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Mendocino County Board of Supervisors  
501 Low Gap Rd,  
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3/18/19

Re: March 19, 2019 Agenda item 6e

Dear Members of the Board

I am frustrated and disappointed that the Board of Supervisors, once again, is discussing where commercial cannabis cultivation can take place and under what circumstances. After lengthy discussions, Mendocino County decided that certain parcel zoning would be appropriate for commercial cannabis cultivation and others not. Commercial cultivators in areas not suitable or consistent with those zoning restrictions were provided several years to relocate to a location that was appropriate. The discussion to consider use permits to bypass these agreed upon decisions runs counter to all of the “good faith” discussions and decisions that have taken place. Use-permits are nothing more than “spot zoning” under a different name and with less oversight and neighborhood notification or input.

The lengthy and expensive process to create the “opt-in” and “opt-out” ordinance was designed so communities and neighborhoods could maintain their traditional and cultural status quo. Restricted parcels could cultivate commercially, as they had historically, if the owners of properties within a substantial footprint demonstrated the desire and acceptance for this to take place. Neighborhoods containing allowed parcels could also restrict commercial cultivation where it was inconsistent with the traditional, historical, and cultural land use. Throughout the “opt-in/out” ordinance development process, both the County and its consultants insisted that the footprints for these areas not be gerrymandered. They needed to be large enough in size and consistent enough in use to be defended against any challenge of “spot-zoning”.

Why are we revisiting these decisions now? Why is staff being asked to develop a process to allow use-permits for commercial cultivation within areas that have been promised otherwise at the end of the sunset period? Why wasn't the question referred to the ad hoc committee on cultivation first? How can the Mendocino County claim these permits are nothing more than spot zoning on a parcel by parcel basis for the benefit of one class of business? It doesn't matter whether the commercial cannabis activity is indoors or out, using the use-permit process to bypass both the agreed upon zoning restrictions for commercial cannabis activities and the agreed upon “opt-in/out” remedy for those wanting an exception, is inconsistent with good governance and planning. It also should be remembered that your “immediate neighbor” includes your entire neighborhood not just the person that lives next door. Please oppose the recommended action on 6e.

Thank you for your consideration of my comments,  
William Carson