

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