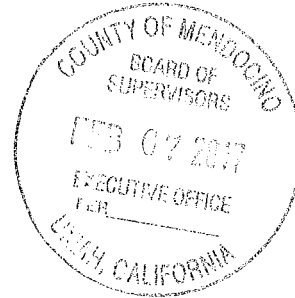


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February ^{16th} 2, 2017



Board of Supervisors
County of Mendocino

RE: Directing Corrections of the Proposed Marijuana Ordinances to Protect Residential Neighborhoods, etc.

Agenda Item #5 (b)

Dear Members of the Board,

One of the main reasons Mendocino County voters soundly voted down local Measure A-F [while still soundly supporting statewide Proposition 64] was to protect local residential neighborhoods and the quality of life in those communities. A second main reason was to limit [and not expand] the environmental damage and public safety hazards caused by commercial marijuana grows.

In this regard, the CEQA review process appears to utilize a "baseline" definition and methodology that are legally erroneous and factually inaccurate [see, last full paragraph, page 2, of letter from Senior Planner, Mary Lynn Hunt, dated February 7, 2017].

Nevertheless, if your Board chooses to continue down this "easier" path of adopting a "Mitigated" Negative Declaration without a full EIR, in order to not invite further litigation, your Board must actively direct steps that actually mitigate neighborhood and environmental degradation from both new and existing grows. No one has any vested rights to continue to maintain a neighborhood nuisance whether "legal" or not.

As guardians of our local public health, safety and welfare, I would respectfully request that, at a minimum, your Board give direction to staff as follows:

A. Planning Commission Recommendation 4C - "Residential" Neighborhoods:

1. Clarify that no new cultivation permits be allowed in any residential zones of RR-2 or less (e.g. R-1, R-2, RR-1, SR, etc.). Logically, the smaller and related zones should also be protected. This appears to be a drafting error which does not match the intent of your Planning Commission.
2. Eliminate the sunset provision in these residential grows as there is no factual or legal basis for some sort of "vested right" to maintain a neighborhood nuisance. Besides, the 2017 crop has not yet been planted outdoors.
3. Specify the unnamed but anticipated "community-based exemption" areas (e.g. - Laytonville? Covelo?) so that those communities can request special zoning, control it or oppose it.

B. Planning Commission Recommendation 4B - "Due Process for Everyone":

Here, as in other areas of the proposed ordinances (e.g. – Section 20.242.070 (E)(3) and Section 20.242.050, etc.), due process must also be provided to the affected neighborhoods when any administrative "exception" (or other similar "variance" process) is being considered. Otherwise, the standards ultimately adopted will be meaningless. Please direct staff to specifically add a notice provision for neighbors within 1,500 feet of the applicant's property, along with providing an opportunity to be heard.

C. Planning Commission Recommendation 1A-Security Lighting

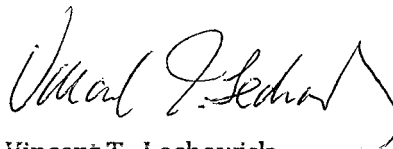
This is a good change, but it needs to be applied to all grows including outdoor grows. Twenty-four hour security lights do not belong in quiet country neighborhoods. Some suggested wording follows [see also, Mendocino County General Plan, Dark Sky Policies, Policy #RM-134]:

All lights related to the cultivation of cannabis shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow glare to exceed the boundaries of the legal parcel upon which they are placed.

The lights shall be on motions sensors set to detect only human activity and not be constantly illuminated during hours of darkness. The light shall also strictly comply with lighting provisions set forth in the local coastal plan ordinances to preserve night views of the stars, conserve energy, and allow sleep full nights.

Thank you for your time and attention to these requests for clarification and direction. The County has a responsibility to prevent garden raids and home invasions in residential areas.

Sincerely

A handwritten signature in black ink, appearing to read "Vincent T. Lechowick", with a stylized flourish at the end.

Vincent T. Lechowick

Chapter 4: Resource Management Element



Policy RM-132: Maintain and enhance scenic values through development design principles and guidelines, including the following:

- Development scale and design should be subordinate to and compatible with the setting.
- Reduce the visual impacts of improvements and infrastructure.
- Minimize disturbance to natural features and vegetation, but allow selective clearing to maintain or reveal significant views.

Policy RM-133: Recognize the continuation of private property rights on private lands designated for open space, parklands or resource conservation.

Dark Sky Policies

Policy RM-134: The County shall seek to protect the qualities of the nighttime sky and reduce energy use by requiring that outdoor nighttime lighting is directed downward, kept within property boundaries, and reduced both in intensity and direction to the level necessary for safety and convenience.

Action Item RM-134.1: Amend the County's Codes to incorporate standards for outdoor nighttime lighting that implement Policy RM-134.

Action Item RM-134.2: Encourage the use of motion sensors for indoor and outdoor lighting to reduce energy use.

Policy RM-135: All County street lights shall be of a "full cutoff" design to limit the upward spread of lighting.