CORINNE POWELL
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July 18, 2017

Board of Supervisors
Mendocino County, CA

RE: Ordinance 4381 Amendments
Addition of Cannabis Management Unit

Dear Supervisors,

First, please accept my apology for ranting in a letter to you after the last presentation to the Board by Diane Curry regarding changing (or defining the criteria) for applicants, i.e., person vs. entity. In a subsequent conversation, Diane explained that MCCO/MCCR "definitions" equate humans and corporate entities. I overlooked this orthogonal concept, still object to the illogical definitions and continue to seek your separation of humans and entities in County regulations.

The root of applicant qualification controversy is based in two issues: non-transferability and compatibility with state law and general business organization. As stated by Hannah Nelson and many others, the current designation of family members who can assume a permit are far too restrictive and begs the question "Why be so restrictive"? Is the Board's objective to eliminate as many permitable properties as possible, or proceed to allow cannabis cultivation on developed parcels that have demonstrated good stewardship of the environment, compliance with current regulations and infrastructure to continue into the legal and regulated era of California legalized cannabis? Keep in mind that a transferred permit will require the same annual renewal and compliance imposed on a current permittee. Multiple inspections will provide monitoring and evidence that a transferred permit still qualifies for cultivation permit. As far as the County in concerned, the process is the same.

The difference, however, between the current permittee and a new (transferred, but not necessarily related) permittee is that the installed and specific to cannabis related cultivation infrastructure is not wasted but is reflected in property value as a legitimate use for the property. Maintaining or increasing property value is of benefit to both property owners and the County.

Imagine a future regulation (as cannabis regulations are new) pertaining to Rangeland zones whereby an "Oak Woodland Preservation" ordinance is passed that states livestock grazing is the primary cause of Oak Woodland degradation (as young seedlings are eaten and no longer regenerate the woodlands) and therefore grazing will no longer be permitted. The analogy is not hard to grasp.

If indeed the Board recognizes the economic contribution of the cannabis industry to Mendocino County, it is illogical and self-destructive economically to prohibit the transferability of cultivation permits to any "persons" who maintain the already restrictive and onerous criteria required of all applicants. There is no reasonable explanation except a prohibitionist mentality...which will destroys the unique, small farmer history and character of Mendocino County cannabis.

I support all of Hannah Nelson's recommendations as presented in her past and current memo to the Board.

I also support all of Casey O'Neil's and the Small Farmers Associations comments and requests for amendment consideration. One can easily read the Trailer Bill and see that small farmers are not protected in the new legislation. We need the County's protections to survive. Your current non-transferability restriction is a strong disincentive for cultivators to comply with regulations or remain in Mendocino County, particularly in light of overly burdensome Planning and Building requirements. Why invest in expensive and truly unnecessary ADA and construction additions if the fruits of your labor and dollars cannot be recovered at sale or transfer.

Back to the Oak Woodland Preservation analogy: How would ranchers feel if grazing was banded and their property use and subsequent value was limited to a restricted barnyard or a house on large acreage? What will that do to their property values?

As Hannah Nelson discussed in her Memo today and as challenged by many others, the District Attorney's raids on cultivators striving for compliance but not yet fully permitted smacks of a misuse of power and must be prohibited by the Board of Supervisors. If indeed cultivators are charged with conspiracy while working diligently through the difficult permitting process, why even try? Think about it!

I request urgent reconsideration regarding the excessively over regulation of green houses, hoop houses and drying structures. Prior to current Planning and Building requirements, cultivators created structures and facilities appropriate for and compatible with their needs. These needs remain, but do not include most issues respondent to public or disabled use and access.

As you know, most cultivations are located in more remote areas due to prohibition or at the very least, "invisible" situations. By design, and particularly cultivations that comply with pre January 1, 2016 regulations, access often requires walking on less than level terrain to reach a garden or work building. As you know, the public is not encouraged to locate cultivations as no signage is allowed. Why build to ADA standards when likely no disabled person will need to access the garden area?

I strongly agree with Casey O'Neil that typical building codes not be applied to cannabis cultivation operations. Greenhouses or drying sheds or structures can be temporary or be regulated by a new class of structures to adequately address this specific need. Current code is excessive overkill and a huge deterrent to compliance.

Thank you for your reconsideration of these issues pertaining to cultivation regulations. Please direct staff accordingly today.

In addition to the above discussion, I support the CEO's request to create a stand-alone cannabis management unit and Manager. Many members of the community have requested a similar position as did Measure AF. It's time for better coordination and management of cannabis regulations between County departments and between Count and State imperatives.

Sincerely,

Corinne Powell