

pbscommissions - Letter regarding BOS proposal for Phase III Cannabis expansion

From: Sattie Clark <sattieclark@gmail.com>
To: <pbs@mendocinocounty.org>
Date: 3/17/2021 4:33 PM
Subject: Letter regarding BOS proposal for Phase III Cannabis expansion
Cc: <pbscommissions@mendocinocounty.org>
Attachments: Letter to PlanComm 3-17-21 final.pdf

March 16, 2021

Mendocino Planning Commission
 860 Bush Street
 Ukiah, CA 95482

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Dear Commissioners,

We are members of the Redwood Valley MAC, speaking here as private citizens. Our views are not necessarily those of any other body including the Board of Supervisors, nor do we speak here for anyone else.

We strongly oppose the expansion of cannabis cultivation up to 10% of acreage in AG, UR, and RL zoning districts, as specified in the Commercial Cannabis Activity Land Use Ordinance. We want to underline our shared position with the Laytonville MAC and the Round Valley MAC in their opposition to this impending decision/vote. Allowing 10% of total acreage for commercial cannabis farming exacerbates existing, non-mitigated stressors that will quicken environmental collapse in our county.

Redwood Valley residents care deeply about the quality of their natural environment and have long worked to be good stewards of its resources. In our Community Action Plan of 2020, residents diligently and specifically expressed concern about the negative impacts of large scale indoor and outdoor cannabis cultivation on residents—especially lights, fences, hoop houses, smells, violent crime, traffic, property values and the environment. We are already struggling with these and while Phase III could eventually reduce crime, we have reason to believe the other negative impacts will get worse.

Most importantly, Redwood Valley's current water crisis has made almost certain that agricultural water provided by Redwood Valley County Water District will soon be shut off completely. Delivery of domestic water will likely depend on reallocation of water from other districts or agencies. We agree with Supervisor Glenn McGourty that we must protect every drop of water in the Upper Russian River Basin. We owe it to our county's existing farms and families to protect them first before inviting in large-scale cultivation off a crop known for its excessive water demands.

We lack confidence that Mendocino County has the budget, staffing or track record to responsibly allow new cannabis operations while also protecting residents and existing businesses. Already Redwood Valley is experiencing rapid proliferation of hoop houses without any signs of oversight or enforcement. We have noted a lack of transparency and public process in the County's fast-tracked development of Phase III of the Cannabis Ordinance. Without inviting and heeding the voices of citizens and giving ample time and forums for public discussion, the democratic process has failed. Though the majority of Californians voted to legalize cannabis, we have heard from so many in our county that this proposal is not what they voted for. They wanted legalization of small, sustainable farms.

We therefore oppose the development of large-scale cannabis cultivation in our district. We respectfully request that you reject the Board of Supervisor's proposal for Phase III expansion of cannabis cultivation in Mendocino County. While this type of expansion might be appropriate in other counties with more robust resources, it is not appropriate here.

Thank you very much for your consideration and your time and attention to this urgent issue.

Very Sincerely,

Sattie Clark, Patricia Yarbrough, Jini Reynolds, Marybeth Kelly, Chris Boyd, Katrina Frey

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From: <borges.ann@gmail.com>
To: <pbscommissions@mendocinocounty.org>
Date: 3/17/2021 6:33 PM
Subject: Expansion

My family is 100% against the proposed expansion initiated by John McCowan & Ted Williams. The County failed on Phase 1 & expect us to Trust them on another debacle. Absolutely Not!! No Scientific or Economic studies have been completed to support this shortsighted greed oriented plan!

Sent from my iPhone

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From: Lucy Shedge <Shedoelu@outlook.com>
To: "bos@mendocinocounty.org" <bos@mendocinocounty.org>
Date: 3/17/2021 7:09 PM
Subject: Agenda item 6B / Supervisors Planning Commission

Supervisors Please! (read thru whole thing)

Keep current ordinance - improve and ENFORCE it. The discretionary use permit system in the proposed new Mendocino Commercial Cannabis Activity Ordinance (MCCAO) relies too much on individual planners and a planning department that has never inspected or monitored a single use permit in recent history). If the supes insist on pursuing the new proposed against the will of the people they should:

- a. Not adopt the MCCAO without doing an EIR
- b. Not open Rangelands to new permits due to

extreme fire risk; terrible impacts on rivers, fish, water table, soil stability, oaks and other native plants, wildlife and wildlife corridors, beauty, peace, night sky, fabric of our community, etc

- c. Keep the current cap on grow size and number of permits per parcel (2);
- d. Direct county staff to process hundreds of applications for state licensing they've been sitting on, beginning immediately.

The existing ordinance would work if county staff would stop obstructing the process!

[yes i have copied the above portion of this letter as it says exactly what i want to say, succinctly, thank you! below are the mumblings and bumbings from my heart...]

i grew up running around in the hills east of Willits in the late 60's and early 70's... as a young teenager alone. other than some disgusting cases of poison oak, i was perfectly fine. just a short time later, when i left to explore the bigger world i heard horror stories from my family and others of someone coming bloody to the door, wanting to use the phone as they had 'stumbled onto the wrong property'... (looking for and getting too close to illegal grows), water being siphoned out of a friend's waterline at a crazy rate to create same, and rodenticide (or what we called rat poison) making some of the sweet, beautiful local fauna mangy and diseased.

this is a beautiful place that could be so healthy and healthful.... let's do our very best to honor THAT way so we are NOT laid to waste like so many places in the sad history of these United States!

ever so sincerely,
Lucy Shido,
Willits, Calif
a very concerned citizen then and now

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pbscommissions - Agenda Item 6B

From: Halle Brady <halledgb@yahoo.com>
To: <bos@mendocinocounty.org>
Date: 3/17/2021 9:53 PM
Subject: Agenda Item 6B

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Planning & Building Services

March 17, 2021

To All Who May Be Concerned,

I am voicing my concerns regarding the agenda item 6B that the Board of Supervisors is proposing, which will replace our hard-won ordinance with a use permit process. This will leave all of the decisions of where, how much, and under what conditions to allow cannabis operations to the discretion of Planning Department staff.

This will eliminate the following protections we have in place with our existing ordinance:

- * The prohibition on new operations in the County's Rangeland Zone.
- * The cap on the size of the grow sites of 10,000 sq. ft. per permit
- * The 2-permits-per-parcel limitation
- * The protections against tree removal
- * The generator phase-out timeline
- * The protections against light pollution.

Instead of strengthening our ordinance, *this new proposal will eliminate all of these protections* and it will allow for a massive expansion of the size and number of cannabis grows in the county, including large commercial grows through a Use Permit process. Use Permits are issued for a minimum of 10 years with indefinite renewals and accompany the property regardless of the owner. Historically Use Permits in this county are rarely, if ever, monitored by county staff.

Of particular concern is the provision that would open all of our Rangelands to development, and allow up to 10% of a parcel 10 acres or more in the Ag, Upland Residential, and Rangeland zones to be converted to cannabis. For example, a 160-acre parcel could have sixteen acres of cannabis. That would be destructive to the small family grower, and it will not be environmentally sustainable.

The **Farm Bureau does not support** this new proposal, the **small cannabis grower does not support it**, our **Sheriff does not support it**, and the **environmental community does not support it**. And this new proposal is NOT the Vision supported by the majority of citizens of this county, as evidenced by the fact that Measure AF, which proposed cannabis in almost every zoning district, went down to defeat in 2016.

This proposal wholly ignores the recommendations of the Mendocino Climate Action Committee regarding appropriate land use development to meet the need for greenhouse gas reduction and carbon sequestration goals.

It also ignores the goals of our new federal administration which is calling for 30% of our lands to be set aside to try to stem the collapse of our wildlife population from climate

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change. If we were to continue preserving our Rangelands we would be able to meet that 30% goal.

If we hope to have even a semblance of a salmon fishery again we will have to have cool running streams and rivers. Not the hot, shallow, and algae-choked rivers we are seeing now across our county. Our water has already been over-allocated if we hope to meet the challenges of climate change in the years ahead, and unfortunately, cannabis likes a lot of water and a lot of fertilizer.

Also, there is no proposed funding for a remedy to the abject failure of the citizen-driven complaint system of enforcement that we have now. The county does not have the budget, the staff, or the track record to responsibly invite a big expansion of cannabis operations at this time.

A change of this scale should be broadly and openly discussed with the community, not sprung on the public and even some board members over the course of a weekend - making a mockery of our local democracy. And considering the magnitude of the expansion plan, the county, at the very least, should do a full Environmental Impact Review (EIR).

Please listen to the many concerned citizens of our country, not all of whom are cannabis growers, who emphatically request that you take our requests seriously and act accordingly.

Sincerely and with due respect,
Halle and Mike Brady, Potter Valley

Halle

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March 17, 2021

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SEP

To All Who May Be Concerned,

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SEP

I am voicing my concerns regarding the agenda item 6B that the Board of Supervisors is proposing, which will replace our hard-won ordinance with a use permit process. This will leave all of the decisions of where, how much, and under what conditions to allow cannabis operations to the discretion of Planning Department staff. This will eliminate the following protections we have in place with our existing ordinance:

- * The prohibition on new operations in the County's Rangeland Zone.
- * The cap on the size of the grow sites of 10,000 sq. ft. per permit
- * The 2-permits-per-parcel limitation
- * The protections against tree removal
- * The generator phase-out timeline
- * The protections against light pollution.

Instead of strengthening our ordinance, *this new proposal will eliminate all of these protections* and it will allow for a massive expansion of the size and number of cannabis grows in the county, including large commercial grows through a Use Permit process. Use Permits are issued for a minimum of 10 years with indefinite renewals and accompany the property regardless of the owner. Historically Use Permits in this county are rarely, if ever, monitored by county staff.

L
SEP

Of particular concern is the provision that would open all of our Rangelands to development, and allow up to 10% of a parcel 10 acres or more in the Ag, Upland Residential, and Rangeland zones to be converted to cannabis. For example, a 160-acre parcel could have sixteen acres of cannabis. That would be destructive to the small family grower, and it will not be environmentally

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sustainable.

The Farm Bureau does not support this new proposal, **the small cannabis grower does not support it, our Sheriff does not support it,** and **the environmental community does not support it.** And this new proposal is NOT the Vision supported by the majority of citizens of this county, as evidenced by the fact that Measure AF, which proposed cannabis in almost every zoning district, went down to defeat in 2016.

This proposal wholly ignores the recommendations of the Mendocino Climate Action Committee regarding appropriate land use development to meet the need for greenhouse gas reduction and carbon sequestration goals.

It also ignores the goals of our new federal administration which is calling for 30% of our lands to be set aside to try to stem the collapse of our wildlife population from climate change. If we were to continue preserving our Rangelands we would be able to meet that 30% goal.

[L]
[SEP]

If we hope to have even a semblance of a salmon fishery again we will have to have cool running streams and rivers. Not the hot, shallow, and algae-choked rivers we are seeing now across our county. Our water has already been over-allocated if we hope to meet the challenges of climate change in the years ahead, and unfortunately, cannabis likes a lot of water and a lot of fertilizer. Also, there is no proposed funding for a remedy to the abject failure of the citizen-driven complaint system of enforcement that we have now. The county does not have the budget, the staff, or the track record to responsibly invite a big expansion of cannabis operations at this time.

A change of this scale should be broadly and openly discussed with the community, not sprung on the public and even some board members over the course of a weekend - making a mockery of our local democracy. And considering the magnitude of the expansion

plan, the county, at the very least, should do a full Environmental Impact Review (EIR).

As a licensed cannabis farmer I am completely opposed the Idea of allowing Rangeland and 10% of parcel expansion for cannabis grow! I urge you to consider the future of Mendocino County and future generations.

Please listen to the many concerned citizens of our county, not all of whom are cannabis growers, who emphatically request that you take our requests seriously and act accordingly.

Sincerely and with due respect,
Stacey Chako Suardika

To the Mendocino Board of Supervisors:

I would like to submit an opinion on the Commercial Cannabis Activity Land Use Ordinance which is currently being considered.

This proposed ordinance would have a huge impact on our county, negatively affecting our rural environment. I am particularly concerned about the following issues:

- 1) I favor keeping the existing ordinance with improvements (and enforcement) The discretionary use permit system in the proposed new Mendocino Commercial Cannabis Activity Ordinance.
- 2) The proposed ordinance should not be adopted without an EIR
- 3) Rangelands should not be made available to new permits (extreme fire risk; terrible impacts on rivers, fish, water table, soil stability, oaks and other native plants, wildlife and wildlife corridors, beauty, peace, night sky, fabric of our community, etc
- 4) Keep the current cap on grow size and number of permits per parcel (2)
- 5) Direct county staff to process the hundreds of applications for state licensing they've been sitting on, beginning immediately. The existing ordinance would work if county staff would stop obstructing the process.

Sincerely,
Lorna Maslenikov

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From: <harreschou@pacific.net>
To: <bos@mendocinocounty.org>, <phs@mendocinocounty.org>
CC: "Johnny" <johnnyscatena@yahoo.com>, "Shannon Aiello" <shanaaiello@gmail.com>
Date: 3/18/2021 9:31 AM
Subject: OPPOSE AGENDA ITEM 6b

I strongly oppose Agenda Item 6b.
Please

- 1) Keep the current ordinance, but improve and ENFORCE it. The discretionary use permit system in the proposed new Mendocino Commercial Cannabis Activity Ordinance (MCCAO) relies too much on individual planners and a planning department that has never inspected or monitored a single use permit in recent history). If the Board insists on pursuing the new proposed against the will of the people they should:
- 2) Not adopt the MCCAO without doing an EIR;
- 3) Not open Rangelands to new permits (extreme fire risk; terrible impacts on rivers, fish, water table, soil stability, oaks and other native plants, wildlife and wildlife corridors, beauty, peace, night sky, fabric of our community, etc (see letters below);
- 4) Keep the current cap on grow size and number of permits per parcel (2);
- 5) Direct county staff to process the hundreds of applications for state licensing they've been sitting on, beginning immediately. The existing ordinance would work if county staff would stop obstructing the process.

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I have been a resident of Potter Valley for many years. I have raised my children here and am watching my grandchildren grow up here. Two of the Board of Supervisors have visited here in recent months meeting with citizens that are very concerned with our growing cannabis problem. We have a "grow" next to our community playground. There is no enforcement from County to put a stop to these illegal sites. Water is being illegally siphoned from creeks, river and irrigation canals. Agricultural land is being covered with yards of base rock for hoop houses.

Please oppose Agenda Item 6b.
Thank you

Patricia E. Harreschou

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From: rstark <rstark@mcn.org>
To: <bos@mendocinocounty.org>
Date: 3/18/2021 9:55 AM
Subject: Cannabis Expansion Ordinance
Attachments: Board of Supes letter.docx

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March 18, 2021

Mendocino County Board of Supervisors
501 Low Gap Rd.
Ukiah Ca. 95482

Re: Cannabis Expansion Ordinance

Dear Board Members,

Mendocino County is at a crossroads. What is decided now will determine what our County will be like generations from now. It is vitally important to “get it right”, not hurry to a decision without taking the proper time to explore all options, and to ask for and receive, community input. I think it is important to maintain a balance in our County and not let one industry become dominant to the detriment of the quality of life and diversity that is Mendocino County. I am in favor of well thought out policies for legal cannabis that protect our land, water resources, farming and ranching communities, and all the people who live in the County.

My primary residence is in Covelo. I also have a home in Albion. My wife and I are long time County residents. Living in Covelo I see the “worst of the worst”, regarding out-of-control illegal cannabis: violent crime, visually ugly deplorable “grows”, night time light pollution, water trucking to remote sites far from the valley, etc, etc. When I am asked to “sign on” to the cannabis expansion ordinance (10% of property size) , the first question I ask is “how is the County handling the current situation?”. The answer is: it isn't. There is virtually no enforcement to shut down illegal grows, very little to deal with violent crime, cartels etc. The growers under phase one and two are continuing to expand while supposedly in the permit process, without any environmental review. Water is becoming an issue as wells in the Northwest part of the valley are dropping, as they have never done before, even in long ago drought cycles.

If the County approves this ordinance there will be a land grab by well-funded entities that will have the resources to leverage what they want in the permit process. If this new process begins, the illegal grows described above will also continue, making the problem that much more complex and unwieldy. Two days ago the Mendocino Voice put on a public Zoom meeting to address this ordinance, the question was asked about the need for enforcement. The answer was: “ we will have to staff up”. If it's not happening now, then why would anyone believe that it will happen after the “flood gates” are opened with this ordinance? The staff report to the Planning Commission states, under “General Plan Consistency Analysis”, that this ordinance “would not constitute an increase in environmental impact or change to existing land use provisions”. No environmental impact? No change to existing land use provisions? Does anyone believe this? For one, we will lose the prohibition on new operations in the County's Rangeland Zone. The ordinance also leaves out Standards and Requirements for cultivation. I assume that the Planning Dept would put this in place, or waive these unwritten standards, as they see fit. What gets approved will be behind closed doors. One supervisor recently told me that hoop houses and greenhouses would not be allowed under this ordinance. There is nothing written in the draft ordinance to prevent this. Is this another “we will see about this later”? This ordinance does not spell out for the community exactly what it is proposing.

I think that everyone should take a look at who is against this ordinance:

The Mendocino County Farm Bureau

Supervisor Haschak

Sheriff Kendall

The Ukiah Daily Journal

The entire environmental community

A substantial portion of the small legacy growers (many of whom feel abandoned by the County).

Most, if not all, of the public comments to date

I would suggest that this ordinance, as it is, be rejected. The County must first prove that it can handle what is on its plate now, before thinking about expanding further. If we do end up with a use permit process, let that be well defined with Standards and Requirements, making sure there is a pathway for those in the phase one and two permit process to secure their permits. Once the County can handle what it now has, then and only then should we talk about expansion. We must always ask ourselves “what is the shared vision for our County”?

Best regards,
Ron Stark
Covelo/Albion

pbscommissions - Cannabis expansion

From: vashti o'donnell <vashtirose@hotmail.com>
To: "bos@mendocinocounty.org" <bos@mendocinocounty.org>
Date: 3/18/2021 10:15 AM
Subject: Cannabis expansion

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Dear BOS,

Please save us from furthering the destruction of our county by legal cannabis. It does not serve the best interest of those who live here, including all wildlife and open space. Such an expansion would further the divide between small town, long time locals, and outside, economic interests, not to mention neighbors. The increase in traffic, light pollution, trash along the roadsides, carving out hillsides, water truck deliveries going all hours of the day and night, the use of harmful and toxic chemicals is devastating what is left of something wild and free. To increase the amount of land to grow beyond what it is currently sounds like a nightmare and I hope for the sake of all of us who live here and love it, that IT DOES NOT PASS.

Sincerely,
Vashti O'Donnell

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pbscommissions - Proposed Cannabis Ordinance

From: David Weitzman <weitzman@mcn.org>
To: <bos@mendocinocounty.org>, John Haschak <haschakj@mendocinocounty.org>
Date: 3/18/2021 10:41 AM
Subject: Proposed Cannabis Ordinance

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I totally concur with Paula and Larry's objection to the proposed cannabis ordinance. My community of Hulls Valley is awash in trashed black plastic cannabis greenhouses and the violence and disruption which has come with them. Two years ago there was a drug-related shooting at a grow just a few hundred yards from my house. I have had to suffer the noises of generators, loud music, semi-automatic gun fire, and heavy equipment day and night. Three times now I have been the victim of a specific kind of vandalism meant clearly to intimidate me and punish me for my reporting this grow to Sheriff Kendall. Along with these grows, too, has come rubbish along our roads unlike anything I have seen in the twenty-eight years I have lived here. So what's next? Drive-by shootings? Our houses being set afire? More bodies left by the side of the road? The complete destruction off what's left of the town of Covelo?

Our communities have been invaded by criminals that obviously have no interest in the community other than to have hidden away places to grow. Clearly the County can not adequately control or eradicate the number of large, illegal grows and attendant criminal activity we already have; to allow more invites the total destruction of all that is good about Mendocino County and puts us all more in danger.

Sheriff Kendall is doing a remarkable job given the limited support he is getting on these issues. But frankly, I feel it is time past to bring in federal agencies, especially the ICE, to clean up the mess we already have. Unless we get protection and support from our county administrators, that's the agency to which my next letters and phone calls are going.

David Weitzman

Dear Supervisors and Planning Commissioners,

My husband and I have written before in opposition to the development of large parcels of rangeland and land in Agricultural preserve being turned over without adequate protection to the burgeoning cannabis industry. There is no way that we can be assured that both the health, safety and environmental protections which we require will be possible if you pass this proposed ordinance now. My family has lived in Covelo for over 47 years, new comers that we are, and the rapid changes to safety, health and community well being are truly challenging to behold. This county needs its citizens help in protecting the remarkable natural resources and well being of this beautiful mountainous land. We have had devastating wild fires, drought, pandemic, a steep increase in community violence lately and so we urge you to reconsider the enormous impact on all our lives and on the very lands, forests, streams and rivers that make this county so desirable and special as a place that tourists and community members alike treasure. If you pass this ordinance that supports an agri-business industry and not your taxpayers or citizens or communities or nature herself, we will all be critically damaged. The reasons are well laid out in the following bullets.

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- 1) The proposed ordinance eliminates hard-won protections for small growers and the environment which are part of the existing Cannabis Cultivation Ordinance. (See above.)
- 2) The proposed ordinance opens the door for massive expansion of cannabis cultivation in the county and thus creates powerful incentives for large-scale commercial and residential development throughout the county's remote, rural, environmentally sensitive landscape. This will add to the multitude of known and unknown impacts already affecting the county's human and natural environments.
- 3) The county does not have the budget, the staff or the track record to responsibly invite new cannabis operations at this time. The Board's primary responsibility now is to follow through on its obligations to current permittees, and to the taxpayers; to show that the county is capable of completing permit applications, and eliminating and cleaning up the hundreds of non-compliant, illegal operations.
- 4) The proposed ordinance, though promulgated as a solution to the present debacle, fails to remedy the spectacular failure of a citizen-driven complaint system of enforcement. It neither proposes or funds an alternative enforcement plan while blindly inviting more and larger operations into every remote, hidden, hard-to-access corner of the county.
- 5) The proposed ordinance wholly ignores the recommendations of the Mendocino County Climate Action Committee regarding the implications of land use development and the need to meet greenhouse gas reduction and carbon sequestration goals. It ignores the committee's recommendation NOT to open the rangeland zones to new commercial development. The proposed ordinance actually creates incentives for dispersed residential and remote rural commercial development which in turn would increase vehicle miles travelled for every aspect of new residential and commercial operations, and increase demands on fire fighters, among other things. In contrast, the existing ordinance prohibits new commercial cannabis development in the more remote undeveloped wildfire-prone areas of the county and instead directs new cannabis businesses to locate in zones already impacted by development, or where water and public services, including fire protection, are more readily available.
- 6) The proposed new ordinance abandons the hard-won protections of the existing ordinance that would apply to both existing and new growers, specifically: no new cultivation in the rangeland zone; 10,000 sq. ft. caps on

cultivation size; a limit of two permits per parcel; tree removal prohibitions; a generator use phase-out timeline; prohibition on any light pollution leaving a property; a detailed and specific watershed analysis for new operations, and others.

7) The new ordinance was never discussed openly and broadly in public forums around the county but, rather, was sprung on the public, and even on some members of the Board of Supervisors, over the course of a weekend! It is a disgrace and a failure of our democratic process.

8) In contrast, the existing ordinance, IF ENFORCED, supports the vision shared by a majority of county residents - small scale, high quality, outdoor-grown cannabis, and NOT just another boom-and-bust exploitive industry that leaves its wreckage across the county.

In summary, this new proposed ordinance is irresponsible and wasteful of taxpayer money. It fails to remedy existing environmental abuses and invites a wave of new impacts to the environment and to communities. At the very least this proposed ordinance should undergo a rigorous Environmental Impact Report (EIR) by the county.

We recommend that the Board of Supervisors reject the proposed ordinance and enforce the existing Ordinance.

Sincerely,

Paula & Larry Fugman

PO Box 194, Covelo, CA

Bradford Ranch LLC
Boonville, Mendocino County, CA

March 18, 2021

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MAR 19 2021

Planning & Building Services

VIA Email:

pbscommissions@mendocinocounty.org
pbs@mendocinocounty.org

Mendocino County Planning Commission
Mendocino County Planning and Building Services
880 North Bush Street
Ukiah, CA 95482

RE: Agenda item 6B, Discussion and Possible Approval of the Phase 3 Cannabis Ordinance

Dear Planning Commissioners:

My family agricultural business has been in operation in Mendocino County for over 81 years. Throughout all this time whenever a local county government issue has emerged that has the potential to severely threaten current agricultural interests, my family has always worked in conjunction with the Mendocino County Farm Bureau to resolve the problem. Agenda item 6B is currently such a problem.

The Planning Commission intends to discuss and possibly approve Phase 3 of the Cannabis Ordinance. How in the world can you possibly consider a Phase 3 when Phase 1 is dysfunctional and broken due to the complete lack of oversight and enforcement by Mendocino County? Adding yet another layer to the Cannabis Ordinance will fix it how?

Back in January the Mendocino County Farm Bureau sent a letter to the county Board of Supervisors regarding Phase 3 and in that letter asked some serious questions. To my knowledge, those questions have still not been answered. In that letter there were serious accusations the county should respond to i.e., CEQA and the near total failure by the county of oversight and compliance in the permitting process.

18450 Hutsell Rd. / PO Box 590 Boonville, CA 95415
Telephone: (707) 895-3428 / Fax: (707) 895-3252
E-mail: bradfordranch@gmail.com

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As Commissioners on the Planning Commission how in good faith can you approve opening up agricultural and rangeland zoned lands for cannabis cultivation when there is no oversight, little compliance, and no enforcement with the previous phases? Our agricultural and range lands are precious and valuable to those of us who have been stewards on them. Your action, if you vote to do so, to allow cultivation on just such lands will inevitably make it more difficult and more expensive for those of us who want to remain in agriculture, and you will make it impossible for someone who wants to start an agricultural business and not grow cannabis. They will not be able to pay the increased costs to purchase land.

Personally, when I hear about a cannabis discussion at the county level, I want to get as far away as possible. Has the county truly listened to those of us who have submitted comments about cannabis? How many times do we have to deal with this topic and still end up with the same problems? However, I have a serious stake in this county, and I want the county to succeed so I will keep hoping that the county will fix the underlying problems with the Cannabis Ordinance.

The lack of CEQA adherence, county enforcement on compliance and just plain broad-based failure of the county to actually carry out what they approved could be the basis for a legal challenge to the county. It really is disgusting the lack of county governance and inability to act on what has been previously approved. Please do not approve Phase 3, it will only add further complications to an already broken permitting process for cannabis.

Sincerely,

Peter Bradford

pbscommissions - Fwd: CCAG memo for 3-19-2021 PC meeting

From: Covelo Cannabis Advocacy <covelocannabisgroup@gmail.com>
To: Michael Katz <Michael@mendocannabis.com>
Date: 3/18/2021 12:24 PM
Subject: Fwd: CCAG memo for 3-19-2021 PC meeting
Attachments: CCAGPC3.19.2021memopages1-13.pdf; CCAG Survey Resultspages14-16.pdf

----- Forwarded message -----

From: **Covelo Cannabis Advocacy** <covelocannabisgroup@gmail.com>
Date: Thu, Mar 18, 2021 at 12:21 PM
Subject: CCAG memo for 3-19-2021 PC meeting
To: <pbs@mendocinocounty.org>

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MAR 19 2021

Planning & Building Services

Good afternoon,

Attached please find the CCAG memo for the Planning Commission meeting.
The memo has 2 attachments, which we hope can be included as 1 document with the survey document following the 3-19memo.

Thank you so much.

Respectfully,

--
Monique Ramirez
Founder- Covelo Cannabis Advocacy Group
Cell: [707-354-8406](tel:707-354-8406) covelocannabisgroup@gmail.com

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March 18th, 2021

Re: Planning Commission Special Meeting March 19th
Agenda Items 6a and 6b

Dear Honorable Planning Commission Board Members,

The Covelo Cannabis Advocacy Group (CCAG) is comprised of cannabis cultivators in Round Valley/Covelo area seeking commercial cannabis licenses. We regularly attend Board of Supervisors meetings, engage in policy advocacy at both the State and County level and meet weekly. We represent the interests of small legacy producers in our region. The farms in our group range from specialty cottage outdoor to 10,000 sq ft family farms. Many of our CCAG members use regenerative farming practices, no till methods and incorporate bio-diverse practices in their gardens with interplanting of other crops such as vegetables and flowers.

CCAG has been tracking the developments of the Commercial Cannabis Activity Land Use Development Ordinance (CCAO) very closely. We have strong concerns about the recommendations before you for Agenda Items 6a and 6b. We want to first bring attention to the issues of conflict of interest. CCAG submitted a memo to County Counsel and the Board of Supervisors on March 9th 2021 expressing our concerns. A copy was also submitted to all members of the Planning Commission. We researched the Conflict of Interest Code Mendocino County document, Appendix D, which states:

"County Officers, Boards and Commissions required to file Conflict of Interest Disclosure Statements pursuant to Government Code Section 87200 are not subject to County Conflict of Interest Code including County Planning Commissioners"

CCAG would like transparency and clarity as to what types of rules apply to Planning Commission members, especially under these circumstances. If committee member Randall Jacobszoon or Gregory Nelson have potential financial interests in the CCAO recommendations, we respectfully request their recusal of this special meeting.

Of all the recommendations being brought forward at this time, the greatest cause of concern is the allowance for 10% acreage expansion of Ag Land, Rangeland and Upland Residential parcels. These specific zoning types would require a Major Use Permit for Upland Residential & Rangeland and a Minor Use Permit for Ag Land as currently proposed in Attachment A of Agenda Item 6b. CCAG has been tracking organizations and businesses that are also not in support of this specific recommendation. At the time of this written memo, the following organizations or representatives have expressed opposition or concerns:

1. Mendocino County Climate Action Committee
2. Round Valley Area Municipal Advisory Council
3. Laytonville Municipal Advisory Council
4. Redwood Valley Municipal Advisory Council
5. Mendocino County Sheriff's Department
6. Covelo Community Services District
7. Mendocino Cannabis Alliance
8. Willits Environmental Center
9. Round Valley County Water District
10. Covelo Cannabis Advocacy Group
11. Third District Supervisor John Haschak
12. MM Feed Supply

There are currently 112 letters of opposition and 1 letter of support uploaded to the Agenda specific to the 10% recommendation. **We are one of MANY stakeholders that unequivocally do not support 10% acreage expansion.** We strongly urge the Planning Commission to consider the input of such a diversified range of stakeholders in Mendocino County that are expressing strong opposition against this size of expansion.

A petition has also been generated by the community and is currently in circulation. At the time of this written memo, **there were over 1100 signatures and counting, in opposition to the 10% acreage allowance!** The petition can be accessed by following this link:

<https://www.change.org/Stop10percentExpansion>

The Cannabis Business Association of Mendocino County stated during their town hall forum on March 15th, that "*public policy is community discourse written into law.*" If the majority of our community does not support the recommendation then it would be reckless and injudicious of government leadership to go against the will of the people of Mendocino County.

CCAG has made a recommendation on several occasions to the Board of Supervisors to allow up to a MAXIMUM of 22,000 sq ft of cultivation for ALL Phase 1 and Phase 3 Outdoor cultivators and capping Mixed Light and

Indoor Operations to 10,000 sq ft. We still hold strongly to this value and recommendation.

CCAG has always felt that community engagement is essential to craft regulations that match the values of the people. We put together a countywide survey on the topic of expansion following the Board of Supervisors meeting in February, to get a better understanding of how Mendocino County residents feel about the topic of cultivation expansion. We sent the survey out broadly to as many organizations and individuals as we could reach. It was emailed to over 32 outlets, including:

- KZYX radio station
- KYBU radio station
- Round Valley Area MAC
- Redwood Valley MAC
- Laytonville MAC
- Guala Mac
- Westport MAC
- Willits Environmental Center
- Mendocino Generations
- Mendo Voice
- Mendo Fever
- Mendo Canna Action Facebook Page
- Mendocino County District 1 Facebook Page
- Mendocino County District 2 Facebook Page
- Mendocino County District 3 Facebook Page
- Mendocino County District 4 Facebook Page
- Mendocino County District 5 Facebook Page
- Covelo Cannabis Advocacy Facebook Page
- Covelo Community Watch and News Facebook Page

We had a total of 295 survey participants.

58.3% represented the cannabis community

41.7% were strictly a Mendocino county resident not involved in cannabis

291 participants that answered the question:

"Do you support allowing Phase 3 cultivators in Range Land, Ag Land or Upland Residential to cultivate 10% of their parcel acreage with a Major Use Permit"

64.95% (189 votes).....NO

32.03% (94 votes).....YES

2.4% (7 votes).....Undecided

.3% (1 vote) favored larger than 10%

When asked which plant canopy cap would be preferred:

- 33.5%.....10,000 sq ft
- 31.3%.....1 acre
- 22.8%.....10% of parcel acreage
- 12.5%..... 22,000 sq ft

When asked if they would support a 1-acre cap until interstate commerce opens up:

- 47.3%.....yes
- 38%no
- 12%.....undecided or with caveats

In Summary, the results of the survey¹ indicate that there is strong opposition for allowing 10% expansion.

CCAG also conducted a public records request #21-199 to find out how many parcels are zoned Ag, RL and UR in each District. It's worth mentioning the amount of opposition from organizations in District 3 considering it has the largest number of eligible zoned parcels for 10% expansion. The total number of AG, RL, and UR parcels combined by District are as follows:

- District 3= 6,546
- District 5= 5,584
- District 1= 3,202
- District 4= 450
- District 2= 22

Data Request: 03-03-2021

ZONING	TOTAL NO. OF APNS	SUPERVISORS DISTRICTS				
		D1	D2	D3	D4	D5
AG	3304	1611	1	844	32	816
RL	8691	1105	0	3580	268	3738
UR	3809	486	21	2122	150	1030

We have many concerns about the CCAO extended expansion and have outlined our reasons below:

1. Licensing Logistics

a) Staff Bandwidth and Capacity

Our current Cannabis 10A.17 has been dysfunctional since day one. We have seen multiple Ag Commissioners, Planning Staff, Cannabis Managers, and Department heads come and go. The Cannabis Program moved from the Ag Department to Planning and Building Services several years ago with the intention to streamline the process; however, to this day many applicants do not have a County issued permit. The County has stated repeatedly that our Phase 1 operators will need to transition to a Phase 3

¹ Survey results beginning on Page 14

process because they won't be able to obtain their State Annual License due to CEQA issues by using the Appendix G #15168 checklist. We know that in Humboldt County they are operating with a Staff of approx 17 planners and are able to process a total of 70 Use Permits PER YEAR! With the projection of failure the County is estimating, that would mean nearly 990 applicants would need to be processed under the Phase 3 Use Permit model, yet no path has been detailed to explain how this would actually work. There has been no specific information to address the timeline for the County to be able to process this many applications. Even if the job was outsourced, it is very clear that many applicants will be waiting for years to be fully permitted. Only the well funded will be able to wait this long.

- b) **Lack of Communication and Transparency with Applicants**
The County has issued approximately 198 permits incorrectly and still after months of knowing this, has not notified applicants of this error. How can we trust the County to manage an entirely new ordinance and have the Planning Staff review all of the Discretionary Permits submitted? Is the County Planning Commission prepared to deal with the high volume of applications that will be submitted under the Phase 3 application process? Is the Planning Commission prepared to handle this many public hearings and potential opposition from impacted neighbors that may choose to speak out against cultivation? How can we trust a system that requires applicants to submit sensitive documents to a plastic trash can with no security measures in place? How can the community possibly trust the County to be capable of implementing a new program at this time?

- c) **Lack of oversight to ensure mitigation measures are in place for Use Permits.** Currently, the Board of Supervisors have expressed great trust in our use permit process and keep telling constituents that no permits would be approved if conditions could not be met for the project. However, back in October of 2020 during a BOS meeting, Senior Planner Julia Krog stated that nothing would be done to ensure mitigation measures were followed up on after a use permit was issued, unless there were complaints. This is very alarming to hear and calls into question the safeguards that are being referred to with the Use Permit Process.

- d) **County Supervisors have mentioned that some conditions of a use permit could be waived.** Waiving any conditions of a use permit could potentially dilute the integrity of the use permit process. How can the County ensure that the administrator who handles these types of permits would use appropriate discretion?

- e) **The County should not create a license type larger than the State allows.** The largest State license Type 5 will not be made available until January 1st 2023. The State will only approve this license type if a need or shortage is identified in the supply chain. A Type 5 license will NOT BE eligible to hold a Type 8 (Testing), Type 11 (Distribution) or a Type 12 (Microbusiness) License. Mendocino County should not be considering expansion beyond what is currently allowed at the State level since a Type 5 License may not end up being available based on supply chain findings. If Distribution companies are planning to be vertically integrated and are promoting 10% acreage allowances but will not be allowed to hold a Type 5 License with a Type 11 License, it calls into question if they are intending to find a workaround? Mendocino County should consider adopting the same license restrictions. This further highlights that creating opportunities for only the well funded are not equitable and possibly create monopolies which are illegal.

- f) **Large corporate operations should not benefit from the lower tax rates of Mendocino County.** There has not been any discussion yet of potential structural tax changes to the CCAO, which should include increasing the sales tax for those wishing to expand beyond 10,000 sq ft. Part of the reason businesses are pushing for expansion in Mendocino County is because taxes are much lower here than in other jurisdictions. We should remind ourselves that our cannabis tax rate of 2.5% of cannabis sales was set with small farmers being capped to 10k sq ft. If the tax rate was raised, it may change the demand for those seeking to expand in our County.

- g) **The County must fully address the issues with and complete the work of Phase 1 before voting on any more expansion.** County Staff is already stretched past their capacity dealing with the current Phase 1 cannabis program; the BOS voting to expand the program to this magnitude is untenable and unwise. There needs to be an outlined timeline of how to prioritize and process Phase 1 applications first. Most Phase 1 applicants are going to attempt to use the Appendix G #15168 checklist, but if it fails then they will have to apply under CCAO and will need time to transition. Will County Staff have the bandwidth to handle the burden of cannabis permits if any expansion is approved? How long has each Staff member been employed with the County? We know that there is an incredible rate of employee turnover. This is very alarming when a new program is set to launch.

2. Environmental concerns

- a) **No cumulative impacts will be assessed on the CCAO if passed by July 1st 2021.** Business and Professions Code Section 26055 states "CEQA

does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such law, ordinance, rule, or regulation shall include any applicable project-specific environmental (CEQA) review. This subdivision shall become inoperative on July 1, 2021." Therefore the CCAO would not be subject to CEQA analysis by the State because each project must meet site specific review. How can the County ensure that this lack of additional review will be sufficient and provide a proper analysis of accountability for all environmental and socio-economic impacts countywide? Especially if allowing larger scaled operations way beyond what is currently allowed.

- b) **Water availability is a concern among many residents of this County.** Every year we break new records with the lack of precipitation. Recorded² rainfall in Covelo from July 2019 to June 2020 was a total of 15.61 inches. Currently our total rainfall is 13.59 inches. We haven't seen a year with 15 inches or less of rainfall let alone multiple years with this trend. These numbers translate to less available water. This means less water for all living things. We understand that use permits examine water availability for a site, but how will the review assess things unaccounted for by climate change? Furthermore, the current BOD recommendation does not offer any strict guidelines for proof of water availability.

- c) **Where will expanded sites source all of their needed amendments from? What kind of fertilizers would be used?** How would excess nutrients be monitored for nitrogen toxification? As stated in Scientific American³, excess fertilizer runoff can overwhelm streams and rivers which creates vast dead zones. It's highly unlikely that a larger scaled farm would be able to produce all of their own soil and compost which means they would need to truck in supplies. The impacts from the amount of fertilizer that would be needed to supply a large scaled farm must be taken into consideration.

- d) **Best Management Practices must be in place to encourage land stewardship.** We encourage ALL operators no matter what scale, to strive towards regenerative farming practices and create as much biodiversity on the land as possible. Some examples of things that could be included in a Best Management Practices Guide include a commitment to growing a cover crop, flowers, vegetables and herbs to attract pollinators, not using perlite in soil mixes, sourcing bulk products to reduce plastic waste, using no till methods to create healthy soil, creating compost onsite, using

² www.coveloweather.info

³ www.scientificamerican.com/article/fertilizer-runoff-overwhelms-streams/

biodegradable products such as gloves and netting material for plant structural support, using 100% organic products for pest management and beneficial predators and nematodes. Would scaled operations be willing to make this type of farming commitment?

- e) **Cannabis cultivators have been reporting new pest invasions from russet mites, broad mites, and the hemp bhang aphid over the last several years.** These pests have devastated crops which could be attributed to the proliferation of increased illegal cannabis sites. How will operators maintain pest management practices on their farms if allowed to scale to 10%? Can they provide assurance to neighboring farms that they will not be contaminated? Will these larger sites have the proper staffing to identify pests when potential acres of cannabis would have to be inspected?
- f) **Pollen from hermaphrodite clones is a real threat.** Many operators use female clones but unfortunately it is not a 100% guarantee that the plants won't be hermaphrodite. These issues become magnified as operations scale up and can have devastating impacts to neighboring farms. How can operators wishing to expand ensure that hermaphrodite pollen will not be an issue? Farms growing for biomass would not be impacted from male pollen since their cannabis would be used for manufactured products.

3. Economic concerns

- a) **There are already plenty of products in the market with the existing tax-paying and compliant cultivators in Mendocino County.** The current market can't support large scaled operations at this time. Ask any cultivator in Mendocino County if they have sold all of their cannabis yet from 2020. It's very challenging to get products onto shelves especially when there are limited licensed retail locations across the State. Allowing more product to enter the marketplace is not the direction we should be going right now. Expansion will continue to exacerbate the flooding of an already saturated market, further pushing small farmers out of an already challenging industry.
- b) **If the County paves the way for continued vertical integration of large corporate cannabis to cut out legacy growers, there will not be any of us left.** The State requires that cannabis can only move off farm through a distribution license, forcing farms to have to contract with distribution companies or attempt creating a micro business. Unfortunately, most farms don't meet the zoning requirements for micro business licenses. Currently, of the 32 active Distribution licenses in

Mendocino County, 16 are Distributor Transport Only licenses, which means there are only a handful of full service distribution companies to contract with Mendocino County farms. If distribution companies hold cultivation licenses and are able to produce enough product through vertical integration, they will no longer need to source products from farms in the future. If farms don't have distribution options to sell products to then they will be forced to go out of business.

c) **Mendocino County should focus on supporting the families, farms, and businesses of legacy cultivators who are already here.**

The potential money big agriculture and corporate cannabis might make in Mendocino County will not go back into our County, but to corporate outside-of-Mendocino-investors. Legacy cultivators have and will continue to invest in their farms and businesses here, where they have made their homes.

d) **The outstanding reputation of Mendocino grown craft cannabis that is already recognized throughout the world should be protected.**

Mendocino County is famous for the quality of cannabis grown here and there is great value in preserving and protecting it. There must be a significant reason that well funded companies would choose to set up a business in a County that has favored smaller cultivation allowances if they had the intention of being as large as possible. Why didn't they set up a farm in another place that favors larger production such as Santa Barbara County? It's because Mendocino County already has brand recognition for producing high quality, craft, clean tested cannabis.

e) **We can't compare our County to neighboring counties and follow the same path they are choosing to take.** There's a striking difference

between neighboring counties allowing larger canopy allowances. Take for instance, Monterey County. How many small legacy producers did they have prior to Prop 64? Mendocino County has historically been cultivating for decades and has been made up of many small farms. Arguably the industry was created by legacy farmers. Other Counties that are allowing license stacking are putting the entire industry of small legacy producers at risk of being forced out of business and Mendocino County should not follow in these footsteps.

Recommendations from CCAG to the Planning Commission

1. Remove the asterisk in the Zoning Table that allows for 10% of acreage for UR, RL, and AG zoning

CCAG is in strong opposition to 10% acreage allowances and respectfully requests that this recommendation be removed entirely from the zoning table based on the diverse opposition from many members of the County and local cannabis community.

2. We respectfully request the recusal of Board members Randall Jacobszoon and Gregory Nelson from the vote of the Phase 3 Ordinance

As provided above and in our separate memo, we believe it's important for the Planning Commission to request the recusal of the 2 board members to avoid any potential conflict of interest that could arise. It should be noted that during the creation of the 10A.17 cannabis ordinance, former Supervisor Dan Hamburg recused himself because he had a direct family member involved in the cannabis program. We feel the potential conflicts of interest identified here are of legitimate concern.

3. Allow up to a MAXIMUM of 22,000 sq ft of cultivation for ALL Outdoor Phase 1 and CCAO operators.

CCAG strongly requests the cap be set to 22,000 sq ft for all Outdoor Permits and capped to 10,000 sq ft for Mixed Light and Indoor Permits.

4. Limit cultivation to a MAXIMUM of 22,000 sq ft per parcel

CCAG requests the recommendation to be a maximum of 22,000 sq ft for cultivation with the additional allowance of a Nursery permit for both Phase 1 and CCAO.

5. Limit the number of permits to (2) per person

Mendocino County currently allows for the mix and match of different cultivation styles for Phase 1 operators, as long as the plant canopy does not exceed 10,000 sq ft with the additional allowance of a nursery permit for up to 2 permits per person. CCAG believes the same logic should be applied in Phase 3 and a cap should be placed on how many permits someone should be allowed to have. There is no permit cap currently in the Board recommendations but one should be considered to avoid license stacking. We offer the suggestion that an eligible applicant can hold multiple licenses on a parcel but not to exceed the largest size of canopy allowance based on zoning and parcel size. With a cap of 10,000 sq ft maximum per parcel for Indoor and Mixed Light permits. This creates opportunities for applicants to mix and match different styles of cultivation as long as the cumulative canopy of each permit doesn't exceed the canopy cap per parcel. CCAG recommends the maximum allowance of (2) permits per person.

6. Allow a 6-month window for Phase 1 operators that need to transition to CCAO, to be eligible to apply first when CCAO goes into effect

Phase 1 operators should have the opportunity to reapply under the land use discretionary use permit pathway if they will unfortunately not be able to receive a State Annual License because of limitations to 10A.17's ministerial process. CCAG is requesting a 6-month window for only Phase 1 operators to submit an application under Phase 3, since many operators are currently attempting to comply with the requirements of the Appendix G #15168 checklist. The timeline for approval or denial by the County and State is unknown at this time. Applicants need time to see if they can pass CEQA compliance using the checklist before attempting an alternative pathway. For this reason we request that a special opening of the CCAO be exclusive for Phase 1 operators for a period of 6 months.

**7. Remove Section 22.18.030 (F) of the CCAO that states:
"No more than one exemption under paragraph (B), (C) or (D), may be used on any parcel"**

Personal recreational and medical use are two separate things and should be treated as such. Prop 64 allows every citizen the right to grow their own plant medicine and for recreational use. Some varieties of cannabis are suitable primarily for medicinal uses and cultivated with high CBD ratios, which are not as desirable for recreational use. We need to allow people to grow medically and recreationally and not require someone to pick one or the other since they are grown for different reasons. Many landowners have multiple people living on a property together, possibly married. What if one person needs cannabis for medical reasons and the other wants to enjoy cannabis recreationally? Since the requirement is per parcel and not per person this is another consideration for amending the BOS recommendation.

8. Amend Section 22.18.030 (G) (1) from 1,000 feet to 600 feet

It currently states that cannabis grown for personal medical or recreational use cannot be within one thousand (1,000) feet of a youth center, a school, or a park as defined herein. CCAG recommends that this setback be changed to 600 feet.

9. Remove Section 22.18.050 (B) (1) that requires a Major Use Permit and replace with an Administrative Permit for ALL Phase 1 operators that must transition to the CCAO process

Phase 1 operators should not be required to obtain a Major Use Permit if they have to utilize the Phase 3 approach to obtain a State Annual license. Currently a Cannabis Major Use Permit costs \$6,209.08. These applicants should be afforded the least expensive pathway especially given all the money that has already been spent to this date to become licensed. It makes no sense to require a specialty cottage 2500 sq ft operator to pay the same Major Use permit fee as someone that has never cultivated before and will be scaling up to a canopy size as large as 10% of acreage if approved. This seems to be a policy that was overlooked by the Board of Supervisors that was never fully discussed when the zoning table recommendations were drafted. CCAG recommends that instead an Administrative Permit apply to all Phase 1 operators.

10. Amend Section 22.18.070 (C) to state “mixed light activities must be covered up at night to not impact the night sky”

11. CCAO Appendix A zoning table should include the re-opening of the Accommodation Districts located in Laytonville, Covelo Core, Covelo Fairbanks, & Legget

This would create more opportunities for specialty cottage operators to come into the regulated market and would be limited to the defined areas of the Accommodation Districts. It should also be noted that these sites are capped at 2500 sq ft.

12. CCAG is in strong support of the MCA recommendations for the Facilities Ordinance in reference to Agenda Item 6a.

CCAG especially supports the following:

Section 20.243.040 (D) (7) (b)

CCAG supports MCA's recommendation to allow for (1) farm tour per day.

Section 20.243.040 (D) (8) (b)

CCAG supports the MCA recommendation to allow Farmers markets to occur in public places, so long as exit and entry points are secure and controlled.

Section 20.243.040 (D) Retailer/Dispensary

CCAG supports the MCA recommendation to remove the language stating *“On-site consumption shall not be permitted within any area that is considered a “building” as defined by Mendocino County Code 20.008.022(F)”*

As you can see detailed by our memo, the issues of expansion are complex and require a lot of consideration. We feel that it’s important to understand all of the concerns held not only by our organization, but also the valid concerns of other groups such as the Municipal Advisory Councils, Water Districts and Climate Action committee, just to name a few. **The decision to expand cannot be taken lightly.** As policy makers, we believe it’s important for you to understand our industry, how it functions, our origins and our future. **There must be consideration given to the complexity of the issues, community values, ecology, and economy.** Mendocino County can create a successful thriving market by giving a real chance to the 1,000+ small farms that have come forward to be regulated and have helped shape the industry to be what it is today by saying NO to hasty expansion.

Please consider all of the responses you have received and weigh it out with all of the considerations in place. **Make a decision that will be good for our community, economic viability and rooted in regenerative ecological practices that value land stewardship and protection of our precious natural limited resources.** Fires will continue to plague California since we have entered uncharted territory in our climate history. Drought may become more severe as time moves on and scarcity of water should be a concern for everyone. We must look at all things from a macro perspective, a holistic approach that recognizes we are all interconnected.

We know that this industry grows exponentially each year and more States are legalizing cannabis for both recreational and medical uses. Mendocino County has an incredible chance to play a constructive and visionary leadership role in shaping sustainable agricultural values. All eyes are on Mendocino County right now. We hold the third most cultivation licenses of any County in the State. Let’s send a message far and wide in support of a sustainable future that values our resources, our craft farmers and most importantly the ecology of this beautiful place we all call home.

Thank you for the opportunity to provide comment on these important agenda items.

Respectfully,



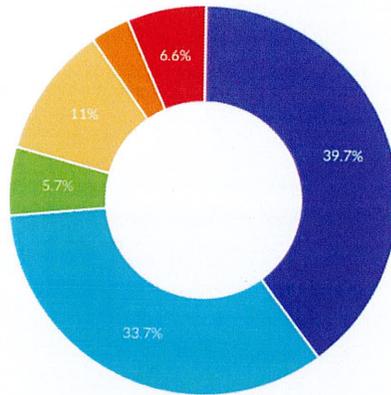
Monique Ramirez
for the Covelo Cannabis Advocacy Group

Please check all boxes that apply to you

Question Type: Multiple Choice

Required: Yes

Total Responses: 295



Choice	Total
I am a resident of Mendocino County and not directly involved with cannabis	133
I am a cultivator with a provisional/annual State license and/or County embossed receipt/permit	113
I am not a cultivator but wish to enter the industry when Phase 3 opens	19
I am a cultivator but not currently for the commercial market	37
I am a licensed distributor, retailer, processor or manufacturer	11
I am a consultant or offer other services to cannabis operators in Mendocino County	22

Unanswered: 0
Answered: 295

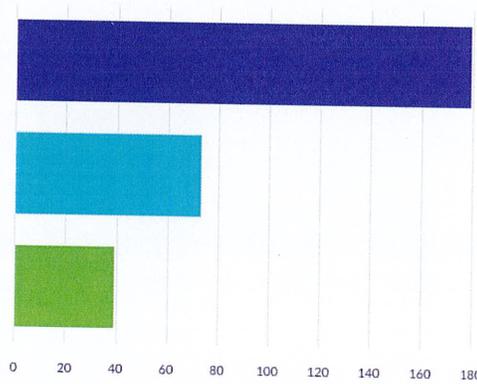
[See all answers >](#)

Do you support allowing Phase 3 cultivators in Range Land, Ag Land or Upland Residential to cultivate 10% of their parcel acreage for cannabis?(ex: 100 acre Range Land parcel would be allowed up to 10 acres of plant canopy with a Major Use Permit)

Question Type: Multiple Choice

Required: No

Total Responses: 291



Choice	Total
No	179
Yes	73
Other (please specify)	39

Unanswered: 4
Answered: 291

[See all answers >](#)

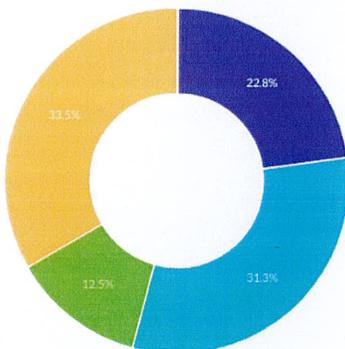
What maximum plant canopy cap would you prefer among the following?

Question Type: Multiple Choice

Required: No

Total Responses: 281

Q3 What maximum plant canopy cap would you prefer among the following?
Multiple Choice



Choice	Total
10% of parcel acreage	64
1 acre (43,560 sq ft)	88
22,000 sq ft	35
10,000 sq ft	94

Unanswered: 14
Answered: 281

[See all answers](#)

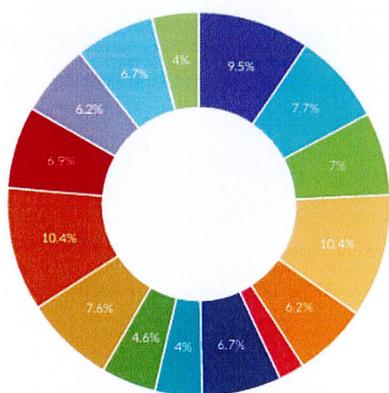
Do you support 1 acre = (43,560 sq ft) of cultivation in Mendocino County? If YES, what type of zoning and cultivation style should be allowed? (Check all that apply)

Question Type: Multiple Choice

Required: No

Total Responses: 287

Q4 Do you support 1 acre = (43,560 sq ft) of cultivation in Mendocino County? If YES, what type of zoning and cultivation style should be allowed? (Check all that apply)
Multiple Choice



Choice	Total
No, I do not support 1 acre cultivation sites	129
Phase 1 Operators	105
Phase 3 Operators	95
Outdoor	142
Mixed Light	85
Indoor	30
Nurseries	91
Forest Land (FL)	54
Timber Production Zone (TPZ)	63
Range Land (RL)	103
Agriculture Land (AG)	142
Upland Residential (UR)	94

Unanswered: 8
Answered: 287

[See all answers](#)

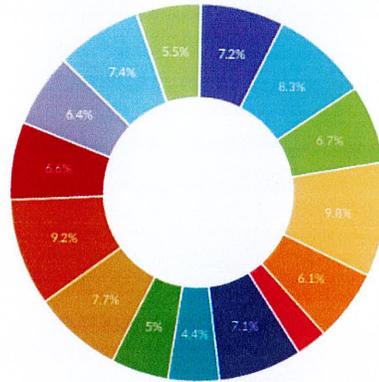
Do you support 22,000 sq ft of cultivation in Mendocino County? If YES, what type of zoning and cultivation style should be allowed? (check all that apply)

Question Type: Multiple Choice

Required: No

Total Responses: 275

Q5 Do you support 22,000 sq ft of cultivation in Mendocino County? If YES, what type of zoning and cultivation style should be allowed? (check all that apply)
Multiple Choice



Choice	Total
No, I do not support 22,000 sq ft cultivation sites	105
Phase 1 Operators	121
Phase 3 Operators	98
Outdoor	144
Mixed Light	90
Indoor	39
Nurseries	104
Forest Land (FL)	64
Timber Production Zone (TPZ)	73
Range Land (RL)	112
Agriculture Land (AG)	135

Unanswered: 20
Answered: 275

[See all answers >](#)

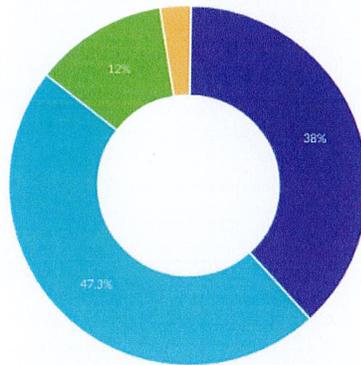
Would you support a 1-acre cap on plant canopy for Phase 3 until interstate commerce opens up?

Question Type: Multiple Choice

Required: No

Total Responses: 292

Q6 Would you support a 1-acre cap on plant canopy for Phase 3 until interstate commerce opens up?
Multiple Choice



Choice	Total
No	111
Yes	138
Other	35
archived	8

Unanswered: 3
Answered: 292

[See all answers >](#)

pbscommissions - Opposition to Phase 3

From: Sun Roots Farm <sunrootsfarm@gmail.com>
To: <bos@mendocinocounty.org>
Date: 3/18/2021 1:00 PM
Subject: Opposition to Phase 3
Attachments: A.png

RECEIVED
 MAR 19 2021
 Planning & Building Services

Hello,

I am writing to state my opposition to the proposed Phase 3 expansion for the following reasons:

Although it continues to be stated and informed that all phase 3 applicants will be under strict environmental and scientific review in order to be approved, this is not nearly enough. This is because the review is only prior to cultivation, it does not take into consideration the effects of long term extraction of resources, nor does it consider the effects of what such a large canopy of cannabis plants can do to the future's ecosystem. Of course a new undisturbed site will complete all the check marks for a major use permit, but will that continue to be the case in a couple years time?

On any cultivation site many pests and diseases may endanger the plant's growth, and because of this a cultivator must be extremely diligent in controlling the pests or disease outbreak before it spreads to other plants, including non-cannabis plants such as native trees and fauna. This is the case with aphids, mites, thrips, fungal root rot, mildew, mold, and other pests and diseases that are appearing **anew** every year. Typically these pests and diseases require hand applications of either organic measures including beneficial insects or worse, non organic pesticides, fungicides, and more. Even with organic measures and insects the farmer is introducing, likely, non native species and outputs. To maintain order in a 10,000 sq foot garden takes thousands of dollars and months of labor to get under control. Granted these expansive acreage grows owned by well capitalized entities will be able to afford these costs, but it is very unlikely that they will have the ability to check every single branch of every single plant in order to eliminate damage to their surrounding environments on that scale. This is why monocropping is well known for being so detrimental, because they can only be controlled with invasive and inorganic measures, which in turn further depletes soil health and leaks poisons into water ways, causing desertification. This is easily seen by looking at a map of drought areas. See attached file titled: A.png. Everywhere there is little rainfall and desifitvatoon happening, is where huge AG farms exist. Coincidence? Absolutely not. There is a 100% guarantee that with this proposed expansion of canopy, new bugs and diseases will spread all over the county and the soil health will take a turn for the worse, harming our water and air health along with it and therefore contributing to food, water, and clean air shortage.

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My partner and I have been farming collectively for over 40 years. Him, right here in Mendocino County the whole time, and myself, all over the world. I am speaking to you with grave concern as I have witnessed other locations in the world suffer due to desertification from inappropriate expansive farming practices, and the HUGE impact it has on the region and communities that reside there. Small farms will help reverse climate change. It would be extremely dangerous to allow this expansion knowing that monocrop scales of agriculture are depleting the last of the earth's resources while brewing a whole plethora of new problems for the planet in contribution to climate change. Northern California will become uninhabitable because it will be too hot to live here if we continue on the path of over extraction and do not do our best to support and create more regenerative, small farms.

We know that regenerative agriculture through SMALL farms is crucial. Expansion will wipe us all out and leave little left behind. When the water dries up and the soil becomes dead dirt, these 10% farms will want to move on, having left behind a huge mess. Exactly what many vineyards are doing now. Cancer causing glyphosate can be found in all of California's wines. Why would we allow them to take over undisturbed land in the hills and valleys of our precious Mendocino County? Profits over habitable land, natural resources, and safety for ourselves and future generations really is not worth it. Please reconsider this expansion and hear the loud voices of the already existing community that wants to invest time, money, and energy and live here for generations to come.

Another case, which has been made clear through many of the public comments already, is that allowing further water usage, and A LOT of it, takes from the same watershed that homes and businesses are already taking from. This does not add up, there is no new water coming into our aquifers at this time, as we face the worst droughts in the world's history. What will we do when the majority of peoples residential wells dry out? Where will we be sourcing water from when we are literally the last holders of water in the State of California. Northern California has been supplying water to the entire state for many years now and it is currently facing challenges, dried creeks, and dried wells with its own residents. How could we tax our water supply even further at this time? Also, with the water table so high in our region, any inputs put into the soil, will also affect the drinking water. Life will not exist without access to water.

There are also issues already with enforcement of the existing farms that need to be dealt with before any kind of expansion. The Sheriff's department does not support Phase 3, the Farm Bureau does not support it, and it seems like the entire county is not in favor of it. We do not support it because we know how much work needs to be done before we can even consider growing more. Let's deal with our Phase 1 applicants properly before creating a new giant mess.

There are so many public comments on this Phase 3 proposal in opposition to it, with the majority stating their concerns, and a petition going around that has gotten 1,000 signatures

in less than 2 days. Will the BoS consider what the entire community is petitioning for or will they ignore all of us for the pockets of a few corporations? Quick profits have always equaled detrimental long term effects in Mendocino's history - see salmon, logging, and mining industries - none of which lasted and all of which the county is STILL recovering from in a very unfortunate way - wildfires, drought, loss of native species and destruction to natural ecologies.

Impact on the community is yet another challenge to this proposal. It is better to have thousands of small farm owners who spend their money and energy and invest locally in their communities than non local residents. Those who are in favor of Phase 3 have not been local residents in the last 10 years, and only perhaps recently joined Mendocino County residents with the sole intent of extracting from the precious resources we have here. They have come to this county to purchase acres upon acres of undisturbed land in order to invest their 10% grows there. This has created further inequality in our area through jacking up the prices of land. There are residents here who have lived here their entire lives, contributing and adding to their communities, who can not afford to purchase land here anymore because the prices have become so inflated. I am witnessing residents whose parents are now elders and need to be taken care of unable to afford a place to nurse their parents and grandparents as they age.

Mendocino County is incredibly beautiful and is a special place to live. As an award winning regenerative farm, I would love to see all Phase 1 applicants be supported through education in best practices. This could work through a program, where best practicing farms are certified and enlisted to work with other local farms in order to help them achieve beyond organic, sustainable, regenerative, high quality cannabis. This could even be a volunteer program, as many regenerative certifications are, so the county does not have to inquire any cost.

At our farm, Sun Roots Farm in Covelo, we have managed our farm using regenerative practices for years, and we have no problem pulling high quantity and great quality from our 10,000sq ft site. We believe that this can be reflected on all of Mendocino County cannabis operations so when federal borders do open up, we have the most special product available with an incredible story behind it. One that demonstrates a local governance and its community working together to create the highest quality cannabis the world has ever seen. Let our story be one of harmony, collaboration, and success!

We want to work together to create the best future possible and we are more than willing to participate in any type of education programs that will bring our people and our wonderful county together. Thank you so much for all your time and efforts.

Image source: <https://www.drought.gov/news/2020-drought-update-look-drought-across-united-states-15-maps>

Patricia Vargas

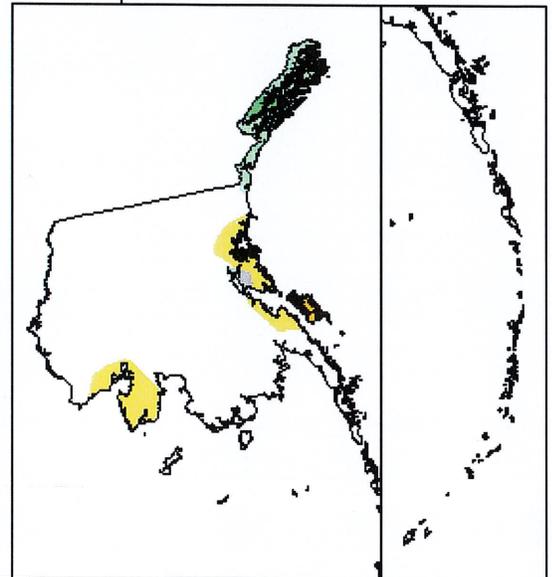
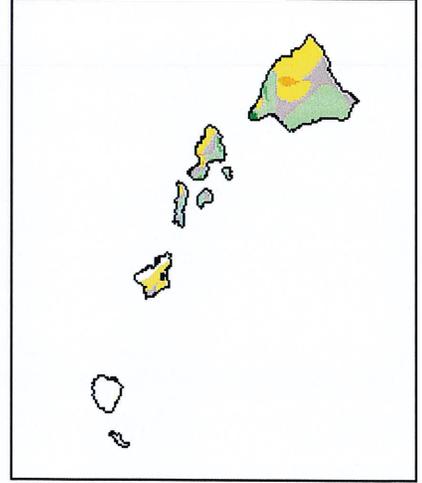
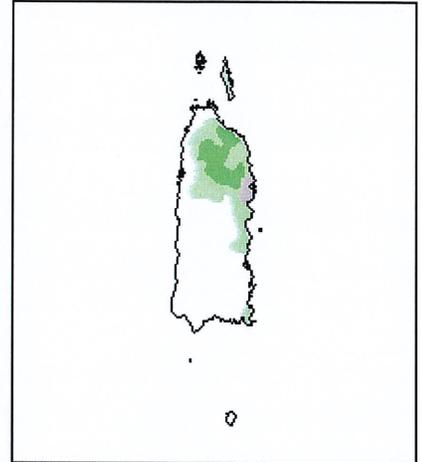
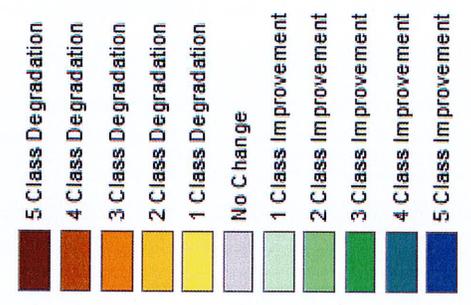
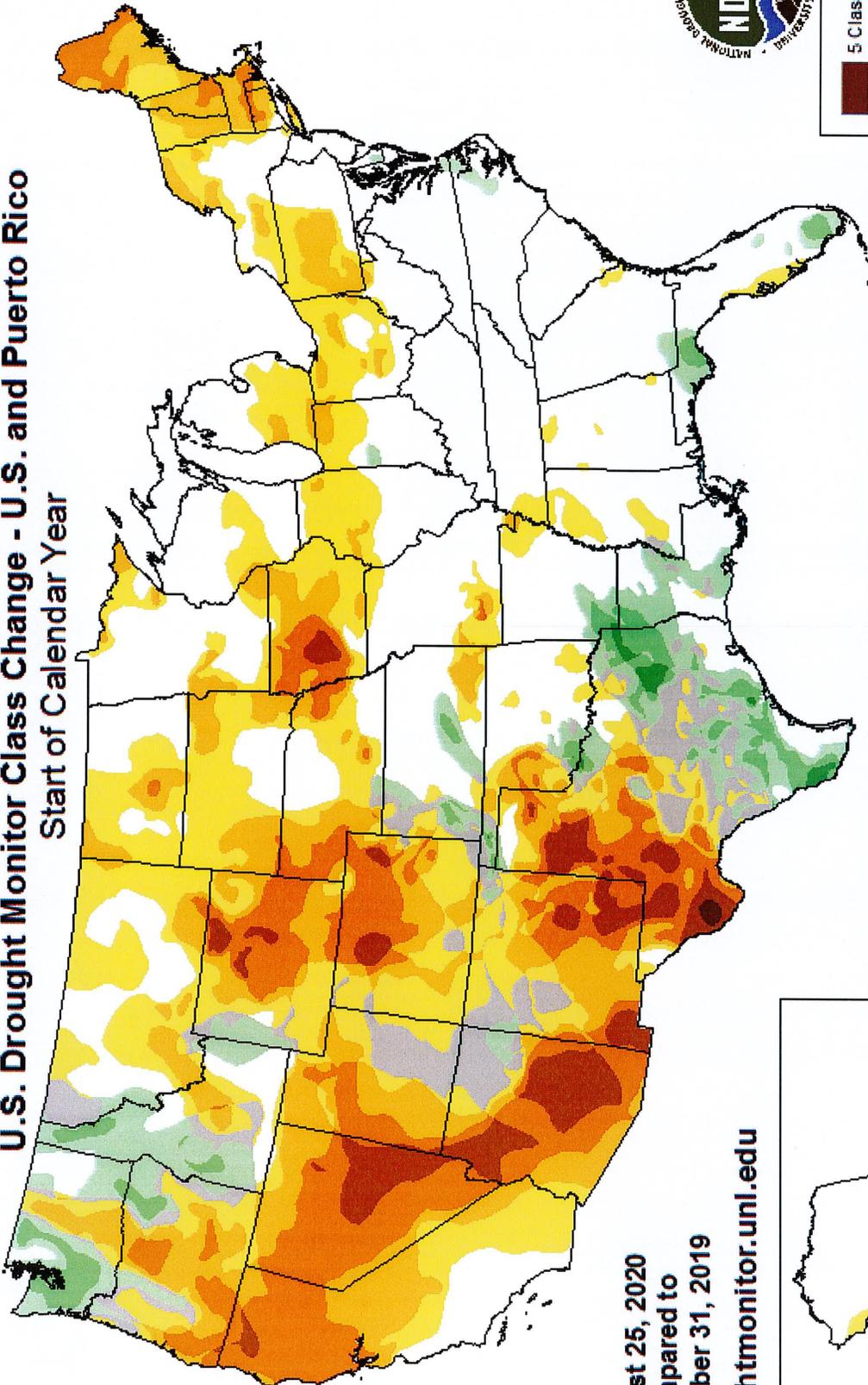
SUN ROOTS FARM

Covelo, CA 95428

[\(707\) 272 - 4852](tel:(707)272-4852)

U.S. Drought Monitor Class Change - U.S. and Puerto Rico Start of Calendar Year

August 25, 2020
compared to
December 31, 2019
droughtmonitor.unl.edu



pbscommissions - Planning Commission - Special Meeting Commercial Cannabis March 19, 2021

RECEIVED
MAR 19 2021

Planning & Building Services

From: Sequoia Crider <sequoia095@gmail.com>
To: <bos@mendocinocounty.org>
Date: 3/18/2021 1:05 PM
Subject: Planning Commission - Special Meeting Commercial Cannabis March 19, 2021

Dear Honorable Commissioners & Supervisors,

My name is Sequoia Crider & I am a concerned citizen and patient who uses medical marijuana. I support the small farm model & oppose the 10% expansion. The issues are many from economic to environmental:
The water amid a drought.
The cannabis market is already oversaturated.
There is no ability for interstate commerce yet.
The state does not allow anything over 1 acre size until 2023.

Phase 3 can move forward without expansion at this time. We suggest a full county environmental review to find out significant impacts & more clarity on the sustainability of this idea.

To quote the Ukiah Daily Journal "There are plenty of cannabis growers in this county already and if the county made it cheaper and easier to create and maintain mom and pop gardens, they would have fewer illegal grows. Supervisors, listen to your sheriff, your farm community, your current growers, the environmental community, and put this idea on the shelf."

Thank you,
Sequoia Crider

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Mendocino County Farm Bureau

303-C Talmage Road • Ukiah, CA. 95482 • (707) 462-6664 • Fax (707) 462-6681 • Email: admin@mendofb.org
Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

March 18, 2021

Mendocino County Department of Planning and Building Services
860 North Bush Street
Ukiah, CA 95482

RECEIVED
MAR 19 2021

Planning & Building Services

Submitted Via Email: pbscommissions@mendocinocounty.org
pbs@mendocinocounty.org

RE: Agenda Item 6B for March 19, 2021 Planning Commission Meeting

Dear Commissioners,

Mendocino County Farm Bureau (MCFB) is a non-governmental, nonprofit, voluntary membership advocacy group whose purpose is to protect and promote agricultural interests throughout Mendocino County and to find solutions to the problems facing agricultural businesses in our rural community. MCFB requests that the Planning Commission consider the comments below for item 6B on the March 19, 2021 agenda related to Chapter 22.18 –Commercial Cannabis Activity Land Use Development Ordinance.

General Comments

It is a fact that “Phase 3” of the county cannabis cultivation ordinance has been postponed several times. MCFB understands that limiting cannabis cultivation permit capabilities to those with proof of prior cultivation under Phase 1 is a double standard and that Phase 3 is the proposed pathway to allow for new permits. However, it is also a fact that the county is severely struggling with making headway on approving permits on the 1000 or so applications that were received to cultivate cannabis under Phase 1. There have been multiple revisions and attempts to move the process forward, yet the existing system is broken, and it is not apparent if there is a fix to assist applicants with getting beyond provisional state licensing.

Now, with this agenda item, the county is looking to add one more layer of complexity to the already spiraling situation. MCFB, like many others, have spent a significant amount of time submitting comments on the county cannabis ordinance for close to five years. It has been an almost exhausting process of multiple revisions, changing policy and confusion over what is currently being implemented. In addition, if there was a true accounting of county resources spent on developing and executing these cannabis ordinances, it would most likely circumvent the income dollar signs that seem to be driving the conversation.

So, as you can see, there are doubts that a Phase 3 program will be run any smoother than what has been seen to date. MCFB encourages the Planning Commission to consider the comments below and take time to reflect on the existing situation the county is in before rubber stamping the next phase for cannabis cultivation.

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Oversight: Will it happen?

Several of the environmental review roadblocks seen in Phase 1 are being proposed to be resolved through the requirement of use permits in Phase 3. Perhaps through permit specific CEQA and by placing specific conditions on a permit, a smoother environmental review process can be seen in Phase 3.

However, based on what has been seen in Phase 1, the key to mitigating environmental impacts will be oversight to ensure the implementation of mitigation terms. Use permits can be revoked or modified if violations are found, but does the county truly have the capacity to offer this oversight? If not, then violations will continue to occur and the county is not any closer to protecting the environment, its citizens or those in the cannabis industry that are working to be compliant.

The staff memo for agenda item 6B tries to instill that there will be a more stringent discretionary review process for Phase 3. MCFB bluntly asks the county to back this claim up by concurrently staffing up code enforcement and the Sheriff's department to verify compliance for both Phase 1 and Phase 3. If the status quo continues with a complaint driven system, then Phase 3 will just compound the frustrations expressed by the non-cannabis cultivating citizens of the county.

Appendix A

It was not surprising that the conversation about expanding permit sizes and re-introducing the ability to cultivate on RL came back to the Board of Supervisors last year. It was frustrating that the conversation occurred without adequate notice to the public to offer comment on the proposal.

Within Appendix A for agenda item 6B, the two zoning designations that MCFB will focus comments on are RL and AG.

Range Land

With Phase 1, a Mitigated Negative Declaration was performed by the county for CEQA compliance for existing cannabis cultivation on resource land designations such as RL, FL and TPZ. "New" cultivation was removed from consideration on these same resource lands due to concerns regarding environmental impact. However, new cultivation has been seen on RL designations throughout the county. Perhaps some of these were permit transfers, but without seeing regular updates on permit transfers or permit approvals on RL, it is hard to say if these situations are working within or outside of the permit system. Without extensive compliance review, how does the public know if the county has followed the terms of the Mitigated Negative Declaration?

If RL is going to be brought back into the permitting conversation for Phase 3, what was the rationale for having RL included under every possible permit type? How many RL parcels of 10+ acres in size, which qualify for Phase 3, are in the hundreds of thousands of total acres of RL in the county? Driving indoor permit types onto RL will require further development of structures and related infrastructure on remote locations throughout the county. This does not seem advantageous to reducing the conversion of RL and lessening the environmental impacts for Phase 3 or improving oversight.

If RL is going to be re-included under Phase 3, there needs to be serious consideration to also limiting new permits to pre-developed RL parcels that have existing infrastructure (water, roads, etc.) that are appropriate for a conversion to a cannabis cultivation facility. Remote RL parcels with limited resources

should not be considered.

MCFB does not feel that the county has given enough consideration to the potential environmental impacts that could be seen with the proposed permit allowances on RL as represented in Appendix A and requests revisions be made to limit permit types on RL.

Agricultural Lands

In relation to promoting additional cannabis cultivation onto AG zoned property, MCFB has significant concerns premised on what has been seen with Phase 1. Acres of AG zoned property, some with prime soils, have been converted using aggregate groundcovers or permanent concrete pads for indoor grow structures. The loss and degradation of AG soils in the county is not something that should be taken lightly. Since there is limited to no data on the assumptions of the future of the cannabis market for the county or the state, if the cannabis boom goes bust, then MCFB has significant concerns about how AG zoned properties under cannabis cultivation will be returned to a state to allow a conventional agricultural use.

Like RL, Appendix A proposes to allow for all permit types on AG zoned property and to even expand cultivation footprints to 10% of the parcel size. Acres of permanent structures on AG zoned property will be difficult to mitigate if the operations connected to the structures cease.

CEQA specifically calls out the need to consider project impacts to agriculture and forestry resources. The county needs to be prepared to understand the CEQA checklist requirements (see below) related to agriculture and forestry resources to ensure that proposed projects are fully mitigating any potential impacts.

AGRICULTURE AND FORESTRY RESOURCES.

Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?*
- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*
- d) Result in the loss of forest land or conversion of forest land to non-forest use?*
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?*

MCFB does not feel that the county has given enough consideration to the potential environmental impacts that could be seen with the proposed permit allowances on AG as represented in Appendix A and requests revisions be made to limit permit types on AG.

Additionally, anticipation of Phase 3 permits being driven onto AG zoned properties has led to a surge in the purchase of AG zoned properties, both on and off the market. In areas of the county with larger AG zoned designations, such as in Potter Valley, property owners who do not have properties listed for sale have been approached with lease to own options or purchase options significantly above market value for the intent of cultivating cannabis. Even if owners decline a sale offer, there has been continued pressure to sell. These occurrences are happening, and the county needs to be aware.

With the focus on AG zoned properties for cannabis cultivation, the county had also seen property values become artificially high. Almost every AG property for sale right now is being purchased by a cannabis cultivator or investor that is overpaying for the property. If you are a young conventional farmer, or an existing farmer looking to expand an existing operation, you will be driven out of the market.

There is also significant concern over verification of water source. Certain county water districts are already looking at creative ways of providing water to both municipal and agricultural customers. Water use for cannabis cultivation is not always truly accounted for as the district management may not be aware of where “permitted” cultivation is occurring. With 2021 looking to be another below average water year, the Planning Commission needs to be serious about verifying water source adequacy and being transparent with water purveyors about cannabis permitting. This is applicable to all zoning districts and it should not always be assumed that AG zoned properties have adequate water resources.

It is unfortunate that the county’s inability to implement Phase 1 or enforce mitigations and protections related to cannabis cultivation is overshadowing the process for Phase 3. However, this is the reality. The Planning Commission should take an honest look at the state of cannabis permitting in the county and decide how to improve upon the process, not make it worse. If the county does not have the resources to adequately implement and provide oversight to Phase 3, then the county needs to admit this up front and not dig a deeper hole.

Sincerely,

A handwritten signature in black ink that reads "George Hollister". The signature is written in a cursive, flowing style.

George Hollister
President

RECEIVED
MAR 19 2021

Planning & Building Services

From: Dorian Cartwright <deptofdoe@aol.com>
To: <pbs@mendocinocounty.org>, <pbscommissions@mendocinocounty.org>
Date: 3/18/2021 2:58 PM
Subject: Referencing Agenda item 6B

As a resident of Mendocino County I am very concerned about the new ordinance regarding marijuana cultivation in our county. There has been no noticeable enforcement of current law and now there will be lots of promises to have regulations governing cultivation but again with no enforcement.

The historic dilemma facing our county in terms of drought, fire, and crime should be enough to cause anyone with any sense to think twice before making the situation even more potentially disastrous. The biggest concern I had before hearing about this new ordinance was the lack of any aesthetic sensibility regarding the defacing of our natural vistas with these white plastic garbage ridden lots of pot hoop houses. I guess I could join the crowd and sell out my pastoral existence to big Pharma but I am a steward of my land. How could I do that to my neighbors? How could my neighbors do this to me?

Seems to me that people come to Mendocino County with either an appreciation of nature or of money.

So my question to you is this; how does the impact of the expanded cultivation ordinance serve the residents of this beautiful county? How are you going to protect our water sources? How are we to deal with the increased crime? Will there now be a police department in Covelo? Will the laws you outline be enforced as the previous laws were not? How can you justify the use of pesticides and their impact on our ground water?

Bottom line, we need an EIR before pushing forward with Marijuana Cultivation in Mendocino County. We need to be enforcing the existing laws before simply doing away with them and substituting new and equally unenforceable laws. We need to anticipate the impact on the environment, the impact on fire danger, the impact of polluting pesticides, and the impact on the sustainability of allowing generators to go on and on and on, of allowing water trucks to flood our roads, and to invite criminals to come have a go.

Eventually someone will follow the money and then we will see who acted in the interests of this county and who acted in their own self interests, regardless of the truly horrific impact the lack of a CEQA and or an EIR will have on our beautiful community. Please vote no on this ordinance.

Dorian Cartwright

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MAR 19 2021

Planning & Building Services

From: Martha Betz <astromjb@mcn.org>
To: <bos@mendocinocounty.org>
Date: 3/18/2021 2:51 PM
Subject: water and cannabis

Hello, I live on Mulligan Lane in Laytonville. Last year 5 legal grows appeared on my road. By August, I and neighbors had no water for drinking and bathing and other uses. We can't get district water here. We can't afford to drill deeper wells. So if you think letting the big boys have their way to grow more water sucking plants is a good idea?... well If you do, I have some real estate in Laytonville for you.... Martha Betz 361 Mulligan Lane Laytonville.

267

From: Phil Cool <philcoolveg@gmail.com>
To: <bos@mendocinocounty.org>
Date: 3/18/2021 2:55 PM
Subject: Agenda Item 6B

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 MAR 19 2021

Planning & Building Services

Dear Supervisors, I have reviewed the following points regarding the proposed ordinance and am in complete agreement with:

Supervisors should:

- 1) Keep current ordinance, but improve and ENFORCE it. The discretionary use permit system in the proposed new Mendocino Commercial Cannabis Activity Ordinance (MCCAO) relies too much on individual planners and a planning department that has never inspected or monitored a single use permit in recent history). If the supes insist on pursuing the new proposed against the will of the people they should:
- 2) Not adopt the MCCAO without doing an EIR;
- 3) Not open Rangelands to new permits (extreme fire risk; terrible impacts on rivers, fish, water table, soil stability, oaks and other native plants, wildlife and wildlife corridors, beauty, peace, night sky, fabric of our community, etc (see letters below);
- 4) Keep the current cap on grow size and number of permits per parcel (2);
- 5) Direct county staff to process the hundreds of applications for state licensing they've been sitting on, beginning immediately. The existing ordinance would work if county staff would stop obstructing the process.

Sincerely, Philip L. Cool

268

pbscommissions - Agenda item 6B

From: John Goraj <john_goraj@yahoo.com>
To: "bos@mendocinocounty.org" <bos@mendocinocounty.org>
Date: 3/18/2021 4:45 PM
Subject: Agenda item 6B

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MAR 19 2021

Planning & Building Services

The BOS (Board of Supervisors) voted to hire the current cannabis manager, a planning department employee.

Newly Proposed changes Have to be ok'd by the planning commission.

The cannabis program manager planning dept. reports directly to the BOS

Result=A rubber stamp operation run by the BOS

Why haven't years old existing permit applications been approved?

The BOS and Planning Department do not/cannot enforce the current regulations... they use workarounds to circumvent these current regulations to who's benefit? Big cannabis and irresponsible potential legal growers. Set the regulatory bar too low and there will be dire consequences. County residents are affected by the light and noise from cannabis farms as the environment suffers. The future of our counties way of life is at stake.

The BOS stage 3 regulations would change not only the prohibition on new operations on the County's Rangeland Zone, the cap on the size of the grow sites of 10,000 sq. ft. per permit, the 2 permits per parcel limitation, protections against tree removal, a generator phase out timeline Protections against light pollution. But it doesn't take into consideration how much more our scarce resources will be taxed to exhaustion. Who will pay in the end?, ordinary citizens. We will all pay for this irresponsible legislation.

The BOS and the Cannabis industry currently set the playing field... not environmentalists, ordinary citizens.

Why doesn't the BOS control the current massive influx of these weakly regulated industrial cannabis operations? They set the regulatory bar so low it invites disaster. Where does all this cannabis money go? County infrastructure? Here in Potter Valley there has been no substantial road work in my 20+ years as a resident. Our infrastructure is third world.

Is there a criminal background check in place for permit applicants or land owners?

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Is the county DA involved with any investigations pertaining to the issuing or regulations of the permits?

This would help to stem the influx of organized crime and cartel operations in Mendocino Co.

“Under the proposed Phase 3 ordinance, all permits would be discretionary through a land use permit process” what does this mean? Bigger is better? Is the BOS in charge of this discretion? Of course as long as the Planning Department and the BOS have the power of the rubber stamp their will shall be done.

Tyranny... cruel, unreasonable, or arbitrary use of power or control.

pbscommissions - Opposition to Agenda Item6B

From: "Sandra Wake" <swake@willitsonline.com>
To: <bos@mendocinocounty.org>
Date: 3/18/2021 4:53 PM
Subject: Opposition to Agenda Item6B

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MAR 19 2021

Planning & Building Services

I am adamantly opposed to Agenda Item 6B.

Sandra Wake
Round Valley resident since 2001
Mendocino County resident since 1981

270

From: Jessica Stull-Otto <j.stullo@gmail.com>
To: <feenanj@mendocinocounty.org>, PBS PBS <pbs@mendocinocounty.org>, <pbsco...>
Date: 3/18/2021 5:12 PM
Subject: PC Meeting 3-19 - General Plan Consistency
Attachments: Planning Commission - General Plan Consistency - letter 3-18-21.docx; Part.002

Hi James & PBS,

Not sure which email is best, so trying all that I have.

Attached is a letter that includes a list of General Plan policies that I think will be very helpful for the Planning Commissioner to have for tomorrow, along with my comments.

Thanks for your help making sure it reaches them!

Jessica Stull-Otto

RECEIVED
MAR 19 2021
Planning & Building Services

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Mendocino County Planning Commission
860 N. Bush St.
Ukiah, CA 95482

Re: General Plan Consistency

Dear Commissioners,

For your convenience, below you will find several relevant excerpts from the Mendocino County General Plan. As I know you are all aware as Commissioners, this ordinance before you today is required, like all others, to be consistent with the General Plan.

It is clear that the proposal to allow up to 10% of acreage in AG, RL, and UR, or any other zoning district, is grossly out of compliance with the General Plan and should be removed if the ordinance is to go forward for approval by the Board of Supervisors.

Expansion of cultivation should not be approved until such time as all current permits have been fully processed and an EIR can be conducted to adequately assess the cumulative impacts of expansion on our communities and assure a diverse and sustainable future.

I understand the appealing nature of a CEQA exemption and the rush to get an ordinance approved quickly, but that also concerns me greatly, as it could lead to some catastrophic consequences in areas where water resources are already limited is done without awareness of the impacts of this level of expansion. It's also clear that not following the General Plan also opens the County to lawsuits that will only slow the development of the ordinance in the long run.

Please adhere to the General Plan Principles and Policies below, they are our Community's voice and vision. This is what democracy looks like.

General Plan Excerpts - and my additions in italics.

Natural Resources Element:

Policy RM-17: No development shall be allowed by the County beyond proof of the capability of the available water supply.

Policy RM-26: Protect, use and manage the county's farmlands, forests, water, air, soils, energy, and other natural resources in an environmentally sound and sustainable manner.

Development Element:

Action Item DE-187.1: Work aggressively with water and sewer service providers to overcome current and projected system and supply deficiencies necessary to serve planned community growth.

Action Item DE-187.3: Work with communities and public water and sewer service entities to monitor, manage and/or maintain community-wide or decentralized water or sewer systems.

Policy DE-190: Development of residential, commercial, or industrial uses shall be supported by water supply and wastewater treatment systems adequate to serve the long-term needs of the intended density, intensity, and use.

Policy DE-191: Land use plans and development shall minimize impacts to the quality or quantity of drinking water supplies.

Policy DE-216: Development shall facilitate and integrate the ability for fire protection agencies to access and maintain fuel and firebreaks, water supplies, and emergency access routes.

*Note: Both the **Round Valley County Water District**, that manages groundwater in Round Valley, and the **Covelo Community Services District**, which manages the sewer system, have submitted letters of opposition to expansion, they should be in your packet.*

Planning Principles

Principle 2-1c: Emphasize compatibility between human activity and environmental resources and processes at all levels from regional planning to site design

- Ensure that the existing database of County resources, including, but not limited to soil information, slope analysis, sensitive habitat, water resources, air resources, wind energy, solar energy, and hydro energy, is available to guide planning decisions and is kept current as new data is developed.

Principle 2-2c: Support the county's resource-based economy and take actions that protect and enhance the county's diverse natural resources

Support the protection and diversification of the county's agricultural and timber-based businesses.

Promote small-scale or niche manufacturing using local resources for local or general use.

Principle 2-3f: Collaborate with local communities, agencies and organizations to promote all aspects of wellness in the county's populations.

- Provide county residents with opportunities to actively participate in the planning decisions that affect their lives.
- *Round Valley County Water District, Covelo Community Services District, and the Round Valley Area MAC all object to the cultivation of 10% AG, RL, and UR zones, as do other agencies, organizations, and MACs around the County. Please listen to the people.*

Covelo Community Goals & Policies - because this is my home.

Goal CP-C-1: Conserve Round Valley's natural, visual and historical resources while maintaining agricultural operations including grazing lands.

Action Item CP-C-15.1: Assist the Covelo Community Services District (CSD) in its efforts to serve future growth with water capacity consistent with the land use patterns and densities established in the General Plan.

- *Currently there is a moratorium on development, which is described in their letter. In addition, the lots in town which were established for multi-family housing in a previous Housing Element update are still not developed and can't be until the moratorium is lifted.*

Thank you for your thoughtful consideration and for your part in assuring that the General Plan Principles and Policies are followed.

Jessica Stull-Otto

From: Elise Planty <starflowernation@gmail.com>
To: <pbscommissions@mendocinocounty.org>
Date: 3/18/2021 6:12 PM
Subject: Agenda Item 6b

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MAR 19 2021

Dear Planning Commission Board,

As a resident of the 3rd district, I support the Covelo Cannabis Advocacy Group (CCAG) memo and want to voice my personal opposition to 10% acreage expansion. Please cap outdoor cultivation to 22,000 sq ft, and mixed light/indoor to 10,000 sq ft.

Thank you for your time concerning this important agenda item.

Respectfully,
Elise Planty

Sent from my iPhone

273

pbscommissions - Phase 3 dangerous to survival

From: anne Ronkainen <anneronky05@hotmail.com>
To: "pbscommissions@mendocinocounty.org" <pbscommissions@mendocinocounty.org>
Date: 3/18/2021 6:20 PM
Subject: Phase 3 dangerous to survival

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Dearest B.O.S.

Shame on you for putting so many families and hard working people who give back, into this position.

"90% will fail. This is a failed ordinance," but no talk of amnesty, and no talk of correcting all the wrongs and failings of phase 3. P&B just drops a random memo through Facebook outlining a new fines sheet that would legitimately bankrupt most small growers who are in this awful position. Voters voted to legitimize the industry and organize it, not disenfranchise swaths of the northern California farming community.

You shouldn't have the gall to move forward with phase 3, while effectively threatening so many of us who have paid into and trusted a severely defunct County governance. Why is there no shame? This problem won't go away. the cottage industry needs to be addressed and given amnesty until a functional method is worked out. These are peoples' lives. This is a community being trapped and starved out of existence for foolish and severely harmful reasons, environmentally and otherwise.

Please do your job better and fix the mistakes of the past. If not, allow amnesty for our small, non commercial gardens. Quite quaint in a lot of ways.

Sincerely.

A hopeful and confused resident about what good the future could possibly hold here, under the current administrations direction. Its heartbreaking and confounding what a mess has been made.

Ps. What do all the poor people in covelo do during fire season when their well has run dry because of a large 10% or acre grow next door and there's no way to get water except from a delivery guy who is already facing many pressures and burdens and who's probably a week out and 350\$ to fill a tank? Thats so bad, how do you survive? Your decisions will create this dilemma. Your ideas are dangerous in real time.

If you are making decisions without water and fire in mind, you are missing a huge component of the future situation here in mendocino.

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From: Samantha Ward <samanthaward735@gmail.com>
To: <pbscommissions@mendocinocounty.org>
Date: 3/18/2021 7:04 PM
Subject: Agenda item 6b

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MAR 19 2021

Planning & Building Services

Dear Planning commission board, as a resident of the 3rd district, I support the Covelo Cannabis Advocacy Group (CCAG) memo and want to voice my personal opposition to 10% acreage expansion. Please cap outdoor cultivation to 22,000 sq ft and mixed light/indoor to 10,000 sq ft. Thank you for your time concerning this important agenda item. Respectfully, Samantha Ward

Sent from my iPhone

275