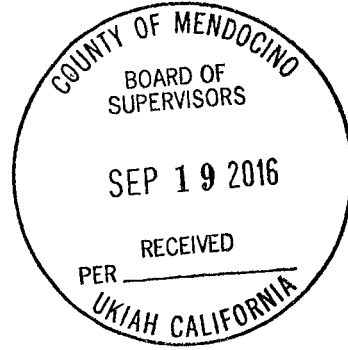


From:

Hal Wagenet, former 3<sup>rd</sup> District Supervisor

PO Box 1057

Willits, CA 95490



To:

Medical Cannabis Cultivation Ordinances

Mendocino County

501 Low Gap Rd

Ukiah, CA 95482

LACO Project # 7746.12

Comments on project per CEQA process

1) Project Description

This project refers ONLY to "Medical" cannabis production. Logically, ANY cannabis sold for any other purpose other than direct medicinal use is not controlled by this ordinance. Here, intent defines legality. Therefore, the intent of the ordinance should also be clearly stated, in the introduction and throughout, and that includes the exceptions and exclusion from the ordinance.

Suggested language:

"Marijuana grown for purpose other than documented medicinal use is not allowed under the terms of this ordinance and is subject to nuisance and criminal consequences, by law enforcement. When actions by cultivators support a logical conclusion that economic gain is the driver for a grower's activities as opposed to true medicinal production, that grower should be found in violation, with criminal misdemeanor and strong financial consequences available as a tool to regulatory agencies."

2) FL and TPZ (forestland and timber production lands) Table 1

We are pleased to see that these zones are excluded from any form of marijuana cultivation and production.

3) 3.0 Baseline Conditions

We note that both the baseline conditions page and Table 2 are labelled Page 4 of the PDF document as posted, and there is no Page 6. That is confusing.

Existing language states: "It is not feasible to establish specific existing conditions..." and "...analysis...will assume the conditions in the area affected have not changed substantially since the adoption of the Mendocino County General Plan...and certification of the General Plan Update EIR...in 2009..."

These statements directly conflict with Table 2, which lists a long tally of exactly such impacts. These disclaimers fly in the face of logic and a huge body of anecdotal evidence to the contrary.

Of course, one can never have ALL the information, but the Supervisors should demand a sufficient study to make an informed and unassailable decision. The worse thing one can do in an environmental document is casually dismiss some feature with a glittering generality.

More disturbing, and supportive of the call for a better survey and analysis of baseline conditions, is that the list in Table 2, while alarming unto itself, says nothing about the increasing trends of those impacts. Not only are the existing impacts already in place, whether legal or not, **they continue to increase, and the rate of increase is rising also.**

Since all current and anticipated conditions are set against the backdrop of a continuing major drought cycle in California, it is imperative that a good faith effort to define the baseline accurately, not only to provide good function for the ordinance, but to avoid CEQA challenges.

#### 4) 5.0 Regulatory Setting,

Paragraph beginning "On June 8, 2016..." I believe the settlement required the county to include CEQA compliance for any future ordinance on this topic. If, true, please correct.

#### 5) Page 8 of 14, under the Regulatory Setting heading

The 9 bullet points listed underscore the fact that the county certainly is aware of both the impacts and the consistent failure to address them by both the growing community and the regulators to date (Please refer to comment 3 above). This list is certainly broad enough and the fact that many land use zones are proposed to change under this ordinance, that a full EIR is required to fully disclose impacts as required by CEQA.

#### 6) Enforcement

This ordinance has no chance of successful function without clearly defined enforcement. At a minimum, enforcement should include:

- A clear definition, according to intent, that separates medical from other
- A regulatory framework that includes misdemeanor findings, and strong financial deterrents, appropriate to what has been a cash-rich, black market industry for decades, as incentives to comply.

- A coordinated approach to regulation, whereby trained county or 3<sup>rd</sup> party inspectors, held to a high standard, with a clear understanding of process, and representing the Ag Commissioner, Public Health and Planning and Building Departments as regulators, with law enforcement personnel in attendance in the field.

Thank-you,

Hal Wagenet