

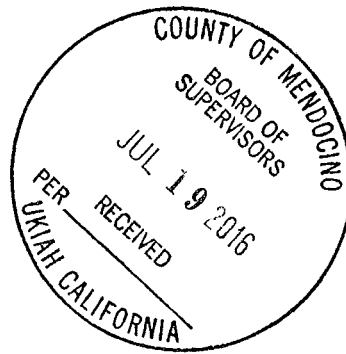
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From: david drell <wece@sbcglobal.net>
To: <bos@co.mendocino.ca.us>, <browncj@co.mendocino.ca.us>, <duketts@co.mend...>
Date: 7/19/2016 11:04 AM
Subject: Preliminary comments on Draft medical cannabis cultivation Ordinance
Attachments: Med Marj Comments 7-13.odt

Dear Chair Brown and Board of Supervisors;

Attached are preliminary comments from the Willits Environmental Center on the draft medical marijuana cultivation Ordinance for your review and consideration.

Sincerely,
Ellen Drell, for the Willits Environmental Center



July 19, 2016

From: Willits Environmental Center
630 S. ain Street
Willits, Ca 95490
Contact: Ellen Drell
wece@sbcglobal.net

To: Mendocino County General Government Standing Committee on Medical Marijuana Cultivation
Draft Ordinance

Re: Comments on the Draft Ordinance

Dear Supervisors Brown and Gjerde;

The WEC wishes to comment on the development of a Draft Medical Marijuana Cultivation Ordinance. Our purpose is to help protect the natural environment and natural ecosystems of the County that could be damaged by continued and expanded unregulated marijuana cultivation throughout the County.

Our present view is that a reasonable general approach to this challenge is two-pronged: accommodate, or "grandfather-in", existing medical marijuana producers willing to meet the requirements of the Ordinance, in particular those requirements intended to protect water quality and quantity, native ecosystems and wildlife and fisheries regardless of the current zoning designation of the parcel. This accommodation could possibly include the option of waivers having to do with setbacks assuming the applicant is in the process of eliminating impacts resulting from the proximity of the operation to neighbors, wetlands and/or watercourses. The County would make every effort to clarify the requirements and the process for meeting them and set a reasonable time frame to achieve those goals which is reasonable for both the applicant and the County staff.

The second prong of this overall approach would be to restrict new medical marijuana operations to specific zone(s). Agriculturally zoned land is the obvious choice, but there may be others zones that are appropriate. New operations should also be restricted to parcels with proven adequate water and, in the case of anticipated surface or riparian water use, with a valid water right from the State Water Resources Control Board. We also encourage the committee to consider requiring Use Permits for new operations on non-agriculturally zoned parcels, and further to limit the number of new applications and permits issued annually in order for the County staff to be able to properly process applications and to monitor compliance with conditions of the permits and the Ordinance.

The WEC includes in these comments, by reference, the concerns regarding potential damage to the environment raised in the comment letters of the Redwood Chapter of the Sierra Club, the Regional Water Quality Control Board; the Mendocino County Resource Conservation District; and the Nature Conservancy and California Trout, and specific concerns regarding hardships to current producers raised by the California Growers Association. We also concur with by the following specific comments raised by several of these comments: that the County conduct an EIR on the Draft Ordinance; that Land disturbance in excess of one acre require a Construction Activity Construction Order #2009-0009 from DWR; that cannabis cultivation not use water that has been illegally diverted from surface waters, including stream and river underflow; that the Ordinance explicitly require compliance with

NCRWCQB Order No. 2015-0023, CDFW Lake and Stream bed Alteration Permit, and California Water Right Laws; that the Ordinance require a 200' setback from wetlands and class 1, 11, and 111 watercourses (with opportunities for waivers for existing operations in good standing); that medical marijuana cultivation not be permitted on rangeland, forest land or TPZ (with "grandfathering-in" of existing operations otherwise meeting or in the process of meeting the requirements of the Ordinance); that Use Permits be required for operations in zones other than agriculturally zoned parcels (excepting existing operations otherwise meeting requirements); that the County postpone the date for accepting new medical marijuana cultivation applications.

Thank you for including these preliminary comments in your deliberations.

Sincerely,

Ellen Drell, Board member, Willits Environmental Center