff report to recommend it for denial.

Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.

Cynthia Gunter

Sincerely, Sent from my iPad

Sent from my iPad



## ATTACHMENT C

**pbscommissions - Fwd: Sovereign's cultivation facility applications (R2019-0012 and R2019-0013)**

---

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/1/2022 1:43 PM  
**Subject:** Fwd: Sovereign's cultivation facility applications (R2019-0012 and R2019-0013)

---

**Mendocino County**

**FEB 02 2022**

**Planning & Building Services**

Planning & Building Services Staff

County of Mendocino

*Main Office:*

860 N. Bush St, Ukiah CA 95482

*Phone:* [\(707\) 234-6650](tel:7072346650)

*Coast Office:*

120 W. Fir St, Fort Bragg CA 95437

*Phone:* [\(707\) 964-5379](tel:7079645379)

*Web:* [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)

>>> Lizzie Spier <lizzie@gohalara.com> 2/1/2022 9:05 AM >>>

Mendocino County Staff and Planning Commission,

I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.

Sovereign provides clean cannabis to the entire state and it would be at the community's detriment to deny this application.

I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has REWRITTEN the staff report to recommend it for denial.

Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.

Sincerely,

**Lizzie Spier**

CMO

Halara

[707-791-7443](tel:7077917443) | [605-413-3601](tel:6054133601)

[lizzie@gohalara.com](mailto:lizzie@gohalara.com)

[www.gohalara.com](http://www.gohalara.com)

Santa Rosa, CA, 95404



**pbscommissions - Fwd: Sovereign's cultivation facility**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/1/2022 1:43 PM  
**Subject:** Fwd: Sovereign's cultivation facility

**Mendocino County**

**FEB 02 2022**

**Planning & Building Services**

Planning & Building Services Staff

County of Mendocino

*Main Office:*

860 N. Bush St, Ukiah CA 95482

*Phone:* [\(707\) 234-6650](tel:(707)234-6650)

*Coast Office:*

120 W. Fir St, Fort Bragg CA 95437

*Phone:* [\(707\) 964-5379](tel:(707)964-5379)

*Web:* [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)

>>> Jon Allegre <jonallegre707@gmail.com> 2/1/2022 8:56 AM >>>

**Mendocino County Staff and Planning Commission,**

I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.

Sovereign provides clean cannabis to the entire state and it would be at the community's detriment to deny this application.

I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has REWRITTEN the staff report to recommend it for denial.

Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.

Sincerely,

Jon Allegre



**pbscommissions - Fwd: Sovereign Grow**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/1/2022 1:35 PM  
**Subject:** Fwd: Sovereign Grow

**Mendocino County**

**FEB 02 2022**

**Planning & Building Services**

Planning & Building Services Staff

County of Mendocino

*Main Office:*

860 N. Bush St, Ukiah CA 95482

*Phone:* [\(707\) 234-6650](tel:(707)234-6650)

*Coast Office:*

120 W. Fir St, Fort Bragg CA 95437

*Phone:* [\(707\) 964-5379](tel:(707)964-5379)

*Web:* [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)

>>> denyse specktor <denysespecktor@gmail.com> 1/31/2022 7:35 PM >>>

**Mendocino County Staff and Planning Commission,**

I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.

Sovereign provides clean cannabis to the entire state and it would be at the community's detriment to deny this application.

I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has REWRITTEN the staff report to recommend it for denial.

Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.

Sincerely,  
denyse

**pbscommissions - Sovereign Approval**

**From:** Nick Volken <volken23@gmail.com>  
**To:** <pbs@mendocinocounty.org>  
**Date:** 1/31/2022 8:22 PM  
**Subject:** Sovereign Approval

**Mendocino County**

FEB 02 2022

**Planning & Building Services**

Mendocino County Staff and Planning Commission,

I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.

Sovereign provides clean cannabis to the entire state and it would be at the community's detriment to deny this application.

I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has REWRITTEN the staff report to recommend it for denial.

Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.

Thank you!

**pbscommissions - Fwd: Sovereign applications**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/1/2022 1:35 PM  
**Subject:** Fwd: Sovereign applications

**Mendocino County****FEB 02 2022****Planning & Building Services**

Planning & Building Services Staff

County of Mendocino

*Main Office:*

860 N. Bush St, Ukiah CA 95482

*Phone:* [\(707\) 234-6650](tel:(707)234-6650)

*Coast Office:*

120 W. Fir St, Fort Bragg CA 95437

*Phone:* [\(707\) 964-5379](tel:(707)964-5379)

*Web:* [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)

>>> orlando villalpando <[villalpandoorlando520@gmail.com](mailto:villalpandoorlando520@gmail.com)> 1/31/2022 7:30 PM >>>

Mendocino County Staff and Planning Commission,

I orlando villalpando am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.

Sovereign provides clean cannabis to the entire state and it would be at the community's detriment to deny this application.

I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has REWRITTEN the staff report to recommend it for denial.

Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community i have been going their for years and they have never let me down.

Sincerely,  
Orlando Villalpando



pbscommissions - Sovereign 707

Mendocino County

**From:** Ashley Matthews <aem2021@yahoo.com>  
**To:** <pbs@mendocinocounty.org>  
**Date:** 2/1/2022 10:33 AM  
**Subject:** Sovereign 707

FEB 02 2022

Planning &amp; Building Services

## **Mendocino County Staff and Planning Commission,**

**I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.**

**Sovereign provides clean cannabis to the entire state and it would be at the community's detriment to deny this application.**

**I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has REWRITTEN the staff report to recommend it for denial.**

**Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.**

**Sincerely,  
Ashley Matthews**

**pbscommissions - Fwd: Sovereign**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/1/2022 1:42 PM  
**Subject:** Fwd: Sovereign

Mendocino County  
FEB 01 2022  
Planning & Building Services

Planning & Building Services Staff

County of Mendocino

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>>> Cody Holst <vegancody@gmail.com> 1/31/2022 10:39 PM >>>

## **Mendocino County Staff and Planning Commission,**

### **I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.**

Sovereign are good community people and it would be a shame to stop them operating. I know several people who work there and it would devastate their families, including one who takes care of a good portion of their family. Please keep allowing them to continue to bring quality, clean, Mendocino grown cannabis to the California market and continue to provide jobs to Mendocino natives. Thank you for your time and I believe you will do the right thing and keep people in jobs during these unprecedented, extremely strenuous times.

Sincerely,

Cody Holst

Sent from my iPhone



ATTACHMENT C

**pbscommissions - Fwd: Sovereign**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/1/2022 1:41 PM  
**Subject:** Fwd: Sovereign

Mendocino County

FEB 02 2022

Planning & Building Services

Planning & Building Services Staff

County of Mendocino

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*Web:* [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)

>>> Kat Kenyon <[krimson13@yahoo.com](mailto:krimson13@yahoo.com)> 1/31/2022 8:29 PM >>>

**Mendocino County Staff and Planning Commission,**

**I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.**

**Sovereign provides clean cannabis to the entire state and it would be at the community's detriment to deny this application.**

**I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has REWRITTEN the staff report to recommend it for denial.**

**Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.**

**Sincerely,**

**Katrine Kenyon**

**pbscommissions - Fwd: R\_2019-0012+and+2019-0013**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/1/2022 1:41 PM  
**Subject:** Fwd: R\_2019-0012+and+2019-0013

Mendocino County

FSB 02 2022

Planning & Building Services

Planning & Building Services Staff

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>>> Anthony Sloss <sloss31033@gmail.com> 1/31/2022 9:30 PM >>>

If you don't let local cornerstone growers like sovereign keep growing weed than you might as well ban all the locals and only allow walmart and whole foods to run your town and conform into the shithole California mega corporation that is the "GREATER GOOD INC." and sellout properly.



**pbscommissions - R\_2019-0012 and 2019-0013**

---

**From:** J <jennifer.e.diaz75@gmail.com>  
**To:** <pbs@mendocinocounty.org>  
**Date:** 2/1/2022 4:21 PM  
**Subject:** R\_2019-0012 and 2019-0013

**Mendocino County**

FEB 02 2022

Planning & Building Services

Let Sovereign continue to cultivate 🌱

**pbscommissions - Fwd: R\_2019-0012 and 2019-0013**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/1/2022 1:42 PM  
**Subject:** Fwd: R\_2019-0012 and 2019-0013

**Mendocino County**

**FEB 02 2022**

**Planning & Building Services**

Planning & Building Services Staff

County of Mendocino

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>>> wicked Beard <[wickedreaper707@gmail.com](mailto:wickedreaper707@gmail.com)> 1/31/2022 10:42 PM >>>

Mendocino County Staff and Planning Commission,

I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.

Sovereign provides clean cannabis to the entire state and it would be at the community's detriment to deny this application.

I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has REWRITTEN the staff report to recommend it for denial.

Please approve this application and allow Sovereign to continue providing jobs, tax revenue and quality cannabis to our community.

Sincerely,  
E. Wilhite

pbscommissions - R\_2019-0012 and 2019-0013

Mendocino County

**From:** Jean Dyer <jmdyer712@gmail.com>  
**To:** <pbs@mendocinocounty.org>  
**Date:** 1/31/2022 7:48 PM  
**Subject:** R\_2019-0012 and 2019-0013

FEB 02 2022

Planning & Building Services

Mendocino County Staff and Planning Commission,

I am writing to voice my 100% support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.

**SOVEREIGN provides clean, craft cannabis to the entire state as well as employing MANY citizens of Mendocino county. It would be at the community's absolute detriment to deny this application, resulting in loss of jobs, income, taxes, and extremely well cared for product supply.**

I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has **REWRITTEN** the staff report to recommend it for denial.

**Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.**

Sincerely, Jean Dyer



**pbscommissions - Fwd: R\_2019-0012 and 2019-0013**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/1/2022 1:35 PM  
**Subject:** Fwd: R\_2019-0012 and 2019-0013

**Mendocino County**

**FEB 02 2022**

**Planning & Building Services**

Planning & Building Services Staff

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>>> Feather Dyer <featherandfieldapothecary@gmail.com> 1/31/2022 7:37 PM >>>

## **Mendocino County Staff and Planning Commission,**

**I am writing to voice my 100% support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.**

**SOVEREIGN provides clean, craft cannabis to the entire state as well as employing MANY citizens of Mendocino county. It would be at the community's absolute detriment to deny this application, resulting in loss of jobs, income, taxes, and extremely well cared for product supply.**

**I understand that there is over the minimum required 60% property owner support for this application so it is unclear why**

**the County Staff has REWRITTEN the staff report to recommend it for denial.**

**Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.**

Sincerely, FEATHER FYER  
[707-489-0280](tel:707-489-0280)

**pbscommissions - Moulton Applications**

---

**From:** "Lin Varnum" <lvarnum@mcn.org>  
**To:** <pbscommissions@mendocinocounty.org>  
**Date:** 2/1/2022 12:14 PM  
**Subject:** Moulton Applications

**Mendocino County**

**FEB 02 2022**

**Planning & Building Services**

We are residents of the area involved in these applications.

We STRONGLY oppose any suspension or alteration of the commercial cannabis sunset provision!

Keep our residential community residential. No commercial cannabis!

-- Lin and Ginny Varnum

Redwood Springs Drive  
Fort Bragg



**pbscommissions - In Support of #R\_2019-0012 and #R\_2-19-0013**

**From:** Josh Morsell <joshmorsell@gmail.com>  
**To:** <pbscommissions@mendocinocounty.org>  
**Date:** 2/1/2022 4:34 PM  
**Subject:** In Support of #R\_2019-0012 and #R\_2-19-0013

**Mendocino County**

**FEB 02 2022**

**Planning & Building Services**

Dear Planning Commissioners:

We are writing in support of two applications under consideration at your February 3, 2022 hearing: #R\_2019-0012 and #R\_2-19-0013, filed by Brandy Moulton, seeking to create a Cannabis Accommodation Combining District that would allow her cottage cannabis farms in the Simpson Lane/Mitchell Creek area of unincorporated Fort Bragg to continue operating rather than be shut down due to the sunset provision.

We recently bought a house within view of Brandy's Jade Court property (the site referenced in the #R\_2019-0012 application). We are reluctant to step into controversy, and we hope for the friendship of our neighbors, some of whom have commented in opposition to Brandy's applications. But we feel this issue is important.

Our community desperately needs jobs. We have an opportunity with cannabis for a sustainable industry that could bring money and – as the outlaw stigma of cannabis fades into the past – bring esteem to our region, like grapes do for our inland neighbors. We are in danger of squandering this opportunity if we make life impossibly difficult for legal cannabis businesses.

Meanwhile, Brandy employs approximately 40 people locally. So far as we have seen, she has not disrupted community life. We have not detected any problematic smell, noise, or traffic. She has patiently discussed our questions and concerns with us, and other people we've spoken to have corroborated the information she provided.

We have been unable to find a substantive reason to oppose Brandy's applications. With her water storage systems and water reclamation technology, she may well consume less water than would be consumed by alternative uses of the property. She does not use pesticides and is limited to organic fertilizers. She faces regular inspections to ensure that she complies with strict rules about water and chemicals. Her security cameras and alarm system guard against crime. It remains to be seen how operations like hers will impact property values in the long run, but – having just purchased a house in the neighborhood – we can attest that property values in the neighborhood did not seem lower than elsewhere on the coast. Conversely, it seems quite possible that prices will drop if all the licensed cannabis farmers are driven out of the neighborhood and sell their properties at the same time. And if they do sell, what uses will replace them? Unlicensed, unregulated cannabis production? Alternative forms of agriculture not subject to the same water-efficiency rules? Will the properties sink into disrepair? And where will laid-off employees find new jobs?

We are a family with a small child, and we want other families with children to be able to make a living on the coast. Brandy has worked hard and invested much, in compliance with strict rules that mitigate potential harms, to become a substantial employer who brings real money to our community. We believe our community should invest in supporting her continued licensed operation.

Sincerely,  
Josh Morsell, Lia Morsell and Lee Morsell

**Mendocino County**

**FEB 02 2022**

**Planning & Building Services**

**From:** Barbara Niven <bigefan@comcast.net>  
**To:** <pbs@mendocinocounty.org>  
**Date:** 1/31/2022 7:55 PM  
**Subject:** Growing

This is a grow operation that is actually good for our county. I would like to see it continue to do business.

Sent from my iPhone



**pbscommissions - Cannabis Accommodation Combining Districts (CACD)**

---

**From:** Michael & Marybeth Arago <mbarago@men.org>  
**To:** <pbs@mendocinocounty.org>  
**Date:** 2/1/2022 2:25 PM  
**Subject:** Cannabis Accommodation Combining Districts (CACD)

**Mendocino County****FEB 02 2022****Planning & Building Services**

Dear Planning Commissioners,

As long time Mendocino coast residents, we would like to voice our opposition to the two rezoning applications for Cannabis Combining Districts (CACD) in our community.

Allowing cannabis grows in residential neighborhoods would be to the detriment of all the landowners who have chosen to live there. There is a housing crisis here on the Mendocino coast. Taking parcels that could be potential housing sites and using that land to grow cannabis, which there is currently a surplus of, seems counterproductive. As well, the crime associated with cannabis grows is not something we need in residential neighborhoods. Approving these applications would open up a Pandora's box for others to grow commercial cannabis in RR-2 zones, something a majority of landowners vehemently oppose.

We ask that you deny case numbers R-2019-0012 and R-2019-0012 and keep our residential neighborhoods free from commercial cannabis operations.

Sincerely,

Michael & Marybeth Arago

32560 Old Willits Road

Fort Bragg, CA 95437

**pbscommissions - Application for Sovereign Farm**

**From:** Amanda Feathers <truckee feathers@gmail.com>  
**To:** <pbs@mendocinocounty.org>  
**Date:** 1/31/2022 8:15 PM  
**Subject:** Application for Sovereign Farm

**Mendocino County**

**FEB 02 2022**

**Planning & Building Services**

**Mendocino County Staff and Planning Commission,**

**I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013). This is one of the best musical suppliers in California. Their products greatly help my pain and it would be very sad to see them go. It is very hard to find decent products on the market, even with the large amounts on the shelf.**

**I have suffered from Lyme disease and rheumatoid arthritis. I am very specific about what farms I support. I know they treat their workers well. Choosing to not continue their farm would be a sad day for many families and community members.**

**Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.**

**Sincerely,  
Amanda Feathers**

Sent from my iPhone

**pbscommissions - Fwd: (R2019-0012 and R2019-0013)**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/1/2022 1:36 PM  
**Subject:** Fwd: (R2019-0012 and R2019-0013)

**Mendocino County**

**FEB 02 2022**

**Planning & Building Services**

Planning & Building Services Staff

County of Mendocino

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860 N. Bush St, Ukiah CA 95482

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*Web:* [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)

>>> Pretty Toes <prettyt990@gmail.com> 1/31/2022 7:23 PM >>>

Mendocino County Staff and Planning Commission,

I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.

Sovereign provides clean cannabis to the entire state and it would be at the community's detriment to deny this application.

I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has REWRITTEN the staff report to recommend it for denial.

Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.

Sincerely,  
Kimberly.



**pbscommissions - Fwd: R\_2019-0012 and 2019-0013**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/1/2022 1:41 PM  
**Subject:** Fwd: R\_2019-0012 and 2019-0013

**Mendocino County**

**FEB 02 2022**

**Planning & Building Services**

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>>> adam finnegan <adamfinnegan100@gmail.com> 1/31/2022 8:20 PM >>>

**Mendocino County Staff and Planning Commission,**

**I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause.**

**Sovereign provides clean cannabis to the entire state and it would be at the community's detriment to deny this application.**

**I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has REWRITTEN the staff report to recommend it for denial.**

**Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.**

**Sincerely,  
Adam Finnegan**

## ATTACHMENT C

**James Feenan - Fwd: Opposed to commercial cannabis in Residential areas**

**From:** PBS PBS  
**To:** James Feenan; Brooke Larsen; Julia Krog; Russell Ford  
**Date:** 2/1/2022 10:13 AM  
**Subject:** Fwd: Opposed to commercial cannabis in Residential areas

Mendocino County

FEB 02 2022

Planning &amp; Building Services

Planning & Building Services Staff

County of Mendocino

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>>> Julie <jraerogers@comcast.net> 1/31/2022 7:01 PM >>>

RE: Case numbers:

R\_2019-0013 for Franklin Rd.

R\_2019-0012 for Jade Ct.

Dear Board Members,

We are vehemently opposed to the application to extend the sunset date for existing commercial cannabis grows in our Simpson Lane/Mitchell Creek area.

These are COMMERCIAL operations trying to get an extension in order not to have to move their businesses. They have already had years to prepare for a move, but this has not happened. Why should the residents of our neighborhood have to suffer because these businesses have been procrastinating?!

Having a commercial cannabis operation in our midst is unacceptable - it will damage our property values and encroach on our water supply. Any indoor grow operation increases the risk of fire. How will the county compensate the residents of the neighborhood for the increased criminal element that will likely be attracted to the product and cash associated with growing pot (as evidenced recently in a home invasion in Gualala)? It's not legal for people to live in an area that is zoned commercial, so how can it be legal for a commercial enterprise to be established in the midst of a long-established residential area?

Please do not allow continued Commercial Cannabis operations in our RR-2 neighborhoods. We want our residential neighborhoods to remain residential!

Thank you.

Sincerely,

Julie Rogers and Rodney Fedor





## ATTACHMENT C

**pbscommissions - Fwd: R\_2019-0012 & R\_2019-0013**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/2/2022 1:44 PM  
**Subject:** Fwd: R\_2019-0012 & R\_2019-0013

Mendocino County

FEB 02 2022

Planning & Building Services

Planning & Building Services Staff

County of Mendocino

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*Web:* [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)

>>> Peter & Mary Gealey <pmgealey@mcn.org> 2/2/2022 11:38 AM >>>

Planning Commission

As residents of Simpson Lane we want to express our strong opposition to these 2 applications coming before you (R\_2019-0012 & R\_2019-0013). These types of operations are not compatible with residential zones such as ours. Indoor grows should be located in industrial parks & zoned commercial areas. It is wrong to place them in residential zones where neighbors have to compete for endangered groundwater supplies, put up with increased wear & tear on roads, suffer the visual impacts of pot infrastructure and deal with the stench of "Skunkweed" (there is a reason they call it that name) not to mention increased incidents of crime.

You are part of the government that is supposed to represent the people. When these issues were brought before this community earlier we voted a resounding no. Please respect the wishes of those of us who live here and moved to this area for the natural beauty and quiet lifestyle.

Thank you,

Peter & Mary Gealey

**pbscommissions - Fwd: Opposed to RR-2 Rezoning for Cannabis**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/2/2022 1:44 PM  
**Subject:** Fwd: Opposed to RR-2 Rezoning for Cannabis

Mendocino County

FEB 02 2022

Planning &amp; Building Services

Planning & Building Services Staff

County of Mendocino

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>>> "Doug Smith" <digmusic@comcast.net> 2/2/2022 12:40 PM >>>

Members of the Mendocino County Planning Commission,

We would like to state our opposition to the proposed rezoning of RR-2 parcels in the area south of Fort Bragg to allow for cannabis cultivation. The case numbers are R\_2019-0013 for Franklin Rd. and R\_2019-0012 for Jade Ct., both applications for Cannabis Accommodation Combining Districts (CACD). These applications should be denied.

Residential areas are no place for cannabis grows of any kind. Industrial cannabis operations should be in areas zoned for Industrial use, definitely not in Rural Residential (RR-2) neighborhoods.

People buy homes in RR-2 areas to live quietly and raise their families. A cannabis operation changes the neighborhood completely. Some of the detrimental impacts are:

- Impacts to the local aquifer. Cannabis grows consume a lot of water. Overuse of fragile and scarce water that is shared by the entire neighborhood community should not be allowed. The potential for permanent damage to fresh water sources from chemicals used in cannabis operations is quite possible and could result in no safe water source for an entire neighborhood. This would devastate property values, not to mention the health and well-being of entire families. Who would pay for that damage? Who would pay for a solution to no safe water? The county?
- Impacts to watersheds downstream. The contamination of streams and water sources outside the local grow zone are quite possible. People who have no interest in the local cannabis operation and who count on safe drinking water could be impacted far from the source.
- The safety and security of the local neighborhood would be severely impacted. Cannabis grows are targets for theft and turf wars. They are usually locked up and surrounded by high fences for security precisely because they are targets. Nevertheless, the unique quality of cannabis as

compared to, say, wine grapes is that the plants can be quickly rooted up and stolen at harvest time. The crop can be immediately sold. The value of the crops drives risky and dangerous schemes. These armed thefts have been seen in the past anywhere that cannabis is grown. People in residential neighborhoods go for walks, their kids ride their bikes and skateboards. They play in their yards. An armed conflict on the parcel next door should not be something that families have to prepare for.

A few years ago a county survey on this issue resulted in 90% of residents expressing their opposition to CACD re-zoning.

The proposed re-zoning of RR-2 areas for Cannabis Accommodation Combining Districts (CACD) has been denied by the county in the past. That was wise. We hope that wisdom will continue to prevail and that these current cases, and any future cases, will also be denied.

Thank you,

Doug Smith  
16841 Hills O'Home Lane  
Fort Bragg, CA



**pbscommissions - Fwd: Oppose Suspending Sunset Provision for Two Rezoning Applications for CACD in the Fort Bragg Simpson Lane Neighborhood**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/2/2022 1:43 PM  
**Subject:** Fwd: Oppose Suspending Sunset Provision for Two Rezoning Applications for CACD in the Fort Bragg Simpson Lane Neighborhood

Mendocino County

Planning & Building Services Staff

FEB 02 2022

County of Mendocino

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Coast Office:

120 W. Fir St, Fort Bragg CA 95437

Phone: [\(707\) 964-5379](tel:(707)964-5379)

Web: [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)

>>> Sid LONG <[slong@mcn.org](mailto:slong@mcn.org)> 2/2/2022 6:57 AM >>>

My wife and I have lived on Simpson Lane, south of Fort Bragg, for over 50 years. We are opposed to suspending the sunset provision of commercial continued cannabis operation in our RR-2 neighborhoods.

We want our residential neighborhoods remain residential!

Thank you.

Sincerely, Sid and Pat Long

**pbscommissions - Fwd: CASE#: R\_2019-0012 and Case#: R\_2019-0013**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/2/2022 1:42 PM  
**Subject:** Fwd: CASE#: R\_2019-0012 and Case#: R\_2019-0013  
**Attachments:** 2-1-22 R\_2019-0012 word 2.docx

Mendocino County

FEB 02 2022

Planning & Building Services

Planning & Building Services Staff

County of Mendocino

*Main Office:*

860 N. Bush St, Ukiah CA 95482

Phone: [\(707\) 234-6650](tel:707-234-6650)

*Coast Office:*

120 W. Fir St, Fort Bragg CA 95437

Phone: [\(707\) 964-5379](tel:707-964-5379)

Web: [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)

>>> Frieda Feen <[friedaf@mcn.org](mailto:friedaf@mcn.org)> 2/1/2022 12:09 PM >>>

**TO:** Department of Planning and Building Services

Commission Staff

860 North Bush Street

Ukiah, CA 95482

[pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org)

Phone [707-234-6650](tel:707-234-6650)

Fax [707-463-5709](tel:707-463-5709)

[pbs@mendocinocounty.org](mailto:pbs@mendocinocounty.org)

[www.mendocinocounty.org/pbs](http://www.mendocinocounty.org/pbs)

**FROM:** Carol A. Feen/Frieda Feen

15710 Shane Drive

Fort Bragg, CA 95437

Mailing Address

Carol A. Feen/Frieda Feen

P.O. Box 988

Mendocino, CA 95460

[friedaf@mcn.org](mailto:friedaf@mcn.org)

Phone [707-962-9246](tel:707-962-9246)

February 1, 2022

To the Mendocino County Department of Planning and Building Services and the Mendocino County Board of Supervisors,



Concerning Case#: R\_2019-0012 and Case#: R\_2019-0013.

I request this letter be entered into the record for Case#: R\_2019-0012 and Case#: R\_2019-0013.

**I strongly oppose CASE#: R\_2019-0012 and Case#: R\_2019-0013, Rezones to create Cannabis Accomodation Combining Districts.**

On June 29, 2021 At 9:52 a.m. I received a telephone message from then Planner Chevon Holmes, which I saved, stating “the withdrawal of application (CASE#: R\_2019-0012) by the applicant. That rezone request was withdrawn by the applicant and is no longer under consideration by the Mendocino County Planning Commission or the Board of Supervisors. If you do still have questions please feel free to reach out to me. Again, the application has been withdrawn and is no longer up for a consideration.”

I have made numerous calls to Planner Russell Ford since receiving this message from Chevon Holmes, asking for any updates on these applications but have not received any calls in return.s

On January 27, 2022 I received the Notice of Public Hearing dated January 21, 2022, postmarked January 24, 2022 noticing (yet again!) R\_2019-0012!

Brandy Moulton is yet again holding the county, zoning policy, and our rural residential neighborhoods hostage by submitting-withdrawing-re-submitting-suing-again-submitting this Cannabis Accommodation Combining District/Rezoning Policy mess! I can only imagine the number of law suits the county would face if these applications were approved!

Recently (1/25/22) in an interview on KZYX Supervisor Ted Williams refered to Cannabis policy in rural residential areas, “... like putting Gas Stations in Rural Residential neighborhoods.”

How would the county ever be able to apply sensible zoning with this nonsensical policy making again!

**Following is my letter from the previous go-around on this application.**

In this letter I will be addressing CASE#: R\_2019-0012, as my property is within 350 feet from this proposed “district,” therefore I received notice regarding this application. The issues I will be addressing also apply to Case#: R\_2019-0013, therefore I am voicing my opposition to both proposed rezones and pledging my support for my neighbors opposing the proposed CA Accomodation Combining Districts in both neighborhoods.

Although the County listed the date filed for R\_2019-0012 as 10/30/2019 in the document copied below, the applicant’s application form is actually dated 1/19/21 \*see the copy below.

Right away there is a conflict between the County’s deadline (copied below) for applications for CA Combining Districts as November 1, 2019; and the applicants Application Form (copied below) dated 1/19/21. Brandy Moulton failed to meet the County’s deadline by 2 years and 2 months!

**CASE#: R\_2019-0012**

**DATE FILED: 10/30/2019**

**OWNER: VARIOUS**

**APPLICANT: BRANDY MOULTON**

**REQUEST:** Rezone to create a Cannabis Accomodation Combining District of sixteen (16) parcels to facilitate greater flexibility in the development standards related to cannabis cultivation for existing commercial cannabis cultivation sites and susptend the ‘Sunset Provision for Residential Districts’ to facilitate continued operation.

**ENVIRONMENTAL DETERMINATION:** Addendum to the previously adopted Mitigated Negative Declaration (MNS; SCH#[2016112028](#)) pursuant to Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA) for the Mendocino



## ATTACHMENT C

Cannabis Cultivation Regulations appropriately addressed requirements under CEQA and determined that no conditions calling for preparation of a subsequent environmental document and no additional analysis is required.

**LOCATION:** 6.4 +/- Miles southeast of Fort Bragg City center, lying on the east side of Jade Ct. (CR 453), 0.1 +/- miles east of its intersection with Amethyst St. (CR 451); located at multiple addresses: APN's: 019-560-31,

019-560-12, 019-560-29, 019-560-41, 019-560-62, 019-560-63, 019-570-16, 019-570-17, 019-570-19, 019-570-24, 019-570-25, 019-570-26, 019-570-27, 019-570-28, 019-570-29, 019-570-32.

**SUPERVISORIAL DISTRICT:** 4

**STAFF PLANNER:** CHEVON HOLMES

Although the County listed the date filed as 10/30/2019 in the document copied below, the applicant's application form is actually dated 1/19/21 \*see the copy below.

Right away there is a conflict between the County's deadline (copied below) for applications for CA Combining Districts of November 1, 2019; and the applicants Application Form (copied below) dated 1/19/21. It appears that Brandy Moulton failed to meet the County's deadline by two years and 2 months! That in itself seems to make this project out of compliance.

#### CHAPTER 20.118 - "CA" CANNABIS ACCOMMODATION COMBINING DISTRICT

Sec. 20.118.030. - Establishment of CA Combining District.

**(D) Applications for CA Combining Districts will be accepted until November 1, 2019.**

Property owners of 14 (fourteen) out of the 16 (sixteen) parcels included in the so-called "district" had no idea that this application R\_2019-0012 existed. Property owners and owners of adjacent property had no idea these parcels were being considered for rezoning from rural residential to commercial/agricultural! Property owners did not receive notice from the County regarding the virtual hearing scheduled for June 3, 2021 where the Mendocino County Planning Commission planned the public hearing on the Cannabis Accomodation Combining District Rezoning project and the Draft Addendum to the previously adopted Mitigated Negative Declaration. No-one in the neighborhood—except for 2 (two), both with applications for cannabis cultivation permits filed with the county, including the 1(one) applicant who cobbled together, unbenownst to everyone else in the "district"—had any awareness that their Rural Residential property was slated for rezoning where "The CA Combining District may be applied to areas that include existing commercial cannabis cultivation operations, and where the zoning designation of the majority of the lots allows residential use by right." From (Ord. No. [4420](#), § 4, 12-4-2018) Sec. 20.118.020. (A)-Applicability.

To my knowledge, only 2 (two) of the 16 (sixteen) parcel owners within the "district" were aware their parcels would be included in the "district." The remaining 14 (fourteen) property owners and the adjacent property owners were caught by surprise. We had no reason to suspect that **our overwhelmingly successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlays were somehow, without our knowledge being completely ignored by the County.** That the County was in the final stages of forcing a rezone on us. Why wasn't every property owner who voted in 2018 notified that the county had completed and passed an ordinance that essentially repealed our vote? This is not responsible governance.

These property owner's have no desire for a Cannabis Accomodation District, had not applied for a zoning change, do not desire a Cannabis Accomodation District. They only discovered their APNs included in the parcels listed in a notice that was not sent to the property owners themselves, but shared with them by neighbors within 350 feet from the "district!" These property owners' did not receive notice from the County but found out when their neighbors whose properties are adjacent to the proposed "district" were noticed and contacted their neighbors whose parcels were listed to find our what the hell was going on! We learned that our neighbors whose properties were listed in the notice had no knowledge of any of this and were flabbergasted to learn about what was happening! Very disconcerting. How is this possible, that the people whose properties were being considered by the County the following week to be potentially rezoned were completely unaware of this project or application? How is it possible for these 16 (sixteen) APN's were cobbled together by 1 (one)

property owner and the County to author the Cannabis Accomodation District 2019-0012 without including all those impacted by this project?

Unfortunately an additional Cannabis Accomodation District 2019-0013 is up against the same dilemma, the same applicant, and the County's same tactics negatively impacting our neighbors just to the North of us who also voted in 2018 against the Cannabis Overlay North, find themselves in the same predicament.

If, per the Cannabis Ordinance, 60% approval is required by the owners' of the parcels included in the "district," and 14 (fourteen) of the sixteen parcel owners' were unaware that their parcels were included in the "district," and had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge, being ignored. Implicates the county in deception. **The County had not informed us about this project or updates since the 2018 vote to remove Mitchell Creek North and South from the proposed Cannabis Accommodation Combining Districts. Does the County consider not knowing that the property you own is about to be rezoned from rural residential to commercial agricultural is in some way approval?** How were those property owners who had absolutely no knowledge of this application and project, supposed to take action to rescind their parcels from the district without knowledge of the project? This is purposeful trickery. Where is the County's integrity in this matter? Without an appropriate response from Mendocino County acknowledging the clear disregard for input and inclusion in the Cannabis Ordinance, Cannabis Accomodation District, the application R\_2019-0012, and now to add insult to injury The Tourist Facilities Ordinance, all without EIR/CEQA input. This mess is a Class Action Suit waiting to happen.

**I received a telephone message from Planner Chevon Holmes on June 29, 2021 At 9:52 a.m., which I saved, stating "the withdrawal of application by the applicant. That rezone request was withdrawn by the applicant and is no longer under consideration by the Mendocino County Planning Commission or the Board of Supervisors.**

**If you do still have questions please feel free to reach out to me.**

**Again, the application has been withdrawn and is no longer up for a consideration."**

An application to create a Cannabis Accommodation Combining District requires submission of a petition that demonstrates support for the proposed CA district by more than sixty percent of the affected property owners and therefore, it is possible that a property be included in the proposed district and the owner not actively participate. Staff has attached the applicable zoning chapter for your review which provides additional information with regard to district requirements.

(Ord. No. 4420, § 4, 12-4-2018) Sec. 20.118.030. - Establishment of CA Combining District.

(B) Establishment of a CA Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CA district. Such application shall be filed with the Planning and Building Services Department and shall be accompanied by either:

- (1) A petition that demonstrates support for the proposed CA district by more than sixty percent (60%) of the affected property owners (as demonstrated by one (1) owner's signature per legal parcel) within the proposed CA district; or
- (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.

The full referall packet for the Cannabis Accomodation District, the highlighted “district” including 16 parcels in the notice (vs. the 15 parcels as the application lists), presents details that only apply to 1 (one) parcel APN=019-560-31, SE & A’s property ownership and Brandy Moulton’s application for agricultural industry on that particular property, should not be assumed to address whether the conditions for the additional 14 or 15 parcels included in the “district” would meet the necessary conditions to qualify for permit.

Clearly the maps show that each individual parcel within the so-called “district” is unique in regard to meeting the necessary Environmental Data needed to bypass CEQA and meet the many requirements.

In fact I would argue that Brandy Moulton’s application is incomplete and inaccurate and does not represent what actually does take place on that parcel. Neighbors routinely witness activity on said parcel suggesting ongoing construction vs. a completed and approved site, multiple shifts of mutiple workers on site, concrete trucks going in and out of the gates, etc., etc.

The application is incomplete. This application only represents 1(one) parcel APN# 019-5601-31, and the desires of 2 people, the owner — who is not named in the application, but appears on page as SE&A Inc.— and the applicant, Brandy Moulton. The application does not address the additional 15 (fifteen parcels) — 019-560-12, 019-560-29, 019-560-41, 019-560-62, 019-560-63, 019-570-16, 019-570-17, 019-570-19, 019-570-24, 019-570-25, 019-570-26, 019-570-28, 019-570-29, 019-570-32, and one missing APN# that is not noted in the listing of parcels included in the “district,” on page 1 of the county’s document dated March 11, 2021, stating 16 (sixteen) parcels and noting only 15 (fifteen). The only parcel considered for its environmental impact and signed off by the necessary agencies is the applicants. The micro-environments in this “district” represent many distinct ecologies each one with unique soils, plants, wildlife, fire dangers, aquifers, animal and human populations and needs.

To my knowledge, only 2 (two) of the 16 (sixteen) parcel owners within the “district” were aware their parcels would be included in the “district.” The remaining 14 (fourteen) property owners were caught by surprise, had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge being completely ignored and the county was in its final stages of forcing a rezone on them. These property owner’s who have no desire for and have not applied for a zoning change and do not desire a Cannabis Accomodation District — discovered their APNs included in the parcels listed in the notice that these property owners’ did not receive but found out from their neighbors whose properties are adjacent to the “district,” who were noticed and contacted them to find our what the hell was going, on only to learn they had no knowledge of any of this and were flabbergasted to learn about what was happening! Very disconcerting. How is this possible, that the people whose properties were being considered by the county the following week to be rezoned were completely unaware of this project or application? How is it possible for these 16 (sixteen) APN’s to be cobbled together by 1 (one) property owner, for one applicant and the County to be the authors of 2019-0012 without including all those impacted?

That have not determination of if they meet the agents name and information is deleted from the application, signatures are missing, let alone not

If 60% approval is required by the owners’ of the parcels included in the “district,” and 14 (fourteen) of the sixteen parcel owners’ were unaware that their parcels were included in the “district,” and had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge being ignored. Implicates the county in deception. Does the county consider not knowing, not being aware that the property you own is about to be rezoned from rural residential to commercial agricultural is in some way approval. This is trickery worthy of a class action response. Where is the County’s integrity in this matter?

The un-named owner approached a number of the property owners whose parcels—unbeknown to them until a week before the scheduled hearing—were included in the “district” and about to be rezoned from rural residential to commercial/agricultural, showed up at the homes of some of the owners’ in an attempt to convince



them not to rescind their property from the district. This person has a reputation as a bully. People are feeling unsafe to act in their best interest for fear of retribution.

The HOA (Home Owner's Association) covenant for the Shane Drive parcels states that, **residential use only is allowed** on the lots. Anything commercial is in violation of the Covenant they signed and agreed to when they purchased land/house in the subdivision.

The full referall packet for the Cannabis Accomodation District, the highlighted "district" including 16 parcels in the notice (vs. the 15 parcels as the application lists), presents details that only apply to 1 (one) parcel APN#019-560-31, SE & A's property ownership and Brandy Moulton's application for agricultural industry on that particular property, should not be assumed to address whether the conditions for the additional 14 or 15 parcels included in the "district" would meet the necessary conditions to qualify for permit.

Come on Mendocino County Departmnet of Planning and Building Services let's get it together and act as if Zoning declarations actually matter. That designations such as Rural Residential have meaning and that it is the County's job to uphold them.

**Please deny R\_2019-0012/0013, AND let's put this CACD nonsense behind us once and for all.**

Thank you,

Carol A. Feen/Frieda Feen

February 1, 2022

**TO:** Department of Planning and Building Services  
Commission Staff  
860 North Bush Street  
Ukiah, CA 95482  
[pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org)  
Phone 707-234-6650  
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[pbs@mendocinocounty.org](mailto:pbs@mendocinocounty.org)  
[www.mendocinocounty.org/pbs](http://www.mendocinocounty.org/pbs)

**FROM:** Carol A. Feen/Frieda Feen  
15710 Shane Drive  
Fort Bragg, CA 95437

Mailing Address  
Carol A. Feen/Frieda Feen  
P.O. Box 988  
Mendocino, CA 95460  
[friedaf@mcn.org](mailto:friedaf@mcn.org)  
Phone 707-962-9246

February 1, 2022

**To the Mendocino County Department of Planning and Building Services and  
the Mendocino County Board of Supervisors,**

Concerning Case#: R\_2019-0012 and Case#: R\_2019-0013.

I request this letter be **entered into the record for Case#: R\_2019-0012** and  
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**I strongly oppose CASE#: R\_2019-0012 and Case#: R\_2019-0013,  
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**Mendocino County Planning Commission or the Board of Supervisors. If you do still have questions please feel free to reach out to me. Again, the application has been withdrawn and is no longer up for a consideration.”**

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Right away there is a conflict between the County’s deadline (copied below) for applications for CA Combining Districts as November 1, 2019; and the applicants



Application Form (copied below) dated 1/19/21. Brandy Moulton failed to meet the County's deadline by 2 years and 2 months!

**CASE#:** R\_2019-0012

**DATE FILED:** 10/30/2019

**OWNER:** VARIOUS

**APPLICANT:** BRANDY MOULTON

**REQUEST:** Rezone to create a Cannabis Accomodation Combining District of sixteen (16) parcels to facilitate greater flexibility in the development standards related to cannabis cultivation for existing commercial cannabis cultivation sites and susptend the 'Sunset Provision for Residential Districts' to facilitate continued operation.

**ENVIRONMENTAL DETERMINATION:** Addendum to the previously adopted Mitigated Negative Declaration (MNS; SCH#2016112028) pursuant to Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA) for the Mendocino Cannabis Cultivation Regulations appropriately addressed requirements under CEQA and determined that no conditions calling for preparation of a subsequent environmental document and no additional analysis is required.

**LOCATION:** 6.4 +/- Miles southeast of Fort Bragg City center, lying on the east side of Jade Ct. (CR 453), 0.1 +/- miles east of its intersection with Amethyst St. (CR 451); located at multiple addresses: APN's: 019-560-31, 019-560-12, 019-560-29, 019-560-41, 019-560-62, 019-560-63, 019570-16, 019-570-17, 019-570-19, 019-570-24, 019-570-25, 019-570-26, 019-570-27, 019-570-28, 019-570-29, 019-570-32.

**SUPERVISORIAL DISTRICT:** 4

**STAFF PLANNER:** CHEVON HOLMES

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**CHAPTER 20.118 - "CA" CANNABIS ACCOMMODATION COMBINING DISTRICT**

Sec. 20.118.030. - Establishment of CA Combining District.

(D)



PLANNING & BUILDING SERVICES

CASE NO:	_____
DATE FILED:	_____
FEE:	_____
RECEIPT NO:	_____
RECEIVED BY:	_____
<i>Office Use Only</i>	

APPLICATION FORM

APPLICANT:

Name: Brandy Moulton Phone: 707 223 1129  
 Mailing Address: 18601 N HWY 1 #166  
 City: Fort Bragg State/Zip: CA 95437 Email: brandy@sovereign707.com

PROPERTY OWNER:

Name: SE 81A Phone: 707 223 1129  
 Mailing Address: 18601 N HWY 1 #166  
 City: Fort Bragg State/Zip: CA 95437 Email: brandy@sovereign707.com

AGENT:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State/Zip: \_\_\_\_\_ Email: \_\_\_\_\_

ASSESSOR'S PARCEL NUMBER/S: 0195603100

TYPE OF APPLICATION:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Administrative Permit                    | <input type="checkbox"/> Flood Hazard Development Permit | <input type="checkbox"/> Reversion to Acreage |
| <input type="checkbox"/> Agricultural Preserve: New Contract      | <input type="checkbox"/> General Plan Amendment          | <input checked="" type="checkbox"/> Rezoning  |
| <input type="checkbox"/> Agricultural Preserve: Cancellation      | <input type="checkbox"/> Land Division - Minor           | <input type="checkbox"/> Use Permit - Cottage |
| <input type="checkbox"/> Agricultural Preserve: Rescind & ReEnter | <input type="checkbox"/> Land Division - Major           | <input type="checkbox"/> Use Permit - Minor   |
| <input type="checkbox"/> Airport Land Use                         | <input type="checkbox"/> Land Division - Parcel          | <input type="checkbox"/> Use Permit - Major   |
| <input type="checkbox"/> Development Review                       | <input type="checkbox"/> Land Division - Re-Subdivision  | <input type="checkbox"/> Variance             |
| <input type="checkbox"/> Exception                                | <input type="checkbox"/> Modification of Conditions      | <input type="checkbox"/> Other                |

I certify that the information submitted with this application is true and accurate.

\_\_\_\_\_  
 Signature of Applicant/Agent Date

Brandy Moulton 1/19/21  
 Signature of Owner Date

Applications for CA Combining Districts will be accepted until **November 1, 2019.**



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**If you do still have questions please feel free to reach out to me.**

**Again, the application has been withdrawn and is no longer up for a consideration.”**

An application to create a Cannabis Accommodation Combining District requires submission of a petition that demonstrates support for the proposed CA district by more than sixty percent of the affected property owners and therefore, it is possible that a property be included in the proposed district and the owner not actively participate. Staff has attached the applicable zoning chapter for your review which provides additional information with regard to district requirements.

(Ord. No. 4420, § 4, 12-4-2018) Sec. 20.118.030. - Establishment of CA Combining District.

- (B) Establishment of a CA Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CA district. Such application shall be filed with the Planning and Building Services Department and shall be accompanied by either:
- (1) A petition that demonstrates support for the proposed CA district by more than sixty percent (60%) of the affected property owners (as demonstrated by one (1) owner's signature per legal parcel) within the proposed CA district; or
  - (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.

The full referall packet for the Cannabis Accomodation District, the highlighted “district” including 16 parcels in the notice (vs. the 15 parcels as the application lists), presents details that only apply to 1 (one) parcel APN#019-560-31, SE & A’s property ownership and Brandy Moulton’s application for agricultural industry on that particular property, should not be assumed to address whether the conditions for the additional 14 or 15 parcels included in the “district” would meet the necessary conditions to qualify for permit.

Clearly the maps show that each individual parcel within the so-called “district” is unique in regard to meeting the necessary Environmental Data needed to bypass CEQA and meet the many requirements.

In fact I would argue that Brandy Moulton’s application is incomplete and inaccurate and does not represent what actually does take place on that parcel. Neighbors routinely witness activity on said parcel suggesting ongoing construction vs. a completed and approved site, multiple shifts of multiple workers on site, concrete trucks going in and out of the gates, etc., etc.

The application is incomplete. This application only represents 1(one) parcel APN# 019-5601-31, and the desires of 2 people, the owner — who is not named in the application, but appears on page as SE&A Inc.— and the applicant, Brandy Moulton. The application does not address the additional 15 (fifteen parcels) — 019-560-12, 019-560-29, 019-560-41, 019-560-62, 019-560-63, 019-570-16, 019-570-17, 019-570-19, 019-570-24, 019-570-25, 019-570-26, 019-570-28, 019-570-29, 019-570-32, and one missing APN# that is not noted in the listing of parcels included in the “district,” on page 1 of the county’s document dated March 11, 2021, stating 16 (sixteen) parcels and noting only 15 (fifteen). The only parcel considered for its environmental impact and signed off by the necessary agencies is the applicants. The micro-environments in this “district” represent many distinct ecologies each one with unique soils, plants, wildlife, fire dangers, aquifers, animal and human populations and needs.

To my knowledge, only 2 (two) of the 16 (sixteen) parcel owners within the “district” were aware their parcels would be included in the “district.” The remaining 14 (fourteen) property owners were caught by surprise, had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge being completely ignored and the county was in its final stages of forcing a rezone on them. These property owner’s who have no desire for and have not applied for a zoning change and do not desire a Cannabis Accomodation District — discovered their APNs included in the parcels listed in the notice that these property owners’ did not receive but found out from their neighbors whose properties are adjacent to the “district,” who were noticed and contacted them to find our what the hell was going, on only to learn they had no knowledge of any of this and were



flabbergasted to learn about what was happening! Very disconcerting. How is this possible, that the people whose properties were being considered by the county the following week to be rezoned were completely unaware of this project or application? How is it possible for these 16 (sixteen) APN's to be cobbled together by 1 (one) property owner, for one applicant and the County to be the authors of 2019-0012 without including all those impacted?

That have not determination of if they meet the agents name and information is deleted from the application, signatures are missing, let alone not

If 60% approval is required by the owners' of the parcels included in the "district," and 14 (fourteen) of the sixteen parcel owners' were unaware that their parcels were included in the "district," and had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge being ignored. Implicates the county in deception. Does the county consider not knowing, not being aware that the property you own is about to be rezoned from rural residential to commercial agricultural is in some way approval. This is trickery worthy of a class action response. Where is the County's integrity in this matter?

The un-named owner approached a number of the property owners whose parcels—unbeknown to them until a week before the scheduled hearing—were included in the "district" and about to be rezoned from rural residential to commercial/agricultural, showed up at the homes of some of the owners' in an attempt to convince them not to rescind their property from the district. This person has a reputation as a bully. People are feeling unsafe to act in their best interest for fear of retribution.

The HOA (Home Owner's Association) covenant for the Shane Drive parcels states that, **residential use only is allowed** on the lots. Anything commercial is in violation of the Covenant they signed and agreed to when they purchased land/house in the subdivision.

The full referall packet for the Cannabis Accomodation District, the highlighted "district" including 16 parcels in the notice (vs. the 15 parcels as the application lists), presents details that only apply to 1 (one) parcel APN#019-560-31, SE & A's property ownership and Brandy Moulton's application for agricultural industry on that particular property, should not be assumed to address whether the

conditions for the additional 14 or 15 parcels included in the “district” would meet the necessary conditions to qualify for permit.

Come on Mendocino County Department of Planning and Building Services let's get it together and act as if Zoning declarations actually matter. That designations such as Rural Residential have meaning and that it is the County's job to uphold them.

**Please deny R\_2019-0012/0013, AND let's put this CACD nonsense behind us once and for all.**

Thank you,

Carol A. Feen/Frieda Feen

## ATTACHMENT C

**pbscommissions - Fwd: Applications R2019-0012 Jade ct. R2019-0013 Franklin Rd.**

**From:** PBS PBS  
**To:** pbscommissions  
**Date:** 2/2/2022 1:42 PM  
**Subject:** Fwd: Applications R2019-0012 Jade ct. R2019-0013 Franklin Rd.

Mendocino County

FEB 02 2022

Planning & Building Services

Planning & Building Services Staff

County of Mendocino

Main Office:

860 N. Bush St, Ukiah CA 95482

Phone: [\(707\) 234-6650](tel:(707)234-6650)

Coast Office:

120 W. Fir St, Fort Bragg CA 95437

Phone: [\(707\) 964-5379](tel:(707)964-5379)

Web: [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)

>>> renatacoury <renatacoury@hughes.net> 2/2/2022 3:34 AM >>>

**From:** Renata <renatacoury@hughes.net>  
**To:** pbs <pbs@mendocinocounty.org>  
**Date:** Tuesday, 1 February 2022 10:59 PM EST  
**Subject:** Applications R2019-0012 Jade ct. R2019-0013 Franklin Rd.

Hello Planning Commission,

We are writing today to state we are opposed to rezoning any properties in our RR2 Mitchel Creek neighborhoods to Commercial Agriculture, cannabis cultivation. We opposed it in 2021 and in 2018.

We agree and support emails from Property Owners submitted to you stating their serious concerns of the negative impacts of Commercial Grows. Please refer to emails submitted by A. Garza, J. Campagna, J. Nixon, K. Montgomery, K. Abramson and others. We agree with your Staff recommendation and request Brandy Moulton's applications be denied and the 2022 Sunset deadline



remain in effect.

Sincerely,

Renata and Steven Coury

2-1-2022

renatacoury@Hughes.net

**pbscommissions - Against rezoning RE: Cases #: R\_2019-0012 and R\_2019-0013**

**From:** Linda Lawley <lindalawley@gmail.com>  
**To:** <pbscommissions@mendocinocounty.org>  
**Date:** 2/2/2022 1:55 PM  
**Subject:** Against rezoning RE: Cases #: R\_2019-0012 and R\_2019-0013

---

As a property owner in the Simpson/Mitchell Creek area, I am writing to oppose the rezoning of our residential neighborhood to create a "Cannabis Accommodation Combining District". The neighborhood has already been polled and we still do not want commercial cannabis in our neighborhood. The sunset provision should not be extended. Ms. Moulton has had plenty of time to find another location. When will this stop?

Linda Lawley  
17400 Redwood Springs Dr.  
Fort Bragg

PBS PBS - RE: R\_2019\_0013 Franklin Street - Agenda Item 6(b)

Mendocino County

FEB 02 2022

**From:** "Austin, Gina" <gaustin@austinlegalgroup.com>  
**To:** "pbs@mendocinocounty.org" <pbs@mendocinocounty.org>  
**Date:** 2/2/2022 4:34 PM  
**Subject:** RE: R\_2019\_0013 Franklin Street - Agenda Item 6(b)  
**Cc:** Brandy Moulton <brandy@sovereign707.com>, Brittany <Brittany@austinlegal...>  
**Attachments:** 22-0202 PC Ltr re R\_2019-0013 (Franklin) [submitted].pdf

Planning & Building Services

Good afternoon Planning Commissioners:

Please see attached letter in support of Rezone 2019\_0013 Item 6(b) on the February 3, 2022 agenda.

Best,  
Gina

Gina Austin, Esq.  
Austin Legal Group, APC  
Office Phone: [619.924.9600](tel:619.924.9600)  
Cell: [619.368.4800](tel:619.368.4800)  
Office Fax: [619.881.0045](tel:619.881.0045)  
[gaustin@austinlegalgroup.com](mailto:gaustin@austinlegalgroup.com)  
3990 Old Town Ave, Suite A-101  
San Diego, California 92110

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**ATTACHMENT C**

Mendocino County

FEB 02 2022

Planning & Building Services

**AUSTIN LEGAL GROUP**

LAWYERS

3990 OLD TOWN AVE, STE A-101  
SAN DIEGO, CA 92110

LICENSED IN

CALIFORNIA, ARIZONA & HAWAII

TELEPHONE

(619) 924-9600

FACSIMILE

(619) 881-0045

February 2, 2022

Writer's Email:

gaustin@austinlegalgroup.com

Planning Commission  
County of Mendocino  
501 Low Gap Road  
Ukiah, CA 95482

**VIA EMAIL**

**RE: February 3, 2022 Planning Commission Meeting Agenda Item # 6b.  
Rezone Request R\_2019-0013 for a Cannabis Accommodation Combining District**

Dear Planning Commission:

Austin Legal Group represents the applicant, Brandy Moulton ("Applicant"), with respect to her rezone request application for a Cannabis Accommodation Combining District ("CACD") to include her existing cannabis cultivation operations at 16730 Franklin Road, Fort Bragg, California 95437 and nine other neighboring parcels ("Rezone Request" or "Project"). This Rezone Request is consistent with the General Plan, complies with the Mendocino County Code of Ordinances ("MCCO"), and meets each of the CACD's application approval requirements. In light of this, Applicant respectfully requests that the Planning Commission recommend approval of this Project to the Board of Supervisors. This letter is expressly intended to be a part of the administrative record.

**BACKGROUND**

On April 4, 2017, the County adopted Ordinance Number 4381, adding Chapters 10A.17 and 20.242 to the MCCO to establish a regulatory framework for cannabis cultivation activities. The County subsequently adopted various amendments to allow the continuance of current cannabis cultivation activities for qualified applicants. Even with the amendments, many existing operators were too constrained by the development standards in the MCCO to meet the minimum requirements for obtaining a cannabis cultivation permit.

Accordingly, the County selected Michael Baker International to assist with the research and development of potential accommodation districts to allow for existing cultivation activities to continue in compatible zoning designations. Two types of districts were ultimately established by adoption of Ordinance Number 4420 on December 4, 2018: the CACDs and the Commercial Cannabis Prohibition Combining District. The County accepted applications for CACD rezoning requests pursuant to the County's rezone request regulations (Chapter 20.212) until November 1, 2019.

On October 30, 2019, Petitioner timely filed this Rezone Request with the County. On December 2, 2019, the Rezone Request was deemed complete. Six months later, on May 20, 2021, the Staff Planner informed the Applicant that the Rezone Request was finally ready to be heard and had been scheduled for

## ATTACHMENT C

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the June 3rd, 2021 Planning Commission hearing. The Staff Planner provided the Applicant with the proposed staff report which recommended approval of the Rezone Request. (See Exhibit “A” – June 3<sup>rd</sup>, 2021 R\_2019-0013 Staff Report). Just 4 days later, on May 24, 2021, the Planning and Building Services Staff issued a memorandum to the Planning Commission stating that the Rezone Request was being removed from the June 3, 2021 agenda. The Applicant was not informed until May 26, 2021 and had no indication of the County’s intention to pull the item. The withdrawal was not done pursuant to County Code and was done unilaterally by the County.

Applicant asked the County as to why the Project had been pulled. County Staff stated that the June 3, 2021 Staff Report did not include a discussion as to the Rezone Request’s “aesthetics, noise, smell, and traffic which must be included in the analysis.” (See Exhibit “B” – May 27, 2021 Email from County Staff Planner Chevon Holmes). At this time, the County had already completed a CEQA review for this Rezone Request to analyze its characteristics and potential impacts to its surrounding community. The County determined that no new significant impacts would result from the approval of this Rezone Request and that no additional analysis was required. (See Exhibit “C” – Addendum to MND SCH No. 2016112028 – Commercial Cannabis Accommodation Combining District – Rezone Application R\_2019-0013). This means that the County only needed to update the June 2021 Staff Report to include a summarized discussion of the already-completed analysis. No additional analysis was required for this Rezone Request.

Applicant asked the County as to when the Rezone Request would be rescheduled. The County did not provide a timeline and refused to reschedule the Rezone Request’s Planning Commission hearing. Due to the County’s failure to act, the Applicant had no choice but to file a Petition for Writ of Mandate to require the rescheduling of the Rezone Request in November 2021. This finally triggered a response from the County. The County provided that the Applicant would have to wait until the first hearing of February 2022 for her application to be heard.

On Thursday, January 27<sup>th</sup>, 2022, the Applicant emailed the Planning Department to ask if her Rezone Request was scheduled for the first Planning Commission meeting of February. The Planning Department responded in the affirmative and stated that notice of the hearing had been given and that the February 3, 2022 Staff Report was available for review. Applicant never received the required notice from the County. Moreover, the February 3, 2022 Staff Report: (1) fails to include a discussion of the Rezone Request’s “aesthetics, noise, smell, and traffic” which was the original basis for pulling and delaying this hearing; and (2) includes newly-developed discussions and arguments against the Rezone Request which was not included in the first instance.

### DISCUSSION

#### **A. ALL OF THE REQUIRED FINDINGS TO APPROVE THIS REZONE REQUEST CAN BE MADE.**

The CACD approval process is regulated by Chapter 20.212 (Amendments, Alterations, and Changes in Districts) and Chapter 20.118 (“CA” Cannabis Accommodation Combining District) of the MCCO. Neither Chapter specifies required findings for rezoning approvals. However, the County evaluates rezoning requests for consistency with the General Plan and applicable zoning district. To approve a CACD application, the County must determine that the proposed rezoning is (1) consistent with the General Plan, (2) consistent with the current zoning district, and (3) consistent with the CACD requirements.

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1. The Rezone Request is consistent with the General Plan.

Each parcel within the proposed CACD and this Rezone Request is classified as Rural Residential (RR). The General Plan provides that the RR land use designation is intended to encourage local and small-scale farming and that residences be located in a manner as to minimize impact to agricultural viability.<sup>1</sup> General uses within this RR designation include residential uses, agricultural uses, and cottage industries (small scale businesses operating in or near residential uses).<sup>2</sup> Due to Mendocino County's rural nature, the General Plan encourages the facilitation of a variety of land uses and employment opportunities in community areas.<sup>3</sup>

This Rezone Request is clearly consistent with the General Plan and will allow for the continued mixed-use of residential and agricultural uses which is the County's intention for the RR land use classification. No new or inconsistent uses are being proposed in the Rezone Request. This proposed CACD will also promote the General Plan's goal to maximize close employment opportunities to residential communities by allowing the existing cultivators to maintain employment and the Applicant an opportunity to develop additional employment opportunities.

Staff attempts to muddle this Rezone Request's compatibility with the RR land use designation by discussing unrelated public comments solicited by the County in connection with the proposed Mitchell Creek North CA Group of the 2018 Michael Baker International CACD survey. This Rezone Request's proposed CACD area covers just 2.09% of the proposed Mitchell Creek North CACD. It is prejudicial to the Applicant, inappropriate for Staff to use the comments solicited from the residents of the entire proposed Mitchell Creek North CACD to characterize the proposed CACD area as incompatible with the General Plan, and an abuse of discretion should this Planning Commission consider Staff's inclusion of this issue in its analysis. Due to Staff's meritless analysis, Applicant requests that the Planning Commission disregard Staff's red herring incompatibility claim.

2. The Rezone Request is consistent with the RR Zoning District.

Each parcel within the proposed CACD is zoned as RR. The RR zoning district is intended to create residential areas which encompass agricultural uses compatible with permanent residential uses.<sup>4</sup> The CACD can only be applied to areas that include existing commercial cannabis cultivation operations and where the zoning designation allows residential use by right.<sup>5</sup> Residential uses within the RR zoning district are allowed by right.<sup>6</sup>

The proposed CACD consists of residential uses, residential uses with ancillary uses (workshops, garages, barns), and existing cannabis cultivation sites. All of these uses are permitted within the RR zoning district and were expressly contemplated when the County codified the CACD. The CACD can be applied to the proposed rezone area because the area encompasses existing cannabis cultivation sites and has a zoning designation that allows residential uses by right. Thus, the Rezone Request is consistent with the RR Zoning District and the intention of the CACD.

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<sup>1</sup> Mendocino County General Plan Chapter 3: Development Element; Policy DE-14 p. 3-74.

<sup>2</sup> Mendocino County General Plan Chapter 3: Development Element; Policy DE-14 p. 3-74.

<sup>3</sup> Mendocino County General Plan Chapter 2: Planning Principle 2-2(b).

<sup>4</sup> County Code Sec. 20.048.005.

<sup>5</sup> County Code Sec. 20.118.020.

<sup>6</sup> County Code Sec. 20.048.010.



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3. This Rezone Request is compliant with Chapter 20.118 “CA” Cannabis Accommodation Combining District.

Chapter 20.118 provides the requirements for a CACD application. A CACD application must: (1) be initiated by one or more property owners within the boundaries of the proposed CACD; (2) propose no fewer than 10 legal and contiguous parcels for the proposed CACD; and (3) demonstrate support for the proposed CACD by more than 60% of the affected property owners within the proposed CACD through a signed petition. The Rezone Request meets each of these requirements. First, the Applicant, Brandy Moulton, is a property owner within the boundaries of the proposed CACD. Second, the proposed CACD includes 10 legal and contiguous parcels. Third, of the 10 parcels, 7 property owners (or 70%) signed the petition in support of the proposed CACD which was timely filed with the County. Accordingly, the findings can be made that the Rezone Request complies with Chapter 20.118.

Despite the Applicant’s clear compliance with the CACD application requirements, County staff asks the Planning Commission to deny this Rezone Request because “the size and shape of the proposed CACD is inconsistent with Chapter 20.118 of County Code.” This determination is a serious error of law in that it is caused by Staff’s misapplication of Section 20.118.020(B). This subsection provides:

“A CA Combining District may range from neighborhood to community in scale, but in no case be composed of fewer than ten (10) legal parcels as that term is defined in section 10A.17.020. All parcels within a CA Combining District shall be contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).”

The County Staff erroneously concludes that the proposed CACD’s shape and size is inconsistent with Chapter 20.118 because it does not meet the definitions of “neighborhood” or “community” as defined by the Merriam Webster Dictionary. Staff’s creative efforts to find a basis to recommend denial require the Planning Commission to adopt an unlawful interpretation or application of this provision.

The plain reading of this provision states that CACDs may range in scale from a neighborhood-sized area to a community-sized area. The word “may” is a permissive reference to the potential sizes of proposed CACDs and nowhere in this Code is it a requirement that a proposed CACD be an established neighborhood or community prior to rezone approval. The County has yet to provide the proposed CACD area with the opportunity to become an established neighborhood or community. Such uniformity does not occur until after the creation of a new neighborhood or community.

Further, the County cannot simply ignore the minimum CACD requirement of 10 legal and continuous parcels. A basic principle of statutory interpretation is that a statute should be construed so that effect is given to all its provisions, and that no part is inoperative, superfluous, or insignificant. Subsection 20.118.020(B) expressly provides that a minimum of 10 legal and contiguous parcels is required for a CACD. If the County wanted to require a higher parcel requirement, it had the opportunity but elected not to do so. The law does not permit Staff to create ad hoc interpretations of the County Code to achieve a certain result and it is prejudicial abuse of discretion and excess of its jurisdiction for the Planning Commission to consider this particularly when the Rezone Request complies with the CACD requirements.

In light of Applicant’s compliance with all of the County’s required findings for a CACD rezone requests, the Planning Commission can and should recommend approval of this Rezone Request to the Board of Supervisors.

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### **B. THE OPPOSITION'S CONCERNS HAVE BEEN PREVIOUSLY ANALYZED AND ADDRESSED BY THE COUNTY AND SHOULD BE DISREGARDED.**

#### 1. Concerns regarding Increased Water Usage, Traffic Impacts, Odor, and Noise.

The environmental concerns submitted as opposition to this Project have been analyzed, addressed, and dismissed as insignificant during the County's CEQA review of this Rezone Request. (See Exhibit "C" attached). In its analysis, the County determined that the proposed CACD would not present new significant environmental effects or increase the severity of those previously identified and addressed by MND SCH No. 2016112028. The County concluded that no additional impact analysis was required for the proposed CACD and that no mitigation measures were necessary.

Common environmental concerns raised include increased water usage, traffic, odor, and noise. These concerns do not apply to this Rezone Request because the proposed CACD will not allow for any new cannabis cultivation sites; it will only allow for the continued use of the existing cultivation sites. Thus, approval of this Rezone Request will not result in increased impacts to the proposed area. If nuisance-like concerns should arise, the County and the public can utilize County code enforcement to seek remedy for the violation of any operational requirements.

#### 2. Concerns of Public Safety.

Public safety concerns amongst the commercial cannabis industry are overwhelmingly tied to illegal operations. A major incentive for local jurisdictions to establish commercial cannabis regulations is to eliminate illegal operations and closely regulate lawfully-permitted cannabis operations through the imposition of security requirements. The establishment of CACDs assist in this County goal.

The Applicant has been lawfully operating without incident at the same location for many years. The Applicant has been a law abiding business owner and intends to continue to operate lawfully as long as operations continue. There is nothing in the record on this Rezone Request other than a generalized future fear that would suggest anything to the contrary. With respect to exercising its discretion to approve this Rezone Request, the Applicant's existing operations are not detrimental to the public health, safety, or welfare and any argument to the contrary should not be considered as a basis to recommend denial.

#### 3. Concerns of Spot Zoning.

A few public comments (including Planning Staff) allege that the Applicant has engaged in spot zoning to create the proposed CACD. This is simply untrue. The Applicant's proposed CACD shape is "clean" and looks similar to the shape approved for the Covello Core CACD. Further, when a proposed rezone district is connected or surrounded by a like zone, as is the case here, the allegation of spot zoning is difficult to establish since the boundary lines must be drawn at some point.<sup>7</sup> The proposed CACD is surrounded by RR zones which exponentially decreases the validity of any spot zoning claims.

The County Planning Department, the Planning Commission, and the Board of Supervisors participated in the creation of the County's Cannabis Accommodation Combining District with the intent to provide existing cannabis cultivators, such as the Applicant, who have met critical permit eligibility requirements with the opportunity to continue its operations in consistent zoning areas. This participation included the implementation of requirements to establish a CACD, which requires no less than 10 legal and contiguous parcels. No other requirements as to CACDs shapes or sizes were included. Once again, the

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<sup>7</sup> *Avenida San Juan Partnership v. City of San Clemente* (2011) 201 Cal.App.4th 1256, 1257.

## ATTACHMENT C

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Planning Commission is asked to adopt an unfounded interpretation of the CACD requirements by using improper “alternative” paths to denial. The Applicant complied with the CACD requirements and the findings can be made that this occurred. The opposition’s logic would require this Applicant to “interpret” an ordinance that on its face requires no interpretation. This is not only illogical, it is highly prejudicial and should not be considered. To accuse the Applicant of spot zoning is to accuse the County of spot zoning since the County is the responsible party for the CACD establishment regulations.

In light of the above, the Planning Commission should disregard the opposition’s comments as the County has already extended a vast amount of time in addressing each concern as it relates to existing cannabis cultivators and CACDs. Nevertheless, the Applicant is willing to work with the Planning Department and Planning Commission in determining any necessary conditions to this proposed CACD to minimize “any problems inimical to the public health, safety, or general welfare of the County of Mendocino” pursuant to Section 20.212.010(A) of the County Code.

### **C. THE PLANNING DEPARTMENT HAS UNLAWFULLY RETALIATED AGAINST THE APPLICANT.**

In June 2021, Staff recommended approval. In the ensuing months, Staff has not requested any new information from the Applicant that would require a redetermination of the proposed Rezone Request. Nevertheless, the Staff’s analysis and recommendation in the February 3, 2022 Staff Report is drastically different than the analysis and recommendation in the original June 3, 2021 Staff Report.

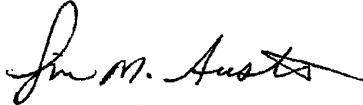
The only intervening fact since June 2021, and the impetus for this hearing, is the Applicant’s decision to file a writ of mandate to require the County to set this Rezone Request for hearing since it had refused to for a year and a half. Prior to the Applicant’s decision to seek relief from the Court to require the County to comply with its own Code and set this for hearing, the Planning Department found this Project to be consistent with the General Plan, consistent with the zoning district, and consistent with the CACD requirements. Now, Planning Staff finds the Project inconsistent with the General Plan based on comments from non-community members, accuses the Applicant of spot zoning, and misapplies the CACD ordinance to the Project’s detriment. Without any change to the Project information, Applicant has no choice but to assume that the Planning Staff is retaliating against the Applicant based on the filing of the writ.

### **CONCLUSION**

The Applicant has exhausted numerous resources in attempting to obtain CACD approval for its existing cannabis cultivation operations by strictly following all County laws, regulations, and procedures, but has been continuously met with restraint and unprofessional behavior from the Planning Department.

As demonstrated above, the Rezone Request is consistent with the General Plan, complies with the Mendocino County Code, and meets each of the CACD’s application requirements. The Project’s continued compliance with all laws and regulations, along with the County-mandated conditions for security measures, ensures this Project will not be detrimental to the public health, safety, and welfare. In light of this, the Applicant respectfully the that Planning Commission recommend to the Board of Supervisors to approve this Rezone Request.

Sincerely,  
AUSTIN LEGAL GROUP, APC

  
Gina M. Austin, Esq.



**ATTACHMENT C**

**Exhibit A**

June 3<sup>rd</sup>, 2021 Planning Commission Staff Report - R\_2019-0013



**PLANNING COMMISSION  
STAFF REPORT- REZONE**

**JUNE 3, 2021  
R\_2019-0013**

**SUMMARY**

**OWNER(S):** VARIOUS

**APPLICANT/AGENT:** BRANDY MOULTON  
18601 NORTH HWY 1  
PMB 166  
FORT BRAGG, CA 95437

**REQUEST:** Rezone to create a Cannabis Accommodation Combining District of ten (10) parcels to facilitate greater flexibility in the development standards related to cannabis cultivation for existing commercial cannabis cultivation sites and suspend the 'Sunset Provision for Residential Districts' to facilitate continued operation.

**LOCATION:** 3.9± miles southeast of Fort Bragg City center, lying on the west side of Franklin Rd. (CR 414D), 0.2 miles south of its intersection with Simpson Ln. (CR 414) located at multiple addresses; (APN's: 019-450-08, 019-440-21, 019-440-25, 019-480-08, 019-480-09, 019-480-10, 019-480-33, 019-480-34, 019-480-35, 019-480-36.

**TOTAL ACREAGE:** 12.79± Acre Cannabis Accommodation Combining District

**GENERAL PLAN:** Rural Residential, 2 Acre Minimum Parcel (RR2) & (RR5), 5 Acre Minimum

**ZONING:** Rural Residential, 2 Acre Minimum Parcel (RR:2) & (RR:5), 5 Acre Minimum

**SUPERVISORIAL DISTRICT:** 4 (Gjerde)

**ENVIRONMENTAL DETERMINATION:** Addendum to the previously adopted Mitigated Negative Declaration (MND; SCH#2016112028)

**RECOMMENDATION:** The Planning Commission recommends that the Board of Supervisors adopt the attached Addendum to the PMitigated Negative Declaration and approve Rezone R\_2019-0013.

**STAFF PLANNER:** CHEVON HOLMES

**BACKGROUND**

**PROJECT DESCRIPTION:** Rezone to create a Cannabis Accommodation Combining District of approximately 12.79 acres 3.9± miles southeast of Fort Bragg City center, lying on the west side of Franklin Rd. (CR 414D), 0.2 miles south of its intersection with Simpson Ln. (CR 414) (See Attachment : Location map). Consisting of ten (10) parcels Zoned Rural Residential (RR), the applicant, a Mendocino

County resident, long-time business operator and cannabis cultivator, seeks to continue their small cannabis production operation, which has existing with continued use on the subject property.

As explained in Chapter 20.118 of the Mendocino County Zoning Code, the intent of the Cannabis Accommodation District is to facilitate greater flexibility in the development standards related to cannabis cultivation for existing commercial cannabis cultivation sites, and suspend the "Sunset Provision" for Residential Districts' and allow continued operation.

**APPLICANT'S STATEMENT:**

*"The purpose of this application is to create a cannabis inclusion zone. This has a 70% approval ratio.*

*There are two cannabis permits in this zone. Both provide jobs, economic stimulus, tax revenue and supply local dispensary "Sovereign" which is a part of the Fort Bragg community.*

*No improvements to be made. Project has been operational for years. Indoor cannabis cultivation attached to single family residence. Trees and bee friendly plants. Odor control in place. Lighting contained, no light pollution. Use Permit requires driveway modifications and ADA parking spot."*

**CANNABIS CULTIVATION REGULATORY BACKGROUND:** The Mendocino County Board of Supervisors adopted Ordinance Number 4381 on April 4, 2017, adding Chapters 10A.17 and 20.242, a Mitigated Negative Declaration (MND) was adopted by Resolution Number 17-042 for the ordinance. The provisions of the ordinance intended to regulate production by licensed operators and provide clear standards and permitting pathways to help bring baseline cannabis cultivation activities into compliance with existing regulatory frameworks. The ordinance outlines pathways for compliance with new and existing regulations that provide for local review, inspection and oversight ultimately reducing potential environmental effects from existing and proposed cultivation activities. The Board of Supervisors then adopted various amendments to Chapters 10A.17 and 20.242 of County Code, that adjusted specific provisions, further allowing continuance of current cultivation activities for qualified applicants. Even still, many existing small commercial operations were too constrained by the development standards in the code related to cannabis cultivation operations to meet the minimum requirements for obtaining a cultivation permit.

As such, the Mendocino County Board of Supervisors directed that a Request for Proposals (RFP) be circulated to identify and implement strategies to facilitate the permitting of commercial cannabis uses throughout the County. Michael Baker International was selected to assist the County with research and development of an appropriate regulatory framework informed by public participation. Specific areas of concern were identified, and the Board furthermore requested analysis of the potential use of Overlay Zones, or Combining Districts, to allow for existing cultivation activities to continue in some zoning designations, and total prohibition of cultivation activities in others. Two types of districts were ultimately established by adoption of Ordinance Number 4420 on December 4, 2018, with corresponding new Chapters to the zoning code. Chapter 20.118 created Cannabis Accommodation (CA) Combining Districts, to support continued operation of existing cultivation sites, and Cannabis Prohibition (CP) Districts Combining in Chapter 20.119, intended to prohibit new commercial cannabis use, and would end existing permitted commercial cannabis use. On May 22, 2018, the Board of Supervisors adopted Resolution Number 18-076, which included an addendum to the MND to allow for applications to be processed for Accommodation and Prohibition Combining Districts. In doing so, the County reviewed the provisions of CEQA, and the CEQA Guidelines, including Section 15162 (Subsequent EIRs and Negative Declarations) and Section 15164 (Addendum to an EIR or Negative Declaration).

The study conducted by Michel Baker International identified six communities or neighborhoods as possible CA Combining Districts and two potential CP Combining Districts. Of those analyzed as



prospective accommodation districts, the Mitchell Creek North proposal encompassed parcels included in this rezone request (See Attachment: Project Locations). As directed by the Board of Supervisors, community input was critical to informing staff and the Planning Commission's recommendations, and the consulting firm held a meeting on July 26, 2018 at the Caspar Community Center. According to a staff memorandum, the meeting was well attended with regard to the number of participants, but homeowners felt they were underrepresented. More than one hundred people attended the meeting, including the staff planner for this Rezone, and 31 comment cards were received. As part of the community input process, a web address was established to receive comments from the public. At least 88 email comments were received regarding the Mitchell Creek CA District, referring to both the Mitchell Creek North and Mitchell Creek South Districts, nearly 90 percent in opposition. General concerns in order of frequency cited were impacts to water supply (42 recorded inquires), increased crime (29 recorded inquires) and concerns of road conditions and traffic (23 recorded inquires). The company also conducted a series of community surveys, internet-based and post mail, to gauge landowner support for the district. Due to a myriad of issues, such as inaccurate Assessor Parcel information, discarded postcards thought to be junk mail, the survey implementation was not without flaws. However, Michael Baker International identified a strong correlation between input received through community meetings, emailed comments and the surveys. At that time, the Mitchell Creek North approval rate was 10%, Mitchell Creek South was 33% and staff recommended against establishment of the Mitchell Creek North and Mitchell Creek South Combining Districts.

Cannabis Accommodation Combining Districts allow the permitting of cultivation sites that can demonstrate prior existence, and does not provide a basis for permitting new cultivation sites. Additionally, the robust permitting processes includes site inspections, and required compliance with County, regional and state permitting standards, therefore reducing the potential for negative impacts resulting from unpermitted cultivation activities.

**CANNABIS ACCOMMODATION COMBINING DISTRICTS:** Subject to the approval of a Rezone request, and pursuant to Chapter 20.118 of Mendocino County Zoning Code, Cannabis Accommodation (CA) Combining Districts may be applied to areas that include existing commercial cannabis cultivation operations, and where the zoning designation of the majority of the lots allows residential use by right. A CA Combining District must be comprised of at least ten legal parcels, as defined in Section 10A.17.020 of Mendocino County Zoning Code. The parcels may only be separated by roads, rail lines, utility easements, or similar linear public facilities. Applicants seeking to establish a CA Combining district must demonstrate support of affected landowners. The regulations applied to CA Combining Districts is supplemental to the underlying zoning district. The CA Combining Districts is often referred to as a "Cannabis Overlay."

*Establishment of a CA Combining District*

- A Cannabis Accommodation Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed district.
- Applications for CA Combining Districts must include evidence of support for the proposed CA district by more than sixty percent (60%) of the affected property owners within that district.

*Modified Regulations of Established CA Districts*

- Sunset Provision for Residential Districts would not apply to permitted cannabis cultivation uses.
- Cannabis cultivation permit types (C) Small Outdoor, (C-A) Small Indoor, Artificial Light, and (C-B) Small, Mixed Light would not be subject to current 2-acre minimum lot size.

*\*Small refers to 2,500 square feet of flowering canopy.*

- Property line setback noted in Section 10A.17.040 (A)(5) would be reduced to 20 feet.
- Property line setback noted in Section 10A.17.040 (A)(5) may be reduced to less than 20 feet or waived subject to Administrative Permit approval.

- Setback from an occupied residential structure on adjacent property noted in Section 10A.17.040 (A)(2) could be reduced to 20 feet subject to Administrative Permit approval.

*Restrictions on Modifications to Established CA Districts*

- Ineligible for repeal or amendment by a member of the public until 10 years after date of approval.
- Once eligible, a request to repeal or amend an established CA District could be initiated by petition of sixty percent (60%) or more of all current property owners within that district.
- Adjacent parcels to the established district could be added within the 10 year period.
- If a CA Combining District is repealed, permitted cultivation authorized through the district could continue for three years.
- Three years following the date of repeal, rights for cultivation that does not meet the standards of the underlying zoning designation would cease.

**RELATED APPLICATIONS:**

**On-Site (To be double checked before publishing)**

- AG\_2018-0172 (Indoor Cannabis Cultivation Permit-STATUS)
- U\_2019-0002 (Use Permit Renewal for indoor cultivation activities-STATUS)
- CFBL\_2019-0053 (Cultivation, Distribution and Manufacturing Level 1-STATUS)

**SITE CHARACTERISTICS:** The proposed Cannabis Accommodation (CA) Combining District is 3.9± miles southeast of Fort Bragg City center, lying on the west side of Franklin Rd. (CR 414D), 0.2 miles south of its intersection with Simpson Ln. (CR 414) north east of Casper (See Attachment : Location Map). The proposed ten (10) parcel district is approximately 12.79 acres, and all parcels are less than three acres in size with only one parcel meeting the required two acre minimum for cannabis cultivation eligibility. Primarily residential in nature, and zoned Rural Residential (RR) the properties within the district are developed as such comprised of single family residences and standard ancillary developments like garages, shops and utility infrastructure. Given the proximity to the Mendocino County coastline, the rural attributes of the district more align with coastal forest habitat including Mendocino Cypress (See Attachment : Mendocino Cypress Map).

The primary soil type within the proposed district is Shinglemill-Gibney (199), found on elevation ranges from 200 to 750 feet, where the average annual precipitation is 40 to 65 inches and vegetation mainly bishop pine and huckleberry. The California Farmland Mapping and Monitoring Program (FMMP) accessed through the Mendocino County Geographic Information System (GIS) classified the lands within the proposed district as Urban & built-up (residential, industrial, institutional facilities etc.)

Located in an area designated as Moderate Fire Hazard, structural fire protection services are provided by Fort Bragg Rural Fire Protection District and Wildfire protection provided by the California Department of Forestry and Fire Protection. All of the parcels in the proposed district are accessed by Franklin Rd. (CR 414D) and connect to private driveways where applicable (See Attachment: Aerial Imagery Map).

**SURROUNDING LAND USE AND ZONING:** The subject Cannabis Accommodation Combining District is surrounded by parcels with similar land uses and zoning designations. The Rural Residential (RR) classification is intended to be applied to transitional lands adjacent to cities or towns. The following table summarizes adjacent land uses, zoning and property sizes:



**ATTACHMENT C**

**PLANNING COMMISSION  
STAFF REPORT FOR REZONE**

**R\_2019-0013  
PAGE 5**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	Rural Residential (RR2)	Rural Residential (RR:2)	45,254± Square Feet	Residential
<b>EAST</b>	Rural Residential (RR5)	Rural Residential (RR:5)	5± Acres	Residential
<b>SOUTH</b>	Rural Residential (RR2)	Rural Residential (RR:2)	42,636± Square Feet	Residential
<b>WEST</b>	Rural Residential (RR2)	Rural Residential (RR:2)	60,580± Square Feet	Residential

**PUBLIC SERVICES:**

Access: FRANKLIN RD. (CR 414D)  
 Fire District: FORT BRAGG RURAL FIRE PROTECTION DISTRICT & STATE RESPONSIBILITY AREA (SRA)  
 Water District: NONE  
 Sewer District: NONE  
 School District: FORT BRAGG UNIFIED SCHOOL DISTRICT

**AGENCY COMMENTS:**

On March 11, 2021, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below.

<b>REFERRAL AGENCIES</b>	<b>COMMENT</b>
Department of Transportation	No Comment
Environmental Health-FB	Comment
Building Services-Ukiah	TBD
Cannabis Division-Ukiah	No Comment
County Addresser	No Comment
Fort Bragg Rural Fire Department	No Comment
CALFIRE-Land Use	No Response
Redwood Valley Rancheria	Comment
Sherwood Valley Band of Pomo Indians	No Response
Noyo River Indian Community	No Response
Manchester Band of Pomo Indians	No Response

*Environmental Health (Fort Bragg-Hazmat)* - The Mendocino County of Environmental Health Hazardous Materials Division determined that any fuel storage exceeding 55 gallons shall require a Hazardous Material Business Plan (HMBP) to be submitted to the California Environmental Reporting System (CERTS) which can be attained online at <https://cers.calepa.ca.gov>.

*Redwood Valley Rancheria* – In response to the County request for comment regarding the proposed CA district, the Redwood Valley Rancheria indicated that the project should not increase water usage. Although the County may issue permits related to infrastructure developments such as wells and spring boxes, the *amount of water used* on the properties within the proposed district is not regulated by the Mendocino County Department of Planning and Building Services or the of Environmental Health. However, if the CA district is approved, all cultivation applicants must obtain cultivation permits from the County. To do so, cultivation applications must meet criteria which adequately addresses the water usage concern as expressed by the Rancheria.

If the CA district is approved, applicants are required to obtain a cultivation permit pursuant to Mendocino County Code Chapter 10A.17, the cultivation ordinance. Specifically, applications to cultivate cannabis within established accommodation districts are subject to Mendocino County Code Section 10A.17.081, otherwise referred to as *Phase I Permits*. To earn a Phase I cultivation permit from the County, applicants are subject to Section 10A.17.080(B)(1) or “Proof of Prior Cultivation” or evidence that they were cultivating cannabis on the cultivation site prior to January 1, 2016. This eligibility requirement



inherently restricts the number of potential operators, as well as seeks to uphold the intent and spirit of the districts, which is to provide the ability to continue an existing use. Additionally, applicants for Mendocino County cultivation permits are required to demonstrate compliance with the State Water Resource Control Board (SWRCB), which requires additional permits issued by the jurisdictional authorities over water, entities of the State of California. These include permits such as the Small Irrigation Use Registration (SIUR), and Water Rights with regard to water use and the Cannabis General, which requires cultivators to report waste discharge. Other permits issued by the State may also be required to apply for a County cultivation permit if the source of water is a natural spring or waterway.

### KEY ISSUES

#### 1. General Plan and Zoning Consistency

The Mendocino County General Plan provides the comprehensive principles that are the basis for the goals and policies of the County. To protect community areas and support more compact urban development patterns, Planning Principle 2-2: Economic Development and Jobs/Housing supports diversified and innovative business practices with an emphasis on long-term and stable economic stability. Nearly 3,900 square miles in size, employment opportunities can be limited by distance in a rural area like Mendocino County and therefore, the General Plan promotes employment opportunities within proximity to residential communities such as the proposed district.

**Policy DE-14:** “The Rural Residential classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area, and residences should be located as to create minimal impact on agricultural viability.” General Uses within the classification include residential and agricultural uses, cottage industries, residential clustering, public facilities, public services, conservation and development of natural resources and utility installations.<sup>1</sup>

**Mendocino County Zoning Code Section 20.048.005:** Varying in size and conformity, the parcels that comprise the proposed district are developed with residences and additional ancillary structures including, but not limited to, storage sheds, workshops, garages and barns. All of the parcels within the subject district are located in the Rural Residential (RR) zoning district, and allow residential use by right. Cottage Industries, as defined in Section 20.008.024(M), refer to small scale business operated in or around a residential use are allowed, subject to a Minor Use Permit. In the case of approved CA districts, cannabis cultivation is limited, and cannot exceed 2,500 square feet of canopy for the *Cottage Permit*. Due to nature of the coastal forest environment, cannabis cultivation activities within the proposed district are likely limited to indoor, or mixed light in technique, which further inherently limits the potential cultivation capacity of each parcel within the district.

Staff finds that the proposed CA Combining District is consistent with the Mendocino County General Plan goals and policies to promote economic development within residential communities such as cottage industries that use limited resources and provide employment opportunities for residents. Staff also finds that the proposed CA Combining District aligns with the intent of the Rural Residential zoning designation, given commercial activities are allowed, subject to permits that reflected similar requirements such as Minor Use Permits

#### 2. Land Owner Support

The application for R\_2019-0013 was submitted by the applicant on behalf of property owners of parcels within the proposed district. The application was initiated in response to the County’s *Sunset Clause* regarding existing commercial cannabis cultivation operations on parcels less than two acres in size. As previously discussed, sixty percent (60%) of the affected property owners are required to demonstrate

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<sup>1</sup> Mendocino County General Plan Chapter 3: Development Element; Policy DE-14 Pg 3-74.

support for the district. Pursuant to Chapter 20.118.030 (B), applications to establish these districts must be accompanied by either a petition or alternative demonstration of applicable landowner support. To protect the privacy of applicable landowners, the results of the petition are synthesized as follows. Of the 10 contiguous parcels within the proposed district, 70% (7) of the property owners signed the owner petition supporting creation of the accommodation district. Three property owners did not vote for reasons unknown to staff.

As previously discussed, parcels in the proposed CA district were included in the Mitchell Creek North CA District reviewed by the Mendocino County Planning Commission and Board of Supervisors in 2018, including one cannabis cultivation application that has submitted a permit with the County that cannot be issued without approval of this CA district. Compared to the Mitchell Creek North CA District, 612.59± acres, the proposed district is quite small, 12.79± acres, and only covers 2.09% of what was originally proposed. Due to the methodologies employed by Michael Baker International with respect to the way in which public disagreement of the district was calculated, staff has no way to apply a precedence of the low approval rating as neither the surveys, emails or community meetings connected public disagreement with a specific parcel. Staff notes that the pending Phase I application indicate that the cultivator has met critical eligibility requirements to demonstrate multiple years of consistent and compliant cultivation activities. The pending application was therefore submitted by the applicant, who was aware of the county *Sunset Provision*, sought a compliant pathway forward, and applied for cultivation permits without surety that the use would even be allowed. Given the historical presence of cannabis cultivation within the proposed district as well as current compliant cultivation activities, staff finds the collection of parcels acceptable for development of a Cannabis Accommodation Combining District and meets the required thresholds, as enumerated in Chapter 20.118 of the Mendocino County Zoning Code.

**3. Environmental Determination**

Cannabis Accommodation Combining Districts only allow the permitting of cultivation sites that can demonstrate prior existence. and will not provide a basis for permitting new cultivation sites. Additionally, through the process of permitting, including site inspection and required compliance with County, regional, and state permitting standards, impacts resulting from unpermitted cultivation is reduced.

An Addendum to the existing Mitigated Negative Declaration (SCH # 2016112028) has been completed in compliance with CEQA and CEQA guidelines. Adoption of the Addendum is supported by the incorporated analysis and findings establish the basis for determining that none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent negative declaration or environmental impact report have occurred.

**RECOMMENDATION**

By Resolution, the Planning Commission recommends that the Board of Supervisors adopt an Addendum to the previously adopted Mitigated Negative Declaration and approve the requested Rezone, as proposed by the applicant, based on the facts and findings contained in the resolution.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CHEVON HOLMES  
PLANNER II

**ATTACHMENTS:**

- A. Location Map
- B. Project Locations Map
- C. Mendocino Cypress Map
- D. Aerial Imagery Map
- E. Zoning Map
- F. General Plan Map
- G. Adjacent Parcels Map
- H. Fire Hazard Zones and Responsibility Map
- I. Ground Water Resources Map
- J. Soils Map
- K. Farmland Classification Map
- L. Cannabis Sites Map

**RESOLUTION & ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION (MND) Exhibit A & B:**

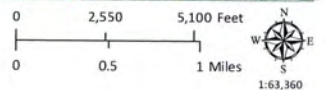


ATTACHMENT C



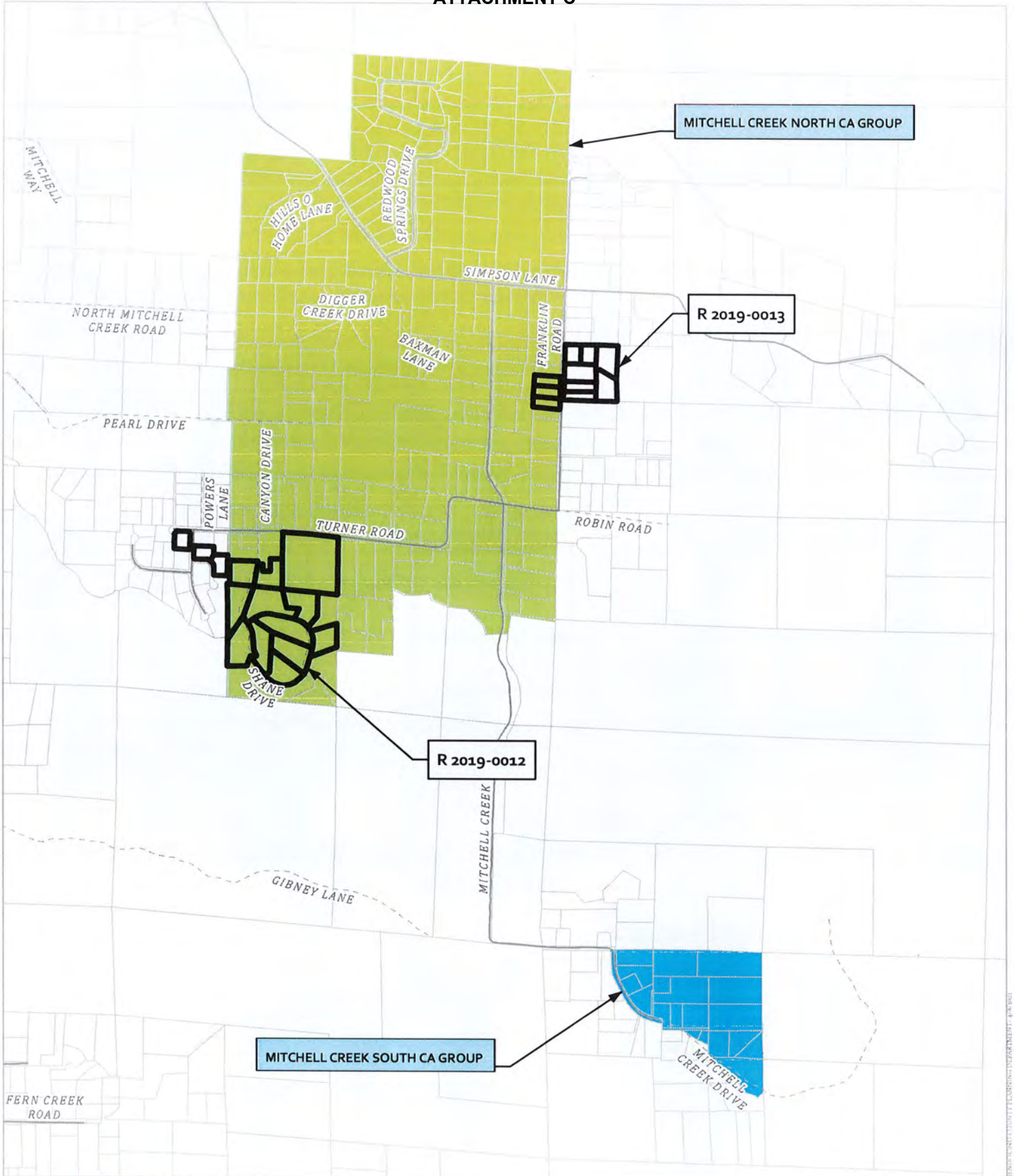
CASE: R 2019-0013  
 OWNER: Various  
 APN: Various  
 APLCT: Brandy Moulton  
 AGENT: Brandy Moulton  
 ADDRESS: Franklin Road, Fort Bragg

- Major Towns & Places
- City Limits
- Coastal Zone Boundary
- Major Rivers
- Highways
- Major Roads



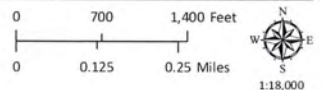


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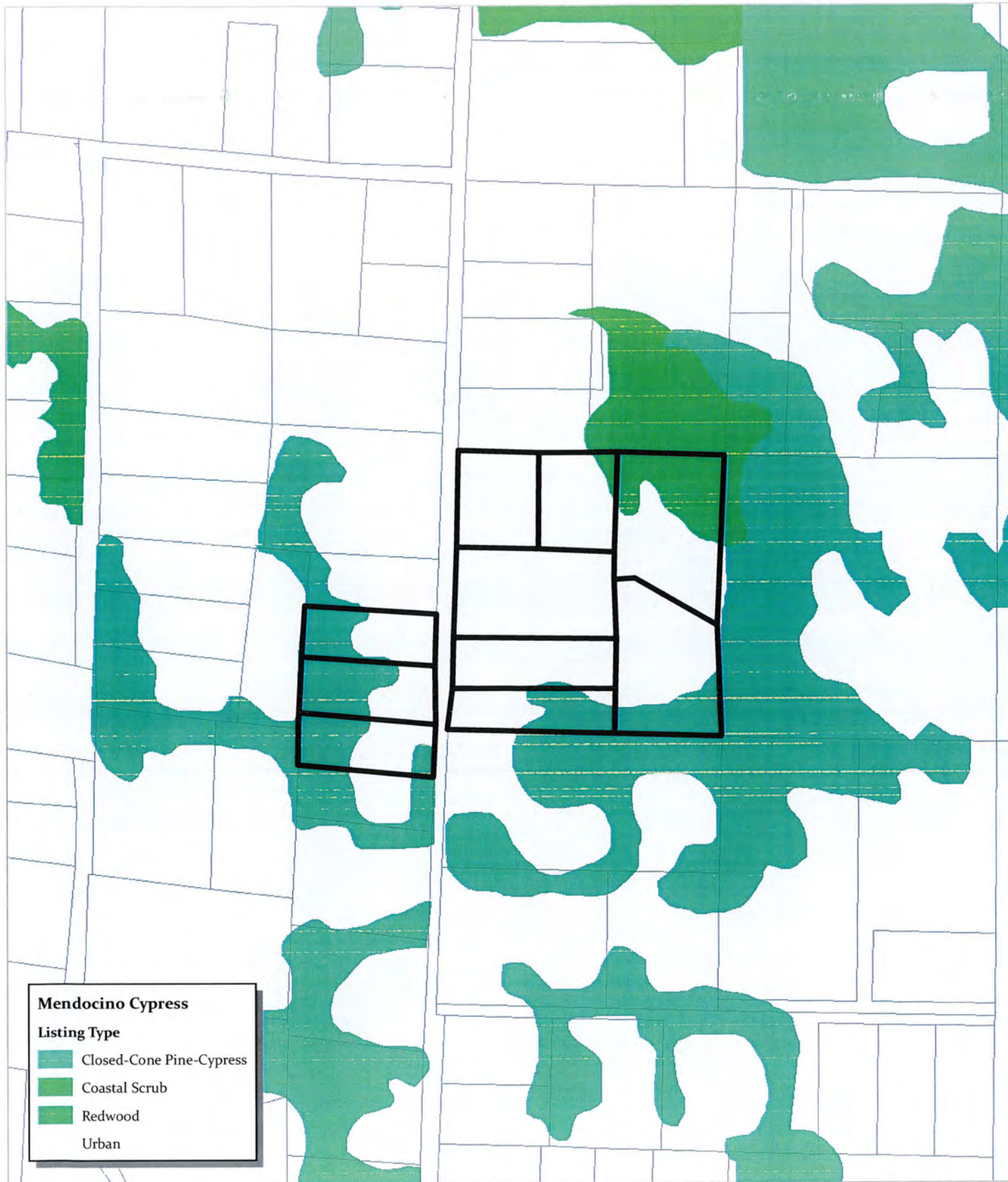
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OWNER: Various  
APN: Various  
APLCT: Brandy Moulton  
AGENT: Brandy Moulton  
ADDRESS: Franklin Rd, Fort Bragg

Public Roads







PROJECT LOCATIONS  
ATTACHMENT B

ATTACHMENT C

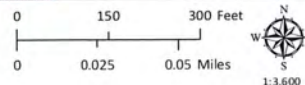


**Mendocino Cypress**

**Listing Type**

-  Closed-Cone Pine-Cypress
-  Coastal Scrub
-  Redwood
-  Urban

CASE: R 2019-0013  
OWNER: Various  
APN: Various  
APLCT: Brandy Moulton  
AGENT: Brandy Moulton  
ADDRESS: Franklin Road, Fort Bragg



MENDOCINO CYPRESS

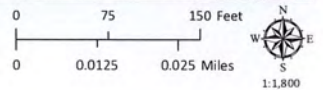
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APN: Various  
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AGENT: Brandy Moulton  
ADDRESS: Franklin Road, Fort Bragg

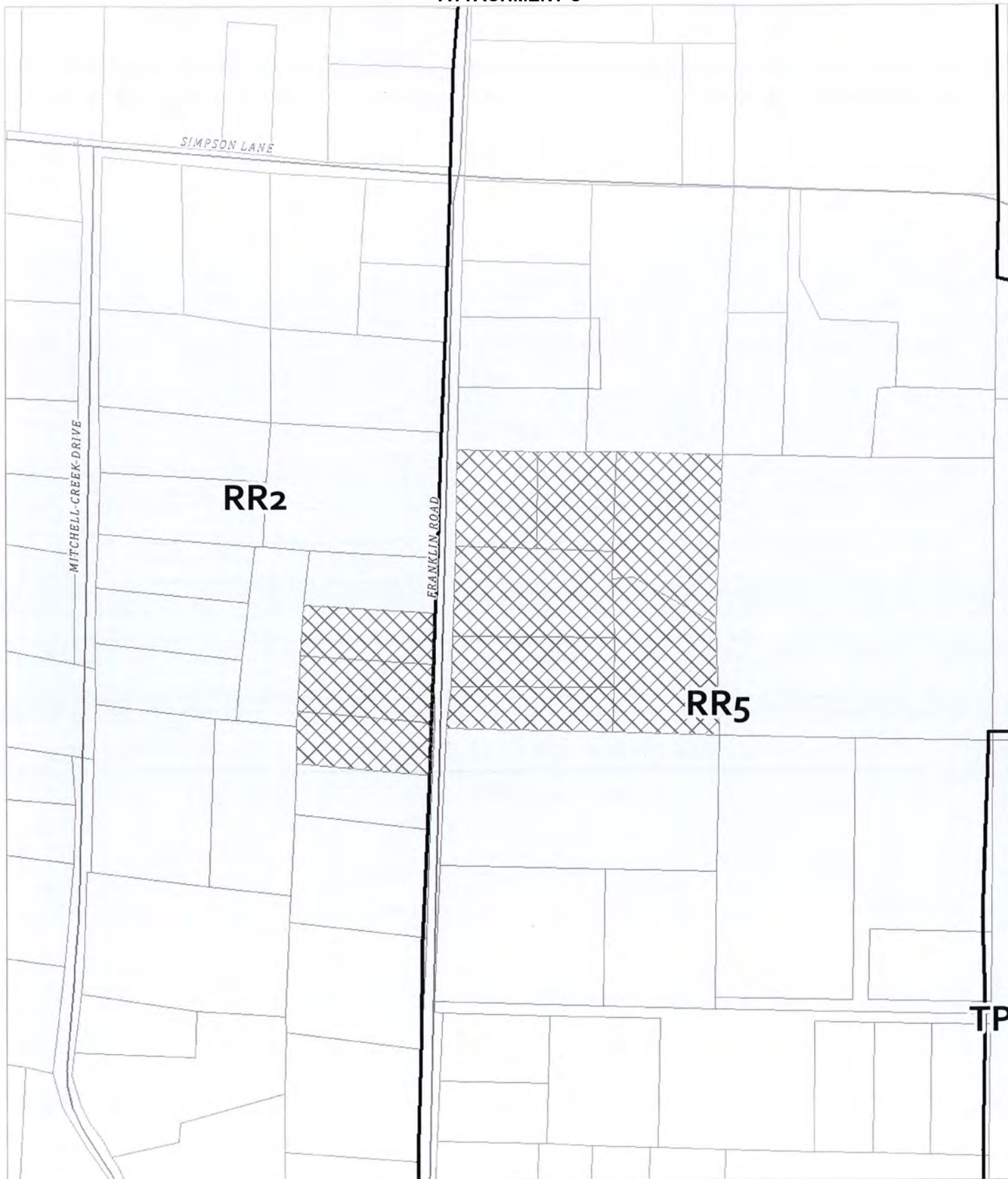
Public Roads





AERIAL IMAGERY  
ATTACHMENT D

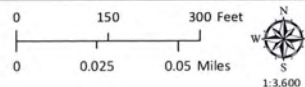


ATTACHMENT C



CASE: R 2019-0013  
 OWNER: Various  
 APN: Various  
 APLCT: Brandy Moulton  
 AGENT: Brandy Moulton  
 ADDRESS: Franklin Road, Fort Bragg



 Zoning Districts  
 Public Roads

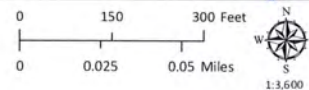


ZONING DISPLAY MAP  
 ATTACHMENT E



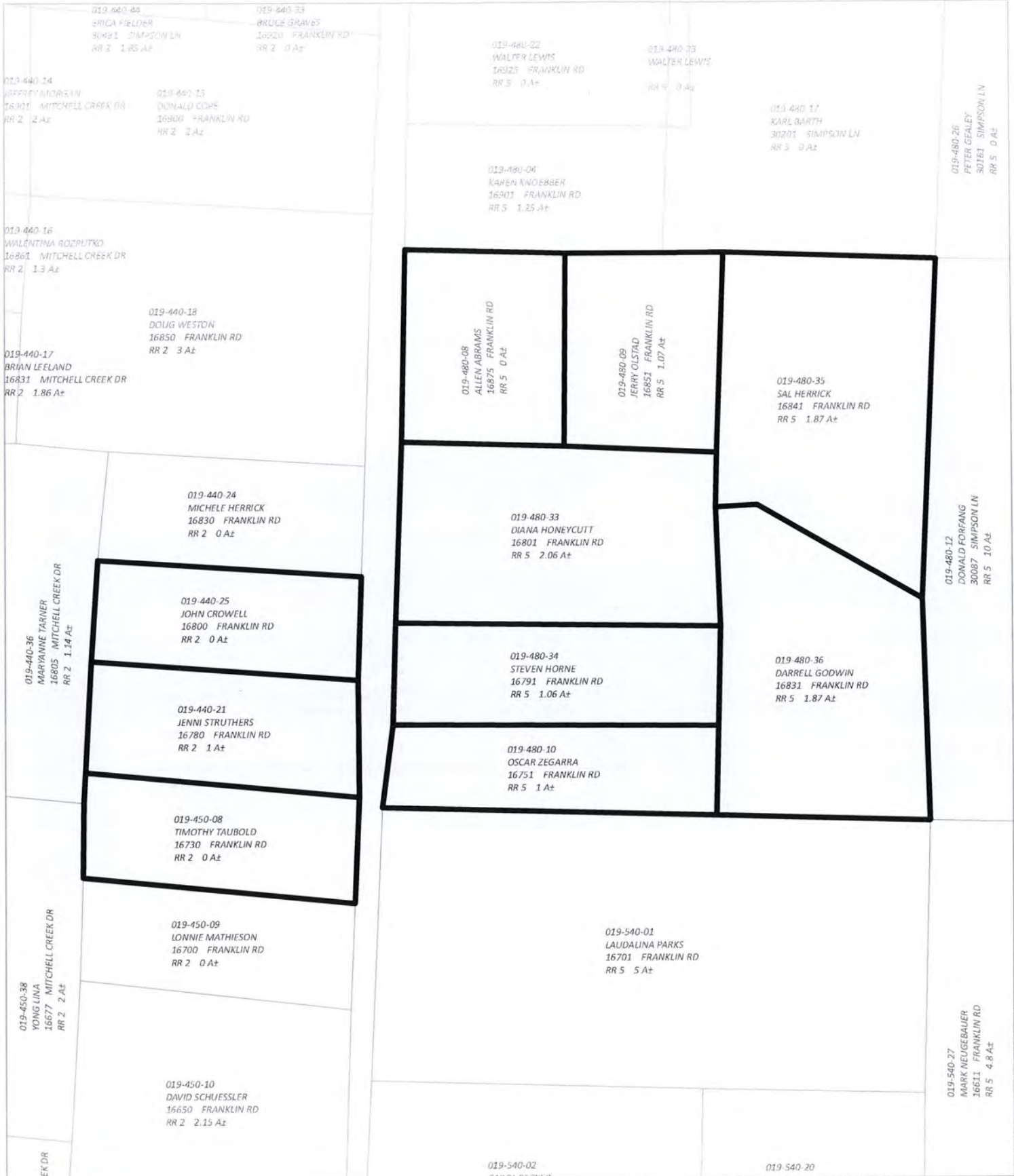
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 APLCT: Brandy Moulton  
 AGENT: Brandy Moulton  
 ADDRESS: Franklin Road, Fort Bragg

 General Plan Classes  
 Public Roads

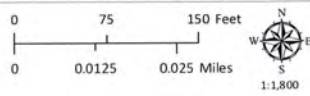




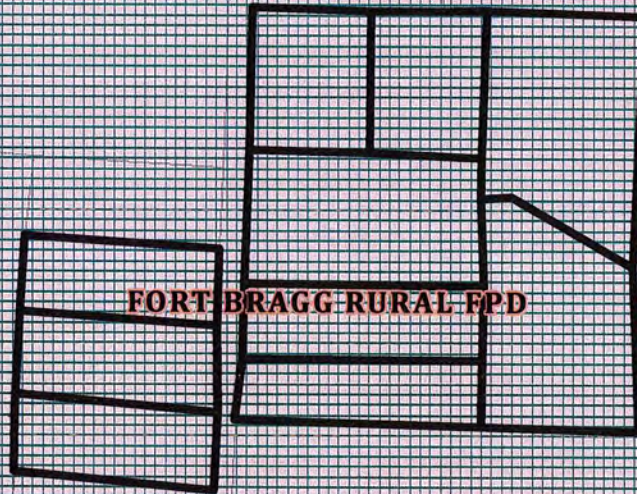
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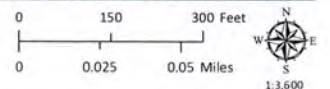
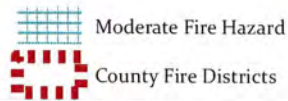
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 AGENT: Brandy Moulton  
 ADDRESS: Franklin Road, Fort Bragg







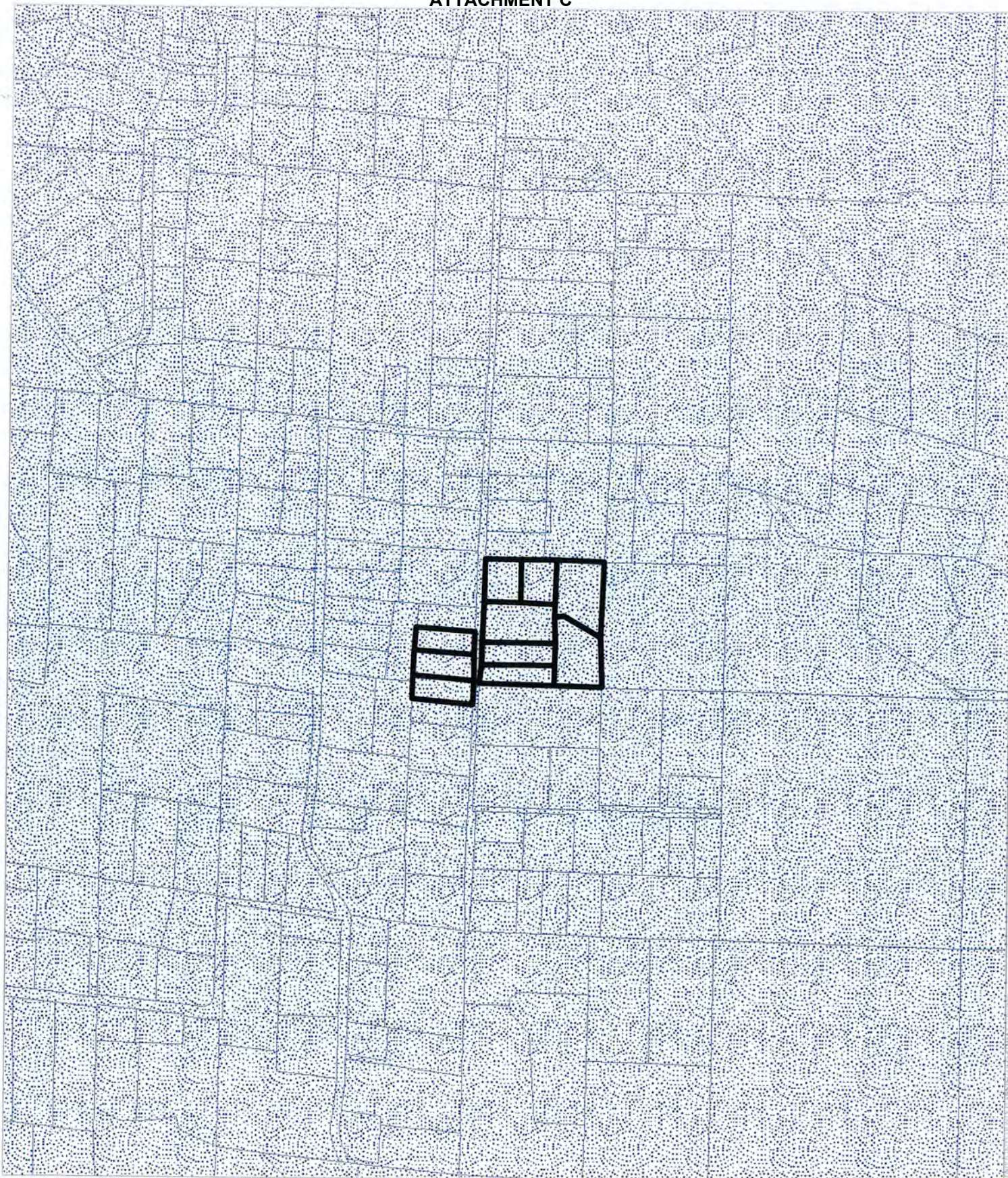
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 APN: Various  
 APLCT: Brandy Moulton  
 AGENT: Brandy Moulton  
 ADDRESS: Franklin Road, Fort Bragg




FIRE HAZARD ZONES & RESPONSIBILITY AREAS  
 STATE RESPONSIBILITY AREA

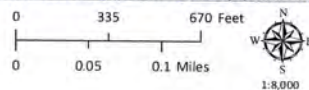


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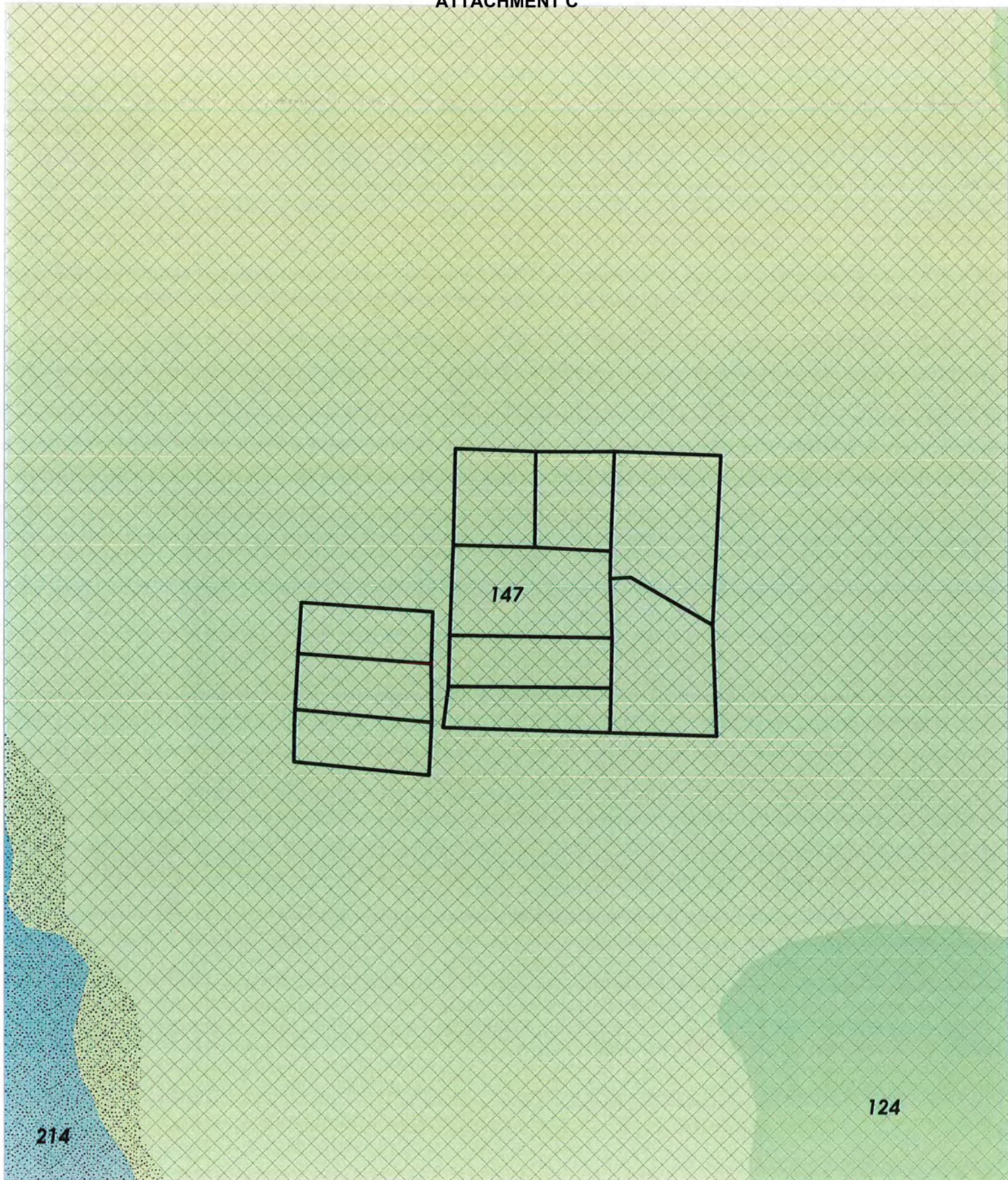
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OWNER: Various  
APN: Various  
APLCT: Brandy Moulton  
AGENT: Brandy Moulton  
ADDRESS: Franklin Road, Fort Bragg

 Sufficient Water Resources





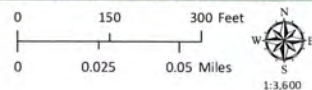
GROUND WATER RESOURCES





CASE: R 2019-0013  
OWNER: Various  
APN: Various  
APLCT: Brandy Moulton  
AGENT: Brandy Moulton  
ADDRESS: Franklin Road, Fort Bragg

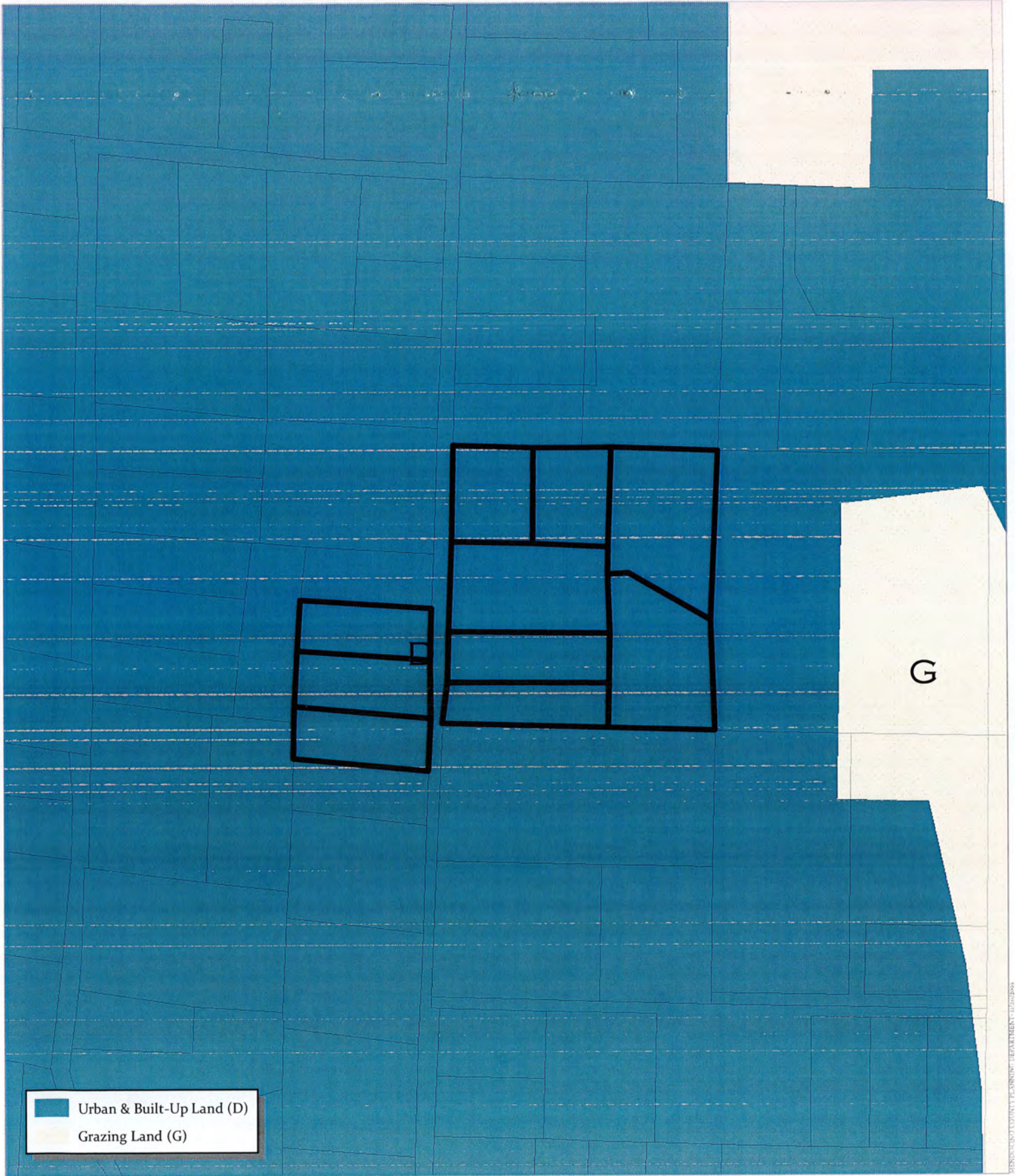
 Shinglemill-Gibney Complex  
 Bishop Pine



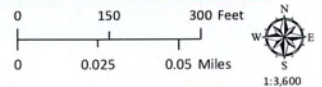
WESTERN SOIL CLASSIFICATIONS  
ATTACHMENT J



ATTACHMENT C



CASE: R 2019-0013  
OWNER: Various  
APN: Various  
APLCT: Brandy Moulton  
AGENT: Brandy Moulton  
ADDRESS: Franklin Road, Fort Bragg



FARMLAND CLASSIFICATIONS  
ATTACHMENT K

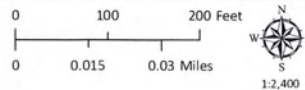


ATTACHMENT C



CASE: R 2019-0013  
OWNER: Various  
APN: Various  
APLCT: Brandy Moulton  
AGENT: Brandy Moulton  
ADDRESS: Franklin Road, Fort Bragg

 Cannabis Cultivation Sites



GIS/PLANNING/COMMUNITY DEVELOPMENT/ISSUES



**ATTACHMENT C**

Exhibit B

**June 3, 2021**

**Addendum to the previously adopted Mitigated Negative Declaration (MND: SCH#2016112028  
Adopted April 4, 2017 by the Mendocino County Board of Supervisors) for the County of  
Mendocino Cannabis Cultivation Regulations**

Commercial Cannabis Accommodation Combining District

Rezone Application R\_2019-0013

Assessor Parcel Numbers: 019-450-08, 019-440-21, 019-440-25, 019-480-08, 019-480-09, 019-480-10,  
019-480-33, 019-480-34, 019-480-35, 019-480-36

Prepared By: Chevon Holmes  
Planner II

This Addendum has been prepared in accordance with Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA) and serves as an Addendum to the previously adopted Mitigated Negative Declaration (MND; SCH#2016112028) for the Mendocino Cannabis Cultivation Regulations. The County of Mendocino was the lead agency for the environmental review of the Cannabis Cultivation Regulations.

## ATTACHMENT C

### BACKGROUND

The Mendocino County Board of Supervisors adopted Ordinance No. 4381, on April 4, 2017, adding Chapters 10A.17 and 20.242 to Mendocino County Code, to regulate commercial cannabis cultivation. By Resolution Number 17-042 a Mitigated Negative Declaration (MND) was adopted for Ordinance Number 4381 to regulate production by licensed operators and provide clear standards and permitting pathways to help bring baseline cannabis cultivation activities into compliance with existing regulatory frameworks. The ordinance outlines pathways for compliance with new and existing regulations that provide for local review, inspection, and oversight ultimately reducing potential environmental effects from existing cultivation activities. The County then adopted various amendments to Chapters 10A.17 and 20.242 of the County Code, that adjusted specific provisions, further allowing continuance of current cultivation activities for qualified applicants.

Impacts discussed in the MND were primarily focused on methods to reduce, and ultimately eliminate clandestine cannabis cultivation activities occurring in remote and off-grid environments throughout the County. Cannabis cultivation facilities exclusively powered by generators that operate for extended periods produce significant levels of emissions compared to operations with access to grid-supplied energy via public utility or alternative renewable energy sources. Unauthorized water diversions from natural waterways contribute to the dewatering of streams and provide a mechanism for sediment delivery from land disturbance, and pollutant discharge such as pesticides. To attenuate these impacts, the MND proposed changes to the ordinance as mitigating actions required for projects covered in the MND. Even still, many existing small commercial operations were too constrained by development standards related to cannabis cultivation operations to meet minimum requirements for cultivation permits.

As such, the Mendocino County Board of Supervisors directed that a Request for Proposals (RFP) be circulated to identify, and implement strategies to facilitate the permitting of commercial cannabis uses throughout the County. Specific areas of concern were identified, and the Board subsequently requested analysis of the potential use of Overlay Zones or Combining Districts to allow for existing cultivation activities to continue in some zoning designations and total prohibition of cultivation activities in others.

On December 4, 2018, the Board of Supervisors adopted Ordinance 4420, and two types of districts were ultimately established with corresponding new chapters to the zoning code. Chapter 20.118 created Cannabis Accommodation (CA) Combining Districts, to support continued operation of existing cultivation sites, and Cannabis Prohibition (CP) Combining Districts in Chapter 20.119, intended to prohibit new commercial cannabis use and end existing commercial cannabis activities.

Prior to creation of the applicable zoning codes, the Board of Supervisors adopted Resolution Number 18-174 on November 16, 2018, which included an addendum to the MND. In doing so, the County reviewed the provisions of CEQA and the CEQA Guidelines, including Section 15162 (Subsequent EIRs and Negative Declarations) and Section 15164 (Addendum to an EIR or Negative Declaration). Cannabis Accommodation Combining Districts will only allow the permitting of cultivation sites that can demonstrate prior existence and will not provide a basis for permitting new cultivation sites. Additionally, the robust permitting processes includes site inspections and required compliance with County, regional and state permitting standards, the potential for negative impacts resulting from unpermitted cultivation is reduced through the process of securing and maintaining a cannabis cultivation permit.

### PURPOSE

As provided in Section 15164 of the California Environmental Quality Act (CEQA), the lead agency shall determine whether an Addendum is the appropriate document to analyze proposed modifications to a project. In the case with the subject Rezone application R\_2019-0013, the applicant seeks to create the Cannabis Accommodation (CA) Combining District. If approved, eligible cannabis cultivation operations can function with greater flexibility in the development standards related to cannabis cultivation and alleviate the 'Sunset Provision for Residential Districts' and continue operation.

## ATTACHMENT C

### DECISION ANALYSIS

Establishment of a new Cannabis Accommodation District constitutes a "project" subject to CEQA, which precipitates the requirement for further environmental review under the CEQA Act. Section 15162 of the California Environmental Quality Act explains that when a Negative Declaration (ND) has been adopted for a project, no subsequent ND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the negative declaration was adopted shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous negative declaration;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or
  - d. Mitigation measures or alternative which are considerably different from those analyzed in the previous negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No additional mitigation is required. Creation of the district itself does not affect the effectiveness of the mitigation measures outlined in the adopted Mitigated Negative Declaration, as there will be no additional environmental impacts associated with establishing the district. The Cannabis Accommodation (CA) Combining Districts allow existing, and eligible cannabis cultivation operations that are actively seeking County approval, or cultivation permits flexibility of regulations, and ultimately provide standards and permitting pathways to bring baseline commercial cannabis cultivation activities into compliance. As part of the cannabis cultivation permitting process for legacy applicants, proof of prior cultivation functions as an eligibility requirement, an affirmation that existing cultivation activities were in operation in 2016 or earlier. Cultivation sites for which applicants are seeking permits, are subject to inspection, and must comply with applicable regulations and any requirements applied through the cannabis permit review process, as well as review and permitting by regional and state agencies. Staff has determined that baseline conditions considered at the time of adoption of the ND have not changed.

The applicant's request to create a Cannabis Accommodation (CA) Combining District does not meet the criteria for preparing a subsequent negative declaration. An Addendum is appropriate, as none of the conditions constituting preparation of a subsequent negative declaration have occurred.



## ATTACHMENT C

### FINDINGS

1. For the proposed Rezone application, R\_2019-0013, to create a Cannabis Accommodation (CA) Combining District, no substantial changes that would require major revisions to the previously adopted Mitigated Negative Declaration (MND) have been identified. No new significant environmental effects increase in the severity of those previously identified in the adopted MND.

Allowing the continuation of use on sites currently in cultivation would not create a new significant impact, or increase severity, as the eligibility requirement of proof of prior cultivation demonstrates that the activities are ongoing and already existed when the MND was drafted and are therefore considered part of the baseline conditions; and

2. For the Cannabis Accommodation (CA) Combining District, no substantial changes occurred with respect to the circumstances under which the project is undertaken that requires major revisions of the previous negative declaration, due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects.

The circumstances under which the project is undertaken remain the same and based on the discussion above, no new significant environmental effects resulting from the proposed project are anticipated. At least one of the sites in the proposed Cannabis Accommodation (CA) Combining District has aggressively initiated compliance as demonstrated by additional pending and approved permits issued by the Mendocino County Department of Planning and Building Services. A Mendocino County Cannabis Cultivation application is under review, pending the creation of the requested CA Combining District (AG\_2018-0172 for indoor cultivation) and the applicant's indoor cultivation operation activities were subject to the Conditions of Approval, as assigned by Use Permit U\_2019-0002, an additional requirement for indoor cultivation activities. The applicant also holds a Cannabis Facilities Business License (CFBL\_2018-0053) issued by Mendocino County; and

3. For the Cannabis Accommodation (CA) Combining District, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

There has been no new information of substantial importance that was not known and could not have been known at the time the previous MND was prepared and adopted April 4, 2017 by the Mendocino County Board of Supervisors. The baseline conditions describing the overall impacts of existing cannabis cultivation remain the same; and

4. The proposed district does not constitute a change in the level of significance previously discussed in the adopted MND. As such, it is concluded that the current Cannabis Accommodation (CA) Combining District will not have one or more significant effects not discussed in the previous MND. There are no mitigation measures previously found not to be feasible that would in fact be feasible, and substantially reduce one or more significant effects of the project.

The proposed district does not require changes to any mitigation measures. No new potential impacts have been identified requiring new mitigation measures to be developed; and

5. Finally, there are no mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the previous MND, and which would substantially reduce one or more significant effects on the environment.

## **ATTACHMENT C**

The Rezone, R\_2019-0013, request to create a Cannabis Accommodation (CA) Combining District does not involve changes to, or analysis of, any mitigation measures previously identified or adopted.

### **CONCLUSION**

Based on the above discussion it is concluded that an Addendum to the previously adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed Cannabis Accommodation Combining District, because there are no new significant environmental effects that would require new mitigation. The proposed project is consistent with Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA). Therefore, no additional analysis is required.

**ATTACHMENT C**

**Exhibit B**

May 27, 2021 Email from County Staff Planner Chevon Holmes



ATTACHMENT C

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

From: **Chevon Holmes** <[holmesc@mendocinocounty.org](mailto:holmesc@mendocinocounty.org)>

Date: Thu, May 27, 2021, 1:02 PM

Subject: Re: R\_2019-0012 & R\_2-19-0013

To: <[brandy@sovereign707.com](mailto:brandy@sovereign707.com)>

Cc: Julia Acker <[ackerj@mendocinocounty.org](mailto:ackerj@mendocinocounty.org)>, Kristin Nevedal <[nevedalk@mendocinocounty.org](mailto:nevedalk@mendocinocounty.org)>

Brandy,

The Director of the Mendocino County Department of Planning and Building Services has reviewed the draft documents staff has prepared and determined that the analysis as presented fails to demonstrate sound planning principles leaving several unanswered questions with regard to impacts of commercial cannabis operations to the general welfare of the neighborhood and county. For example, staff excluded discussion of characteristics such as aesthetics, noise, smell and traffic which must be included in the analysis.

I intend to execute this directive as quickly as possible however, I am unsure of how long it will take before the documents are approved by my supervisors for publication.

Thank You,

Chevon C. Holmes  
Planner II  
Mendocino County  
Planning & Building Services

(707) 234-6650

[holmesc@mendocinocounty.org](mailto:holmesc@mendocinocounty.org)

**ATTACHMENT C**

**Exhibit C**

Addendum to MND SCH No. 2016112028 – Commercial Cannabis Accommodation Combining District  
– Rezone Application R\_2019-0013

**ATTACHMENT C**

Exhibit B

**June 3, 2021**

**Addendum to the previously adopted Mitigated Negative Declaration (MND: SCH#2016112028  
Adopted April 4, 2017 by the Mendocino County Board of Supervisors) for the County of  
Mendocino Cannabis Cultivation Regulations**

Commercial Cannabis Accommodation Combining District

Rezone Application R\_2019-0013

Assessor Parcel Numbers: 019-450-08, 019-440-21, 019-440-25, 019-480-08, 019-480-09, 019-480-10,  
019-480-33, 019-480-34, 019-480-35, 019-480-36

Prepared By: Chevon Holmes  
Planner II

This Addendum has been prepared in accordance with Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA) and serves as an Addendum to the previously adopted Mitigated Negative Declaration (MND; SCH#2016112028) for the Mendocino Cannabis Cultivation Regulations. The County of Mendocino was the lead agency for the environmental review of the Cannabis Cultivation Regulations.



## ATTACHMENT C

### BACKGROUND

The Mendocino County Board of Supervisors adopted Ordinance No. 4381, on April 4, 2017, adding Chapters 10A.17 and 20.242 to Mendocino County Code, to regulate commercial cannabis cultivation. By Resolution Number 17-042 a Mitigated Negative Declaration (MND) was adopted for Ordinance Number 4381 to regulate production by licensed operators and provide clear standards and permitting pathways to help bring baseline cannabis cultivation activities into compliance with existing regulatory frameworks. The ordinance outlines pathways for compliance with new and existing regulations that provide for local review, inspection, and oversight ultimately reducing potential environmental effects from existing cultivation activities. The County then adopted various amendments to Chapters 10A.17 and 20.242 of the County Code, that adjusted specific provisions, further allowing continuance of current cultivation activities for qualified applicants.

Impacts discussed in the MND were primarily focused on methods to reduce, and ultimately eliminate clandestine cannabis cultivation activities occurring in remote and off-grid environments throughout the County. Cannabis cultivation facilities exclusively powered by generators that operate for extended periods produce significant levels of emissions compared to operations with access to grid-supplied energy via public utility or alternative renewable energy sources. Unauthorized water diversions from natural waterways contribute to the dewatering of streams and provide a mechanism for sediment delivery from land disturbance, and pollutant discharge such as pesticides. To attenuate these impacts, the MND proposed changes to the ordinance as mitigating actions required for projects covered in the MND. Even still, many existing small commercial operations were too constrained by development standards related to cannabis cultivation operations to meet minimum requirements for cultivation permits.

As such, the Mendocino County Board of Supervisors directed that a Request for Proposals (RFP) be circulated to identify, and implement strategies to facilitate the permitting of commercial cannabis uses throughout the County. Specific areas of concern were identified, and the Board subsequently requested analysis of the potential use of Overlay Zones or Combining Districts to allow for existing cultivation activities to continue in some zoning designations and total prohibition of cultivation activities in others.

On December 4, 2018, the Board of Supervisors adopted Ordinance 4420, and two types of districts were ultimately established with corresponding new chapters to the zoning code. Chapter 20.118 created Cannabis Accommodation (CA) Combining Districts, to support continued operation of existing cultivation sites, and Cannabis Prohibition (CP) Combining Districts in Chapter 20.119, intended to prohibit new commercial cannabis use and end existing commercial cannabis activities.

Prior to creation of the applicable zoning codes, the Board of Supervisors adopted Resolution Number 18-174 on November 16, 2018, which included an addendum to the MND. In doing so, the County reviewed the provisions of CEQA and the CEQA Guidelines, including Section 15162 (Subsequent EIRs and Negative Declarations) and Section 15164 (Addendum to an EIR or Negative Declaration). Cannabis Accommodation Combining Districts will only allow the permitting of cultivation sites that can demonstrate prior existence and will not provide a basis for permitting new cultivation sites. Additionally, the robust permitting processes includes site inspections and required compliance with County, regional and state permitting standards, the potential for negative impacts resulting from unpermitted cultivation is reduced through the process of securing and maintaining a cannabis cultivation permit.

### PURPOSE

As provided in Section 15164 of the California Environmental Quality Act (CEQA), the lead agency shall determine whether an Addendum is the appropriate document to analyze proposed modifications to a project. In the case with the subject Rezone application R\_2019-0013, the applicant seeks to create the Cannabis Accommodation (CA) Combining District. If approved, eligible cannabis cultivation operations can function with greater flexibility in the development standards related to cannabis cultivation and alleviate the 'Sunset Provision for Residential Districts' and continue operation.

## ATTACHMENT C

### DECISION ANALYSIS

Establishment of a new Cannabis Accommodation District constitutes a “project” subject to CEQA, which precipitates the requirement for further environmental review under the CEQA Act. Section 15162 of the California Environmental Quality Act explains that when a Negative Declaration (ND) has been adopted for a project, no subsequent ND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the negative declaration was adopted shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous negative declaration;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or
  - d. Mitigation measures or alternative which are considerably different from those analyzed in the previous negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No additional mitigation is required. Creation of the district itself does not affect the effectiveness of the mitigation measures outlined in the adopted Mitigated Negative Declaration, as there will be no additional environmental impacts associated with establishing the district. The Cannabis Accommodation (CA) Combining Districts allow existing, and eligible cannabis cultivation operations that are actively seeking County approval, or cultivation permits flexibility of regulations, and ultimately provide standards and permitting pathways to bring baseline commercial cannabis cultivation activities into compliance. As part of the cannabis cultivation permitting process for legacy applicants, proof of prior cultivation functions as an eligibility requirement, an affirmation that existing cultivation activities were in operation in 2016 or earlier. Cultivation sites for which applicants are seeking permits, are subject to inspection, and must comply with applicable regulations and any requirements applied through the cannabis permit review process, as well as review and permitting by regional and state agencies. Staff has determined that baseline conditions considered at the time of adoption of the ND have not changed.

The applicant’s request to create a Cannabis Accommodation (CA) Combining District does not meet the criteria for preparing a subsequent negative declaration. An Addendum is appropriate, as none of the conditions constituting preparation of a subsequent negative declaration have occurred.

## ATTACHMENT C

### FINDINGS

1. For the proposed Rezone application, R\_2019-0013, to create a Cannabis Accommodation (CA) Combining District, no substantial changes that would require major revisions to the previously adopted Mitigated Negative Declaration (MND) have been identified. No new significant environmental effects increase in the severity of those previously identified in the adopted MND.

Allowing the continuation of use on sites currently in cultivation would not create a new significant impact, or increase severity, as the eligibility requirement of proof of prior cultivation demonstrates that the activities are ongoing and already existed when the MND was drafted and are therefore considered part of the baseline conditions; and

2. For the Cannabis Accommodation (CA) Combining District, no substantial changes occurred with respect to the circumstances under which the project is undertaken that requires major revisions of the previous negative declaration, due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects.

The circumstances under which the project is undertaken remain the same and based on the discussion above, no new significant environmental effects resulting from the proposed project are anticipated. At least one of the sites in the proposed Cannabis Accommodation (CA) Combining District has aggressively initiated compliance as demonstrated by additional pending and approved permits issued by the Mendocino County Department of Planning and Building Services. A Mendocino County Cannabis Cultivation application is under review, pending the creation of the requested CA Combining District (AG\_2018-0172 for indoor cultivation) and the applicant's indoor cultivation operation activities were subject to the Conditions of Approval, as assigned by Use Permit U\_2019-0002, an additional requirement for indoor cultivation activities. The applicant also holds a Cannabis Facilities Business License (CFBL\_2018-0053) issued by Mendocino County; and

3. For the Cannabis Accommodation (CA) Combining District, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

There has been no new information of substantial importance that was not known and could not have been known at the time the previous MND was prepared and adopted April 4, 2017 by the Mendocino County Board of Supervisors. The baseline conditions describing the overall impacts of existing cannabis cultivation remain the same; and

4. The proposed district does not constitute a change in the level of significance previously discussed in the adopted MND. As such, it is concluded that the current Cannabis Accommodation (CA) Combining District will not have one or more significant effects not discussed in the previous MND. There are no mitigation measures previously found not to be feasible that would in fact be feasible, and substantially reduce one or more significant effects of the project.

The proposed district does not require changes to any mitigation measures. No new potential impacts have been identified requiring new mitigation measures to be developed; and

5. Finally, there are no mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the previous MND, and which would substantially reduce one or more significant effects on the environment.



## **ATTACHMENT C**

The Rezone, R\_2019-0013, request to create a Cannabis Accommodation (CA) Combining District does not involve changes to, or analysis of, any mitigation measures previously identified or adopted.

### **CONCLUSION**

Based on the above discussion it is concluded that an Addendum to the previously adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed Cannabis Accommodation Combining District, because there are no new significant environmental effects that would require new mitigation. The proposed project is consistent with Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA). Therefore, no additional analysis is required.

**pbscommissions - Re: CASE#: R\_2019-0012 and Case#: R\_2019-0013**

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**From:** Frieda Feen <friedaf@mcn.org>  
**To:** <pbs@mendocinocounty.org>, "bos@mendocinocounty.org"  
 <bos@mendocinocount...>  
**Date:** 2/16/2022 5:46 PM  
**Subject:** Re: CASE#: R\_2019-0012 and Case#: R\_2019-0013  
**Cc:** Frieda Feen <friedaf@mcn.org>  
**Attachments:** 2-1-22 R\_2019-0012 word 2.docx

**RECEIVED**  
 FEB 24 2022

Planning & Building Services

On Feb 1, 2022, at 12:09 PM, Frieda Feen <[friedaf@mcn.org](mailto:friedaf@mcn.org)> wrote:

**TO:** Department of Planning and Building Services  
 Commission Staff  
 860 North Bush Street  
 Ukiah, CA 95482  
[pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org)  
 Phone [707-234-6650](tel:707-234-6650)  
 Fax [707-463-5709](tel:707-463-5709)  
[pbs@mendocinocounty.org](mailto:pbs@mendocinocounty.org)  
[www.mendocinocounty.org/pbs](http://www.mendocinocounty.org/pbs)

**FROM:** Carol A. Feen/Frieda Feen  
 15710 Shane Drive  
 Fort Bragg, CA 95437

Mailing Address  
 Carol A. Feen/Frieda Feen  
 P.O. Box 988  
 Mendocino, CA 95460  
[friedaf@mcn.org](mailto:friedaf@mcn.org)  
 Phone [707-962-9246](tel:707-962-9246)

February 1, 2022

**To the Mendocino County Department of Planning and Building Services and the Mendocino County Board of Supervisors,**

Concerning Case#: R\_2019-0012 and Case#: R\_2019-0013.

I request this letter be **entered into the record for Case#: R\_2019-0012 and Case#: R\_2019-0013.**

**I strongly oppose CASE#: R\_2019-0012 and Case#: R\_2019-0013, Rezones to create Cannabis Accomodation Combining Districts.**

**On June 29, 2021 At 9:52 a.m. I received a telephone message from then Planner Chevon Holmes, which I saved, stating "the withdrawal of application (CASE#: R\_2019-0012) by the**

applicant. That rezone request was withdrawn by the applicant and is no longer under consideration by the Mendocino County Planning Commission or the Board of Supervisors. If you do still have questions please feel free to reach out to me. Again, the application has been withdrawn and is no longer up for a consideration.”

I have made numerous calls to Planner Russell Ford since receiving this message from Chevon Holmes, asking for any updates on these applications but have not received any calls in return.s

On January 27, 2022 I received the Notice of Public Hearing dated January 21, 2022, postmarked January 24, 2022 noticing (yet again!) R\_2019-0012!

Brandy Moulton is yet again holding the county, zoning policy, and our rural residential neighborhoods hostage by submitting-withdrawing-re-submitting-suing-again-submitting this Cannabis Accommodation Combining District/Rezoning Policy mess! I can only imagine the number of law suits the county would face if these applications were approved!

Recently (1/25/22) in an interview on KZYX Supervisor Ted Williams referred to Cannabis policy in rural residential areas, "... like putting Gas Stations in Rural Residential neighborhoods.”

How would the county ever be able to apply sensible zoning with this nonsensical policy making again!

**Following is my letter from the previous go-around on this application.**

In this letter I will be addressing CASE#: R\_2019-0012, as my property is within 350 feet from this proposed “district,” therefore I received notice regarding this application. The issues I will be addressing also apply to Case#: R\_2019-0013, therefore I am voicing my opposition to both proposed rezones and pledging my support for my neighbors opposing the proposed CA Accommodation Combining Districts in both neighborhoods.

Although the County listed the date filed for R\_2019-0012 as 10/30/2019 in the document copied below, the applicant’s application form is actually dated 1/19/21 \*see the copy below.

Right away there is a conflict between the County’s deadline (copied below) for applications for CA Combining Districts as November 1, 2019; and the applicants Application Form (copied below) dated 1/19/21. Brandy Moulton failed to meet the County’s deadline by 2 years and 2 months!

**CASE#:** R\_2019-0012

**DATE FILED:** 10/30/2019

**OWNER:** VARIOUS

**APPLICANT:** BRANDY MOULTON

**REQUEST:** Rezone to create a Cannabis Accommodation Combining District of sixteen (16) parcels to facilitate greater flexibility in the development standards related to cannabis cultivation for existing commercial cannabis cultivation sites and suspend the ‘Sunset Provision for Residential Districts’ to facilitate continued operation.

**ENVIRONMENTAL DETERMINATION:** Addendum to the previously adopted Mitigated Negative Declaration (MNS; SCH#2016112028) pursuant to Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA) for the Mendocino Cannabis Cultivation Regulations appropriately addressed requirements under CEQA and determined that no conditions calling for preparation of a subsequent environmental document and no additional analysis is required.

**LOCATION:** 6.4 +/- Miles southeast of Fort Bragg City center, lying on the east side of Jade Ct. (CR 453), 0.1 +/- miles east of its intersection with Amethyst St. (CR 451); located at multiple addresses: APN’s: 019-560-31, 019-560-12, 019-560-29, 019-560-41, 019-560-62, 019-560-63, 019570-16, 019-570-17, 019-570-19, 019-570-24, 019-570-25, 019-570-26, 019-570-27, 019-570-28, 019-570-29, 019-570-32.



**SUPERVISORIAL DISTRICT: 4**  
**STAFF PLANNER: CHEVON HOLMES**

Although the County listed the date filed as 10/30/2019 in the document copied below, the applicant's application form is actually dated 1/19/21 \*see the copy below.

Right away there is a conflict between the County's deadline (copied below) for applications for CA Combining Districts of November 1, 2019; and the applicants Application Form (copied below) dated 1/19/21. It appears that Brandy Moulton failed to meet the County's deadline by two years and 2 months! That in itself seems to make this project out of compliance.

**CHAPTER 20.118 - "CA" CANNABIS ACCOMMODATION COMBINING DISTRICT**

**Sec. 20.118.030. - Establishment of CA Combining District.**

**(D) Applications for CA Combining Districts will be accepted until November 1, 2019.**

Property owners of 14 (fourteen) out of the 16 (sixteen) parcels included in the so-called "district" had no idea that this application R\_2019-0012 existed. Property owners and owners of adjacent property had no idea these parcels were being considered for rezoning from rural residential to commercial/agricultural! Property owners did not receive notice from the County regarding the virtual hearing scheduled for June 3, 2021 where the Mendocino County Planning Commission planned the public hearing on the Cannabis Accommodation Combining District Rezoning project and the Draft Addendum to the previously adopted Mitigated Negative Declaration. No-one in the neighborhood—except for 2 (two), both with applications for cannabis cultivation permits filed with the county, including the 1(one) applicant who cobbled together, unbenownst to everyone else in the "district"—had any awareness that their Rural Residential property was slated for rezoning where "The CA Combining District may be applied to areas that include existing commercial cannabis cultivation operations, and where the zoning designation of the majority of the lots allows residential use by right." From (Ord. No. [4420](#), § 4, 12-4-2018) Sec. 20.118.020. (A)-Applicability.

To my knowledge, only 2 (two) of the 16 (sixteen) parcel owners within the "district" were aware their parcels would be included in the "district." The remaining 14 (fourteen) property owners and the adjacent property owners were caught by surprise. We had no reason to suspect that **our overwhelmingly successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlays were somehow, without our knowledge being completely ignored by the County.** That the County was in the final stages of forcing a rezone on us. Why wasn't every property owner who voted in 2018 notified that the county had completed and passed an ordinance that essentially repealed our vote? This is not responsible governance.

These property owner's have no desire for a Cannabis Accommodation District, had not applied for a zoning change, do not desire a Cannabis Accommodation District. They only discovered their APNs included in the parcels listed in a notice that was not sent to the property owners themselves, but shared with them by neighbors within 350 feet from the "district!" These property owners' did not receive notice from the County but found out when their neighbors whose properties are adjacent to the proposed "district" were noticed and contacted their neighbors whose parcels were listed to find out what the hell was going on! We learned that our neighbors whose properties were listed in the notice had no knowledge of any of this and were flabbergasted to learn about what was happening! Very disconcerting. How is this possible, that the people whose properties were being considered by the County the following week to be potentially rezoned were completely unaware of this project or application? How is it possible for these 16 (sixteen) APN's were cobbled together by 1 (one) property owner and the County to author the Cannabis Accommodation District 2019-0012 without including all those impacted by this project?

Unfortunately an additional Cannabis Accommodation District 2019-0013 is up against the same dilemma, the same applicant, and the County's same tactics negatively impacting our neighbors

just to the North of us who also voted in 2018 against the Cannabis Overlay North, find themselves in the same predicament.

If, per the Cannabis Ordinance, 60% approval is required by the owners' of the parcels included in the "district," and 14 (fourteen) of the sixteen parcel owners' were unaware that their parcels were included in the "district," and had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge, being ignored. Implicates the county in deception. **The County had not informed us about this project or updates since the 2018 vote to remove Mitchell Creek North and South from the proposed Cannabis Accommodation Combining Districts. Does the County consider not knowing that the property you own is about to be rezoned from rural residential to commercial agricultural is in some way approval?** How were those property owners who had absolutely no knowledge of this application and project, supposed to take action to rescind their parcels from the district without knowledge of the project? This is purposeful trickery. Where is the County's integrity in this matter? Without an appropriate response from Mendocino County acknowledging the clear disregard for input and inclusion in the Cannabis Ordinance, Cannabis Accommodation District, the application R\_2019-0012, and now to add insult to injury The Tourist Facilities Ordinance, all without EIR/CEQA input. This mess is a Class Action Suit waiting to happen.

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**If you do still have questions please feel free to reach out to me.**

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- (B) Establishment of a CA Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CA district. Such application shall be filed with the Planning and Building Services Department and shall be accompanied by either:
- (1) A petition that demonstrates support for the proposed CA district by more than sixty percent (60%) of the affected property owners (as demonstrated by one (1) owner's signature per legal parcel) within the proposed CA district; or
  - (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.

The full referall packet for the Cannabis Accommodation District, the highlighted "district" including 16 parcels in the notice (vs. the 15 parcels as the application lists), presents details that only apply to 1 (one) parcel APN#019-560-31, SE & A's property ownership and Brandy Moulton's

application for agricultural industry on that particular property, should not be assumed to address whether the conditions for the additional 14 or 15 parcels included in the “district” would meet the necessary conditions to qualify for permit.

Clearly the maps show that each individual parcel within the so-called “district” is unique in regard to meeting the necessary Environmental Data needed to bypass CEQA and meet the many requirements.

In fact I would argue that Brandy Moulton’s application is incomplete and inaccurate and does not represent what actually does take place on that parcel. Neighbors routinely witness activity on said parcel suggesting ongoing construction vs. a completed and approved site, multiple shifts of multiple workers on site, concrete trucks going in and out of the gates, etc., etc.

The application is incomplete. This application only represents 1(one) parcel APN# 019-5601-31, and the desires of 2 people, the owner — who is not named in the application, but appears on page as SE&A Inc.— and the applicant, Brandy Moulton. The application does not address the additional 15 (fifteen parcels) — 019-560-12, 019-560-29, 019-560-41, 019-560-62, 019-560-63, 019-570-16, 019-570-17, 019-570-19, 019-570-24, 019-570-25, 019-570-26, 019-570-28, 019-570-29, 019-570-32, and one missing APN# that is not noted in the listing of parcels included in the “district,” on page 1 of the county’s document dated March 11, 2021, stating 16 (sixteen) parcels and noting only 15 (fifteen). The only parcel considered for its environmental impact and signed off by the necessary agencies is the applicants. The micro-environments in this “district” represent many distinct ecologies each one with unique soils, plants, wildlife, fire dangers, aquifers, animal and human populations and needs.

To my knowledge, only 2 (two) of the 16 (sixteen) parcel owners within the “district” were aware their parcels would be included in the “district.” The remaining 14 (fourteen) property owners were caught by surprise, had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge being completely ignored and the county was in its final stages of forcing a rezone on them. These property owner’s who have no desire for and have not applied for a zoning change and do not desire a Cannabis Accommodation District — discovered their APNs included in the parcels listed in the notice that these property owners’ did not receive but found out from their neighbors whose properties are adjacent to the “district,” who were noticed and contacted them to find out what the hell was going, on only to learn they had no knowledge of any of this and were flabbergasted to learn about what was happening! Very disconcerting. How is this possible, that the people whose properties were being considered by the county the following week to be rezoned were completely unaware of this project or application? How is it possible for these 16 (sixteen) APN’s to be cobbled together by 1 (one) property owner, for one applicant and the County to be the authors of 2019-0012 without including all those impacted?

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The un-named owner approached a number of the property owners whose parcels—unbeknown to them until a week before the scheduled hearing—were included in the “district” and about to be rezoned from rural residential to commercial/agricultural, showed up at the homes of some of the owners’ in an attempt to convince them not to rescind their property from the district. This person has a reputation as a bully. People are feeling unsafe to act in their best interest for fear of retribution.

The HOA (Home Owner’s Association) covenant for the Shane Drive parcels states that, **residential use only is allowed** on the lots. Anything commercial is in violation of the Covenant they signed and agreed to when they purchased land/house in the subdivision.

The full referall packet for the Cannabis Accomodation District, the highlighted “district” including 16 parcels in the notice (vs. the 15 parcels as the application lists), presents details that only apply to 1 (one) parcel APN#019-560-31, SE & A’s property ownership and Brandy Moulton’s application for agricultural industry on that particular property, should not be assumed to address whether the conditions for the additional 14 or 15 parcels included in the “district” would meet the necessary conditions to qualify for permit.

Come on Mendocino County Departmnet of Planning and Building Services let’s get it together and act as if Zoning declarations actually matter. That designations such as Rural Residential have meaning and that it is the County’s job to uphold them.

**Please deny R\_2019-0012/0013, AND let’s put this CACD nonsense behind us once and for all.**

Thank you,

Carol A. Feen/Frieda Feen

February 1, 2022

**TO:** Department of Planning and Building Services  
Commission Staff  
860 North Bush Street  
Ukiah, CA 95482  
[pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org)  
Phone 707-234-6650  
Fax 707-463-5709  
[pbs@mendocinocounty.org](mailto:pbs@mendocinocounty.org)  
[www.mendocinocounty.org/pbs](http://www.mendocinocounty.org/pbs)

**RECEIVED**  
FEB 24 2022  
Planning & Building Services

**FROM:** Carol A. Feen/Frieda Feen  
15710 Shane Drive  
Fort Bragg, CA 95437

Mailing Address  
Carol A. Feen/Frieda Feen  
P.O. Box 988  
Mendocino, CA 95460  
[friedaf@mcn.org](mailto:friedaf@mcn.org)  
Phone 707-962-9246

February 1, 2022

**To the Mendocino County Department of Planning and Building Services and  
the Mendocino County Board of Supervisors,**

Concerning Case#: R\_2019-0012 and Case#: R\_2019-0013.

I request this letter be **entered into the record** for Case#: R\_2019-0012 and  
Case#: R\_2019-0013.

**I strongly oppose CASE#: R\_2019-0012 and Case#: R\_2019-0013,  
Rezoning to create Cannabis Accommodation Combining Districts.**

**On June 29, 2021 At 9:52 a.m. I received a telephone message from then  
Planner Chevon Holmes, which I saved, stating “the withdrawal of  
application (CASE#: R\_2019-0012) by the applicant. That rezoning request was  
withdrawn by the applicant and is no longer under consideration by the**

**Mendocino County Planning Commission or the Board of Supervisors. If you do still have questions please feel free to reach out to me. Again, the application has been withdrawn and is no longer up for a consideration.”**

I have made numerous calls to Planner Russell Ford since receiving this message from Chevon Holmes, asking for any updates on these applications but have not received any calls in return.s

On January 27, 2022 I received the Notice of Public Hearing dated January 21, 2022, postmarked January 24, 2022 noticing (**yet again!**) R\_2019-0012!

Brandy Moulton is yet again holding the county, zoning policy, and our rural residential neighborhoods hostage by submitting-withdrawing-re-submitting-suing-again-submitting this Cannabis Accommodation Combining District/Rezoning Policy mess! I can only imagine the number of law suits the county would face if these applications were approved!

Recently (1/25/22) in an interview on KZYX Supervisor Ted Williams referred to Cannabis policy in rural residential areas, “... like putting Gas Stations in Rural Residential neighborhoods.”

How would the county ever be able to apply sensible zoning with this nonsensical policy making again!

**Following is my letter from the previous go-around on this application.**

In this letter I will be addressing CASE#: R\_2019-0012, as my property is within 350 feet from this proposed “district,” therefore I received notice regarding this application. The issues I will be addressing also apply to Case#: R\_2019-0013, therefore I am voicing my opposition to both proposed rezones and pledging my support for my neighbors opposing the proposed CA Accommodation Combining Districts in both neighborhoods.

Although the County listed the date filed for R\_2019-0012 as 10/30/2019 in the document copied below, the applicant’s application form is actually dated 1/19/21  
\*see the copy below.

Right away there is a conflict between the County’s deadline (copied below) for applications for CA Combining Districts as November 1, 2019; and the applicants



Application Form (copied below) dated 1/19/21. Brandy Moulton failed to meet the County's deadline by 2 years and 2 months!

**CASE#:** R\_2019-0012

**DATE FILED:** 10/30/2019

**OWNER:** VARIOUS

**APPLICANT:** BRANDY MOULTON

**REQUEST:** Rezone to create a Cannabis Accommodation Combining District of sixteen (16) parcels to facilitate greater flexibility in the development standards related to cannabis cultivation for existing commercial cannabis cultivation sites and suspend the 'Sunset Provision for Residential Districts' to facilitate continued operation.

**ENVIRONMENTAL DETERMINATION:** Addendum to the previously adopted Mitigated Negative Declaration (MNS; SCH#2016112028) pursuant to Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA) for the Mendocino Cannabis Cultivation Regulations appropriately addressed requirements under CEQA and determined that no conditions calling for preparation of a subsequent environmental document and no additional analysis is required.

**LOCATION:** 6.4 +/- Miles southeast of Fort Bragg City center, lying on the east side of Jade Ct. (CR 453), 0.1 +/- miles east of its intersection with Amethyst St. (CR 451); located at multiple addresses: APN's: 019-560-31, 019-560-12, 019-560-29, 019-560-41, 019-560-62, 019-560-63, 019570-16, 019-570-17, 019-570-19, 019-570-24, 019-570-25, 019-570-26, 019-570-27, 019-570-28, 019-570-29, 019-570-32.

**SUPERVISORIAL DISTRICT:** 4

**STAFF PLANNER:** CHEVON HOLMES

Although the County listed the date filed as 10/30/2019 in the document copied below, the applicant's application form is actually dated 1/19/21 \*see the copy below.

Right away there is a conflict between the County's deadline (copied below) for applications for CA Combining Districts of November 1, 2019; and the applicants Application Form (copied below) dated 1/19/21. It appears that Brandy Moulton failed to meet the County's deadline by two years and 2 months! That in itself seems to make this project out of compliance.

**CHAPTER 20.118 - "CA" CANNABIS ACCOMMODATION COMBINING DISTRICT**

Sec. 20.118.030. - Establishment of CA Combining District.

(D)



PLANNING & BUILDING SERVICES

CASE NO:	_____
DATE FILED:	_____
FEE:	_____
RECEIPT NO:	_____
RECEIVED BY:	_____
<i>Office Use Only</i>	

APPLICATION FORM

APPLICANT:

Name: Brandy Moulton Phone: 707 223 1129  
 Mailing Address: 18601 N Hwy 1 #166  
 City: Fort Bragg State/Zip: CA 95437 Email: brandy@sovereign707.com

PROPERTY OWNER:

Name: SEGA Phone: 707 223 1129  
 Mailing Address: 18601 N Hwy 1 #166  
 City: Fort Bragg State/Zip: CA 95437 Email: brandy@sovereign707.com

AGENT:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State/Zip: \_\_\_\_\_ Email: \_\_\_\_\_

ASSESSOR'S PARCEL NUMBER/S: 0195603100

TYPE OF APPLICATION:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Administrative Permit                    | <input type="checkbox"/> Flood Hazard Development Permit | <input type="checkbox"/> Reversion to Acreage |
| <input type="checkbox"/> Agricultural Preserve: New Contract      | <input type="checkbox"/> General Plan Amendment          | <input checked="" type="checkbox"/> Rezoning  |
| <input type="checkbox"/> Agricultural Preserve: Cancellation      | <input type="checkbox"/> Land Division - Minor           | <input type="checkbox"/> Use Permit - Cottage |
| <input type="checkbox"/> Agricultural Preserve: Rescind & ReEnter | <input type="checkbox"/> Land Division - Major           | <input type="checkbox"/> Use Permit - Minor   |
| <input type="checkbox"/> Airport Land Use                         | <input type="checkbox"/> Land Division - Parcel          | <input type="checkbox"/> Use Permit - Major   |
| <input type="checkbox"/> Development Review                       | <input type="checkbox"/> Land Division - Re-Subdivision  | <input type="checkbox"/> Variance             |
| <input type="checkbox"/> Exception                                | <input type="checkbox"/> Modification of Conditions      | <input type="checkbox"/> Other                |

I certify that the information submitted with this application is true and accurate.

\_\_\_\_\_  
 Signature of Applicant/Agent      Date

\_\_\_\_\_  
 Signature of Owner      Date 1/19/21

Applications for CA Combining Districts will be accepted until **November 1, 2019.**



Property owners of 14 (fourteen) out of the 16 (sixteen) parcels included in the so-called “district” had no idea that this application R\_2019-0012 existed. Property owners and owners of adjacent property had no idea these parcels were being considered for rezoning from rural residential to commercial/agricultural! Property owners did not receive notice from the County regarding the virtual hearing scheduled for June 3, 2021 where the Mendocino County Planning Commission planned the public hearing on the Cannabis Accomodation Combining District Rezoning project and the Draft Addendum to the previously adopted Mitigated Negative Declaration. No-one in the neighborhood—except for 2 (two), both with applications for cannabis cultivation permits filed with the county, including the 1(one) applicant who cobbled together, unbenownst to everyone else in the “district”—had any awareness that their Rural Residential property was slated for rezoning where “The CA Combining District may be applied to areas that include existing commercial cannabis cultivation operations, and where the zoning designation of the majority of the lots allows residential use by right.” From (Ord. No. 4420, § 4, 12-4-2018) Sec. 20.118.020. (A)-Applicability.

To my knowledge, only 2 (two) of the 16 (sixteen) parcel owners within the “district” were aware their parcels would be included in the “district.” The remaining 14 (fourteen) property owners and the adjacent property owners were caught by surprise. We had no reason to suspect that **our overwhelmingly successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlays were somehow, without our knowledge being completely ignored by the County.** That the County was in the final stages of forcing a rezone on us. Why wasn’t every property owner who voted in 2018 notified that the county had completed and passed an ordinance that essentially repealed our vote? This is not responsible governance.

These property owner’s have no desire for a Cannabis Accomodation District, had not applied for a zoning change, do not desire a Cannabis Accomodation District. They only discovered their APNs included in the parcels listed in a notice that was not sent to the property owners themselves, but shared with them by neighbors within 350 feet from the “district!” These property owners’ did not receive notice from the County but found out when their neighbors whose properties are adjacent to the proposed “district” were noticed and contacted their neighbors whose parcels



were listed to find out what the hell was going on! We learned that our neighbors whose properties were listed in the notice had no knowledge of any of this and were flabbergasted to learn about what was happening! Very disconcerting. How is this possible, that the people whose properties were being considered by the County the following week to be potentially rezoned were completely unaware of this project or application? How is it possible for these 16 (sixteen) APN's were cobbled together by 1 (one) property owner and the County to authorize the Cannabis Accommodation District 2019-0012 without including all those impacted by this project?

Unfortunately an additional Cannabis Accommodation District 2019-0013 is up against the same dilemma, the same applicant, and the County's same tactics negatively impacting our neighbors just to the North of us who also voted in 2018 against the Cannabis Overlay North, find themselves in the same predicament.

If, per the Cannabis Ordinance, 60% approval is required by the owners' of the parcels included in the "district," and 14 (fourteen) of the sixteen parcel owners' were unaware that their parcels were included in the "district," and had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge, being ignored. Implicates the county in deception. **The County had not informed us about this project or updates since the 2018 vote to remove Mitchell Creek North and South from the proposed Cannabis Accommodation Combining Districts. Does the County consider not knowing that the property you own is about to be rezoned from rural residential to commercial agricultural is in some way approval?** How were those property owners who had absolutely no knowledge of this application and project, supposed to take action to rescind their parcels from the district without knowledge of the project? This is purposeful trickery. Where is the County's integrity in this matter? Without an appropriate response from Mendocino County acknowledging the clear disregard for input and inclusion in the Cannabis Ordinance, Cannabis Accommodation District, the application R\_2019-0012, and now to add insult to injury The Tourist Facilities Ordinance, all without EIR/CEQA input. This mess is a Class Action Suit waiting to happen.

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Come on Mendocino County Department of Planning and Building Services let's get it together and act as if Zoning declarations actually matter. That designations such as Rural Residential have meaning and that it is the County's job to uphold them.

**Please deny R\_2019-0012/0013, AND let's put this CACD nonsense behind us once and for all.**

Thank you,

Carol A. Feen/Frieda Feen

ATTACHMENT C

RECEIVED  
FEB 03 2022

**From:** Linda Turner <lindaturn@comcast.net>  
**To:** <pbscommissions@mendocinocounty.org>  
**Date:** 2/3/2022 10:27 AM  
**Subject:** Case #R\_2019\_0012 Case #R\_2019\_0013

Building Services

How is it that NO is not the final answer on this issue? It is hard to fathom why the BOS continues to entertain these requests. Since when is NO not a complete answer?

You must deny these requests once and for all.

- John and Linda Turner

Sent from my iPhone





**pbscommissions - Re: Fwd: writing to voice my support for Sovereign's cultivation facility**

---

**From:** Russell Ford  
**To:** Julia Krog; pbscommissions  
**Date:** 2/18/2022 8:45 AM  
**Subject:** Re: Fwd: writing to voice my support for Sovereign's cultivation facility

---

Hi Lance.

I wasn't sure if anyone had responded yet, but I've added your comment to the project folder. We don't have a confirmed date for the Board hearing yet, but your email will be added to the packet and posted to the website when that's established.

-Russ

RUSSELL D. FORD  
 SENIOR PLANNER - GIS/LAND  
 COUNTY OF MENDOCINO, PLANNING & BUILDING SERVICES  
 860 NORTH BUSH STREET  
 UKIAH, CA 95482  
[\(707\) 234-6650](tel:707.234.6650)  
[fordr@mendocinocounty.org](mailto:fordr@mendocinocounty.org)  
[www.mendocinocounty.org/government/planning-building-services](http://www.mendocinocounty.org/government/planning-building-services)

>>> pbscommissions 2/10/2022 11:47 AM >>>

>>> Lance Sprague <lancesprague@lmsdesign.org> 2/5/2022 5:13 PM >>>  
 Mendocino County Staff and Planning Commission,

I am writing to voice my support for Sovereign's cultivation facility applications (R2019-0012 and R2019-0013) currently being threatened by the sunset clause. Sovereign provides clean cannabis to the entire state and it would be at the community's detriment to deny this application. I understand that there is over the minimum required 60% property owner support for this application so it is unclear why the County Staff has REWRITTEN the staff report to recommend it for denial.

Please approve this application and allow Sovereign to continue providing jobs, tax revenue and cannabis to our community.

Sincerely,  
 ~Lance~

~LMS Building Design~  
 Sonoma/Mendocino Coast  
 ~Lance Michael Sprague~  
 Office: [707-962-8050](tel:707-962-8050)  
 Mobile: [707-813-1334](tel:707-813-1334)  
 Email: [lancesprague@lmsdesign.org](mailto:lancesprague@lmsdesign.org)  
 Website: [https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.lmsdesign.org&c=E.1.va55oRMUDTAV2d7sxa3kWkWNxw\\_AjNEFziWTckDz6PXXWGPCVI0twFnEb\\_U7sLL0paJx0Xi9ca7f5CKbSQqa0uxChz1C9VPHa20C-QXe8uEKN8XfCnE-e4j85vP7&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.lmsdesign.org&c=E.1.va55oRMUDTAV2d7sxa3kWkWNxw_AjNEFziWTckDz6PXXWGPCVI0twFnEb_U7sLL0paJx0Xi9ca7f5CKbSQqa0uxChz1C9VPHa20C-QXe8uEKN8XfCnE-e4j85vP7&typo=1)

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# Rezone Request 2019-0013

Request to create a Cannabis Accommodation Combining District of 10 RR legal and contiguous parcels near Franklin Rd.

**Applicant Brandy Moulton**

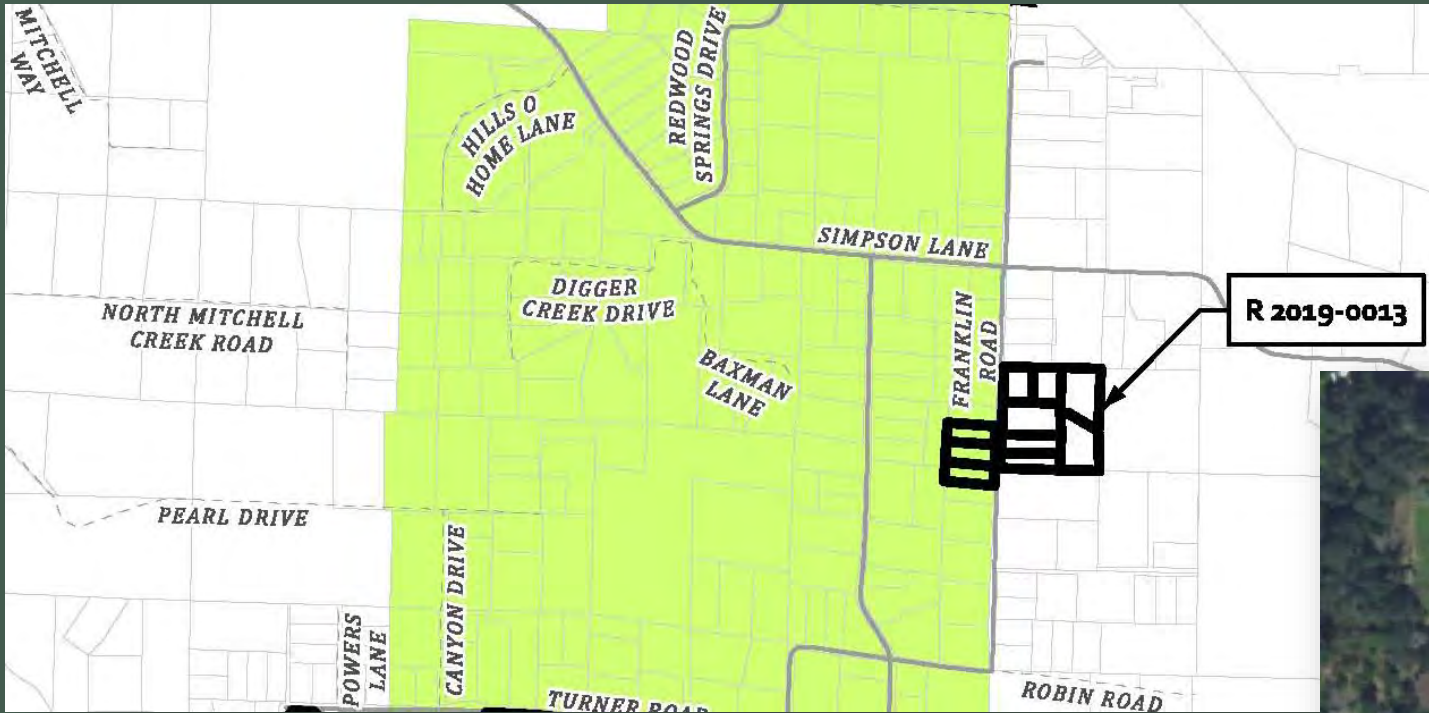
**Mendocino County Planning Commission Meeting**

**February 3, 2022**



# Proposed CACD Location

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# Background

- **10/30/19: Applicant's timely submission of CACD application**
- **12/2/19: CACD application deemed complete**
- **5/20/21: Staff Planner informs applicant of June 3, 2021 PC Hearing; provides staff report.**
- **5/24/21: County unilaterally pulls application from June 3, 2021 PC Hearing stating incomplete staff report.**
- **8+ months later**

# CACD Findings for Approval

- 1. Rezone Request is consistent with the General Plan.**
- 2. Rezone Request is consistent with the Zoning District.**
- 3. Rezone Request is consistent with the CACD requirements.**
  - a. Application by 1 or more property owners in CACD**
  - b. Minimum of 60% property owner support**
  - c. Minimum of 10 legal and contiguous parcels**

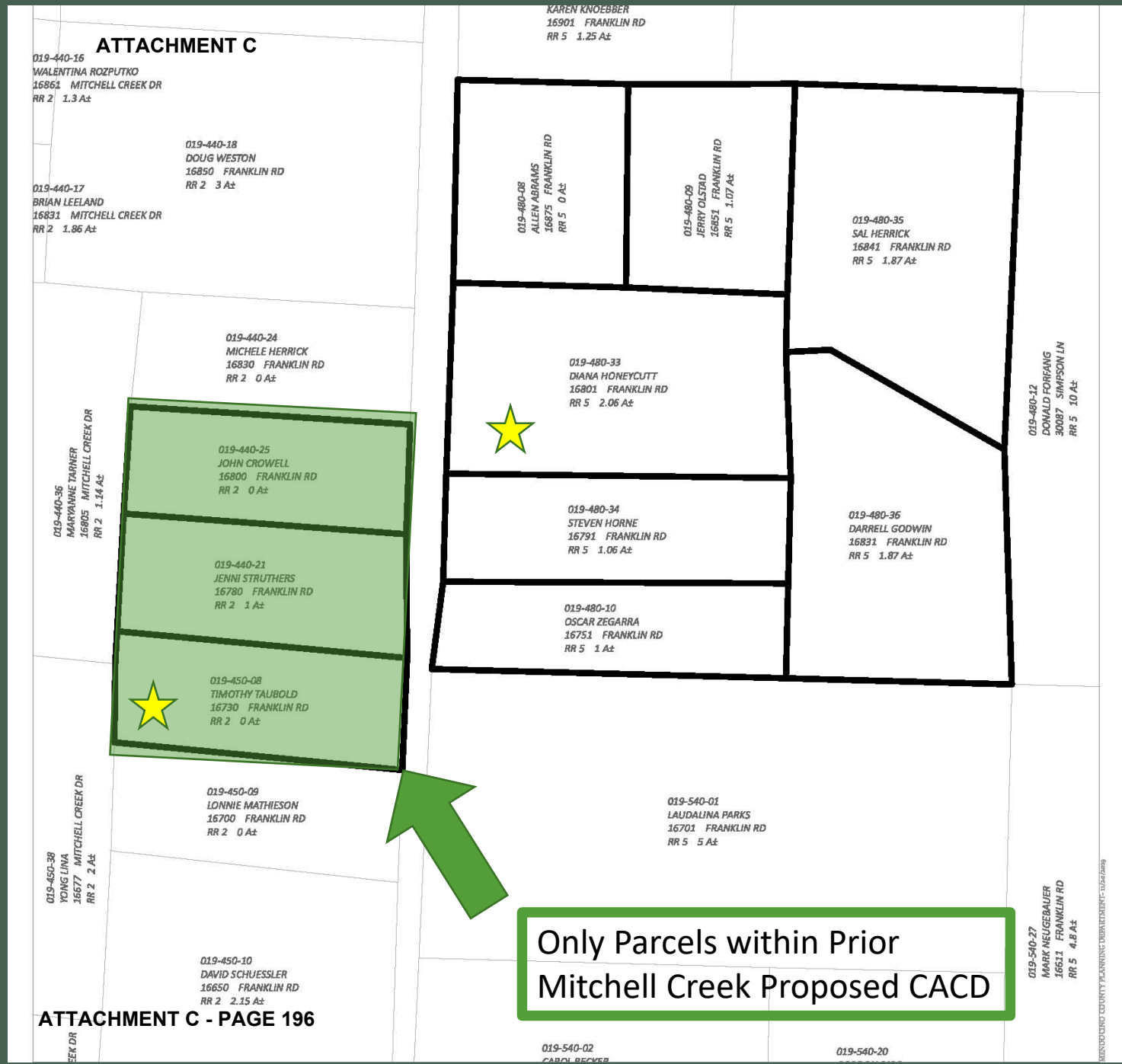


# Proposed CACD

➤ 12.79± acres

➤ RR:2 and RR:5

➤ ★ = Existing or Prior Known Cultivation



# General Plan Consistency

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- Each parcel designated as Rural Residential land use
- DE-14: RR land use is intended to encourage local and small-scale farming
- General RR land uses include: residential uses, agricultural uses, and cottage industries (small scale businesses operating in or near residential uses)
- PP 2-2(B): Encourages a variety of land uses and employment opportunities in community areas







# CACD Shape & Size

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- **Planning Staff's recommendation for denial stems from the misapplication of 20.118.020(B).**

(B) A CA Combining District may range from neighborhood to community in scale, but in no case be composed of fewer than ten (10) legal parcels as that term is defined in section 10A.17.020. All parcels within a CA Combining District shall be contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).

# Opposition Lacks Merit

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- **CACD impacts already evaluated via project-specific CEQA Review**
  - water, traffic, noise, odor, etc.

## FINDINGS

1. For the proposed Rezone application, R\_2019-0013, to create a Cannabis Accommodation (CA) Combining District, no substantial changes that would require major revisions to the previously adopted Mitigated Negative Declaration (MND) have been identified. No new significant environmental effects increase in the severity of those previously identified in the adopted MND.

- **Cannabis business subject to several security regulations;  
Applicant has years of compliant operations**
- **No spot zoning; the CACD is surrounded by like zones and closely follows County's CACD establishment guidelines**

# **CACD Approval Findings Can Be Made**

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- 1. Rezone Request is consistent with the General Plan.**
- 2. Rezone Request is consistent with the Zoning District.**
- 3. Rezone Request is consistent with the CACD requirements.**
  - a. Application by property owner in CACD**
  - b. 70% property owner support**
  - c. 10 legal and contiguous parcels**

**Applicant willing to work with Planning Department & Commissioners for necessary conditions specific to this CACD pursuant to Sec. 20.212.010(A).**



# Questions?