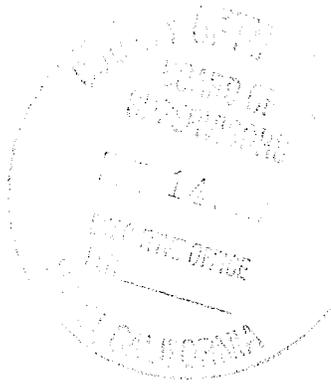




February 14, 2017

County of Mendocino
Board of Supervisors
501 Low Gap Road, Room 1070
Ukiah, CA 95482



RE: Draft Cannabis Cultivation Ordinance 10A.17

Dear Supervisors:

Thank you for your work on the draft ordinance 10A.17. The current state of the ordinance reflects a tremendous amount of compromise and an understanding of the interests of the entire community. I would like to address a section of the ordinance that may cause issues if enacted in its current state and hope that the Board can provide clarification and direction prior to passage of 10A.17.

Tenants in Common

Previously, we had raised concerns about how residents of Greenfield Ranch, and other landowners who hold their land as tenants in common (TIC), will be affected by the permit restrictions in the ordinance. Currently, the ordinance allows for TICs to apply for multiple permits on the same parcel, however, the aggregate total size of the individual permitted garden sites on a parcel may not exceed the largest maximum allowable size for the parcel.

For example, if two landowners own a 120-acre parcel that is zoned Upland Residential-40 as TIC, and each wish to cultivate medical cannabis on the parcel, they will be forced to decide the size of each other's gardens. Alternatively, the County may decide the garden sizes for them, or, the County may choose to grant a permit to the first applicant, possibly restricting the second applicant the ability to cultivate at all.

The example above is based on the situation of one of your constituents, and there are many others that will face similar issues when deciding how to move forward with their gardens this year. Many of these applicants participated in the Sheriff's 9.31 exemption program, cultivating up to 99 plants. These potential permittees invested in infrastructure and compliance in good faith that they would be able to participate in the regulated cannabis industry in Mendocino County. Under the current wording of the draft ordinance their futures are uncertain. We ask for clarification and a path forward for those that have complied with the regulations to date.

One possible solution is that TICs with proof cultivation prior to January 1, 2016 and who maintain a permitted dwelling on the parcel be allowed to continue to cultivate on their properties up to the allowable permit size for the parcel, regardless of the other tenants cultivation sites on the parcel. I have included some example language that could be used to allow existing cultivators the ability to continue.

Section 10A.17. _____ – Tenants-In-Common

If a single legal parcel is owned by multiple individuals residing in separate legal habitable residential units on that legal parcel, each owner may individually apply for a permit to cultivate medical cannabis if they can show proof of cultivation prior to January 1, 2016 on the parcel. Provided that the parcel size is a minimum of 10 acres, one additional cultivation permit of up to 10,000 square feet of canopy for each ten-acre increment (e.g., 2 permits for a 20 acre parcel, 4 permits for a 40 acre parcel, etc.), up to a maximum of 8 permits, may be issued.

Thank you for your consideration. Please contact me at (916) 572-5705 or kevin@harvestlaw.com with any questions or comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin Carmichael".

Kevin Carmichael
Attorney