

General Gov't
 MEETING RELATED CORRESPONDENCE
 MEETING DATE: 7/13 ITEM: 1

Distribution: Original to Clerk
 BOS CEO CoCo Press COB Staff Liaison

Mendocino County Board of Supervisors

From: bigalharris <bigalharris@gmail.com>
To: "bos@co.mendocino.ca.us" <bos@co.mendocino.ca.us>
Date: 7/13/2016 11:03 AM
Subject: To the Mendocino County Board of Supervisors

To the Board,

My name is Allan Harris. I have lived on the Mendocino Coast for over 13 years. I am married and have three young children. I am a building contractor and a cannabis cultivator. Cultivating cannabis allows my family to live on the Mendocino Coast. We contribute to the broader community by growing quality medicine for Californians that cannot grow cannabis for themselves. I feel that I am an important member of the community. I have donated much of my free time over the last 13 years to community projects.

The language used in the permanent ordinance replacing 9.31 is very important to me as it affects many members of my family. My father lives on the coast. My wife's mother and father live on the coast. My brother, his wife and my niece live on the coast. My wife's brother, his wife and my two nephews live on the coast. We all cultivate cannabis responsibly and are participating in the 9.31 exemption program.

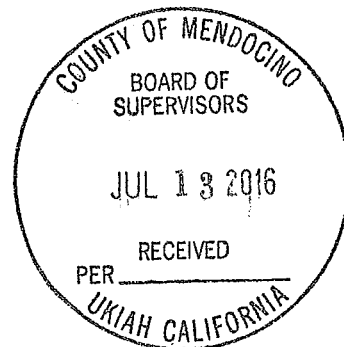
I ask you to consider my family's needs as the permanent ordinance is polished up.

- 1) Type CB permits should be permitted on RR-2
- 2) Cannabis production should be permitted on Coastal Zoned Property
- 3) TPZ cultivation should be permitted on parcels approved during the 2016 urgency ordinance

I don't think that asking for the above is too much. Every cannabis project will have to go through an administrative review process and have frequent inspections. This gives the county a huge amount of control over the permitted cannabis industry and its land use. All of the cannabis cultivation horror stories were committed by unpermitted, uninspected activity. Regulating cannabis production is the simple answer to most of the concerned opposition to the cannabis industry.

Today my family cultivates cannabis under the Sheriff's Department regulations. I don't see why moving forward we should be denied the opportunity to operate. We have done what we can to demonstrate our desire to be compliant cannabis cultivators, now it is your turn to show us your support.

Thank you for hearing my voice,
 Allan Harris

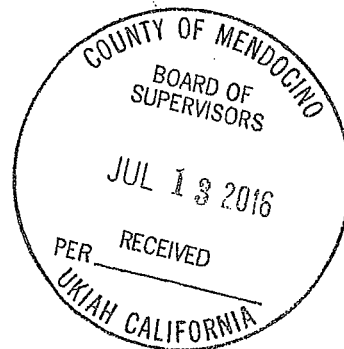


Nicole French - MemGovernment Committee meeting

Distribution: Original to Clerk
 BOS CEO CoCo Press COBStaff Liaison

From: Hannah Nelson <hannahnelson@hannahnelson.net>
To: <bos@co.mendocino.ca.us>
Date: 7/13/2016 10:04 AM
Subject: MemGovernment Committee meeting
Attachments: GovtComm13July16Letter.docx

Attached is a memo for today's 1:30pm meeting. Please distribute to the Committee and the public.
Thanks you!
Hannah



HANNAH L. NELSON

Attorney At Law

31452 Airport Road, Fort Bragg, CA 95437

Tel: (707) 962-9091

hannahnelson@hannahnelson.net

Fax: (888) 761-5720

Mendocino Board of Supervisors
Government Standing Committee
501 Low Gap Road, Room 1010
Ukiah, CA 95482

July 13, 2016

Re: Proposed permanent 9.31 Ordinance (Medical Cannabis Regulations)

Honorable Supervisors:

Before stating the specific points I urge you to thoughtfully consider, I wish to point out to you that the hours that I have spend pouring over each draft and supporting materials, writing memos, driving (1 ½-2 hours each way, except for yesterday which took me 2 ½ hours one way), and time attending all the meetings, is time that I do **NOT** charge any client for. I have been involved in cannabis policy work for nearly 30 years. It was my pro bono case that caused this County to consider sensible regulations way back in 1999 when the Supreme Court upheld the return of medical cannabis to the patient. The then Sheriff and the then District Attorney and myself conducted a series of public forums and radio interviews related to the policies that we proposed together. Years later, I was asked by the Sheriff to sit on the policy group that helped to draft the prior 9.31 ordinance and as Supervisor McCowen can attest, I spent countless hours helping to draft the specific language of that ordinance. I state this history not to toot my own horn, but to reinforce in your minds that I am not opposed to cannabis regulation, but have worked very hard to promote it. I also ask that you give my history and experience some weight and perhaps allow myself and some other stakeholders to have more than 3 minutes to make public comment given how much time and effort we put into helping inform important public policy.

With that said, please carefully focus on the following specific issues. There has been a lot of material generated in a short amount of time, but it is imperative that each of us takes the time to analyze the effect of particular provisions and not gloss over details, especially when looking at the practical implications of policy being proposed.

Setbacks:

1. I object to the use of the analogy of the buffer used to prevent homes from being built within 200 feet of agriculturally zoned land to the current situation. It is my understanding that buffer is to prevent homes from being built too close, not to prevent agriculture from happening within 200 feet of another legal parcel.
2. One of the justifications staff uses to increase the setbacks is to protect against smell offending neighbors. However, on p.7, Section 10A.17.040(B), the ordinance already prohibits cultivation if the smell subjects neighbors of normal sensibilities to objectionable odors. You do NOT have to use setbacks for this purpose if you retain that section.

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3. It appears that Staff added yet another limiting factor that could effectively INCREASE the setbacks even more than the already hugely increased numbers: the proposal adds in "or access easement" in addition to the property line for determining where the setback begins "whichever is more restrictive."
4. While I appreciate the efforts that Staff made to demonstrate that the setbacks were feasible on various types of property, there are two things worth noting in their examples: First, on the RR2 example, there is NO ROOM FOR A DWELLING and yet, the ordinance REQUIRES the property being cultivated to have a DWELLING! Second, All references state parcels IN EXCESS OF 2 acres. I wonder if parcels that are exactly 2 acres would work?
5. With respect to the process by which a setback may be reduced: Is it possible to have a process that is less time consuming and expensive than a full use permit? I kept looking for the section number referred to for the process (20.242.060.2) in the Municipal Code, but could not find it at all (but it was late, so maybe that was my error). Without the benefit of reading the text of that process, I can only presume by the language Staff included that the process was a full Use Permit proceeding. In addition to the cost, ~~that process allows for a minimum of 180 days for the Planning and Building Department to assess the application and then there are further time frames for hearings and notices, etc.~~ The Administrative Permit process is much more streamlined, only a 30-day time frame for the Department to respond. Finally, please consider the use of CONDITIONAL Administrative or Use Permits in this regard (as well as for the overall permitting scheme). Our Code allows for it (Sections 20.192.030 and 20.196.030) and if ever there were a time to employ a conditional approval, the time sensitive nature of the cultivation activities would certainly be one of them.

Legal Parcel: I noticed that the language changed once again to state "upon application" of a certificate of compliance. Does that mean all of a sudden the additional prerequisite is added to the farmer that they or the landowner MUST apply for a certificate of compliance (if the parcel was not created pursuant to the Map Act)? If so, this adds yet another substantial burden and extremely time consuming and expensive process.

Legal Dwelling Requirement: I ask the Committee to enunciate the specific reasons or rationale behind this requirement. Is it safety? If so, why not be more specific about the safety measures already required as part of the permit requirements? Is it ties to the community? Then why not use other factors that demonstrate that? If you are concerned about over development, this is a bad policy choice to achieve these objectives. What about TPZ and FL land? Do you really want MORE area cleared for legal dwellings if they do not already exist? Wouldn't that be contrary to your stated concern about preserving those lands for timber harvesting or forest purposes?

Power Usage: I thought that the proposal that the Committee approved was to NOT limit power usage but to regulate the effects and mitigate the impacts rather than use a 35-watt limit.

2000 Sq. Ft Limit rather than 2500 sq. ft. for C-A: I am not sure why the 2500 sq. ft. standard for all Cottage permits was changed to 2000 for small indoor. It seems that if all mitigation measures are required (smell, noise, proper electrical, etc.) there is no reason to reduce the size of this Cottage type license.

Full Use Permits: Requiring full use permits when the application and inspection program for permits of the types that might need review seems like overkill. Given the lengthy and expensive process, and the seasonal nature of the activity, it would effectively require farmers to start the application process in July or August in order to make it through the Use Permit process in time. Again, stringent requirements for the program are included and are followed through inspections,

track and trace, etc. Why not require an Administrative Permit to begin with and allow the inspections to operate to enforce the issues?

Conditional Permits: At the very least, the ordinance should specify that the permits/licenses could be issued on a provisional or conditional basis. Also, and this is a separate issue, the ordinance should specifically state that the use of Conditional Administrative or Conditional Use Permits, as already provided for in our County Code, should be encouraged given the time sensitive nature of the activities being regulated.

The Term "Commercial": I feel like a broken record, but it is important to note that the County is trying to have it both ways: Both the proposed Tax Ordinance and the very end of THIS proposed ordinance refer to "commercial cannabis activity" but the language that makes clear that commercial cannabis activity IN ACCORDANCE WITH CURRENT STATE LAW, is missing. **Adding that term does NOT mean that either the requirement that the cannabis be for MEDICAL purposes or that the cannabis be exchanged for reasonable reimbursement, not for profit, only within a Collective (until state law changes) must be removed. Rather, it clarifies that the transactions, which are subject to regulation because they are a commercial exchange between patients. How can one ask the voters to approve a tax on such activity without giving the farmers the protection they need by clearing acknowledging that while adherence to the rules that nonprofit exchanges can only occur between medical patients in a Collective system, those transactions, because they allow for reasonable reimbursement, including payment for time, are commercial cannabis activity.**

Proof of Prior Cultivation: This issue has not been adequately addressed. I continue to be concerned about the 3-year statute of limitations on prosecutions. I also continue to be concerned about proof of amounts that were in violation of the prior ordinance while at the same time requiring that the cultivation going forward in some zoning does not expand beyond what was previously cultivated. This means that people who waited to plant more than 25 plants until after the Urgency Ordinance was passed, who were lucky enough to not be shut out after the abrupt discontinuance of the application process, will not be able to grow as much as those in the same zoning who technically violated the prior ordinance. While I completely understand that those people took the risk based on what the County kept telling them (that an ordinance allowing for cultivation in an amount more than currently allowed at that time was in fact being worked on), the fact remains that people who waited will be penalized.

Thank-you for your attention to these issues.

Sincerely,
Hannah L. Nelson

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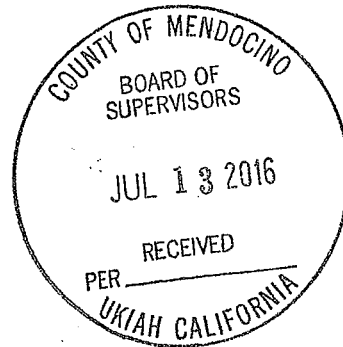
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From: "Casey O'Neill" <casey@cagrowers.org>
To: <bos@co.mendocino.ca.us>
Date: 7/13/2016 7:18 AM
Subject: Constituent Letter
Attachments: Blank 17.pdf

Attached you will find a letter regarding small parcel cultivation that is a necessary part of this discussion. Small parcel, cottage cultivation is an economic justice issue that must be given consideration. Thank you.

--
Casey O'Neill, HappyDay Farms,
Acting Board Chair California Growers Association
Cell: 707-354-1546 Casey@cagrowers.org
<http://www.calgrowersassociation.org/>



To Whom It May Concern

I am a 69 year old woman who suffers from severe Rheumatoid Arthritis. A significant part of my treatment includes using Cannabis, both internally & externally. I grow my own plants, starting from seed, using only organic methods. I make juice from the leaves & use the flowers to make tinctures, salves, edible oils & to smoke. I do this for myself and friends who suffer from a wide range of illnesses & conditions.

I live in Laytonville and almost all of the people in my entire neighborhood grow Cannabis. I live on one acre which is only about 100' wide. In order to keep my plants discreet and secure I must have my garden close to the fence away from the road. I am asking that you consider our situation as you craft the new Cannabis policy for Mendocino County. Please allow us to grow on one acre and close to our boundaries as long as we have written permission from our neighbors.

Thank you so much for your hard work on this issue & for your consideration.

Lucy Andrews
P. O. Box 841
Laytonville, CA 95454
lucyand@mcn.org