

pbscommissions - Fwd: CASE#: R_2019-0012 and Case#: R_2019-0013

From: PBS PBS
To: pbscommissions
Date: 2/2/2022 1:42 PM
Subject: Fwd: CASE#: R_2019-0012 and Case#: R_2019-0013
Attachments: 2-1-22 R_2019-0012 word 2.docx

Mendocino County

FEB 02 2022

Planning & Building Services

Planning & Building Services Staff

County of Mendocino

Main Office:

860 N. Bush St, Ukiah CA 95482

Phone: [\(707\) 234-6650](tel:7072346650)

Coast Office:

120 W. Fir St, Fort Bragg CA 95437

Phone: [\(707\) 964-5379](tel:7079645379)

Web: www.co.mendocino.ca.us/planning/

>>> Frieda Feen <friedaf@mcn.org> 2/1/2022 12:09 PM >>>

TO: Department of Planning and Building Services

Commission Staff

860 North Bush Street

Ukiah, CA 95482

pbscommissions@mendocinocounty.org

Phone [707-234-6650](tel:7072346650)

Fax [707-463-5709](tel:7074635709)

pbs@mendocinocounty.org

www.mendocinocounty.org/pbs

FROM: Carol A. Feen/Frieda Feen

15710 Shane Drive

Fort Bragg, CA 95437

Mailing Address

Carol A. Feen/Frieda Feen

P.O. Box 988

Mendocino, CA 95460

friedaf@mcn.org

Phone [707-962-9246](tel:7079629246)

February 1, 2022

To the Mendocino County Department of Planning and Building Services and the Mendocino County Board of Supervisors,

Concerning Case#: R_2019-0012 and Case#: R_2019-0013.

I request this letter be entered into the record for Case#: R_2019-0012 and Case#: R_2019-0013.

I strongly oppose CASE#: R_2019-0012 and Case#: R_2019-0013, Rezones to create Cannabis Accomodation Combining Districts.

On June 29, 2021 At 9:52 a.m. I received a telephone message from then Planner Chevon Holmes, which I saved, stating “the withdrawal of application (CASE#: R_2019-0012) by the applicant. That rezone request was withdrawn by the applicant and is no longer under consideration by the Mendocino County Planning Commission or the Board of Supervisors. If you do still have questions please feel free to reach out to me. Again, the application has been withdrawn and is no longer up for a consideration.”

I have made numerous calls to Planner Russell Ford since receiving this message from Chevon Holmes, asking for any updates on these applications but have not received any calls in return.s

On January 27, 2022 I received the Notice of Public Hearing dated January 21, 2022, postmarked January 24, 2022 noticing (yet again!) R_2019-0012!

Brandy Moulton is yet again holding the county, zoning policy, and our rural residential neighborhoods hostage by submitting-withdrawing-re-submitting-suing-again-submitting this Cannabis Accommodation Combining District/Rezoning Policy mess! I can only imagine the number of law suits the county would face if these applications were approved!

Recently (1/25/22) in an interview on KZYX Supervisor Ted Williams refered to Cannabis policy in rural residential areas, “... like putting Gas Stations in Rural Residential neighborhoods.”

How would the county ever be able to apply sensible zoning with this nonsensical policy making again!

Following is my letter from the previous go-around on this application.

In this letter I will be addressing CASE#: R_2019-0012, as my property is within 350 feet from this proposed “district,” therefore I received notice regarding this application. The issues I will be addressing also apply to Case#: R_2019-0013, therefore I am voicing my opposition to both proposed rezones and pledging my support for my neighbors opposing the proposed CA Accomodation Combining Districts in both neighborhoods.

Although the County listed the date filed for R_2019-0012 as 10/30/2019 in the document copied below, the applicant’s application form is actually dated 1/19/21 *see the copy below.

Right away there is a conflict between the County’s deadline (copied below) for applications for CA Combining Districts as November 1, 2019; and the applicants Application Form (copied below) dated 1/19/21. Brandy Moulton failed to meet the County’s deadline by 2 years and 2 months!

CASE#: R_2019-0012

DATE FILED: 10/30/2019

OWNER: VARIOUS

APPLICANT: BRANDY MOULTON

REQUEST: Rezone to create a Cannabis Accomodation Combining District of sixteen (16) parcels to facilitate greater flexibility in the development standards related to cannabis cultivation for existing commercial cannabis cultivation sites and susptend the ‘Sunset Provision for Residential Districts’ to facilitate continued operation.

ENVIRONMENTAL DETERMINATION: Addendum to the previously adopted Mitigated Negative Declaration (MNS; SCH#[2016112028](#)) pursuant to Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA) for the Mendocino

Cannabis Cultivation Regulations appropriately addressed requirements under CEQA and determined that no conditions calling for preparation of a subsequent environmental document and no additional analysis is required.

LOCATION: 6.4 +/- Miles southeast of Fort Bragg City center, lying on the east side of Jade Ct. (CR 453), 0.1 +/- miles east of its intersection with Amethyst St. (CR 451); located at multiple addresses: APN's: 019-560-31, 019-560-12, 019-560-29, 019-560-41, 019-560-62, 019-560-63, 019570-16, 019-570-17, 019-570-19, 019-570-24, 019-570-25, 019-570-26, 019-570-27, 019-570-28, 019-570-29, 019-570-32.

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: CHEVON HOLMES

Although the County listed the date filed as 10/30/2019 in the document copied below, the applicant's application form is actually dated 1/19/21 *see the copy below.

Right away there is a conflict between the County's deadline (copied below) for applications for CA Combining Districts of November 1, 2019; and the applicants Application Form (copied below) dated 1/19/2. It appears that Brandy Moulton failed to meet the County's deadline by two years and 2 months! That in itself seems to make this project out of compliance.

CHAPTER 20.118 - "CA" CANNABIS ACCOMMODATION COMBINING DISTRICT

Sec. 20.118.030. - Establishment of CA Combining District.

(D) Applications for CA Combining Districts will be accepted until November 1, 2019.

Property owners of 14 (fourteen) out of the 16 (sixteen) parcels included in the so-called "district" had no idea that this application R_2019-0012 existed. Property owners and owners of adjacent property had no idea these parcels were being considered for rezoning from rural residential to commercial/agricultural! Property owners did not receive notice from the County regarding the virtual hearing scheduled for June 3, 2021 where the Mendocino County Planning Commission planned the public hearing on the Cannabis Accomodation Combining District Rezoning project and the Draft Addendum to the previously adopted Mitigated Negative Declaration. No-one in the neighborhood—except for 2 (two), both with applications for cannabis cultivation permits filed with the county, including the 1(one) applicant who cobbled together, unbenownst to everyone else in the "district"—had any awareness that their Rural Residential property was slated for rezoning where "The CA Combining District may be applied to areas that include existing commercial cannabis cultivation operations, and where the zoning designation of the majority of the lots allows residential use by right." From (Ord. No. [4420](#), § 4, 12-4-2018) Sec. 20.118.020. (A)-Applicability.

To my knowledge, only 2 (two) of the 16 (sixteen) parcel owners within the "district" were aware their parcels would be included in the "district." The remaining 14 (fourteen) property owners and the adjacent property owners were caught by surprise. We had no reason to suspect that **our overwhelmingly successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlays were somehow, without our knowledge being completely ignored by the County.** That the County was in the final stages of forcing a rezone on us. Why wasn't every property owner who voted in 2018 notified that the county had completed and passed an ordinance that essentially repealed our vote? This is not responsible governance.

These property owner's have no desire for a Cannabis Accomodation District, had not applied for a zoning change, do not desire a Cannabis Accomodation District. They only discovered their APNs included in the parcels listed in a notice that was not sent to the property owners themselves, but shared with them by neighbors within 350 feet from the "district!" These property owners' did not receive notice from the County but found out when their neighbors whose properties are adjacent to the proposed "district" were noticed and contacted their neighbors whose parcels were listed to find our what the hell was going on! We learned that our neighbors whose properties were listed in the notice had no knowledge of any of this and were flabbergasted to learn about what was happening! Very disconcerting. How is this possible, that the people whose properties were being considered by the County the following week to be potentially rezoned were completely unaware of this project or application? How is it possible for these 16 (sixteen) APN's were cobbled together by 1 (one)

property owner and the County to author the Cannabis Accomodation District 2019-0012 without including all those impacted by this project?

Unfortunately an additional Cannabis Accomodation District 2019-0013 is up against the same dilemma, the same applicant, and the County's same tactics negatively impacting our neighbors just to the North of us who also voted in 2018 against the Cannabis Overlay North, find themselves in the same predicament.

If, per the Cannabis Ordinance, 60% approval is required by the owners' of the parcels included in the "district," and 14 (fourteen) of the sixteen parcel owners' were unaware that their parcels were included in the "district," and had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge, being ignored. Implicates the county in deception. **The County had not informed us about this project or updates since the 2018 vote to remove Mitchell Creek North and South from the proposed Cannabis Accommodation Combining Districts. Does the County consider not knowing that the property you own is about to be rezoned from rural residential to commercial agricultural is in some way approval?** How were those property owners who had absolutely no knowledge of this application and project, supposed to take action to rescind their parcels from the district without knowledge of the project? This is purposeful trickery. Where is the County's integrity in this matter? Without an appropriate response from Mendocino County acknowledging the clear disregard for input and inclusion in the Cannabis Ordinance, Cannabis Accomodation District, the application R_2019-0012, and now to add insult to injury The Tourist Facilities Ordinance, all without EIR/CEQA input. This mess is a Class Action Suit waiting to happen.

I received a telephone message from Planner Chevon Holmes on June 29, 2021 At 9:52 a.m., which I saved, stating "the withdrawal of application by the applicant. That rezone request was withdrawn by the applicant and is no longer under consideration by the Mendocino County Planning Commission or the Board of Supervisors.

If you do still have questions please feel free to reach out to me.

Again, the application has been withdrawn and is no longer up for a consideration."

An application to create a Cannabis Accommodation Combining District requires submission of a petition that demonstrates support for the proposed CA district by more than sixty percent of the affected property owners and therefore, it is possible that a property be included in the proposed district and the owner not actively participate. Staff has attached the applicable zoning chapter for your review which provides additional information with regard to district requirements.

(Ord. No. 4420, § 4, 12-4-2018) Sec. 20.118.030. - Establishment of CA Combining District.

(B) Establishment of a CA Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CA district. Such application shall be filed with the Planning and Building Services Department and shall be accompanied by either:

- (1) A petition that demonstrates support for the proposed CA district by more than sixty percent (60%) of the affected property owners (as demonstrated by one (1) owner's signature per legal parcel) within the proposed CA district; or
- (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.

The full referral packet for the Cannabis Accomodation District, the highlighted “district” including 16 parcels in the notice (vs. the 15 parcels as the application lists), presents details that only apply to 1 (one) parcel APN#019-560-31, SE & A’s property ownership and Brandy Moulton’s application for agricultural industry on that particular property, should not be assumed to address whether the conditions for the additional 14 or 15 parcels included in the “district” would meet the necessary conditions to qualify for permit.

Clearly the maps show that each individual parcel within the so-called “district” is unique in regard to meeting the necessary Environmental Data needed to bypass CEQA and meet the many requirements.

In fact I would argue that Brandy Moulton’s application is incomplete and inaccurate and does not represent what actually does take place on that parcel. Neighbors routinely witness activity on said parcel suggesting ongoing construction vs. a completed and approved site, multiple shifts of mutliple workers on site, concrete trucks going in and out of the gates, etc., etc.

The application is incomplete. This application only represents 1(one) parcel APN# 019-5601-31, and the desires of 2 people, the owner — who is not named in the application, but appears on page as SE&A Inc.— and the applicant, Brandy Moulton. The application does not address the additional 15 (fifteen parcels) — 019-560-12, 019-560-29, 019-560-41, 019-560-62, 019-560-63, 019-570-16, 019-570-17, 019-570-19, 019-570-24, 019-570-25, 019-570-26, 019-570-28, 019-570-29, 019-570-32, and one missing APN# that is not noted in the listing of parcels included in the “district,” on page 1 of the county’s document dated March 11, 2021, stating 16 (sixteen) parcels and noting only 15 (fifteen). The only parcel considered for its environmental impact and signed off by the necessary agencies is the applicants. The micro-environments in this “district” represent many distinct ecologies each one with unique soils, plants, wildlife, fire dangers, aquifers, animal and human populations and needs.

To my knowledge, only 2 (two) of the 16 (sixteen) parcel owners within the “district” were aware their parcels would be included in the “district.” The remaining 14 (fourteen) property owners were caught by surprise, had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge being completely ignored and the county was in its final stages of forcing a rezone on them. These property owner’s who have no desire for and have not applied for a zoning change and do not desire a Cannabis Accomodation District — discovered their APNs included in the parcels listed in the notice that these property owners’ did not receive but found out from their neighbors whose properties are adjacent to the “district,” who were noticed and contacted them to find our what the hell was going, on only to learn they had no knowledge of any of this and were flabbergasted to learn about what was happening! Very disconcerting. How is this possible, that the people whose properties were being considered by the county the following week to be rezoned were completely unaware of this project or application? How is it possible for these 16 (sixteen) APN’s to be cobbled together by 1 (one) property owner, for one applicant and the County to be the authors of 2019-0012 without including all those impacted?

That have not determination of if they meet the agents name and information is deleted from the application, signatures are missing, let alone not

If 60% approval is required by the owners’ of the parcels included in the “district,” and 14 (fourteen) of the sixteen parcel owners’ were unaware that their parcels were included in the “district,” and had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge being ignored. Implicates the county in deception. Does the county consider not knowing, not being aware that the property you own is about to be rezoned from rural residential to commercial agricultural is in some way approval. This is trickery worthy of a class action response. Where is the County’s integrity in this matter?

The un-named owner approached a number of the property owners whose parcels—unbeknown to them until a week before the scheduled hearing—were included in the “district” and about to be rezoned from rural residential to commercial/agricultural, showed up at the homes of some of the owners’ in an attempt to convince

them not to rescind their property from the district. This person has a reputation as a bully. People are feeling unsafe to act in their best interest for fear of retribution.

The HOA (Home Owner's Association) covenant for the Shane Drive parcels states that, **residential use only is allowed** on the lots. Anything commercial is in violation of the Covenant they signed and agreed to when they purchased land/house in the subdivision.

The full referall packet for the Cannabis Accomodation District, the highlighted "district" including 16 parcels in the notice (vs. the 15 parcels as the application lists), presents details that only apply to 1 (one) parcel APN#019-560-31, SE & A's property ownership and Brandy Moulton's application for agricultural industry on that particular property, should not be assumed to address whether the conditions for the additional 14 or 15 parcels included in the "district" would meet the necessary conditions to qualify for permit.

Come on Mendocino County Departmnet of Planning and Building Services let's get it together and act as if Zoning declarations actually matter. That designations such as Rural Residential have meaning and that it is the County's job to uphold them.

Please deny R_2019-0012/0013, AND let's put this CACD nonsense behind us once and for all.

Thank you,

Carol A. Feen/Frieda Feen

TO: Department of Planning and Building Services
Commission Staff
860 North Bush Street
Ukiah, CA 95482
pbscommissions@mendocinocounty.org
Phone 707-234-6650
Fax 707-463-5709
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

FROM: Carol A. Feen/Frieda Feen
15710 Shane Drive
Fort Bragg, CA 95437

Mailing Address
Carol A. Feen/Frieda Feen
P.O. Box 988
Mendocino, CA 95460
friedaf@mcn.org
Phone 707-962-9246

February 1, 2022

To the Mendocino County Department of Planning and Building Services and the Mendocino County Board of Supervisors,

Concerning Case#: R_2019-0012 and Case#: R_2019-0013.

I request this letter be **entered into the record for Case#: R_2019-0012** and Case#: R_2019-0013.

I strongly oppose CASE#: R_2019-0012 and Case#: R_2019-0013, Rezones to create Cannabis Accomodation Combining Districts.

On June 29, 2021 At 9:52 a.m. I received a telephone message from then Planner Chevon Holmes, which I saved, stating “the withdrawal of application (CASE#: R_2019-0012) by the applicant. That rezone request was withdrawn by the applicant and is no longer under consideration by the

Mendocino County Planning Commission or the Board of Supervisors. If you do still have questions please feel free to reach out to me. Again, the application has been withdrawn and is no longer up for a consideration.”

I have made numerous calls to Planner Russell Ford since receiving this message from Chevon Holmes, asking for any updates on these applications but have not received any calls in return.s

On January 27, 2022 I received the Notice of Public Hearing dated January 21, 2022, postmarked January 24, 2022 noticing **(yet again!)** R_2019-0012! Brandy Moulton is yet again holding the county, zoning policy, and our rural residential neighborhoods hostage by submitting-withdrawing-re-submitting-suing-again-submitting this Cannabis Accommodation Combining District/Rezoning Policy mess! I can only imagine the number of law suits the county would face if these applications were approved!

Recently (1/25/22) in an interview on KZYYX Supervisor Ted Williams referred to Cannabis policy in rural residential areas, “... like putting Gas Stations in Rural Residential neighborhoods.”

How would the county ever be able to apply sensible zoning with this nonsensical policy making again!

Following is my letter from the previous go-around on this application.

In this letter I will be addressing CASE#: R_2019-0012, as my property is within 350 feet from this proposed “district,” therefore I received notice regarding this application. The issues I will be addressing also apply to Case#: R_2019-0013, therefore I am voicing my opposition to both proposed rezones and pledging my support for my neighbors opposing the proposed CA Accommodation Combining Districts in both neighborhoods.

Although the County listed the date filed for R_2019-0012 as 10/30/2019 in the document copied below, the applicant’s application form is actually dated 1/19/21
*see the copy below.

Right away there is a conflict between the County’s deadline (copied below) for applications for CA Combining Districts as November 1, 2019; and the applicants

Application Form (copied below) dated 1/19/21. Brandy Moulton failed to meet the County's deadline by 2 years and 2 months!

CASE#: R_2019-0012

DATE FILED: 10/30/2019

OWNER: VARIOUS

APPLICANT: BRANDY MOULTON

REQUEST: Rezone to create a Cannabis Accomodation Combining District of sixteen (16) parcels to facilitate greater flexibility in the development standards related to cannabis cultivation for existing commercial cannabis cultivation sites and susptend the 'Sunset Provision for Residential Districts' to facilitate continued operation.

ENVIRONMENTAL DETERMINATION: Addendum to the previously adopted Mitigated Negative Declaration (MNS; SCH#2016112028) pursuant to Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA) for the Mendocino Cannabis Cultivation Regulations appropriately addressed requirements under CEQA and determined that no conditions calling for preparation of a subsequent environmental document and no additional analysis is required.

LOCATION: 6.4 +/- Miles southeast of Fort Bragg City center, lying on the east side of Jade Ct. (CR 453), 0.1 +/- miles east of its intersection with Amethyst St. (CR 451); located at multiple addresses: APN's: 019-560-31, 019-560-12, 019-560-29, 019-560-41, 019-560-62, 019-560-63, 019570-16, 019-570-17, 019-570-19, 019-570-24, 019-570-25, 019-570-26, 019-570-27, 019-570-28, 019-570-29, 019-570-32.

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: CHEVON HOLMES

Although the County listed the date filed as 10/30/2019 in the document copied below, the applicant's application form is actually dated 1/19/21 *see the copy below.

Right away there is a conflict between the County's deadline (copied below) for applications for CA Combining Districts of November 1, 2019; and the applicants Application Form (copied below) dated 1/19/2. It appears that Brandy Moulton failed to meet the County's deadline by two years and 2 months! That in itself seems to make this project out of compliance.

CHAPTER 20.118 - "CA" CANNABIS ACCOMMODATION COMBINING DISTRICT

Sec. 20.118.030. - Establishment of CA Combining District.

(D)



PLANNING & BUILDING SERVICES

CASE NO:	_____
DATE FILED:	_____
FEE:	_____
RECEIPT NO:	_____
RECEIVED BY:	_____
<i>Office Use Only</i>	

APPLICATION FORM

APPLICANT:

Name: Brandy Moulton Phone: 707 223 1129
 Mailing Address: 18601 N HWY 1 #166
 City: Fort Bragg State/Zip: CA 95437 Email: brandy@sovereign707.com

PROPERTY OWNER:

Name: SEZIA Phone: 707 223 1129
 Mailing Address: 18601 N HWY 1 #166
 City: Fort Bragg State/Zip: CA 95437 Email: brandy@sovereign707.com

AGENT:

Name: _____ Phone: _____
 Mailing Address: _____
 City: _____ State/Zip: _____ Email: _____

ASSESSOR'S PARCEL NUMBER/S: 0195603100

TYPE OF APPLICATION:

- | | | |
|---|--|---|
| <input type="checkbox"/> Administrative Permit | <input type="checkbox"/> Flood Hazard Development Permit | <input type="checkbox"/> Reversion to Acreage |
| <input type="checkbox"/> Agricultural Preserve: New Contract | <input type="checkbox"/> General Plan Amendment | <input checked="" type="checkbox"/> Rezoning |
| <input type="checkbox"/> Agricultural Preserve: Cancellation | <input type="checkbox"/> Land Division - Minor | <input type="checkbox"/> Use Permit - Cottage |
| <input type="checkbox"/> Agricultural Preserve: Rescind & ReEnter | <input type="checkbox"/> Land Division - Major | <input type="checkbox"/> Use Permit - Minor |
| <input type="checkbox"/> Airport Land Use | <input type="checkbox"/> Land Division - Parcel | <input type="checkbox"/> Use Permit - Major |
| <input type="checkbox"/> Development Review | <input type="checkbox"/> Land Division - Re-Subdivision | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Exception | <input type="checkbox"/> Modification of Conditions | <input type="checkbox"/> Other |

I certify that the information submitted with this application is true and accurate.

 Signature of Applicant/Agent Date

 Signature of Owner Date 1/19/21

Applications for CA Combining Districts will be accepted until **November 1, 2019.**



Property owners of 14 (fourteen) out of the 16 (sixteen) parcels included in the so-called “district” had no idea that this application R_2019-0012 existed. Property owners and owners of adjacent property had no idea these parcels were being considered for rezoning from rural residential to commercial/agricultural! Property owners did not receive notice from the County regarding the virtual hearing scheduled for June 3, 2021 where the Mendocino County Planning Commission planned the public hearing on the Cannabis Accomodation Combining District Rezoning project and the Draft Addendum to the previously adopted Mitigated Negative Declaration. No-one in the neighborhood—except for 2 (two), both with applications for cannabis cultivation permits filed with the county, including the 1(one) applicant who cobbled together, unbeknownst to everyone else in the “district”—had any awareness that their Rural Residential property was slated for rezoning where “The CA Combining District may be applied to areas that include existing commercial cannabis cultivation operations, and where the zoning designation of the majority of the lots allows residential use by right.” From (Ord. No. 4420, § 4, 12-4-2018) Sec. 20.118.020. (A)-Applicability.

To my knowledge, only 2 (two) of the 16 (sixteen) parcel owners within the “district” were aware their parcels would be included in the “district.” The remaining 14 (fourteen) property owners and the adjacent property owners were caught by surprise. We had no reason to suspect that **our overwhelmingly successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlays were somehow, without our knowledge being completely ignored by the County.** That the County was in the final stages of forcing a rezone on us. Why wasn’t every property owner who voted in 2018 notified that the county had completed and passed an ordinance that essentially repealed our vote? This is not responsible governance.

These property owner’s have no desire for a Cannabis Accomodation District, had not applied for a zoning change, do not desire a Cannabis Accomodation District. They only discovered their APNs included in the parcels listed in a notice that was not sent to the property owners themselves, but shared with them by neighbors within 350 feet from the “district!” These property owners’ did not receive notice from the County but found out when their neighbors whose properties are adjacent to the proposed “district” were noticed and contacted their neighbors whose parcels

were listed to find out what the hell was going on! We learned that our neighbors whose properties were listed in the notice had no knowledge of any of this and were flabbergasted to learn about what was happening! Very disconcerting. How is this possible, that the people whose properties were being considered by the County the following week to be potentially rezoned were completely unaware of this project or application? How is it possible for these 16 (sixteen) APN's were cobbled together by 1 (one) property owner and the County to authorize the Cannabis Accommodation District 2019-0012 without including all those impacted by this project?

Unfortunately an additional Cannabis Accommodation District 2019-0013 is up against the same dilemma, the same applicant, and the County's same tactics negatively impacting our neighbors just to the North of us who also voted in 2018 against the Cannabis Overlay North, find themselves in the same predicament.

If, per the Cannabis Ordinance, 60% approval is required by the owners' of the parcels included in the "district," and 14 (fourteen) of the sixteen parcel owners' were unaware that their parcels were included in the "district," and had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge, being ignored. Implicates the county in deception. **The County had not informed us about this project or updates since the 2018 vote to remove Mitchell Creek North and South from the proposed Cannabis Accommodation Combining Districts. Does the County consider not knowing that the property you own is about to be rezoned from rural residential to commercial agricultural is in some way approval?** How were those property owners who had absolutely no knowledge of this application and project, supposed to take action to rescind their parcels from the district without knowledge of the project? This is purposeful trickery. Where is the County's integrity in this matter? Without an appropriate response from Mendocino County acknowledging the clear disregard for input and inclusion in the Cannabis Ordinance, Cannabis Accommodation District, the application R_2019-0012, and now to add insult to injury The Tourist Facilities Ordinance, all without EIR/CEQA input. This mess is a Class Action Suit waiting to happen.

I received a telephone message from Planner Chevon Holmes on June 29, 2021 At 9:52 a.m., which I saved, stating "the withdrawal of application by the applicant. That rezone request was withdrawn by the applicant and is no longer under consideration by the Mendocino County Planning Commission or the Board of Supervisors.

If you do still have questions please feel free to reach out to me.

Again, the application has been withdrawn and is no longer up for a consideration.”

An application to create a Cannabis Accommodation Combining District requires submission of a petition that demonstrates support for the proposed CA district by more than sixty percent of the affected property owners and therefore, it is possible that a property be included in the proposed district and the owner not actively participate. Staff has attached the applicable zoning chapter for your review which provides additional information with regard to district requirements.

(Ord. No. 4420, § 4, 12-4-2018) Sec. 20.118.030. - Establishment of CA Combining District.

- (B) Establishment of a CA Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CA district. Such application shall be filed with the Planning and Building Services Department and shall be accompanied by either:
- (1) A petition that demonstrates support for the proposed CA district by more than sixty percent (60%) of the affected property owners (as demonstrated by one (1) owner's signature per legal parcel) within the proposed CA district; or
 - (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.

The full referall packet for the Cannabis Accomodation District, the highlighted “district” including 16 parcels in the notice (vs. the 15 parcels as the application lists), presents details that only apply to 1 (one) parcel APN#019-560-31, SE & A’s property ownership and Brandy Moulton’s application for agricultural industry on that particular property, should not be assumed to address whether the conditions for the additional 14 or 15 parcels included in the “district” would meet the necessary conditions to qualify for permit.

Clearly the maps show that each individual parcel within the so-called “district” is unique in regard to meeting the necessary Environmental Data needed to bypass CEQA and meet the many requirements.

In fact I would argue that Brandy Moulton’s application is incomplete and inaccurate and does not represent what actually does take place on that parcel. Neighbors routinely witness activity on said parcel suggesting ongoing construction vs. a completed and approved site, multiple shifts of multiple workers on site, concrete trucks going in and out of the gates, etc., etc.

The application is incomplete. This application only represents 1(one) parcel APN# 019-5601-31, and the desires of 2 people, the owner — who is not named in the application, but appears on page as SE&A Inc.— and the applicant, Brandy Moulton. The application does not address the additional 15 (fifteen parcels) — 019-560-12, 019-560-29, 019-560-41, 019-560-62, 019-560-63, 019-570-16, 019-570-17, 019-570-19, 019-570-24, 019-570-25, 019-570-26, 019-570-28, 019-570-29, 019-570-32, and one missing APN# that is not noted in the listing of parcels included in the “district,” on page 1 of the county’s document dated March 11, 2021, stating 16 (sixteen) parcels and noting only 15 (fifteen). The only parcel considered for its environmental impact and signed off by the necessary agencies is the applicants. The micro-environments in this “district” represent many distinct ecologies each one with unique soils, plants, wildlife, fire dangers, aquifers, animal and human populations and needs.

To my knowledge, only 2 (two) of the 16 (sixteen) parcel owners within the “district” were aware their parcels would be included in the “district.” The remaining 14 (fourteen) property owners were caught by surprise, had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge being completely ignored and the county was in its final stages of forcing a rezone on them. These property owner’s who have no desire for and have not applied for a zoning change and do not desire a Cannabis Accomodation District — discovered their APNs included in the parcels listed in the notice that these property owners’ did not receive but found out from their neighbors whose properties are adjacent to the “district,” who were noticed and contacted them to find out what the hell was going, on only to learn they had no knowledge of any of this and were

flabbergasted to learn about what was happening! Very disconcerting. How is this possible, that the people whose properties were being considered by the county the following week to be rezoned were completely unaware of this project or application? How is it possible for these 16 (sixteen) APN's to be cobbled together by 1 (one) property owner, for one applicant and the County to be the authors of 2019-0012 without including all those impacted?

That have not determination of if they meet the agents name and information is deleted from the application, signatures are missing, let alone not

If 60% approval is required by the owners' of the parcels included in the "district," and 14 (fourteen) of the sixteen parcel owners' were unaware that their parcels were included in the "district," and had no reason to suspect that their successful vote in 2018 against the Mitchell Creek North and South Cannabis Overlay was somehow, without their knowledge being ignored. Implicates the county in deception. Does the county consider not knowing, not being aware that the property you own is about to be rezoned from rural residential to commercial agricultural is in some way approval. This is trickery worthy of a class action response. Where is the County's integrity in this matter?

The un-named owner approached a number of the property owners whose parcels—unbeknown to them until a week before the scheduled hearing—were included in the "district" and about to be rezoned from rural residential to commercial/agricultural, showed up at the homes of some of the owners' in an attempt to convince them not to rescind their property from the district. This person has a reputation as a bully. People are feeling unsafe to act in their best interest for fear of retribution.

The HOA (Home Owner's Association) covenant for the Shane Drive parcels states that, **residential use only is allowed** on the lots. Anything commercial is in violation of the Covenant they signed and agreed to when they purchased land/house in the subdivision.

The full referall packet for the Cannabis Accomodation District, the highlighted "district" including 16 parcels in the notice (vs. the 15 parcels as the application lists), presents details that only apply to 1 (one) parcel APN#019-560-31, SE & A's property ownership and Brandy Moulton's application for agricultural industry on that particular property, should not be assumed to address whether the

conditions for the additional 14 or 15 parcels included in the “district” would meet the necessary conditions to qualify for permit.

Come on Mendocino County Department of Planning and Building Services let's get it together and act as if Zoning declarations actually matter. That designations such as Rural Residential have meaning and that it is the County's job to uphold them.

Please deny R_2019-0012/0013, AND let's put this CACD nonsense behind us once and for all.

Thank you,

Carol A. Feen/Frieda Feen