

November 1, 2020

To: Mendocino County Board of Supervisors

501 Low Gap Road Ukiah, CA 95482

RE: Agenda Item 5i) Calpella/Milani Drive Cannabis Cultivation Accommodation District

Dear Chair Haschak and Board Members,

I have lived on Milani Drive for 30 years and I live directly across the street from Applicant Stephen Thatcher. I oppose the rezoning of my neighborhood to create a Cannabis Accommodation District.

I submitted my letter opposing the Cannabis Accommodation District to Planning and Building Services marked as received August 6, 2020; which is the date the Planning Commission considered this application. Unfortunately, my letter of opposition along with attachments and four additional letters in opposition are not included nor mentioned in the August 6, 2020 Planning Commission Staff Report – Rezone, submitted to the Board of Supervisors for the current agenda. In contrast, however, the Staff Report addresses “Land Owner Support” and quotes from the two letters in support (page 6), the Staff Report fails to address the letters in opposition. The Staff Report attaches the letters in support; but does not include the letters in opposition.

I fear my voice is not being heard. I feel all letters in support and all letters in opposition should be considered by the Board of Supervisors. I hereby respectfully request my letter of August 6, 2020, and the attachments, along with the additional four letters in opposition, be attached to the Board of Supervisor’s Agenda to be considered by the Board. I am attaching all five letters in opposition to this letter.

With respect to the letters in support, I make the following comments:

1. The letter from Kure, a cannabis dispensary, should not be considered. They are not owners of any parcel to which this rezoning would affect.
2. The letter from Brent Mileinder should not be considered. According to Public Records, Mr. Mileinder is not the property owner of APN 168-184-03. Mr. Mileinder lives on the property, however, according to Public Records, the legal owner is Armando and Tamara R. Montenegro; who purchased the property 2/6/2020.
3. The letter from Dolores Collett APN 168-184-07 is also not valid for consideration. Delores Collett occupies/rents a travel trailer on the site. The property is owned by Robert and Mary Collett. The actual property owners should be providing the input. This letter is not appropriate for consideration.

I reiterate my opposition to this application based on the impacts of commercial cannabis cultivation to adjoining residential properties. Commercial cannabis businesses ought to be located in areas properly zoned for it, not in populated residential areas.

I am concerned with contradictions in the Staff Report dated August 6, 2020. On page 5 the Staff Report cites **Suburban Residential Land Use Category Policy DE-13** which states "*The Suburban Residential classification is intended to be applied to transitional lands adjacent to cities or towns, including in portions of Community Planning areas where only residential areas are considered desirable, which lands are appropriate to accommodate future growth.*" Despite this very clear statement that only residential areas are considered desirable, including for future growth, staff concludes that this application is consistent with the General Plan, and at the bottom of page 5 speaks approvingly of "further developing the parcels for commercial use rather than increasing rural dwelling densities." In advocating for commercial development of Suburban Residential properties instead of residential, staff reversing and undermining the intent of the General Plan.

The parcels in the proposed Accommodation District are simply too small to allow commercial cannabis production without serious negative impacts to the neighbors. With a total of just under 9 acres the 12 parcels are less than .75 acres on average, well below the 2.00 acre minimum which is required for parcels with the correct zoning. If this application is approved existing setback requirements will be further reduced which will only increase the negative affects.

Did staff ask the neighbors what they thought? The second paragraph on page 3 of the staff report states "Applicants seeking to establish a CA Combining District must demonstrate support of affected landowners." Without a survey of the neighbors who are *not* in the proposed Accommodation District how can staff possibly know whether the affected landowners are in support?

Did staff conduct an assessment to see how many of the 12 parcels are eligible to apply for permits, even if the Accommodation District is approved? Property owners within the proposed Accommodation District may not be aware that they are not be eligible to apply for permits unless they can provide proof of cultivation prior to 1/1/2016. Were property owners made aware they will need to comply with expensive permitting and compliance requirements to legally grow. Except for the applicant, none of the current growers in the Proposed District applied for a permit to continue cultivation during the Sunset period, which means they have been growing illegally.

This application is only before you because the applicant is trying to find a way to continue his commercial cannabis business. Based on the above information the applicant was not eligible to continue cultivation during the Sunset period. Please do not impose the negative impacts of continued and expanded commercial cultivation on an entire neighborhood because of the economic benefit to a single grower. Especially one that cannot be legally permitted.

Did staff make any effort to verify the information in my previous letter that the applicant is a convicted felon who is subject to Megan's Law and cannot legally obtain a permit for cannabis

cultivation? Mendocino County may not think background checks are important but it's unlikely the applicant will be so lucky with the State permitting authorities.

This application should be denied for many reasons beginning with impacts to the neighbors and lack of consistency with the General Plan. Neighbors who bought their properties for residential purposes ought to take precedence over those who seek to profit from commercial cannabis production. What other commercial businesses are allowed in residential neighborhoods?

Please honor the Sunset period and do not allow continued commercial cannabis production in neighborhoods at the expense of our quality of life.

Thank you.

Michael D. Snyder and
Leslie Wilson Snyder



Ukiah, CA 95482

(707) 485-5430

Attachments: Mike and Leslie Snyder 8/6/20 Letter in Opposition
Rebecca Houston 7/30/20 Letter in Opposition
Paul Gorden 7/26/20 letter in Opposition
Everett & Iralene Holbrook 7/31/20 letter in Opposition
Denise Doering and Robert Hudson 8/3/20 Letter in Opposition

RECEIVED
AUG 06 2020

RE: Case number R_2019-0111/Stephen John Thatcher

Planning & Building Services

Please do not allow the subject rezoning request. The current rules are more than adequate to allow plenty of marijuana growing for the subject neighborhood Suburban Residential zoning. Please don't allow our area to continue to evolve toward a commercial agricultural cannabis usage.

I agree these commercial growers have been hugely successful and are in need of expansion. Please have these commercial growers expand their marijuana production facilities into a properly zoned cannabis production site, separate from residential communities. I applaud these marijuana growers success and cannot argue against their expansion. However, similar to all expanding businesses, the expanding marijuana producers can expand into areas properly zoned for their activities. Please do not rezone our area to allow the few to encroach upon the quality of life of the many more people living in close proximity to these commercial cannabis growing operations.

Some of the smaller parcels are under half an acre. Of the 12 proposed parcels, 7 parcels are under .55 acre. The kind of rezone being proposed creates a very high density growing operation on these smaller parcels. The high density gives way to high fences, to hide the product.

Reducing setbacks for production causes the ensuing visual pollution of either the marijuana hedge over the fence, or the imposing fencing. The applicant has installed a 6-foot chain link fence, resembling a commercial/industrial site. The fence is accompanied by a recently drilled well to handle the additional water required for the expanded marijuana production.

The neighborhood is served by Millview Water for domestic water usage. Prior to the Millview Water service, parcels were served by wells; some of the wells are still in existence today. I realize the CEQA mitigated negative declaration is a blanket document; however there is absolutely no way these smaller parcels can stay the required distance of 100 feet from a well. Parcels growing cannabis adjacent to parcels containing wells may also be too close to safeguard our ground water.

Parcel 168-184-05 is the owner of 4 retail garden supply outlets (Ukiah, Willits, Lakeport, and Redding per website), whose fencing appears to be over 6+feet tall and is solid wood. He is clearly growing an adequate supply of cannabis on his property under the current zoning regulations.

Moving cannabis production closer to property lines allows a larger probability the unwanted/accidental spills from: fertilizer; fungicides; bloomers; chemicals; growth additives; and a myriad of others of which I have no knowledge. But if you own a garden supply store, you will have plenty of the right chemicals on your site.

There is also no reason to remove the Sunset Provision at this juncture. This application request is something currently not allowed. If you do allow this more imposing cannabis growing technique, please revisit the decision a few years down the road, and allow it to continue only if it was a wise choice going in. Mendocino County ordinance 10a17.080 (permitting phase) which was posted 7/8/2020, states permits are void with 36-months of the effective date of 5/14/2019.

The County of Mendocino has apparently issued a commercial cannabis production permit to the applicant. Section 20.242.040 states the minimum site area for a commercial cannabis permit is 5 acres; the applicant site is 1.03 acres. A cannabis growing permit should never have been issued for the applicant site.

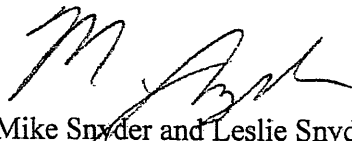
Mendocino County, by law, cannot issue any cannabis permit to a convicted felon. The aforementioned County permit was issued illegally. The applicant is a convicted felon, whose information is available on the Megan's law web site. A copy of the Megan's Law printout identifying the applicant is attached. The offense code of 288a(f), of which he is convicted, is also attached. Not only should the application be denied, but the current permit issued to the applicant should be revoked immediately; or at the minimum, must be allowed to sunset. Please do not assist this pedophile by increasing his capital position.

The applicant has a State Water Board Permit. The State Water Board does NOT background check their applications.

The applicant does not possess a CDFA nor a Bureau of Cannabis permit; as both of these organizations diligently perform background checks. It is illegal for the applicant to be producing cannabis. It would be a good idea for Mendocino County to begin performing background checks.

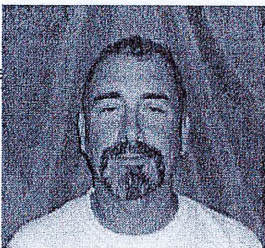
I realize this is a long letter; I very much appreciate you for taking the time to read, digest, and discuss, all of the information.

Thank you for keeping Milani Drive a pleasant Suburban Residential neighborhood with a pleasant country feel; and not a commercial cannabis production zone. It has been our home for 30-years. Please do not allow this rezone request to be permitted. The extra money in the cannabis producer's pocket, is no compensation for the rest of us to sacrifice for our quality of life.



Mike Snyder and Leslie Snyder

Ukiah, CA 95482

Home		Menu		Offender Profile		8/5/2020		Translate Website Traducir Sitio Web	
California Megan's Law Website									
State of California Department of Justice Office of the Attorney General									
THATCHER, STEPHEN JOHN									
First Name:		Last Name:				Known Aliases		Postable Offenders: 1 Show List	
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City Search						HER, STEPHE...		City	
ZIP Code Search						fo		UKIAH	
ZIP Code*:		95482		[Search]		Description			
County Search				If you believe a crime has been committed, please contact your local law enforcement agency.		Date Of Birth:		5/24/1958	
Near Me						Sex:		MALE	
<input type="checkbox"/> Include Transient Offenders*						Height:		5'11	
						Weight:		175	
						Eye Color:		BROWN	
						Hair Color:		BROWN	
						Ethnicity:		WHITE	
						Offenses			
						Offense Code:		288a(f)	
						Description:		ORAL COPULATION WITH VICTIM UNCONSCIOUS OF THE NATURE OF ACT	
						Year of Last Conviction:		2007	
						Year of Last Release:		2007	
The Department of Justice has no information about a subsequent felony incarceration for this registrant									

*Registered Transient Offenders can only be viewed through the 'Show List' function and will display for the associated county pursuant to Penal Code § 290.46 (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=290.46).



California

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PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] (Chapter 5 enacted 1872.)

288. (a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) (1) A person who commits an act described in subdivision (a) by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

(c) (1) A person who commits an act described in subdivision (a) with the intent described in that subdivision, and the victim is a child of 14 or 15 years, and that person is at least 10 years older than the child, is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year. In determining whether the person is at least 10 years older than the child, the difference in age shall be measured from the birth date of the person to the birth date of the child.

(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person, with the intent described in subdivision (a), is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year.

(d) In any arrest or prosecution under this section or Section 288.5, the peace officer, district attorney, and the court shall consider the needs of the child victim or dependent person and shall do whatever is necessary, within existing budgetary resources, and constitutionally permissible to prevent psychological harm to the child victim or to prevent psychological harm to the dependent person victim resulting from participation in the court process.

(e) (1) Upon the conviction of a person for a violation of subdivision (a) or (b), the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed ten thousand dollars (\$10,000). In setting the amount of the fine, the court shall consider any relevant factors, including, but not limited to, the seriousness and gravity of the offense, the circumstances of its commission, whether the defendant derived any economic gain as a result of the crime, and the extent to which the victim suffered economic losses as a result of the crime. Every fine imposed and collected under this section shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs pursuant to Section 13837.

(2) If the court orders a fine imposed pursuant to this subdivision, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.

(f) For purposes of paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c), the following definitions apply:

(1) "Caretaker" means an owner, operator, administrator, employee, independent contractor, agent, or volunteer of any of the following public or private facilities when the facilities provide care for elder or dependent persons:

(A) Twenty-four hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(B) Clinics.

(C) Home health agencies.

(D) Adult day health care centers.

(E) Secondary schools that serve dependent persons and postsecondary educational institutions that serve dependent persons or elders.

(F) Sheltered workshops.

(G) Camps.

(H) Community care facilities, as defined by Section 1402 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code.

(I) Respite care facilities.

(J) Foster homes.

(K) Regional centers for persons with developmental disabilities.

(L) A home health agency licensed in accordance with Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code.

(M) An agency that supplies in-home supportive services.

(N) Board and care facilities.

(O) Any other protective or public assistance agency that provides health services or social services to elder or dependent persons, including, but not limited to, in-home supportive services, as defined in Section 14005.14 of the Welfare and Institutions Code.

(P) Private residences.

(2) "Board and care facilities" means licensed or unlicensed facilities that provide assistance with one or more of the following activities:

(A) Bathing.

(B) Dressing.

(C) Grooming.

(D) Medication storage.

(E) Medical dispensation.

(F) Money management.

(3) "Dependent person" means a person, regardless of whether the person lives independently, who has a physical or mental impairment that substantially restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished because of age. "Dependent person" includes a person who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(g) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) apply to the owners, operators, administrators, employees, independent contractors, agents, or volunteers working at these public or private facilities and only to the extent that the individuals personally commit, conspire, aid, abet, or facilitate any act prohibited by paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c).

(h) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) do not apply to a caretaker who is a spouse of, or who is in an equivalent domestic relationship with, the dependent person under care.

(i) (1) A person convicted of a violation of subdivision (a) shall be imprisoned in the state prison for life with the possibility of parole if the defendant personally inflicted bodily harm upon the victim.

(2) The penalty provided in this subdivision shall only apply if the fact that the defendant personally inflicted bodily harm upon the victim is pled and proved.

(3) As used in this subdivision, "bodily harm" means any substantial physical injury resulting from the use of force that is more than the force necessary to commit the offense.

(Amended by Stats. 2018, Ch. 70, Sec. 2. (AB 1934) Effective January 1, 2019.)