

February 2, 2017

Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah CA 95482

2017 FEB 3 AM 10 28

EXALANCE OFFICE

1737 EAST MADRONE DRIVE
UKIAH, CALIFORNIA

Dear Members of the Board,

Re: Marijuana Cultivation

I am one of 200 county residents who signed a petition asking that marijuana cultivation be excluded from residential areas. As you know, measure AF was defeated by significant margin, which alone should give the Board a mandate to listen to the serious concerns of residents. In the neighborhoods east of the Russian River in Ukiah (Deerwood, Rogina Heights, and Eldorado), the vote was almost 80% against AF.

I strongly urge the Board to exclude all marijuana grows and processing (indoors and outdoors) from Zones R-1, RR-1, RR-2, and RR-5 of Mendocino County effective immediately.

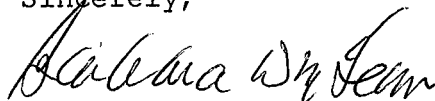
Zone R-1 where I live has a minimum lot size of 6,000 square feet or .14 of an acre. Yet, I have had a neighboring house with a 25 plant grow filling the entire fenced back yard for about 10 years, creating a situation affecting all of the neighbors because of traffic, odor and safety concerns.

The County Code (Sec. 20.072) defines R-1 zoning as a "district intended to create and enhance neighborhoods ... suitable and desirable for single-family development." The words "enhance" and "suitable" much less "desirable" do NOT describe where so many of us now find ourselves living; we wonder whether we can tolerate living in the County we chose to make our homes.

The area of residential zoning east of the Russian River in Ukiah is comprised of 574 taxable parcels according to the Building and Planning Department. Our voices deserve to be heard and honored as you, our elected representatives, make challenging decisions.

As one of our Founding Fathers, Alexander Hamilton, once said, "Whoever considers the nature of government with discernment will see that though obstacles and delays will frequently stand in the way of good measures, yet when once adopted, they are likely to be stable and permanent. It will be far more difficult to undo than to do."

Sincerely,



Barbara McLean
1737 East Madrone Dr
Ukiah CA 95482

OFFICE OF THE CLERK
2017 FEB 3 PM 11 05
MENDOCINO COUNTY
CALIFORNIA

To: Mendocino County Board of Supervisors

From: Karen and John Moon

Subject: Marijuana Cultivation Sites

Date: February 3, 2017

Cc: County Counsel, Clerk of the Board, Carmel Angelo, Mary Lynn Hunt

We are writing this letter as concerned residents of the Deerwood subdivision. We would also like to include residential areas of Rogina Heights, El Dorodo, and Redemeyer Road. In our areas we defeated the ballot Measure AF that was an overwhelming rejection of the initiative that would allow commercial marijuana cultivation sites in our neighborhoods. Now we are faced with the issue of where these cultivation sites can be located. We are asking you to consider NOT allowing indoor or outdoor commercial marijuana grows in R1, R2, RR1, RR2 and RR5 zoning areas. There are also concerns of a two year relocation period. Just because we have tolerated these grows in our neighborhood, not knowing how to get the growers out, we want them out NOW with no grace period.

In our residential area we have one way in and one way out. We are concerned with the loss of quality of life, decreasing property values and safety for our families. We are now faced with drug traffickers, guard dogs, high fences and increased traffic. With these facts facing us it does not feel safe to walk or hike in our neighborhoods.

We have neighbors who are intimidated by the growers and are afraid to speak out in fear of the repercussions that may follow. It is time that you consider and listen to the voices of those of us who have raised our families in these neighborhoods and are now facing our "Golden Years" in fear of looking at malodorous cultivation of marijuana in our neighbors backyards.

Ted and Carole Hester

1771 Wildwood Rd. . Ukiah, CA 95482 . (707) 463-1231

tedahester@juno.com

Carole Cell: (707) 972-2795 . carolehester@juno.com

2017 FEB 3 AM 11:07
MENDOCINO
COUNTY BOARD OF SUPERVISORS

To: Mendocino County Board of Supervisors

From: Ted and Carole Hester, Part of a Cadre of Concerned Deerwood Neighbors

Date: Feb. 3, 2017

Re: Commercial Marijuana Cultivation in Residential Neighborhoods

CC: County Counsel, Clerk of the Board, Carmel Angelo

Attachment: Letter to Planning Commission Dated January 16, 2017

2017 FEB 3 AM 11:07

RECEIVED OFFICE

FEB 3 2017
COUNTY OF MENDOCINO

The Deerwood Subdivision is zoned RR1 through RR5. There are 130 parcels.

Deerwood is residential – not commercial - and we are concerned about an increase in traffic, danger to our families and children, property value and potentially flight of families from an area tolerating these Marijuana cultivations.

Redemeyer Road is the only road in and out, supporting four subdivisions: Vichy Springs; El Dorado; Deerwood; and Redemeyer. Road infrastructure has already deteriorated and will continue to do so with more trucks and vehicles using Redemeyer Road during harvest. When Growers begin processing their product, we then fear the potential of fire.

We do not want Marijuana or any of its byproducts of any kind in our neighborhood, neither outdoor nor indoor. We also do not want processing.

We ask that you

**Prohibit all indoor/outdoor commercial cultivation
of marijuana in RR5 zoning and lower,**

including existing operations as well as future operations

...INCLUDING NO GRANDFATHERING for existing operations

Allowing or even encouraging indoor Marijuana cultivation as an *alternative* to outdoor cultivation defeats the purpose of excluding cultivation in residential neighborhoods. **Indoor cultivation presents virtually all the same threats to neighborhood peace and safety as outdoor cultivation, including the increased risk of home invasions.** All the other negative impacts, including decreasing property values and limiting housing availability, will still be present with indoor cultivation. We strongly urge the Board of Supervisors to eliminate ALL marijuana cultivation and production in Zones RR5 and lower.



Ted A. Hester



(Mary) Carole Hester

To: Mendocino County Planning Commission and Board of Supervisors

From: Ukiah Area Rural Residential Concerned Neighbors

Re: Mendocino County Medical Cannabis Ordinance

Date: January 16, 2017

Cc: Director, Steve Dunncliff, Chief Planner Mary Lynn Hunt, CEO, County Counsel

Dear Members of the Planning Commission,

We understand that development of new marijuana regulations is very complicated and the Planning Commission has been inundated with diverse opinions. We also understand that we who are primarily concerned about the neighborhood impacts of commercial marijuana cultivation have been virtually silent until recently. However, this changed once the draft ordinance got to the Planning Commission and since then neighborhood concerns have been represented by numerous speakers with additional community members in attendance to show support. The negative impacts of commercial marijuana cultivation in residential neighborhoods have been well documented in individual letters and petitions from neighborhood groups that are now included in the public comment file.

We were heartened that the Planning Commission (and also many of the marijuana growers) heard and understood the gravity of our complaint. We bought homes in quiet residential neighborhoods so that we could enjoy living and raising our families in a peaceful environment. We now feel under attack, and that we are being forced out of our homes, in some cases after thirty or more years of living in the same house and in harmony with our neighbors because of the negative impact of grow houses in our area.

The defeat of ballot Measure AF was an overwhelming rejection of the ideas that commercial marijuana cultivation ought to be a "principle permitted use" in virtually every zoning district in the county or that existing neighborhood protections should be weakened. We strongly support regulation of marijuana, which is long overdue, and we believe regulation must limit the harmful impacts that arise when commercial marijuana is grown in residential neighborhoods.

Based on comments from Commissioners, the Planning Commission understands that commercial marijuana cultivation simply does not belong in residential neighborhoods. Many in our community have asked for the elimination of cultivation in RR5 and lower. We believe we clearly heard a majority of the Planning Commissioners advocate in favor of excluding commercial cultivation in RR1 and RR2, including sites with existing grows, and there was at least some support for the exclusion of cultivation from RR5, including for existing grows.

There was also discussion of creating "overlay zones" for specific neighborhoods (like Laytonville) where a less stringent standard might be consistent with existing conditions and the preference of the local residents. We support allowing exceptions to the rule for local communities where doing so makes sense. This allows the Planning Commission to provide direction to the Municipal Advisory Councils for determining the location of these overlay zones. However, the default position should be zero commercial cultivation in residential neighborhoods.

The Medical Cannabis Regulation and Safety Act (MCRSA) has exemptions to allow limited cultivation for patients and caregivers. Proposition 64, the Adult Use Marijuana Act (AUMA) allows for limited cultivation for personal use. Except for these limited individual allowances, which are still subject to

local regulation, all marijuana related business activity, including cultivation, is defined in MCRSA as "commercial cannabis activity" and requires both a local permit and a state license. It should be obvious that an activity like commercial marijuana production, with a well documented history of negative social and environmental impacts, simply has no place in residential neighborhoods. The analogy has been used that "anyone may eat bacon or ham, but no one thinks they can operate a pig farm in a residential neighborhood".

To reiterate, marijuana cultivation and production is incompatible with the rural residential zoning districts. A majority of Planning Commissioners have voiced support for the elimination of all cultivation on RR1 and RR2. Just because a neighbor may have previously tolerated a thoughtless grower does not justify allowing the situation to continue, especially when all the rules are changing and appropriate zones are being established for commercial cultivation. We strongly urge the Planning Commission to eliminate commercial marijuana cultivation in RR5 and lower for existing as well as future cultivation sites.

There was also discussion of a phase-out for existing neighborhood cultivation sites and a transfer provision to allow growers to relocate to more appropriate zones. We believe a combination of these concepts can be used to resolve neighborhood issues and help shift commercial cultivation out of residential neighborhoods to more appropriate areas.

We believe the following points address the concerns of most residential neighbors:

1. Prohibit all commercial cultivation of marijuana, including existing grows, in RR1 and RR2.

The elimination of marijuana cultivation in RR1 and RR2 needs to be absolute and apply to existing as well as future operations. We believe that few, if any, growers on these smaller parcels have been growing in conformance to all the required conditions that have been on the books since 2010. Because they have rarely been "legal" and never could be, they are not entitled to any special consideration.

2. Prohibit all commercial cultivation of marijuana in RR5 except allow a transition period – preferably two years – for existing growers who are otherwise legally compliant.

Cultivation in RR5 should be eliminated except that current growers who are otherwise in compliance could be given two years to relocate to a site with appropriate zoning where they can meet all the conditions and not disrupt residential neighborhoods. Any existing cultivation sites in RR1 and RR2 that are compliant with existing regulations can also be allowed to relocate. If a 2 year transition period is chosen, all commercial marijuana cultivation would be out of RR5 and lower no later than 2019.

3. Prohibit all *indoor* commercial cultivation of marijuana in RR1, RR2, and RR5 on the same basis as discussed above.

Allowing or even encouraging indoor cultivation as an alternative to outdoor cultivation defeats the purpose of excluding cultivation in residential neighborhoods. Indoor cultivation presents virtually all of the same threats to neighborhood peace and safety as outdoor cultivation, including the increased risk of home invasions. All of the other negative impacts, including decreasing property values and limiting housing availability, will still be present with indoor cultivation.

4. Prohibit commercial cultivation of marijuana (including existing) in *all* residential zones, including

R1, R2, R3, SR, RC.

The focus of this discussion has been on Rural Residential zones, because these are some of the few zones where future commercial cultivation of marijuana is allowed under the draft ordinance. Obviously, if it makes sense to preclude commercial marijuana cultivation in RR zones, it makes equal or greater sense to preclude it in Residential zones where the average parcel size is even smaller. New cultivation sites in these zones are already disallowed, and should be forbidden for existing grow sites with the same allowance for transition to more appropriate areas for the few residential grow sites that are legally compliant.

In summary, we encourage the Planning Commission to continue to advocate for separating commercial marijuana cultivation from residential neighborhoods so the neighbors can enjoy the peace and quiet of their neighborhoods and the growers can grow, but in more appropriate areas. This will also have the additional benefit of preserving housing availability in residential neighborhoods for families – not grow houses.

We strongly urge the Planning Commission to eliminate commercial marijuana cultivation in RR5 and lower.

Thank you for your careful consideration of these very important points.

Signed,

Ukiah Area Rural Residential Concerned Neighbors

Julie & Jim Bawcom

Phil & Thelma Boynton

Don & Lynda Coursey

Candie Dickinson

Phil Gary & Donna Mecca

Jerilyn Harris

Pat & Larry Hartley

Ted & Carole Hester

Brad Holstine

Candace Horsley

Evan & Gail Johnson

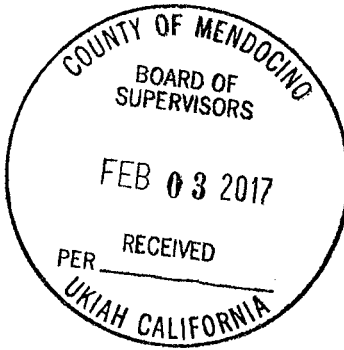
Vince Lechowick

Marsha & Elliot Little

Barbara McLean

Karen & John Moon

Brad Holstine
Vichy Hills Dr.
Ukiah, CA 95482



Mendocino County Board of Supervisors

Supervisor Carre Brown

Supervisor John McCowen

Supervisor Dan Gjerde

Supervisor Dan Hamburg

My wife and I moved back to her hometown Ukiah in 2003. We were a young family, a toddler son and daughter on the way. We were lucky enough to find a great house in the Regina Heights (R1) neighborhood and very much enjoyed living close to my wife's parents in Deerwood (RR1) and her brother's family also located in Regina. We had relocated from Healdsburg to become more involved in our family business which has been prospering in Mendocino County since 1971.

I have a simple request to you, the Board of Supervisors, please keep residential zoning residential. I think it is prudent to exclude all marijuana cultivation, processing and commerce of any kind, both outdoor & indoor from our neighborhoods. We are trying to raise a family here, in this wonderful small town of Ukiah. The fact that I even have to take the time to ensure such an incongruent activity could not somehow be approved in residential neighborhoods seems absolutely absurd.

I have nothing against marijuana use, cultivation or commerce. I also realize that there are many upstanding citizens already involved with this industry who are also raising families. I'm simply stating what to me seems obvious, given the numerous violent crimes associated historically with this industry, there is absolutely no place for any of it in our residential neighborhoods. I'm deeply concerned with the safety of my family and of my neighbors, not to mention our community as a whole. The potential for violence, burglary, firearms and increased traffic does not at all help my wife and I raise a family. Our kids, now attending local middle school & high school are excelling, Ukiah has treated us well. We ask that our neighborhood, and others like it, is not destroyed by poor governmental decisions.

It seems the marijuana industry will be moving into the mainstream in the near future. I respect and salute this reality. I also hope the industry can adapt and survive in the world that we all live in. The world that includes government regulation, responsible tax paying, compliance, proper use & reporting of pesticide applications, respecting and complying with responsible water use, providing a safe working environment with medical benefits for employees all while being stewards of their land and community.

I have faith that this will all come with time, however, there will never be a time that any of this activity is appropriate for residential neighborhoods. I ask that all marijuana cultivation, processing and commerce **not** be allowed in any residential zoning including RR5, RR2, R2, RR1, R1.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Holstine", written over a horizontal line.

Brad Holstine