

Dear Commissioners;

Attached are the Willits Environmental Center's comments regarding the above referenced item. Thank you for your attention to these issues.

Sincerely,
Ellen Drell, for the WEC

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Reg & Building Services

May 5th, 2021

From: Willits Environmental Center
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To : Mendocino County Planning Commission
pbscommissions@mendocinocounty.org

Re: Case #0A_2021-0002, May 5th meeting Agenda Item 6c, Commercial Cannabis Activity
Land Use Development Ordinance

Dear Chair Pernell and Members of the Planning Commission;

The Willits Environmental Center urges the Commission to recommend that the Board of Supervisors postpone taking action on the proposed Cannabis Cultivation Activity Land Use Development Ordinance until the Board has sufficient facts regarding the potential consequences of enacting the proposed ordinance and until the County has conducted a full EIR. In addition, we urge the Commission itself to demand facts regarding existing conditions, and potential impacts of the proposed ordinance before making findings and recommendations.

However, if, in the worst case scenario you feel beholden to a reckless Board seemingly willing to ignore the public outcry to halt this special interest-driven rush to, at minimum, quadruple the impacts of cannabis cultivation in our desperately dry County **WITHOUT ENVIRONMENTAL REVIEW AT THE COUNTY LEVEL, WHERE IT BELONGS**, we recommend that the following most egregious loopholes regarding the opening of Rangeland be closed.

1. Definition of Qualifying Site: Cleared, and Tilled and Cropped and Irrigated and Part of Commercial Agricultural Business

Section 22.18.070 (H)(1), which describes an area of RL that could be opened to commercial cannabis operations as an area “previously cleared and tilled and has a previous crop history” is a gaping loophole. Some RL parcel owners are already scheming to qualify their parcels as previously tilled based on home garden plots or other forms of personal property management disturbance. (Tragically, this scheming is often not even about growing cannabis themselves in many cases, but in anticipation of windfall profits by selling to a cannabis grower!) In order to avoid the unintended proliferation of commercial cannabis on potentially tens of thousands of essentially undisturbed parcels throughout the rangeland district through the use of home garden areas and/or personal property improvements such as re-seeding a pasture or home landscaping as the basis to qualify for a commercial cannabis permit, we recommend that “cleared and tilled” also include “and irrigated”, and be further qualified to mean “cleared and tilled and irrigated”, replacing “with a previous crop history” with “for the purpose of growing a crop for sale in a commercial agricultural business”. The proof commercial agricultural business would include a business license AND aerial photos or other dated photos showing the cultivated area.

2. Qualifying Window for Clearing, etc.: January 2010 to January 2021

The Planning Commission must establish a clear time frame within which this commercial agricultural business caused an area of the parcel to be cleared, tilled, irrigated and cropped, and that would now qualify the area to be converted to commercial cannabis cultivation. For example, there could be a ten year window of January 2010 to January 2021. Clearing, tilling, cropping and irrigation that began after January 2021 should not qualify a parcel for commercial cannabis cultivation. This provision could eliminate most of the land disturbance done solely in anticipation of the opening of RL to new cannabis cultivation. (We're getting anguished reports from the Laytonville area that tilling for the purpose of exploiting the lack of a definite time frame is already happening!) Do not let this ordinance itself cause new losses of rangeland forage, open space, wildlife habitat, water quality and quantity, aesthetic values and neighborhood cohesion.

In addition, the "prior cultivation" date should not go back further than ten years. In the absence of tilling, cropping and irrigation over a ten year period, naturalized vegetation would have in most cases reestablished itself.

3. Percentage Qualifier

If the concept of allowing a percentage of an area to be cultivated survives despite the obvious outrage of such an ill-conceived idea, the Commission should make it very clear that with regard to Rangeland (or to Ag land as well) that the percentage apply strictly to the area meeting the definition of "cleared, tilled, cropped, and irrigated for the purpose of cultivating a crop for sale by a licensed agricultural business."

The Commissioners, nor yet the Supervisors, do not have any data on how many parcels or acres, or where or in what contexts, such conditions as described above exist. We urge again that the Planning Commission demand facts before presuming to make recommendations, findings, or decisions.

Thank you for your attention to these issues.

Sincerely,
Ellen Drell, for the Willits Environmental Center