

June 8, 2020

From: The Willits Environmental Center
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To: The Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

Re: Cannabis Cultivation Ordinance, 6-10-20 BOS Meeting Agenda Item 6b

Dear Chair Haschak and Members of the Board;

The WEC welcomes discussion about the existing Ordinance. However, we do not support repeal of the County Cannabis Cultivation Ordinance. At minimum we think that much more public discussion among the Board Members themselves and with the public needs to take place before a policy change with agreed upon goals and adequate detail is ready and appropriate to refer to staff.

Having followed this process for several years, the WEC thinks the best way forward is for the County to remain the “lead agency” and retain our own County Ordinance with its supporting CEQA document, the MND, for the following reasons.

1. Our Ordinance has some very good elements that shouldn't be abandoned. It makes special accommodation for “legacy growers”. It protects otherwise unprotected tree species. It has strict lighting regulations. It has strong protections against incentivizing fragmentation of our resource lands. We are free to make it even better.
2. Our Ordinance speaks specifically to Mendocino County conditions, both environmental, and General Plan related goals and policies, with a specificity which the State freely admits its PEIR may not have addressed in the detail desired and required in any given County.
3. Our Ordinance gives all citizens, growers and non-growers alike, easier access to the “lead agency” that is regulating environmental compliance. Your first stop is Ukiah, not Sacramento.
4. Our County Ordinance frees individual applicants from the logistical and financial burden of addressing cumulative environmental impacts, impacts for which the State will require documentation and mitigation.
5. Our Ordinance levels the playing field for large and small, home-based vs. well-financed corporate and/or partnership operations by putting them all under the same environmental review umbrella - a County-wide environmental document that has, up front, analyzed and mitigated significant cumulative impacts. This is also a reason not to rely on individual Use Permits as a

means to address potential impacts. If two applicants in watersheds with sensitive habitats or unproven water availability where an analysis of cumulative impacts is required, or a rare plant survey is required, for example, the well-financed applicant is still “in the game”, while the other is most likely not.

6. Repealing or even substantially changing the Ordinance at this time would almost certainly jeopardize the ability of Phase 1 permit holders and those Phase 1 growers waiting for permits to obtain State annual licenses.

Finally, we strongly urge the Board to prioritize creating a better system for public participation in this time of corona-virus social distancing. It is clear that the County has the technical capability and the appropriate safety protocols to include staff, and in some cases project applicants, as was the case during the last Planning Commission public hearing, to “attend” meetings virtually with the ability to view the decision makers, be seen, and to comment and to respond to questions in “real time”. We think it is time to give the public this same technological advantage, especially since the current, and appropriate, social distancing precautions may go on for several months. Each meeting that continues to discriminate against the public in its ability to interact with its elected officials further erodes the principles of inclusive and transparent governance. Face to face, serious and accountable discourse is increasingly replaced by discussions on social media where opinion, rumors, half truths and outright misinformation become the currency of exchange and undermine the foundations of good decision-making.

Clearly it is possible to accomplish face-to-face “real time” constituent-to-elected official exchanges. “Regular” citizens should have the same opportunity to communicate with our elected officials when those officials meet to discuss the public’s business with the same ease and immediacy as do County employees. We at the WEC would be happy to help facilitate improving the public’s ability to participate in the Board’s meetings. We would hope to have improved virtual access for the public as soon as possible, in order for the public to participate fully in the deliberations on the Cannabis Ordinance, as well as other issues.

Thank you for your attention to these comments.

Sincerely,

Ellen Drell, for the Willits Environmental Center