

# EMERALD LAW GROUP

280 North Oak Street Ukiah, CA 95482  
Tel: (707) 468-8300 Fax: (707) 937-2209

Mendocino County

MAR 23 2023

Planning & Building Services

March 22, 2022

Mendocino County Department of Planning and Building Services  
860 North Bush Street  
Ukiah, CA 95482  
pbscommissions@mendocinocounty.org

Re:

CASE#: R\_2021-0002  
DATE FILED: September 7, 2021  
OWNER: VARIOUS  
APPLICANT: EASTSIDE RESIDENTIAL REDWOOD VALLEY  
AGENT: KATHLEEN GILLEY  
REQUEST: Rezone request to establish a Cannabis Prohibition (CP)  
Combining District over 207 Assessor's Parcels in Redwood  
Valley. See attached map.

ENVIRONMENTAL DETERMINATION: Exempt – CCR Section 15061(b)(3)

LOCATION: 0.1± miles north of the Redwood Valley town center, bound  
generally on the west by East Road (CR 230), on the north by  
Madrone Drive (private) and Road I (CR 234), on the east by  
Colony Drive (CR 232-A), and on the south by Road D (CR 232).

SUPERVISORIAL DISTRICT: 1 (McGourty)  
STAFF PLANNER: RUSSELL FORD

To whom it may concern,

My name is Editte Lerman, I am an attorney representing the owners of four properties that are within the proposed boundary of the proposed CP zone subject to Case No.: R\_2021-0002.

This letter contains additional arguments they are submitting in opposition to the project.

This group has included Rural Residential properties improperly. Since there is no ability to get a cannabis permit on an RR Zoned property, these properties should

not be included for purposes of finding % of approval among residents. There is NO STANDING for RR Zoned properties. Including RR zoned properties unfairly skews the percentage of approval and if those parcels extracted there isn't the necessary 60% approval.

Costs expended -

- For two permits at 1750/1900 Rd. D - including application fee for county and state, renewal permit/license fees, Mendocino cannabis taxes, permitting 28 hoop houses, annual water board enrollment fee for 5 years, costs of preparation of 2 site management plans for water board, costs of two LSAs for CDFW, LSA filing fees, costs of corporate documents is approximately \$223,113 (not including consultant and attorney fees)
- It is unfair to lead a person into such expenditures, and then take the benefits therefrom away from that person.

Compliance with law -

- Prev code enforcement issues:

2270 Rd E - had compliance issues, but worked with code enforcement to clear up all issues, and as part of agreement entered into with Planning Dept. was required to submit phase 3 permit applications

-1750/1900 Rd. D are both in compliance with no code enforcement activity we are aware of

Our clients as community members:

- Willing to take steps to appease neighbors concerns:
- Increase height of fence to block view of hoops
- Keep the one dog on a leash if ever outside of property
- Reduce odor - plant odiferous plants around border
- Owner will speak to anyone coming/going to reduce speed on dirt roads
- They have contributed by following all rules/regs/laws, and in doing so have contributed a great deal of money to this county.

We refute the speculative and hypothetical claims made in the letters submitted. THIS is the whole reason we have a regulated market – there are laws and regulations in place, and in fact entire agencies, that address every single concern raised in the letters submitted. The claims in the letters revolve around the following issues: Water usage, Pesticide Usage, Odor, Dogs, Driving, View.

**Water usage:**

Water is highly regulated: CDFW, Regional Water Quality Control Board AND State Water Resources Control Board – BOTH of

which cultivators have to deal with and go through to obtain a permit/license. Water usage is closely monitored

- 1750/1900 Rd. D: had permitted wells drilled, have redwood valley ag water, have had to purchase water in the past (so clearly their well isn't taking water from other properties)
- 2270 Rd. E - they have ag water, but plan to purchase water for cannabis cultivation - therefore wouldn't affect anyone else's water on their property.

Many statistics cite grapes as larger consumers of water. Grapes require year round water use and water sprinklers are used overnight for frost protections which often times is not included in calculations for how much water grapes require.

**Pesticide Usage:**

- More regulated and more limited with regard to Cannabis than Vineyards - Vineyards are allowed to use much more harmful pesticides in cultivation.

- Further there is an extreme amount of testing of cannabis flower for the presence of chemical pesticides, and if any cannabis fails the testing, then it can't be sold

- 1750/1900 rd D - using ONLY organic pesticides

- 2270 Rd. E no current cultivation)

**Odor**

-1750/1900 Rd. D - Odor can be limited by planting odiferous plants which permit holders are willing to do.

- strains being cultivated are not the "skunk" strains of the past - today's strains veer away from the heavy odor that most associate with cannabis. The strains our clients' are using, produce a much sweeter/flower like aroma.

- 2270 Rd. E - nearest residence is approximately 2,000 ft. away, and the cultivation is entirely surrounded on all sides by a working vineyard

## **Dogs**

- No dogs at 2270 Rd. E
- One dog at 1750/1900 Rd. D - while he may look aggressive, he's a big teddy bear, and has many friendly interactions with neighbors that walk along road D. Further, the permit holder is more than willing to keep him on a leash if he ever is outside of the two properties.

## **Driving**

- 2270 Rd. E - It is only workers for the vineyard that are coming and going - there are no employees at the cultivation.
- 1750/1900 Rd. D - There is only one employee, and the permit holder says he goes over and above to be respectful when traveling to/from the grow. In fact, he goes below the speed limit.

Our clients - that this CP zone targets - are NOT the source of people driving disrespectfully on the roads

## **View**

- 1750/1900 Rd D - fully enclosed in 7 ft. fence, willing to add 2 additional feet of lattice to the top.
- 2270 Rd. E - 8 ft tall permitted fence, nearest residence approximately 2,000 ft away and cultivation not visible from the road.
- Clients have black out covers on all hoop houses to prevent light leaks and have done additional winterization to ensure the wind cannot blow off the covers and will not allow any light to leak.

Creating a CP zone is not the proper remedy for the complaints of neighbors.

Code enforcement/Police need to enforce laws/regs

- Our tax dollars fund code enforcement and police who are tasked with enforcing our cannabis laws and regulations. We have laws and regulations that address every aspect the citizens complain of against our clients.

Assuming Mendocino County gets cannabis permitting going (which has been a major problem in itself for many years) – it would decrease the value of property if cannabis cultivation is prohibited. Land is more valuable and more desirable if it has fewer limitations on potential uses.

There are far less parcels in Mendocino County that allow cultivation than those that prohibit

CP zone doesn't prevent a pig farm from coming in – creating more big trucks on the roads, worse odor, more employees etc.

We see this as a RACIALLY motivated issue - very telling that the proposed CP Zone only affects permit holders that are Hispanic.

There are 9 grows in the immediate area - for all we know the 7 other grows that closely boarder the proposed zone could be the source of light at night, garbage, people driving fast, loose dogs, odor, water usage

We would like to invite the planning commission to walk through 1750 and/or 1900 Rd. D - they are exemplary farms that are in 100% compliance with all laws and regulations, and the permit holder takes great pride in maintaining an exemplary cultivation sites. Every other county inspector that has walked through these grows has commended our client for how clean and beautiful the grows are - and has commented that they wish every grow could be as compliant as these are.

Sincerely,

Editte Lerman, Esq.

