



Redwood Valley Municipal Advisory Council
PO Box 243 | Redwood Valley | CA 95470

January 15, 2021

Board of Supervisors
and Department of Building & Planning Services
County of Mendocino

cc. Senator Mike McGuire
Congressman Jim Wood

Dear Supervisors, Gjerde, Haschak, McGourty, Mulheren and Williams; Building and Planning Services Director, Brent Schultz; and acting BPS Director Pro Tempore, Nash Gonzalez:

Members of the Redwood Valley Municipal Advisory Council are hearing an increasing number of concerns from residents about the impact of the county's cannabis program. They are not just concerned about the current impacts but also about future development and the consequences for the community--more specifically, the extension of provisional licenses and the implementation of Phase III.

We know that the current cannabis policy was developed under extreme pressure and represents the best efforts at the time. However, the current Mendocino County Cannabis Ordinance/Regulation does not represent the values and interests of our community. These are outlined in the Redwood Valley Community Action Plan (with a draft submitted to MCBPS on August 4, of 2020). We are deeply troubled about moving ahead with MCCO Phase III or extending provisional licenses beyond January 1, 2022 without significant revisions and evaluations. Phase III is going to add to the unintended negative consequences as it expands the total acreage on which cannabis may be grown. In order to get clarity and agree on a reasonable path forward, we need to address our most pressing concerns now, before it's too late.

We have identified the following specific areas of concern regarding current cannabis farming practices. We respectfully request that you consider them carefully and respond to each in writing at your earliest possible opportunity.

1. **Removal of historic vineyards, alteration of rural landscape, obstructed views and access for people and wildlife.** The negative impacts have been especially noticeable where Rural Residential and Agricultural zoned properties meet. Old vineyards have been torn out and six-foot plastic-covered chain-link perimeter fences installed, not just around the provisionally permitted grow areas, but around the entire perimeter of the properties, some of them quite large. Views have been not only obstructed but replaced with plastic-covered barriers, and wildlife can no longer move through. *[See photos in resources below.]*
2. **Hoop houses and light pollution.** Phase II allowed the construction and use of hoop houses which are perceived by many residents to be an eyesore. The light pollution emitted by these hoop houses affects the ecology and character of our rural valley where people have always been able to enjoy the dark skies and bright stars. Light pollution is detrimental to native plants and animals, disrupting nocturnal pollination and plant reproduction.¹
3. **Generators and fans.** Many operations are running generators and fans--noise pollution which affects the peaceful, quiet nature of our rural valley.
4. **Unregulated use of chemicals and fertilizers.** The use of chemicals (fertilizers, herbicides and pesticides) is not regulated in the Mendocino County Cannabis Regulation. This is an important omission for an industry that relies heavily on their use. Since cannabis is not licensed as agriculture, regulations that apply to agricultural crops do not apply here. This leaves an enormous gap in environmental oversight.
5. **Unregulated water usage at a time of severe drought.** The ongoing water shortage is expected to become worse for Redwood Valley in future years; some experts say we face a water emergency. It has come to our attention that some provisionally licensed growers have drilled new wells which apparently affect the flow rate and yield of their neighbors' wells, and likely the water table in general. It is unclear whether new or pre-existing wells have been permitted or will be inspected. Residential and agricultural properties that rely on water from Redwood Valley County Water District and private wells are affected now. It can be reasonably assumed that this will only increase as the cannabis industry develops.
6. **Use of non-native soils.** Bringing in non-native soils to foster high yield crops negatively affects our unique ecosystem. Human health and wildlife are threatened, as well as our unique native terroir which defines our wine appellation. In fact, the entire Russian River Watershed is impacted. It is our understanding that when these non-native and chemical-laden soils are deemed spent (usually after a single growing season), they should be treated as hazardous waste. However, due to lack of oversight, we have no guarantee that these

¹ [\[link: Earth Law Center\]](#)

materials are being handled correctly, and we have heard from some residents that they are being left on the properties to leach into the ground and the watershed.

7. **Runoff affecting waterways and habitat.** The Russian River watershed provides water to three California Counties: Mendocino, Sonoma and Marin. It is not only non-native soils and chemicals that are of concern, but also erosion caused by removal of existing crops and vegetation, illegal water draws from natural waterways, and reduced water flows due to new wells and water district-supplied water.
8. **Non-resident owners and permittees.** It has come to our attention that many of these, provisionally permitted cannabis grows are being run from outside of our county by non-resident owners and/or permittees who have no obligation to reside on their ag-zoned properties. When residents try to discuss problems, they find no one who is in charge.
9. **Unresponsiveness of California Fish & Wildlife.** Recent experience has demonstrated that, even after repeated attempts to communicate via email and telephone, CDFW does not respond to our concerns. Provisions in the MCCO condition the establishment of cannabis farms on regulations from CDFW. Without CDFW participation and oversight the MCCO ordinance is not protecting our environment.
10. **Crime, gangs, cartel activity and an understaffed Sheriff's office.** Mendocino County Sheriff Matt Kendall recently requested 10 more officers to combat increased violence in illegal cannabis activities and to be prepared for the growth of the cannabis industry (BOS meeting of January 5, 2021), reporting that his department is severely understaffed. Lack of officers, lack of clarity around which growing operations are legal versus illegal, a complaint-based enforcement system, and fear of reporting further compromise the safety and security of our residents. In Redwood Valley we have experienced a significant increase in armed robberies of cannabis farms, sometimes leading to high-speed chases on our rural roads. Obviously, this endangers everyone, not just the growers.
11. **Severe backlog in processing of licenses, CEQA requirements and extending provisional permits.** It is widely known that Mendocino Planning and Building Services, or BPS, is not able to process the 808 licenses that have been provisionally granted. Despite this, or perhaps because of this, the actual cannabis growing operations are in full swing. This exposes our communities to de facto unregulated operations without any form of oversight. Many growers now operating under Phase I provisional permits will not be able to pass CEQA, and are *not* currently growing in a safe, sustainable manner while being respectful to residential neighbors and the ecosystem. Extending provisional permits in these cases would be devastating.

12. **Lagging behind other Counties.** Surrounding counties seem to be doing a better job at agricultural land management and oversight. For example, Lake County does not allow existing crops such as grapes to be replaced with cannabis², and Humboldt County oversees both permitted cannabis operations and illegal grows with the help of satellite surveillance (which we understand to generate more than enough revenues to cover the costs of the program).³ We recommend adopting these practices here in Mendocino County.
13. **Threat of Phase III, coming in January 2021.** This will allow for the expansion of cannabis farming to 10% of the total property acreage. It is not hard to imagine that the problems cited above will only get worse.
14. **Still no affordable path to legalization for small growers utilizing best practices.** We are working on a proposal for the county to create a special program for small residential cannabis growers while protecting the environment and neighbors. The bare bones concept is an easy, affordable licensing path for small farmers who agree to farm organically using sunlight only and regenerative practices with a clear water conservation plan. They would be required to reside on the property. A portion of fees would go to fund a brand and international marketing campaign for cannabis produced under this umbrella (let's call it "Mendocino Green Future" for the moment). This creates incentive toward sustainable, low-impact practices in that it will allow higher sale prices for these farmers and create a reputation for Mendocino as growing the best quality, most sustainable cannabis in the world. It promises to bring an ever-increasing stream of taxable revenue into the county and/or the state.. Meanwhile the requirements for organic, sun-grown and owner-occupied reduce some of the nuisance and hazard to neighbors (no chemicals, no lights, no hoop houses, no trucked in water, one crop a year instead of three, money kept in bank less likely to attract criminals, small scale less likely to require employees and increase traffic).

The creation of incentives toward best practices while making it difficult and expensive to cultivate in a manner that is harmful to our environment, our residents, and existing farms and businesses, offers an opportunity to avoid what looks to be a disaster in the making and craft a better future for Mendocino County, preserving the 'Waves, Wine and Wilderness' character of the county.

We are currently working on a more detailed version of this proposal and hope to have it to you in the next 60 days.

² "The ordinance describes the protected zones as consisting of "prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance as depicted on the current Lake County Important Farmland prepared by the State of California Department of Conservation Farmland Mapping and Monitoring Program." Source: <https://www.record-bee.com/2020/12/08/bos-approves-cannabis-ordinance-changes-permanent-remote-work-policy/>

³ <https://www.counties.org/county-voice/humboldt-county-takes-code-enforcement-cannabis-new-heights>

On August 4, 2020 the Redwood Valley MAC submitted its draft Community Action Plan, complete with Design Guidelines, with the intent that this plan and the guidelines are to be adopted into the county's General Plan. We have not yet received any response from the planning department which is a critical step in the process of getting this CAP incorporated into the County Plan. In the meantime, the community has been frustrated by various aspects of cannabis policy that surely would have been tempered by the CAP Design Guidelines.

The Redwood Valley MAC meets on the second Wednesday evening of each month. We welcome attendance by the public and government representatives. Our next meeting is on Wednesday, February 10 at 5pm. The zoom link to the meeting will be provided to you.⁴ We look forward to hearing from you at your earliest opportunity.

Sincerely,

Dolly Riley
Chair RVMAC

The voice of the Redwood Valley Municipal Advisory Council on a matter of concern for the community is not necessarily the opinion of the Mendocino County Board of Supervisors.

⁴ <https://us02web.zoom.us/j/9593356507?pwd=VGtQNjJLTkISRhdJcGpDVmlJbkFrUT09> (meeting ID: 959 335 6507, passcode: RVGrange)

Resources

Photo 1 Property before vineyard removal

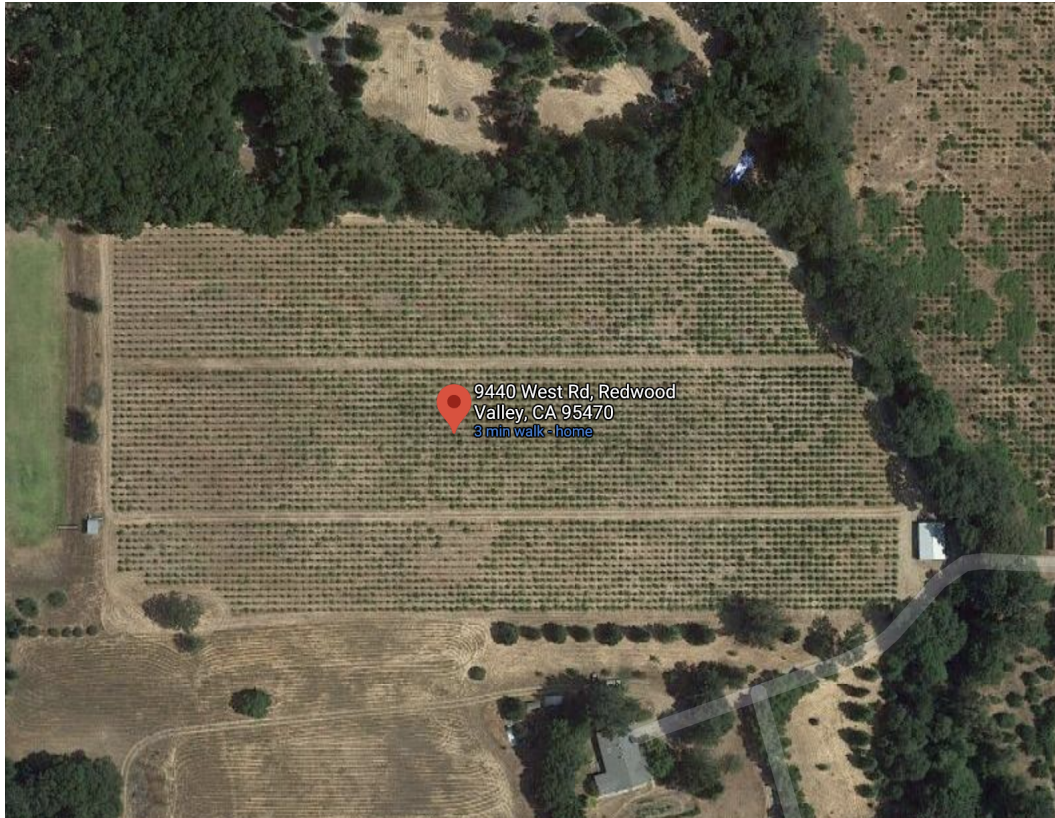


Photo 2 Same property after vineyard removal



Photo 3: Six-foot fence around entire cannabis grow area as well as where property abuts neighbors' vistas (much larger than just grow area)

