

**MENDOCINO COUNTY RESOURCE CONSERVATION DISTRICT**

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To: Members of the Mendocino Planning Commission Staff  
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**Project Name:** Medical Cannabis Cultivation Ordinance (MCCR); Mendocino County

**SCH#:** 2016092005

**Document Type:** CEQA Consultation

**Subject:** Public Draft Initial Study and Environmental Checklist, November 7, 2016; OA\_2016-0003 Cannabis Ordinance—Response to Comments on Initial Study from 12/1/2016 Planning Commission Public Meeting

**Potential Area of Concern:** Phase 2 and Phase 3 proposed mitigation measures; Comprehensive Regulatory System; Lack of sufficient mitigation for potentially "significant" impacts from road related erosion and associated water quality and stream habitat impacts; Protection of rangeland and oak woodlands

**Mendocino County Resource Conservation District (MCRCD) Comments:**

The Mendocino County Resource Conservation District appreciates the opportunity to submit comments and recommendations regarding the County of Mendocino's Public Draft Initial Study and Environmental Checklist for the proposed Medical Cannabis Cultivation Ordinance. The mission of MCRCD is to assist communities within Mendocino County to conserve, protect, and restore wild and working landscapes. The MCRCD views the cannabis ordinance as an opportunity to clarify and improve environmental regulation within the county and address chronic environmental damage that has resulted from years of unregulated cannabis cultivation.

The MCRCD continues to believe that the permitted expansion of new cannabis cultivation (Phase 2 and Phase 3) into rural, steeply sloped regions of the county would be "cumulatively considerable" in its impact and would warrant a General Plan Update and Environmental Impact Report. The agency feels strongly that **Mitigation Measure AG-2**, prohibiting new cultivation on rangeland (RL), is an essential mitigation measure for the proposed ordinance, which will deter agricultural land fragmentation and land speculation already occurring in anticipation of the adoption of the ordinance under consideration. However, the agency believes that the mitigation measures provided in the Public Draft Initial Study and Environmental Checklist, though a move in the right direction, do not fundamentally address the scope

and scale of potential impacts to Agricultural and Forestry Resources, Biological Resources, Geology and Soils, and Hydrology and Water Quality, in particular.

### **Phase 2 and Phase 3 Mitigation Measures**

*Permitting of new cultivation sites in agricultural zoning districts or in selected zoning districts, with completed water assessments, after January 1, 2020.*

MCRCD strongly disagrees with the statement in the Public Draft Initial Study and Environmental Checklist, November 7, 2016 that “[i]n nearly all cases, the anticipated uses which may affect the environment will take place within an existing comprehensive regulatory system.” The MCCR incentivizes rural land development on very steep terrain in the absence of a county grading ordinance. Although the MCCR applies provisions of the NCRWQCB Order RI-2015-0023 to Phase 2 and Phase 3 permitting conditions, it does not prevent environmental impacts; it can only mitigate after the fact as a permitting requirement.

For example, the legalization of cannabis cultivation in Mendocino County is already encouraging land speculation and purchases of rural and agricultural lands by real estate developers. These developers are acting in anticipation of rising land values from Phase 2 and Phase 3 of the MCCR based on permissible zoning categories--and not cultivation permitting performance standards or other provisions, which would apply to a future permit applicant—either a future landowner or lessee.

We believe a county grading ordinance and an oak woodland protection ordinance are warranted and necessary to control *significant cumulative impacts* in the areas of Agricultural and Forestry Resources, Biological Resources, Geology and Soils, and Hydrology and Water Quality in order to mitigate the significant environmental impacts of rural land development and land development practices associated with Phase 2 and Phase 3 of the MCCR.

As the NCRWQCB Order RI-2015-0023 explicitly states:

“Many sites in the North Coast include steep slopes, highly erodible soils, or unstable areas. Land development on sites with these characteristics often requires design and oversight by a licensed engineer, geologist, or other appropriate California-licensed individual during construction to ensure that constructed features on the site are stable and do not represent a threat to the beneficial uses of water or public health and safety”.

Over 80 percent of the land acreage where new cannabis cultivation will be permitted lies within watersheds that are impaired for **sediment** and temperate pollution. Furthermore, as an example, approximately 75 percent of land within zoning districts RR10, RMR20 and RMR40 are located on slopes of 30 percent or greater. Over 40 percent of land in those zoning districts is located in oak woodlands (see Table 1.)

Since 1999, MCRCD has applied road treatments (outsloping, rolling dips, etc.) to improve the longevity and safety of road systems, reduce accelerated erosion, and prevent possible damage from landslide activity—to more than 100 miles of hydrologically connected roads in Mendocino County at an estimated cost of \$3.5 million in public funds. The agency continues to build its capacity to address current very high levels of road-related erosion and its impact to listed waterbodies. Increases in road development and

erosion associated with adoption of the MCCR holds the potential to negate these achievements and any hope of delisting impaired waterbodies in Mendocino County.

**Table I. Example Environmental Analysis**

Mendocino County RR10, RMR20, RMR40 Environmental Analysis		
Slope Class	Acreage	% of Total
15% and less	10,958	11%
Between 15% and 50%	9,529	10%
Equal to or Greater than 30%	72,297	74%
Zoned land in a 303d Listed Watershed		80%
Approx. % of zoned land in oak woodlands (inland Mendocino County)		44%
<b>Sources:</b> SSURGO Soils GIS database; Assessor's GIS parcel database, 2013; MCRCD rangeland/oak woodland GIS database, 2016		

**Respectfully,**



**PATRICIA HICKEY, EXECUTIVE DIRECTOR  
Mendocino County Resource Conservation District**

**Sent via email and hand delivered**

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