



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

September 9th, 2019

**Re: Agenda Items 4u, 5h, 5i, 6b for 9-10-19 BOS meeting**

Honorable Board of Supervisors,

The Mendocino Cannabis Alliance has reviewed the following agenda items and has provided specific comments under the items listed below. As always, we appreciate the opportunity to engage in this process.

**Agenda Item: 4u**

*Ratification of Submission of 2019-20 Application for Domestic Cannabis Eradication Suppression Program (DCESP) Funding from the United States Department of Justice (DOJ) Drug Enforcement Agency (DEA)*

As MCA has stated previously in press releases concerning Operation Clean Sweep and other enforcement actions, we call on State and local agencies to recognize that enforcement for illicit operations on private land is more efficiently and humanely implemented through code enforcement. MCA has also stated that the widespread use of helicopters and other military-style enforcement tactics should be reserved for only the most egregious situations. MCA encourages the funding for enforcement actions to be in alignment with these reasonable parameters.

**Agenda Item: 5h**

*Discussion and Possible Action to (1) Adopt Resolution Approving and Adopting an Addendum to the Previously Adopted Mitigated Negative Declaration, in Compliance with California Environmental Quality Act (CEQA) Requirements, for Amendments to Chapter 10A.17 and Chapter 20.242 of the Mendocino County Code; and (2) Introduce and Waive First Reading of an Ordinance Amending Chapter 10A.17 - Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 - Cannabis Cultivation Sites*

1. MCA requests that rural non-conforming parcels also be included in the allowance of transferability. These sites should be afforded the same opportunities as other permit holders in the cannabis program since they are not subject to the sunset clause. It is worth

noting that these rural non-conforming parcels are subject to an Administrative Permit process.

2. MCA supports the change in 10A.17.070 and 20.242.040 from the use of “original” to “existing” to make clear that the transferability continues past the first potential transfer to later transfers under the same conditions as set forth in the amended ordinance.

3. MCA supports Staff recommendations to modify the language of Section 10A.17.070(K)(3) and Section 20.242.040(E)(3) to make clear that CA Combining District properties are eligible for transfer. Adding in the clarifying language suggested by Staff removes ambiguity. MCA appreciates the Planning Commission’s recommendation to include the Combining Districts for transfer eligibility and Staff’s clarifying language.

MCA requests that if the Board supports inclusion of non-conforming parcels subject to Administrative Permits but not in a Sunset area, that clarifying language also be added to both 10.A17 and 20.242 as recommended by the Staff memo.

4. MCA supports the removal of the prohibition on visibility of plants from a public right of way or publicly traveled private road.

5. MCA supports the reduction of the minimum parcel size for Nurseries to 5 acres. MCA would still like to recommend a Tiered Nursery structure to address the need for cottage sized Nursery opportunities. While there is a pathway for further reduction in acreage size through the Administrative Permit, we are concerned about the ability for these small scale operators to afford permit costs.

6. MCA supports the extension of the generator phase-out and urges the Board to direct Staff to continue addressing this issue more comprehensively by offering proposals that are in line with State regulations and addresses environmental concerns in a manner that considers the actual impacts of generator use in light of current technologies.

7. MCA supports the modification to the types of permits that may be applied for during Phase 2 to include Mixed Light cultivation. We believe that the requirement of greenhouses instead of hoop houses is unnecessary since these are Industrial zoned properties and there is already existing odor and other requirements in the ordinance.

8. MCA supports the postponement of the start of Phase Three until July 1, 2020 giving Staff time to process applications in Phase 1 and Phase 2.

9. MCA supports the limited extension of the Phase One Sunset Provision for Residential Districts near the Coastal Zone.

**Agenda Item: 5i**

*Discussion and Possible Direction to Staff Regarding the Establishment of a Cannabis Business Tax Appeal Procedure, Including the Potential for Using a Hearing Officer to Hear Appeals*

MCA looks forward to this item being discussed at the Sept. 17th BOS meeting.

**Agenda Item: 6b**

*Discussion and Possible Action Including Direction to Staff to Develop an Industrial Hemp Cultivation Registration Process, Limited to Feminized Seeds and Female Plants, and Any Additional Regulation Necessary to Protect Cannabis Cultivation*

MCA agrees that a hemp discussion must begin. While the issue may present opportunities for local hemp production, there is danger that unintended consequences may negatively impact the County if the matter is not carefully examined. We believe that the most efficient process would be for the County to start gathering stakeholder input *prior* to drafting proposals, particularly with an issue of this magnitude. We respectfully request that the County convene listening and/or troubleshooting workshops prior to asking Staff to draft specific language.

Some of the questions and concerns to be explored may include but are not limited to:

1. How will the County enforce a hemp ordinance and ensure that cannabis cultivators are protected?
2. Will the allowance of hemp cultivation interfere with our MND in any way or would an EIR need to be conducted? If so, will this be funded by the County?
3. Will there be acreage limitations for hemp production and zoning standards like in our current cannabis ordinance?
4. What will happen to cannabis farms that are affected by cross pollination? Will there be setback restrictions set in place to mitigate these issues ?
5. Will hemp production be in tandem with cannabis, specialize in one or the other, or is there another solution?
6. Are penalties if a hemp farmer seeds the crop of a neighbor a possibility?
7. How can hemp help small medicine makers? Is there a place for micro-scale farmers in the hemp cultivation sector?
8. How can the conversation about hemp drive normalization of cannabis and reduce some of the regulatory barriers that are applied to psychoactive cannabis but not to hemp?

MCA supports the additional concerns and questions that are addressed in the Mendocino Appellations Project memo.

We appreciate your time to review our suggestions and comments on all of the mentioned agenda items.

Sincerely,

The Mendocino Cannabis Alliance