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January 24, 2017

Mendocino County
Board Of Supervisors
501 Low Gap Road, Rm 1010
Ukiah, CA 95482

Honorable Board Members,

Subject: Medical Cannabis Cultivation Ordinance (MCCO) Section 10A.17.040 (A)(1)

The MCCO being considered shows considerable thought and planning however, I am concerned about the above mentioned section which restricts any cultivation "Within one thousand (1,000) feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility." This setback is excessive and will result in taking of property rights from land owners and will be problematic to enforce as written. The State MCRSA calls for a 600 foot setback and leaves room for some modification. A 600 foot setback would restrict the use of approximately 26 acres around a facility while increasing to a 1000 foot setback would restrict the surrounding use of approximately 72 acres. Three times the area. Additionally, the list of facilities is all inclusive and poorly defined in the document and leaves much room for disagreement. While I agree that separation is important, this section needs some refinement.

Recommended Changes

- 1) The State felt that 600 feet would provide adequate separation and I have not seen evidence that supports increasing this to 1000 feet. I recommend that the Board change this to 600 feet.
- 2) The definitions of the protected facilities should be clear to avoid confusion and the appearance of being all inclusive.
- 3) The ordinance should allow for reduction in the setback where physical features provide adequate separation. Examples such as freeways, rivers, natural or manmade barriers, mounds, fences or circulation systems that restrict access to the area.

With these changes, separation will occur while respecting the rights of all property owners.

Sincerely,



Andrew Nicoll