

**- A Letter to the Mendocino County Board of Supervisors from Jeff Jones**

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**From:** Jeff <jeff@redwheelbarrowdist.com>  
**To:** <bos@co.mendocino.ca.us>  
**Date:** 8/1/2016 1:48 PM  
**Subject:** A Letter to the Mendocino County Board of Supervisors from Jeff Jones  
**Attachments:** BOS Letter - Jeff Jones - 080116.pdf

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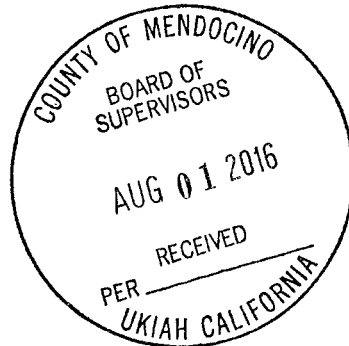
Hello,

Please find attached a letter for inclusion in the board packet for the Board of Supervisors meeting on Aug 2, 2016. I regret that prior obligations will keep me from attending this meeting in person, and I appreciate this opportunity to have my voice heard, even if only on paper.

Thank you very much for you help, and please let me know if I can answer any questions or provide any additional information.

All the best,  
Jeff

--  
Jeff Jones  
707.583.1098





**Red Wheelbarrow**

705 N State St. #309

Ukiah, CA 95482

Dear Supervisors,

I am writing to you today as a small business owner in Mendocino County, and as someone who deeply loves our county. I applaud your service to Mendocino and the smart, locally-appropriate economic development that county government has shepherded over the 11+ years I have lived and worked here. When I travel across Mendocino County I see businesses and local economies that reflect Mendocino values and heritage, not outside interests. I encourage you to bring this same approach to the regulation of the rapidly changing cannabis industry.

I am advocating for the County to develop a complete regulatory framework that enables responsible, locally-appropriate access to the full complement of cannabis business licenses outlined under the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act (should it pass in November). Only with a complete regulatory framework will Mendocino provide the economic incentives and regulatory disincentives to bring Mendocino's existing cannabis industry out of the shadows, minimize and ultimately eliminate the negative elements that remain behind, and realize the full positive impacts of a regulated cannabis economy.

I have over 10 years of experience as a nonprofit and social enterprise program director, building and managing programs and teams designed to help micro and small businesses start and grow. I am an active supporter of the California Growers Association, Mendocino Chapter, the Small Farmers Association, and Women Grow Mendocino. I support these institutions because I believe in the potential of cannabis enterprise to support sustainable rural economies.

I am wholly dedicated to this effort with the social enterprise I founded in Mendocino last year (Red Wheelbarrow) which seeks to support rural economies by helping small farms that produce medical cannabis using sustainable, organic methods connect with folks who love their products. We are excited to build our venture around Mendocino values, hire local employees, help local small businesses thrive, and promote the Mendocino brand throughout California. Unfortunately, we and other small businesses like us are currently hamstrung by a lack of regulations that would provide us with a solid foundation on which to build these ventures. We are faced with the heartbreaking choice of either putting our enterprises on hold or locating our operations outside of Mendocino County.

As our Supervisors, you have a unique opportunity to show leadership and shape a local cannabis industry based upon Mendocino values—one that fosters small, local businesses using socially and environmentally responsible practices, employs Mendocino residents, and benefits local Mendocino communities. Incomplete regulation will keep Mendocino's existing cannabis economy largely underground, with all the associated ills unfortunately also intact. I ask that you approach this issue with urgency, curiosity, and cooperation. Please call on us. We are here to help. At the end of the day we all want a vibrant Mendocino with thriving local economies.

Thank you very much for your time, and for your service to the county of Mendocino.

Sincerely,

Jeff Jones | Executive Director, Red Wheelbarrow | 707.583.1098 | [jeff@redwheelbarrowdist.com](mailto:jeff@redwheelbarrowdist.com)

**1 - Heritage Initiative Tuesday Meeting 8/2/2016 Proposal Letter**

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**From:** Holly Curry <clementine.holly@gmail.com>  
**To:** <bos@co.mendocino.ca.us>  
**Date:** 7/31/2016 12:04 PM  
**Subject:** Heritage Initiative Tuesday Meeting 8/2/2016 Proposal Letter

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July/31/2016

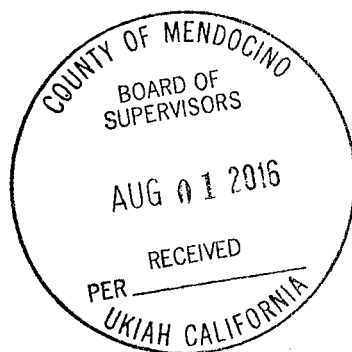
Dear Chairman Gjerde and Board of Supervisors,

I am a 57 year old woman who suffers from auto-immune issues. I use cannabis to relieve my symptoms that enables me to function throughout the day. I use cannabis internally and externally, and juice the leaves in large amounts daily to reduce inflammation. It is important to me that I grow my own plants close to my home.

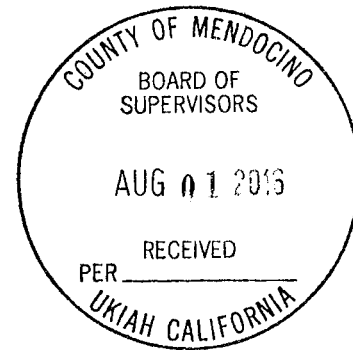
I am speaking out against the policy being proposed to start the small cottage outdoor grows in Mendocino County on 2 acres. I am currently on 1 acre with adjoining properties of 10 acres, 5 acres and 1 acre parcels at my side. Although not everyone is a cultivator of cannabis in Mendocino county there are many smaller parcels with cottage cultivation being used for personal medicinal use. I am asking that you consider looking at allowing 1 acre parcels for cottage grows. I feel this is an economic justice issue which needs to be addressed. Why should I not be allowed to cultivate on my personal property when my neighbors can do so on their property? My small garden is totally in compliance with all county regulations, can't be seen from the front road and has no impact on others. I can't afford to by larger pieces of property in order to grow my medicine.

Please support constituents like myself who are in need of continuing this practice in Laytonville while you consider policies that will affect the long term economics and health of our county and residence.

Holly Curry  
P.O.Box 2108  
Laytonville, CA 95454



**From:** <pconway1967707@gmail.com>  
**To:** <bos@co.mendocino.ca.us>  
**Date:** 7/30/2016 10:17 AM  
**Subject:** Dear Honorable Superv... from Web



Dear Honorable Supervisors.

RE: the new draft Medical Marijuana Ordinance dated 8/2/2016.

Date: July, 30 2016

Thank you very much for your earnest efforts in trying to develop new ordinance that tries to meet many stakeholders needs.

As residents of Mendocino County we (members of our community) have been growing for many years. And we would like to continue, abiding by the new ordinance as well as the State's new law from 2018. However, some of us will not meet future permit requirements, therefore we urge you to allow and give members of this community a grace period to find lease new locations, purchase appropriate zoning parcels, and include a temporary cultivation permit for members of this community to meet the long list of demands for a permit drafted in the current proposed ordinance.

We would strongly urge and request reconsideration of changing the wording; page 20, the Section 10A.17.090 - Cultivation Permit Application and Zoning Review:

(E) and (F).

The draft "restricts" us to remain and stay in our current cultivation location. Please amend with new wording in (E&F) to include: "new legal parcel" and "this season's cultivation site"

If you amend (E&F) to include "new legal parcel" and "this season's site", hundreds of current cultivators will be encouraged to register, become legal, pay taxes and abide by all the legal requirements. Because they will be given ample time and ability to provide photographic proof, since many cultivators from last year did not consider taking many photographs of there cultivation site last year.

We also would like to include other forms of proof for prior cultivation sites , instead of just satellite photos and photos as well, we need to consider that some cultivators cultivated exclusively indoors, not being able to show satellite proof.

Even though the board has agreed to push new incoming cultivators to Jan 2020, it will have no benefit if current cultivators of this community isn't allowed to move site, lease new sites, increase current grow limits, and ample time to meet a requirements on their parcels.

It is also discouraging if the county does not allow individuals who can provide proof of prior cultivation from Jan, 2016 that has changed location this season to abide by the new zoning regulations and even registered with the agriculture department this season.

We would be alienating individuals who want to pay taxes and contribute to this community, instead it will foster an environment for individuals to cultivate illegally, and contradicting our current efforts of reform and the cost of eradicating illegal growers will increase over time.

Please give current members of Mendocino County, ample time to conform to new regulations and allowance of individuals who have moved to new legally zoned parcels and cultivated on their site this

year to continue to cultivate. And not punish individuals were willing to try to meet new demands, especially to individuals who have registered with the agriculture department this year, who has been cultivating on new sites from the Jan – May 2016 of this year, in order to meet new zoning regulations.

Thank you very much for your sincere and earnest efforts from all the board of supervisors.

Most sincerely,

Peter Conway

Page: <http://www.co.mendocino.ca.us/bos/contact.htm>

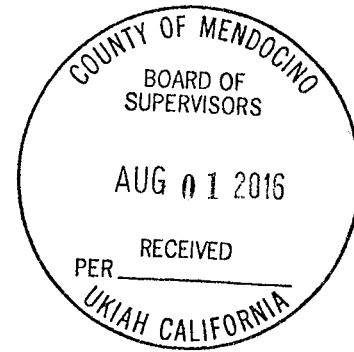
Browser: Mozilla/5.0 (Windows NT 6.1; WOW64; rv:47.0) Gecko/20100101 Firefox/47.0

IP: 104.156.228.150, DT: 2016-07-30 10:08:57

d: 1

July 28, 2016

From: Willits Environmental Center  
630 South Main Street  
Willits CA 95490  
707-459-4110  
[wece@sbcglobal.net](mailto:wece@sbcglobal.net)  
Attention: Ellen Drell



To: Chair Dan Gjerde and Mendocino County Board of Supervisors  
501 Low Gap Road  
Ukiah, Ca 95482  
[bos@co.mendocino.ca.us](mailto:bos@co.mendocino.ca.us)

Re: Comments regarding the Draft Mendocino Cannabis Cultivation Compliance Program, Chapter 10A.17 of the Mendocino County Code

Dear Chair Gjerde and Supervisors Brown, McCowan and Woodhouse;

The Willits Environmental Center (WEC) would like to submit the following additional comments, observations and suggested additions and changes on the Draft Medical Cannabis Cultivation Compliance Program for your consideration.

We originally welcomed the legalization of marijuana cultivation, and certainly the legalization of medical marijuana cultivation believing that legalization would curb the criminal element associated with illegal cultivation and reduce the environmental degradation associated with many illegal operations. But now we see the potential for legalization to open the flood gates to a perhaps equally unscrupulous greed element, which could also change and damage the character and natural environment of the County that all of us value.

This draft ordinance takes important steps toward controlling that potential assault, but still leaves certain areas of the County's natural environment dangerously vulnerable to fragmentation and degradation. Examples are the fragmentation and loss of oak woodlands, mixed hardwood and mixed conifer forests and chaparral ecosystems; groundwater depletion and surface water depletion (especially if the California Water Resources Control Board, Division of Water Rights fails to successfully protect the County's water resources by issuing water rights only where surface water, including stream underflow, is not already fully appropriated, which we know will take exceptional effort and discipline since many watersheds are already fully appropriated); and the introduction of agricultural pesticides and industrial toxics into every corner of the County where these products will be in intimate contact with the native flora and fauna in situations not envisioned when these products were originally marketed.

The County has no ordinance to protect its native oak woodlands, (nor does the State). Vineyard development to the south and to some extent in Mendocino County has been converting this most vulnerable and yet most important native ecosystem without assessing the cumulative impact. This new industry and the present draft ordinance create the potential for ¼ acre clearings (and larger, and smaller) associated with intensive agriculture on 2-acre and larger parcels throughout the County. Cumulatively, this could severely damage the health and function of this ecosystem. Commercial forest

land has some protection via the Forest Practice Act. Our Oak woodlands have nothing. This Ordinance could be an opportunity to remedy that situation. Such a remedy in this Ordinance would be appropriate for reasons stated above regarding this industry's intricate interface with the County's native ecosystems, unlike most commercial agricultural operations.

In addition, at present the County only addresses the impacts of grading through the County building code which primarily addresses issues having to do with constructing building pads. Although the draft ordinance rightly requires compliance with the NCRWQCB's general construction permit for grading and vegetation removal for clearings of one acre or more, the County does not have a grading ordinance tailored to the possibility of tens of thousands of 500 sq. ft. to 5000 sq. ft. and larger areas cleared for agriculture and associated infrastructure and the likely increase in access roads servicing each of these areas on legal parcels in every type of habitat and terrain throughout the County. Habitats can be degraded and ultimately lost by a few inappropriately located large projects as well as by the impacts of thousands of small projects. We believe the County needs a grading ordinance and the discretion to deny the grading of existing vegetation and/or natural slopes under certain environmentally destructive or cumulatively destructive situations.

In addition, we urge the County, and in particular the Agriculture Commissioner, to work very closely with the California Water Resources Control Board, Division of Water Rights in establishing reasonable timelines for determining whether or not an applicant will or will not be granted a water right for cultivation. We understand that in the past applicants have waited for years for a determination. This situation thwarts the applicant and threatens the sustainability of the County's water resources. If the applicant is to have in hand a valid water right within a year of submitting an application to the County for a Permit to cultivate, and comply with Section 10A.17.090 (G), Section 10A.17.100, Section A.17.110 (D), and possibly other sections of this draft ordinance, the Division of Water Rights must also be able to make a determination within a year. If it cannot meet a reasonable timeline, the ordinance needs to be adjusted to that reality. It may be that until the Division of Water Rights can verify adequate water for each applicant and issue a water right, the County can only issue cultivation permits to applicants already holding a valid water right.

We would like to reiterate the general comments made at the July 13<sup>th</sup> and 19<sup>th</sup> meetings and submitted in writing by the WEC. We want this ordinance to succeed in dramatically reducing damage to the natural environment of the County where that situation now exists, and bring into compliance as many existing growers as possible who are making a sincere effort to live and work here with respect for the unique wildness and natural diversity of the landscape in which they are making a living. As we all agree, to accomplish this the regulations must be both effective and within reach, both for the regulators (County Agriculture Commissioner, the Planning Department, the NCRWQCB, the California Water Resources Control Board, Division of Water Rights and California Department of Fish and Wildlife, and others) and the permit/license applicants. WEC also wants the Ordinance to be an effective deterrent to out-of county speculators whose only thought is to "make it rich" and who are neither able or interested in operating in a manner respectful and protective of our County's unique natural environment. This is a challenge but one worth meeting. We are sincerely appreciative of the work the Standing Committee and the Board have done thus far to include protections against this inevitable attempt at crass exploitation.

Given these concerns, we ask that the Standing Committee and the Board consider the following specific comments.

Prohibit the use of barbed wire in wildlife exclusionary fences. Smooth wire five foot fences with appropriate outriggers are very effective at deterring deer. There may be other innovations for deterring deer and other problem wildlife. Anyone who has seen a deer hanging upside down and alive with legs stripped of flesh trying to escape the tangle of a barbed wire fence will see the need for something other than barbed wire.

To encourage the use of solar power and reduce the noise and potential toxic impacts of fossil fuel generators, and yet to acknowledge the need for back-up power, we concur with Supervisor Gjerde and Attorney Nelson that Section 10A.17.040 (C) should apply to indoor and outdoor cultivation and should read, "The cultivation of medical cannabis shall not rely on fossil fuel generators as a primary source of power ."

We would like to clarify our position with regard to circumstances which would require a Use Permit. This is an area where we think the Ordinance should strike a balance between helping to bring existing cultivators into compliance vs. discouraging them from complying by presenting them with bureaucratic hurdles too high to clear. We recommend that Medium Outdoor cultivation of up to 5000 sq. ft. on RR2 and RR10 zoning, not require a Use Permit; and that Medium Mixed light on Ag zoning not require a Use Permit. Instead, these circumstances would require an Administrative Permit. We agree with the other Use Permit requirements as indicated on Table 1 of Attachment B. Also regarding Attachment B, we agree with Section 20.242.050 (B) that only existing medical cannabis cultivation sites may be permitted in the TPZ, and in the FL zoning districts, but we also think that restriction should apply to RL as well. The intent of rangeland designation is to protect the ongoing and historic economic, cultural and environmental benefits of the forage, wildland attributes and open space benefits found on the County's rangelands. The encouragement of intensive agriculture requiring, in some cases, significant water use, infrastructure, and daily commuting employees would frustrate the intent of the RL zoning district.

Attachment B, Chapter 20.242, which amends the County Zoning Code to include the draft Medical Cannabis Cultivation Compliance Ordinance should make it clear that these amendments apply only to those who are covered under the Ordinance, i.e. those who were cultivating prior to January 1, 2016.

Please note error on page 3 of Attachment B under Sec. 20.242.050 (B) 1. c. "5,0001" should read "5,001".

Attachment B, page 5, under Sec 20.242.040(C),2. Refers to the need to protect "prime soil, oak woodland, and timber resources in the context of determining whether or not to approve or deny a Use Permit. This is the only reference to considering the impacts of cannabis cultivation on oak woodlands in these documents. Though we are pleased to see it mentioned, we do not feel the language is sufficient to protect oak woodlands from the inevitable pressure to clear them for cultivation or associated infrastructure. We suggest that the Ordinance clearly prohibit the removal of single mature oak trees and/or mature stands of native hardwood trees. These mature oak woodlands are simply too valuable (and increasingly threatened by Sudden Oak Death (SOD)) to sacrifice. These ecosystems are critical for wildlife mast forage, for migratory and resident bird habitat and the very irreplaceable role their foraging plays in maintaining ecosystem health, for forage and rearing habitat of most of the County's native mammal populations, and they provide the most important habitat for wild honey bee hives. "Mature" will have to be defined, but we suggest the above language as a start.



Section 10.A.17.090 (F) on page 20 of the Ordinance, Cultivation Permit Application and Zoning Review, lists elements that must be part of an operations plan that demonstrate applicant's ability to meet or exceed "minimum legal standards" regarding protection of water, soil and habitat protection. As stated earlier in these comments, cannabis cultivation and its associated use of intensive agricultural practices, including the use of toxins, has the potential to introduce otherwise legal poisons, into groundwater, thousands of waterways and wildland interfaces under circumstances that were never envisioned when these agricultural poisons were developed and marketed. For this reason, we think that it is appropriate for this Ordinance to prohibit the use of all anti-coagulant or systemic rodenticides in the cultivation of medical cannabis in order to prevent their toxic effects from ricocheting through the wildlife food chain. Likewise, we recommend that all neonicotinoid insecticides be prohibited in the cultivation of medical cannabis. These insecticides become systemic in the treated plant and are then transferred to any organism that ingests part of the plant, spreading the toxic effect into the native insect population. These types of insecticides have also been implicated in wild and domestic honey bee population declines. They should not be used where agriculture operations are so intimately entwined with the County's wildland areas.

Although Section 10.A.17.090 (W) requires compliance with the NCRWQCB's Construction General Permit Order 2009-0009-DWQ, which is good, it does not address the impacts of grading of areas less than one acre, or the impacts of road construction or reconstruction needed to access cultivation sites. For this reason, as stated previously, we urge the County to develop a grading Ordinance at the earliest possible date, and preferably to coincide with the adoption of this draft Ordinance.

The Ordinance should reiterate the prohibition on the growing of Genetically Modified Organisms in Mendocino County as enacted by the passage of Measure H in 2004. This reiteration and the above prohibitions on the use of certain toxics, along with successfully protecting the health and diversity of the County's natural ecosystems will dramatically enhance the proposed "Certified Mendocino Grown" label. More and more people are seeking and choosing products demonstrably produced in a way that does not degrade the natural environment. A strong, workable Ordinance will benefit the County's bottom line (which ultimately means its health and beauty).

Thank you for your attention to these issues and comments, and for your efforts to produce this Draft Ordinance.

Sincerely,

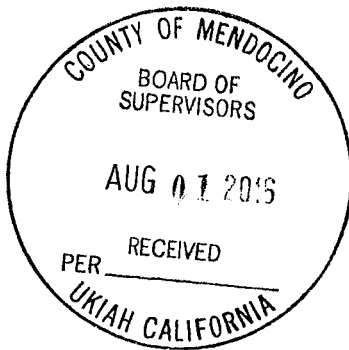
Ellen Drell, for the Willits Environmental Center

**From:** david drell <wece@sbcglobal.net>  
**To:** <bos@co.mendocino.ca.us>  
**Date:** 7/29/2016 5:09 PM  
**Subject:** Medical Cannabis Cultivation Compliance Program Comments  
**Attachments:** MedMarijComments7-28.odt

Dear Board Members;

Please see the attached Comments on the Draft Medical Cannabis Cultivation Ordinance Thank you for your attention to these issues.

Sincerely,  
Ellen Drell, for the Willits Environmental Center



**- Small Farmers Association Permanent Ordinance Recommendations**

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**From:** Small Farmers Association <smallfarmersinfo@gmail.com>  
**To:** <bos@co.mendocino.ca.us>  
**Date:** 8/1/2016 6:10 PM  
**Subject:** Small Farmers Association Permanent Ordinance Recommendations  
**Attachments:** SFA Current Comments.pdf

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Attached please find Board letter of recommendations for distribution at the BOS meeting tomorrow morning. Thank you.

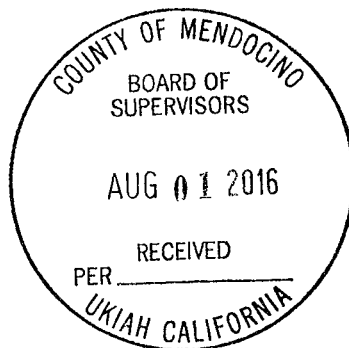
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**Thank you!!**



[www.smallfarmers.us](http://www.smallfarmers.us)

707-489-0996





POB 1605 Ukiah, California 95482 . 707-489-0996 . [www.smallfarmers.us](http://www.smallfarmers.us)

July 18, 2016

Mendocino County Board of Supervisors  
501 Low Gap Rd.  
Ukiah, CA 95482  
RE: Mendocino County Draft Cultivation and Nursery Ordinance

Dear Members of the Board and Staff,

On behalf of the 350 Mendocino County members, we provide the following input as an educated and regulatory savvy organization, with six years of regulatory implementation and regulation. Please be aware that what regulations have been in place are successful regulation as evidenced by the approximately 350 applicants for the County Urgency Ordinance with a 12 hours' notice versus seven counties in the Northcoast where a total of 300 applicants for the NCRWQCB Regulatory program. This speaks for itself as it relates to "over regulated" regulation. If you make it impossible to comply, as the NCRWQCB has, you will not have buy in and will have little participation. We are not starting from scratch, we are bringing an unregulated market into regulation, a transition which requires a different lens to look through that County and Staff are not accustomed to.

1. Set Backs: The cultivation regulations for Mendocino County as it relates to setbacks and parcel sizes, have been the same for the last 6 years. This is a place from which to build from. Not take away and start over, we do not have the time, as there are eleven other types of regulation that must be drafted from scratch, the County has never regulated these other license types before. We urge the Board of Supervisor and County staff (who have little if no experience with this industry) to continue using the successful setbacks of 50 feet from a property line, 100 feet from a neighboring residential structure.

2. Conditional Use Permit: It is likely if there is a conditional use permit requirement, there will be no participation and the county's goal will not be achieved. Waiting, at minimum, a year to be able to farm while a permit is being processed, is setting up an applicant to lose money – farming can wait for no one. Contacting neighbors for input increases the potential for a home invasion and people being injured. Historically, how many use permits per annum does the Planning and Building Department have experience with? The estimate we were told is approximately 25. Please remove the conditional use permit section and continue application processes as you have traditionally for the past six years.

3. Minimum Acreage: The two acre minimum lot size will cause many of your constituents who have been compliant for the last 6 years to no longer be compliant. A majority of small farms fall under 2 acres in Mendocino County – lower income rural neighborhoods with minimum wage workers supplementing their incomes to make ends meet by gardening 25 or less plants. You will be excluding many cannabis producing farms with a 2 acre minimum, displacing works and their low income families who depend on 25 or less plant gardens to stay off county assistance. A lot can be done on 1 acre, and we request you change the acreage minimum to 1 acre for the smaller cultivation licenses and 2 acre minimum for the larger cultivation licenses.

Thank you for your time and consideration,

  
John Mark, Board Member

On behalf of Small Farmer Association Board of Directors