

pbscommissions - Rezoning Application R_2019-0012

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Subject: Rezoning Application R_2019-0012

Mendocino County

Mendocino County Planning Commission
 Agenda Item: Rezoning Application R_2019-0012
 1/23/2022

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Planning & Building Services

To the Mendocino County Planning Commission,

Last May, I received a Notice of Public Hearing, Case # R_2019-0012, dated May 18, 2021. This case number has been scheduled for a public hearing on February 03, 2022. This case is regarding a Rezone request creating a Cannabis Accommodation Combining District that includes my parcel. No one contacted me for my permission to include my parcel in the rezoning request. I do not want my APN included as I don't support the rezoning effort. I respectfully request that my name and APN be removed from the rezoning application. I rescind any participation in the property owner petition and do not approve of the project.

The Mitchell Creek Heights Subdivision, where my property is located, has Covenants, Conditions & Restrictions (CC&R's) that limit the use of all properties in the subdivision to residential use. Ten of the parcels included in the rezoning application are in this subdivision. I will oppose any property owner in the Mitchell Creek Heights Subdivision who attempts to gain a use permit to allow any use that would violate our neighborhood CC&R's. I will use my legal authority, as a property owner in Mitchell Creek Heights, to enforce our CC&R's that prohibit commercial or industrial activities in our neighborhood.

Shane Drive is a private roadway accessing the Mitchell Creek Heights subdivision. There is no commonly owned property in the subdivision. Shane Drive is a paved private roadway that crosses property owned by neighborhood residents via a road easement. Shane Drive crosses my parcel for about 20% of its length.

The cost of maintenance for Shane Drive is very high. Rezoning our neighborhood to allow commercial traffic in our private residential neighborhood exposes the residents to increased costs for repairs due to the additional commercial traffic. I am concerned about being exposed to increased liability in the event of a lawsuit from an accident occurring on our roadway related to a Commercial Cannabis operation. Any damages awarded in a lawsuit, where the association is found liable or partially liable, are the responsibility of the members of the association. A potential lawsuit would also affect the property owner of the parcel where the accident occurred. There would be increased costs for liability insurance and exposure to additional risks for both the road association and the individual property owners whose parcel Shane Drive crosses. This is not a public roadway. The road association members and the individual property owners are liable in the event of a lawsuit. The County of Mendocino will not indemnify the property owners or the road association in the event of a loss.

Recently, a number of homes in the Mitchell Creek Heights neighborhood on Shane Drive were burglarized by a man who had worked at a neighborhood cannabis cultivation site. At least three homes were involved. I confronted him early one morning at 0430 am stealing my property from an enclosed porch on my house. I reported him to the Mendocino County Sheriff's Department who identified him to me as a known Felon and thief. Another resident stated that the man had worked at a cannabis cultivation site in the neighborhood.

There are currently workers at a Cannabis Cultivation site in our neighborhood who throw empty alcoholic beverage containers out of their vehicles while traveling across my property. I walk the roadway nearly every day for exercise and am forced to pick up these cans and bottles regularly. It also demonstrates that the workers at the site are consuming alcohol while driving, putting neighborhood residents at risk.

Commercial Cannabis operations have a negative effect on our residential neighborhood. The pungent smell of cannabis is very pervasive in our neighborhood and prevents me from the quiet enjoyment of my property.

I have serious concerns over using our limited water resources for commercial agricultural operations in our residentially zoned community. This concern has become more urgent with the current extreme drought declaration in Mendocino County along with several more years of drought forecast in the coming years. All properties in our area are serviced by water wells, so there is a great concern over commercial agricultural uses. Water use in an area zoned RR should be reserved for residential purposes, and not for the benefit of private commercial operations. Local wells are beginning to show the strain. There should be no development of commercial operations that draw water for non-residential use in a residential zone.

I am concerned about a decline in the value of my residential property if parcels in the area are rezoned for commercial and/or industrial use. I moved to a rural residential neighborhood, and paid a premium for my property, specifically to live in a quiet residential neighborhood.

Simpson Lane is a densely populated neighborhood on a two-lane road. It is the only access into and out of our neighborhood. There are tremendous concerns about the ability of the roads to accommodate emergency evacuations and for increasing daily traffic. Approval of any rezoning request for commercial or industrial purposes that would increase traffic on this critical roadway should be denied for public safety reasons.

I am also the owner of 39051 Turner Road. While it is not included in the proposed rezoning application, it has only a one parcel buffer from the proposed district. This parcel will be negatively impacted for most of the reasons stated above.

For the above listed reasons, I am requesting that the Mendocino County Planning Commission and the Mendocino County Board of Supervisors deny the Rezoning request, Case # R_2019-0012.

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