

August 1, 2020

Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482
bos@mendocinocounty.org

Re: Cannabis Cultivation Ordinance - Potential Modifications 2020

Dear Supervisors,

As outlined under the currently adopted Cannabis Cultivation Ordinance, Sec. 10A. 17.010 - Title, Purpose and Intent, a plainly stated opening paragraph indicates the regulatory commitment to the cultivation of cannabis that “promotes the health, safety, and general welfare of the residents and businesses within those areas” and “the needs of neighbors and communities to be protected from public safety and nuisance impacts, and the need to limit harmful environmental impacts that are sometimes associated with cannabis cultivation.”

It is further stated, within the same opening paragraphs, that “Nothing in this Chapter is intended, nor shall it be construed, to exempt the cultivation of cannabis from compliance with all other applicable Mendocino County zoning and land use regulations, as well as other applicable provisions of the County Code, or compliance with any applicable state laws... nor shall it be construed, to exempt the cultivation of cannabis, as defined herein, from any and all applicable local and state...land use, water rights, waste water discharge, stream-bed alteration, or any other environmental, building or land use standards or permitting requirements.”

Of particular concern are the expanding, permitted cannabis grows in rangelands adjacent to residences, agriculture, grazing areas, anadromous and un-named tributaries to known watersheds, and near the driveways, shared roads and privately owned open spaces near homes. Winds and topography may carry the odors from large grows in significant distances that are not solved by simple setback requirements, for example. The existing ordinance addresses lighting used for cultivation and security, but says little or nothing about construction or operational site lighting utilized in the evening hours, under dark skies. Large grow locations, with high-powered lighting and the resulting light pollution, can impact those living miles away.

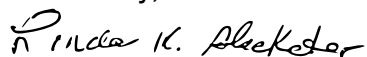
Add to the above an increasing number of vehicles, manpower, equipment and supply lines in play, often traveling in early morning and late at night via shared county roads, driveways and easements - many used by residences in the County - and it becomes clear that rather than expanding the provisions within the ordinance or loosening some requirements, a more stringent and heightened regulatory structure is required. Any alteration of the environmental protections as outlined in the current ordinance could further compromise an already tenuous future in these areas.

There are already abuses to the current ordinance with respect to grow sizes on individual parcels. While the current allowances under 'Large Outdoor, Indoor Artificial and Mixed Light limit the grows to 10K s.f. per parcel, with the Nursery allowances at 22K s.f. per parcel, there is nothing to preclude a grower from assembling multiple parcels or subdividing an existing parcel in order to place these grows near a property line, thus creating large, concentrated plantations. The existing setback provisions from parcel boundaries are inadequate to address the assembly of such operations.

Fire season is upon us in Mendocino County. Our precious water resources are already under significant threat due to climate change. Businesses are already contracting due to the Covid-19 impacts. Yet large grows, permitted and illegal, continue to expand, to pollute and to compromise the health and safety of our citizenry.

As we believe that your fundamental responsibility is to protect the quality of life for the residents of Mendocino County, while also allocating our obviously limited resources to meeting constituent needs, it is suggested that your efforts at the Board of Supervisors be directed to these known urgencies- fire threat; water resources; fiscal oversight -rather than significantly altering an existing, though imperfect, Marijuana Cultivation ordinance. We look forward to working with you.

Sincerely,



Linda Blacketer



Dan Dodt

Yorkville

cc: bos@mendocinocounty.org, Carre Brown, John McCowen, John Haschak, Dan Gjerde, Ted Williams