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Via Email & First Class Mail

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

Mendocino County Planning Commission
Julia Acker Krog, Chief Planner
Mendocino County Department of
Planning and Building Services
860 N. Bush Street
Ukiah, CA 95482
ackerj@mendocinocounty.org

Re: Agenda Item 6d OA_2019-0002 and Concerns re: Review of Potential Future
Amendments to Cannabis Cultivation Ordinance

Dear Ms. Acker Krog, Planning Commissioners, Board Chair Brown, and Supervisors
McCowen, Haschak, Gjerde and Williams,

I am writing on behalf of the Willits Environmental Center (“WEC”) in order to advise the Board of Supervisors and the Planning Commission of WEC’s concerns regarding the Commission’s and Board’s pending and future discussions addressing various possible amendments to the existing Mendocino Cannabis Cultivation Ordinance, Mendocino County Code of Ordinances, Chapters 10A.17 and 20.242. WEC has reviewed the Board of Supervisor’s May 14, 2019 meeting where the Board discussed recommendations presented by the Cannabis Cultivation Ad Hoc Committee. Staff has now released several proposed amendments that are scheduled to be considered by the Planning Commission at its upcoming meeting on July 18, 2019. It is our understanding that staff will be preparing additional amendment options for the Commission’s and Board’s consideration at yet-to-be determined future meetings.

In regard to the proposed amendments being considered this Thursday by the Commission, the staff proposal includes an amendment that would authorize the transfer of existing cultivation permits to any person, including on rangeland zoning districts. Currently, no such transfers are allowed to non-family members. These proposed transfers to non-family members would include existing permits within the rangelands zoning district. A key mitigation measure adopted pursuant to the California Environmental Quality Act (“CEQA”) at the time the cannabis

cultivation ordinance was adopted was a prohibition on any new cultivation within the rangeland districts. Reviewing the staff report, it appears that the proposed assignment provision would make any such transfer of cultivation permits contingent on complying with the existing cultivator's permit. See Proposed Ordinance Sec. 10A.17.070(K)(2) & Sec. 20.242.040(E). WEC believes it is important that the proposed amendment clarify that any transfer on rangelands be limited to the square-footage permitted by the existing issued permits and that any non-family transferee not be allowed to expand the currently permitted cultivation area or associated facilities.

In addition, WEC wanted to take this opportunity to preview its concerns about any conceptual amendments to the existing rangeland prohibition (Mitigation Measure AG-2). Opening up rangelands to new cannabis cultivation was considered but only recommended for discussion by the Cannabis Cultivation Ad Hoc Committee. That possible change was discussed by the Board of Supervisors during its May 14, 2019 meeting. Although not scheduled for consideration by the Planning Commission at this week's meeting, WEC wanted to advise the Commission and the Supervisors at this early stage that any proposal to remove the existing prohibition on new cannabis cultivation within rangeland districts may have significant environmental impacts. The potential impacts of authorizing new cannabis cultivation on rangelands include, but are not limited to, impacts on water quality, land uses, air quality, safety, and biological resources. In assessing potential cumulative impacts of such a proposal, the County would have to consider not only the number of potential new permitted grows on rangeland, but also the cumulative impacts of those grows in combination with the many illegal grows that continue to plague the County's rangelands and other areas. Accordingly, prior to any amendment considering removing in whole or in part the existing cultivation prohibition within rangeland zoning districts, the Board will have to prepare a full environmental impact report ("EIR") pursuant to CEQA. WEC strongly encourages the Board to withdraw any existing or future direction to staff proposing to remove, in whole or in part, the existing prohibition on new cannabis cultivation on rangelands.

Thank you for this opportunity to provide input on the proposed amendments being considered this Thursday and to make the County aware of WEC's concerns regarding potential future amendments affecting the County's rangelands.

Sincerely,



Michael R. Lozeau
Lozeau Drury LLP
on behalf of the Willits Environmental Center

cc: Ellen & David Drell, WEC