



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
michael@lozeaudrury.com

July 16, 2019

Via Email & First Class Mail

Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482
bos@mendocinocounty.org

Mendocino County Planning Commission
Julia Acker Krog, Chief Planner
Mendocino County Department of
Planning and Building Services
860 N. Bush Street
Ukiah, CA 95482
ackerj@mendocinocounty.org

Re: Agenda Item 6d OA_2019-0002 and Concerns re: Review of Potential Future
Amendments to Cannabis Cultivation Ordinance

Dear Ms. Acker Krog, Planning Commissioners, Board Chair Brown, and Supervisors
McCowen, Haschak, Gjerde and Williams,

I am writing on behalf of the Willits Environmental Center (“WEC”) in order to advise the Board of Supervisors and the Planning Commission of WEC’s concerns regarding the Commission’s and Board’s pending and future discussions addressing various possible amendments to the existing Mendocino Cannabis Cultivation Ordinance, Mendocino County Code of Ordinances, Chapters 10A.17 and 20.242. WEC has reviewed the Board of Supervisor’s May 14, 2019 meeting where the Board discussed recommendations presented by the Cannabis Cultivation Ad Hoc Committee. Staff has now released several proposed amendments that are scheduled to be considered by the Planning Commission at its upcoming meeting on July 18, 2019. It is our understanding that staff will be preparing additional amendment options for the Commission’s and Board’s consideration at yet-to-be determined future meetings.

In regard to the proposed amendments being considered this Thursday by the Commission, the staff proposal includes an amendment that would authorize the transfer of existing cultivation permits to any person, including on rangeland zoning districts. Currently, no such transfers are allowed to non-family members. These proposed transfers to non-family members would include existing permits within the rangelands zoning district. A key mitigation measure adopted pursuant to the California Environmental Quality Act (“CEQA”) at the time the cannabis

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cultivation ordinance was adopted was a prohibition on any new cultivation within the rangeland districts. Reviewing the staff report, it appears that the proposed assignment provision would make any such transfer of cultivation permits contingent on complying with the existing cultivator's permit. See Proposed Ordinance Sec. 10A.17.070(K)(2) & Sec. 20.242.040(E). WEC believes it is important that the proposed amendment clarify that any transfer on rangelands be limited to the square-footage permitted by the existing issued permits and that any non-family transferee not be allowed to expand the currently permitted cultivation area or associated facilities.

In addition, WEC wanted to take this opportunity to preview its concerns about any conceptual amendments to the existing rangeland prohibition (Mitigation Measure AG-2). Opening up rangelands to new cannabis cultivation was considered but only recommended for discussion by the Cannabis Cultivation Ad Hoc Committee. That possible change was discussed by the Board of Supervisors during its May 14, 2019 meeting. Although not scheduled for consideration by the Planning Commission at this week's meeting, WEC wanted to advise the Commission and the Supervisors at this early stage that any proposal to remove the existing prohibition on new cannabis cultivation within rangeland districts may have significant environmental impacts. The potential impacts of authorizing new cannabis cultivation on rangelands include, but are not limited to, impacts on water quality, land uses, air quality, safety, and biological resources. In assessing potential cumulative impacts of such a proposal, the County would have to consider not only the number of potential new permitted grows on rangeland, but also the cumulative impacts of those grows in combination with the many illegal grows that continue to plague the County's rangelands and other areas. Accordingly, prior to any amendment considering removing in whole or in part the existing cultivation prohibition within rangeland zoning districts, the Board will have to prepare a full environmental impact report ("EIR") pursuant to CEQA. WEC strongly encourages the Board to withdraw any existing or future direction to staff proposing to remove, in whole or in part, the existing prohibition on new cannabis cultivation on rangelands.

Thank you for this opportunity to provide input on the proposed amendments being considered this Thursday and to make the County aware of WEC's concerns regarding potential future amendments affecting the County's rangelands.

Sincerely,



Michael R. Lozeau
Lozeau Drury LLP
on behalf of the Willits Environmental Center

cc: Ellen & David Drell, WEC



Mendocino County Planning Commission
501 Low Gap Road
Ukiah, CA 95482

July 17, 2019

Re: Agenda Item OA_2019-0002 (Proposed Changes To Inland Ordinance/MND)

Honorable Commissioners and Staff:

The Mendocino Cannabis Alliance appreciates the work that has gone into these proposed changes and MCA would like to offer the following support or further recommendations on the following items:

Proposed Changes

Item 1. MCA is in full support and agrees that this change would not constitute a significant change for purposes of the MND.

Item 2: MCA requests a lower minimum acreage requirement for smaller nurseries to less than 5 acres.

Item 3: Please recommend to the Board that the 4 year phase-out start from now. It is anticipated that the Board will consider alignment with State energy and air quality requirements regarding generators and energy use that are coming into effect in future years and Staff has been directed to bring forth proposals. Rather than directly tackle the issue, Staff suggested this measure to give more time to see how the State implementation will be conducted. 4 years from 2017 is only 1 ½ years away. More time is needed to transition away from primary reliance on generators or to evaluate a better method of regulating energy and air quality impacts. Further, we ask that a re-examination of the noise study be conducted. There are no qualified professionals in Mendocino County that can conduct such noise studies. A simpler approach would be to require adherence to all County noise requirements.

Item 4: MCA is in strong support of transferability but would respectfully request that both

non-conforming parcels and parcels in the Accommodation Combining Zones be allowed to participate in transferability. By adopting an Accommodation Combining Zone, an area is effectively taken out of the Sunset clause until or unless the action is reversed in time. There is a weighted period to discourage repeal within a short number of years.

Item 5: We respectfully request that rather than specify a cultivation style type that may be allowed, the Commission recommends that the specification relate to whether the cultivation is conducted in a structure with odor filtration. As explained earlier, Indoor, Mixed Light, and even Outdoor cultivation styles may be conducted in a structure if the definition of Outdoor aligns with the State definition (Staff was directed to review all areas in which alignment with State definitions can occur and those matters are anticipated to come before the Board again later in the summer or in the Fall).

Item 7: MCA strongly supports the extension for areas near the Coastal Zone, but we recommend a later deadline for eligibility given that it took more than 3 years for the issue to be addressed. Additionally, MCA requests that the extension of time to apply for the permitting program be extended for those in the Accommodation Combining Districts since applicants were only given 6 months to apply once the Accommodation Districts were adopted. The permitting process completely changed since the program began, making the upfront requirements much more involved and extensive (for example, applicants must now have a Water Board permit in hand before applying). These cultivators should be given a longer period in which to apply for a permit.

Thank you for the opportunity to comment and for your careful consideration of the issues we raise.

Respectfully,

Mendocino Cannabis Alliance



July 17, 2019

Mendocino County Planning Commission
501 Low Gap Road
Ukiah, CA 95482

Re: Agenda Item OA_2019-0002 (Proposed Changes To Inland Ordinance/MND)

Dear Honorable Commissioners:

On behalf the Covelo Cannabis Advocacy Group (CCAG) we greatly appreciate the efforts that Staff has taken to thoroughly investigate each of these items. Our organization would like to offer our input on the following recommendations that are being brought before you.

Item 2: Nurseries are a crucial component for cultivators to be able to source plants and seeds from. CCAG would like to offer a recommendation to reduce the acreage requirement to less than 5 acres. This would open up more opportunity for those wishing to obtain Nursery licenses that do not meet the current acreage requirement. Mendocino County should be encouraging smaller producers an ability to operate as much as possible to garner greater participation in the County cultivation program. Cottage style nurseries are needed and should be supported.

Item 4: CCAG is in strong support of transferability. ALL license holders should be allowed to transfer their business to a new owner if they so desire. With respect to the exception of not allowing those in the Accommodation Combining Zone to transfer a permit, our organization strongly disagrees with this recommendation. Our community was one of the chosen locations due to the history of legacy cultivation that has been occurring in our rural neighborhoods. It has been the only way Covelo has stayed afloat during the lapse of the logging industry.

Through the lengthy process it took to allow these sites to operate beyond the sunset clause of the county cannabis ordinance, neighbors had to weigh in by vote in order to be an eligible site. Those in the Accommodation Zones in Covelo Core, Covelo Fairbanks, Laytonville and South Leggett should not be singled out and not afforded the ability to transfer their permit to a new operator in the future. We have recognized as a County that

these are unique legacy sites that do not reflect the same values or beliefs of other areas of the County, therefore making them eligible in the first place. These sites are limited to 2500 square feet of cultivation with no opportunity to ever scale up beyond this permit size. Planning is about looking ahead into the future. We hope that this Commission recognizes that those in the Accommodation Zones are the smallest cultivators with the least amount of financial backing. Their business investments will have a direct impact on the economy of our County in the long term but only if they are supported in building it. We urge this Commission to recommend to the Board that those in the Accommodation Combining Zones be included in the allowance for transferability based on the reasons just provided. Our organization believes this is one of the reasons we have not seen the participation that was anticipated because of this disallowance.

Item 7: The deadline to apply for a cultivation permit in the Accommodation Districts closed on July 3rd 2019, which only gave applicants 6 months to apply. The County offered satellite offices to help bring people in to apply and answer questions, which was a great tool for the community to use. Unfortunately there was limited notice to the public on these events and many did not understand when there was a deadline. We have not captured all of the participation that could have been realized and CCAG recommends that the window to apply be extended to the end of the Phase 1 application deadline, which is October 4th 2019. This will help bring more participation into the program and help to recover some of the costs associated with setting up these special areas.

Thank you for taking the time to consider our recommendations.

Sincerely,

Covelo Cannabis Advocacy Group