

# CORINNE POWELL

Ukiah, CA

January 24, 2017

Board of Supervisors Meeting

Public Comment

Items: 5(i) and 5(j)

## Concerns:

- 1) Agriculture, row crops in particular, should be held to the same standards. Currently, multi-acre vineyards and other farms much larger than the ¼ acre cannabis cultivation allowed have no inspections, grading requirements, water use scrutiny or permitting fees anywhere close to those required for cannabis. The regulations should be applied equally if the TURE INTENT OF THE BOARD IS TO PROTECT THE ENVIRONMENT. This standardization of requirements has been voice multiple times before you. Please explain why County regulations are not applied equally to all Agricultural productions.
- 2) Chapter 20 was not part of the Planning Commission review. Why is that? As a result there remain conflicts and discrepancies between Chapter 10 10A.17 and Chapter 2020.242. In my opinion this is an example of the extremely cumbersome process required to draft the MCCO. There is great redundancy and both relevant Chapters will again require public comment and staff revision to address comments presented from the Planning Commission regarding proposed MCCO and the Mitigated Negative Declaration. At the very least, perhaps Chapter 10 elements could have been one document with edits in different colors to represent the Commissioner's changes. Perhaps they could have waited to include the Planning Commission comments and the Board could have scheduled intervening meeting to address addition cannabis industry licenses.
- 3) Fencing: I have addressed this issue before. Major changes to established fencing which passed inspections in the previous 9.31 programs should be grandfathered into the permit process. Alteration of fencing will often severely disturb the environs where potential digging would be required. Similarly, electric fencing is often not an option at off-the-grid gardens.

It is in the cultivator's best interest to protect his crop and we know that pigs, rats and sometimes deer can penetrate even our best efforts. I think the onus of protection should be the stipulation from the grower that he/she does not use any form of poison that is not a self-contained trap within 50' of the garden, or whatever the applicable setbacks dictate.

- 4) AUMA is state law. AUMA is ignored in all Mendocino County Ordinances. Many elements of AUMA are in effect now. No ordinance pertaining to cannabis should be approved without inclusion of AUMA elements and recently approved amendments to MCRSA. Doing otherwise clearly invites Non-compliance law suits from myriad perspectives.
- 5) Regarding all Nuisance Ordinances and Chapters 10 and 20 references to any nuisance complaint due to cannabis cultivation, the fact that frivolous complaints can cause great compliance problems for cultivators without verification of true impact to those filing a complaint. Cannabis odor is in no way harmful, preference is subjective. But if a neighbor complains solely and without verifiable information, it should be dismissed. Please add language that protects fully compliant cultivators from frivolous complaints.

I am only address Version 11 as presumably Version 10 changes will be included in Version 11.

Draft 10A17 Version 11

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Page 3, "Cultivation site" does not agree with Chapter 20.

Page 9, Section 10A.17050 Unique Identifier: Track and Trace

Although I completely understand the State also requires a Track and Trace system for cultivation permits, it is unnecessary for the County to create a separate system that may or may not be compatible with the State system within less than 12 months predictably. This is a waste of taxpayers' money, represents an immense burden to cultivators, prematurely, and has not yet been defined as to fees. If the above examples are not enough, there is legislation, likely to pass State approval soon that amends and alters language in MCRSA and AUMA. The County will be wise to stop this repetitive review process, stop the unnecessary expenses of staff time and consultant contracts and postpone final approval of the MCCO and related ordinances until after pending legislation timetables are known and County Council has more time to research how such changes will impact Mendocino County regulations.

Page 12, Section 10 A.17.070 (K) Add a Paragraph to establish a County license type MICRO-BUSINESS to comply with Chapter 5, Licensing (19) Type 12.

Page 14, Section 10A.17080 (5) conflicts with AUMA's intent to bring cultivation indoors for medical patients if preferred.

Page 18, Section 10A17.080 (G) (4) Requiring a dwelling unit be constructed on previously permitted UR and future permitted UR parcels that comply with all other requirements and prohibitions should be deleted. Construction is extremely destructive to the environment. Such a requirement will only breed poor quality minimal construction and compromise other elements of County code with which Cultivators are striving to comply.

Page 23, Section 10A.17.090 (G) When will the AG Application Packet be available?

Page 24, Section 10A.17.090 (H) Regarding transfers of permits. There exists confusion and insufficient detail regarding transferring a permit with a permittee or if it stays with the land. There are occasions for each scenario. I suggest a paragraph be inserted in this section which further defines such conditions—

particularly the allowance of a permit remaining with a parcel if the parcel is sold. Otherwise property values will be significantly compromised.

Page 24, (K) Require that all AG cultivation not commenced and completed prior to January 1, 2016 be compelled to comply with the same state requirements of this item.

Page 25, (U) No Board of Equalization Seller's Permit required if cultivation DOES NOT sell to patients or caregivers. Also ADD that cultivators can sell an ounce to adults as allowed by AUMA, much the same way a customer can buy a bottle of wine at most wineries.

Page 25 (U) What OTHER AGENCIES specifically?

Page 26, Section 10A.17.090 (AA) Require that all AG project commenced after Jan. 1, 2016 comply with the item.

Page 27, (B) Provide a provisional license and include a time frame for AC, Planning and any other department reviews.