March 21, 2017 Board of Supervisors Meeting, Agenda Item 5(f) - Correspondence Received

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Updated: 3/21/2017 6:53 PM

From: <Stillwater@commonvision.org>
To: <bos@co.mendocino.ca.us>
Date: 3/14/2017 8:55 AM
Subject: Inquiry from BOS Contact page

Greetings member of the board and to whom else it may concern,

Thank you for your continued efforts to clarify our local ordinances. I am concerned about only one piece of wording as follows.

Chapter 20.242 Medical Cannabis Cultivation Site

(3)(2) Any future lapse or revocation of the MCCO permit will extinguish the permittee's ability to obtain a future permit from the Department to continue or resume an existing cultivation site that is not within a zoning district listed in Table 1 of this section.

Please add a dormancy/non op clause so that farmers can take a a year off if other things come up in their life. Makinging it like a non op registration that is low cost to maintain active status for when said farmer is ready to farm in a later season. For some small famers it can take a whole season to get last seasons product to market and that alone can be an inhibiting factor on "leap yearing" what seasons they grow cannabis.

Please feel free to call me for any clarifications, 707 272 2929
Thank you ahead of time for your consideration,
Blair Phillips
4649 bear canyon road,
willits

Page: http://www.co.mendocino.ca.us/bos/contact.htm
Browser: Mozilla/5.0 (Macintosh; Intel Mac OS X 10_11_6) AppleWebKit/602.4.8 (KHTML, like Gecko) Version/10.0.3 Safari/602.4.8
IP: 172.242.255.237, DT: 2017-03-14 08:46:17
d: 1

Nicole French - Cannabis Ordinance Modification Request

From: Mona B <bmona82@gmail.com>
To: <bos@co.mendocino.ca.us>
Date: 3/14/2017 12:00 PM
Subject: Cannabis Ordinance Modification Request
Attachments: Board of Supervisors Letter_24 Hour Reporting Requirement.pdf

Honorable Board Members,

Please see attached letter requesting 72 hours from reportable activity occurring for data to be entered into T&T system.

Thank you.

Sincerely,

Mona Brahmbhatt

March 13, 2017

Mendocino County
Board of Supervisors
501 Low Gap Road, RM 1010
Ukiah, Ca 95482

Subject: Allow 72 hours from reportable activity occurring for data to be entered into T&T system.

Honorable Board Members,

Thank you for your efforts in developing this cannabis ordinance. I have a background in banking & solar compliance & operations, and would like to assist small farmers by helping develop workflow processes to meet the demands of upcoming regulatory guidelines. I am writing to express concern over the highlighted section below on the grounds that it places and undue burden on the permittee. From version of 10A.17.110 reviewed in your February 7, 2017 mtg:

Section 10A.17.110 – Performance Standards (C): A unique identifier for compliance with the County's T&T system shall be affixed to each permitted medical cannabis plant cultivated in Mendocino County, in compliance with Section 10A.17.050. The approved Third Party Inspector retained by the permittee will, upon the initial consultation visit, confirm adherence to this section. The Agricultural Commissioner's Office will likewise confirm adherence to this section during any compliance inspection. It shall be the responsibility of the permittee to ensure complete and accurate entry of information into the T&T system *within 24 hours* of the reportable activity occurring.

Of the many preparing to comply with the T&T program requirements there is serious concern over this timeline requirement. To most a 24 hour requirement is impracticable for pre-sale events. I respectfully request 24 hours to be modified to **72** hours for the following reasons:

- Often farms are situated in areas that do not have access to internet on-site, thus a 24 hr timeframe to report activity into a cloud-based system that requires internet access creates an undue burden to the permittee.
- Most small to med sized permit holders do not have dedicated administrative resources that would practically be required to fulfill a 24 hr turn-around from any reportable activity being completed.
- A 24 hr data input requirement, particularly for pre-sale events, can create a potential need to enter data into the system each and every day for periods of time. This would create an inefficiency that conflicts with a farmer's ability to tend to their crop during busy times. A 72 hr window gives the farmer the flexibility needed to manage their workflow most efficiently.
- Given that there are many stages to pre-sale production including drying and curing, a 72 hour window is more consistent with the production timeline than a 24 hour window.
- When key activities are underway farmers are often working consecutive 12-16 hour days, so it creates an excessive burden to require all data to be reported into the system within 24 hrs of conducting reportable activity. This is especially critical when weather, mold or other issues require immediate and on-going attention to minimize further damage to a crop.

Ideally a permittee's desire to comply should not prevent them from conducting their basic farming operations. Instead, a 72 hr window allows farmers to complete tasks as necessary on their farms and enter data into the T&T system within a reasonable time frame, while still providing the County timely visibility into reportable actions. Thank you for your consideration on this matter.

Sincerely,

Mona Brahmbhatt

Nicole French - Letter for the Honorable Supervisor McCowen

From: Oak Staff <oakstaff@californiaoaks.org>
To: "bos@co.mendocino.ca.us" <bos@co.mendocino.ca.us>
Date: 3/14/2017 3:46 PM
Subject: Letter for the Honorable Supervisor McCowen
Cc: Janet Cobb <jcobb@californiawildlifefoundation.org>
Attachments: OaksLetter3_14_17MendocinoBoardofSupervisors.pdf

Greetings,

I am sending the attached letter to Supervisor McCowen on behalf of Janet Cobb, Executive Officer of California Oaks. Please enter it into the packet for the March 21, 2017 meeting of the Board of Supervisors.

All my best,

Angela Moskow
California Oaks Information Network Manager
California Wildlife Foundation/California Oaks
428 13th Street, Suite 10A
Oakland, CA 94612
www.californiaoaks.org
Office: (510) 763-0282
Mobile: (510) 610-4685

March 14, 2017

John McCowen, Chair
Board of Supervisors
County of Mendocino
501 Low Gap Road, Room 1070
Ukiah, CA 94582

RE: Draft Chapter 10A.17, Draft Medical Cannabis Cultivation Ordinance and Chapter 20.242, Medical Cannabis Cultivation Site

Dear Supervisor McCowen:

California Oaks commends the County of Mendocino for its important work to prepare a Medical Cannabis Cultivation Ordinance. Our organization is dedicated to preserving and perpetuating California's oak woodlands and wildlife habitats. We are in support of the provision to prepare an oak woodland protection ordinance prior to January 1, 2020; the provision protecting oak trees from removal or damage during the period before the oak woodland protection ordinance takes effect; and the prohibition of new cultivation permits in districts zoned as rangeland (with the exception of relocation of sites per limitations of the ordinance).

We also commend the county for reviewing existing grading regulations. We refer you to Chapter 18.108 of the Napa County Code, which requires Erosion Control Plans for agricultural projects involving grading and earthmoving activities on slopes over five percent.

California's oak woodlands and oak forested lands form an ecological backbone that supports the economy and environment. These lands sustain healthy watersheds, provide habitat for diverse plants and wildlife, and sequester carbon—generating benefits that extend across property lines.

California Oaks invites Mendocino County to review informational resources posted on the organization's website (www.californiaoaks.org) and we thank you for your leadership in stewarding the county's natural resources.

Sincerely,

Janet Cobb

Janet Cobb
Executive Officer
California Oaks

428 13th Street, Suite 10 A, Oakland CA 94612, 510-763-0282, email: oakstaff@californiaoaks.org, www.californiaoaks.org

PACIFIC WATERSHED ASSOCIATES INC.

PO Box 4433 • Arcata, CA 95518-4433
Phone 707-839-5130 • Fax 707-839-8168
www.pacificwatershed.com

March 14, 2017

Mendocino County Planning Commission Staff
860 N. Bush St.
Ukiah, CA 95482
pbs@co.mendocino.ca.us

Re: Comments and Recommendations Regarding Mendocino County Grading Regulations Pending the Adoption of Mendocino County Medical Cannabis Cultivation Regulations

Pacific Watershed Associates, Inc. (PWA) has previously submitted comments and recommendations regarding the County of Mendocino's Public Draft Initial Study and Environmental Checklist for the Mendocino County *Medical Cannabis Cultivation Regulation* (MCCR) dated February 3, 2017, to the Mendocino County Planning Commission Staff. These additional comments from PWA are intended to clarify and elaborate on recommendations provided to the Planning Commission on February 3rd, and are submitted with the intent to improve the draft *Medical Cannabis Cultivation Ordinance* (MCCO) and the existing Mendocino County grading ordinance (County Code Chapter 18.70 – Excavation and Grading) pertaining to unincorporated areas to minimize hazards to life and property, and protect watercourses, the beneficial use of water, and sensitive environmental habitats from the impacts of rural land development. Finally, we recommend the addition of two exemptions to Mendocino County grading permit requirements in unincorporated areas that are commonly found in other Northern California county codes, both exemptions reduce administrative burden and regulatory redundancy.

Comments and Recommendations

In PWA's February 3, 2017, memo submitted to the Planning Commission, we recommended the application of Mendocino County Code Sections 20.492.010 (A-G), 20.492.015 (B-G), 20.492.020 (B-E), 20.492.025 (A-I, K) to all unincorporated areas outside of the coastal zone. These Mendocino County Code Sections pertaining to grading, erosion, sedimentation, and runoff standards, as we understand, are currently only applicable to the coastal zone. Presumably, these clear County Code Sections were included into the Mendocino County Codes at the urging of the California Coastal Commission to ensure compliance with the California Environmental Quality Act (CEQA) and Coastal Commission regulations. We recommend also applying these same County Code Sections to all unincorporated rural areas throughout the county within the *Medical Cannabis Cultivation Ordinance* (MCCO) so as to clearly enforce environmental land protective practices consistent with CEQA, as well as clearly direct land owners, developers, and cannabis cultivators to necessary environmental protection measures in a concise manner. In addition, application of these measures to unincorporated areas of Mendocino County outside of the coastal zone will also serve to protect Mendocino County from challenges on the basis of CEQA non-compliance.

PWA is recommending excluding 3 portions of the above discussed County Code Sections that are currently only applicable to the coastal zone. First, Mendocino County Code Section 20.492.015 (A) requires that post-development erosion rates not exceed the natural or existing level before development. Section 20.492.020 (A) requires the construction, maintenance, and use of sediment basins in all construction projects. We recommend not applying Sections 20.492.015 (A) and 20.492.020 (A) outside of the coastal zone to provide flexibility in the selection of appropriate project-specific erosion control BMPs. In many circumstances, obtaining post-construction erosion rates equal to or less than pre-construction erosion rates may not be obtainable. In addition, compliance with the California Green Building Codes Standards and Construction General Permit standards should be sufficient to limit post-construction erosion. Finally, Section 20.492.025 (J) should not be applied to unincorporated areas outside the coastal zone since it pertains specifically to coastal development projects within the Gualala Town Area, and does not apply to other areas.

Additionally, we recommend that County Code Section 18.70.060, be modified to require certification of plans and specifications for regular grading and relevant erosion control BMPs by a qualified licensed professional acting within the scope of their license or certification. This additional measure will greatly aid in the identification and protection of sensitive environmental habitats during the planning process and facilitate compliance with multi-agency environmental regulations in the design of rural grading projects.

Graded agricultural pads and agricultural buildings create hardened and unvegetated surfaces on the landscape which reduces the infiltration rate of soils, increases runoff from graded and constructed surfaces, and requires the design of site drainage and erosion control measures to prevent post-construction erosion and stormwater discharges. While County Code Sections 18.70.120-Drainage and Terracing and Section 18.70.130-Erosion Control, and the requirement to comply with California Green Building Standards Code are technically adequate to require effective erosion control and erosion prevention measures, we routinely find that landowners do not demonstrate the ability or experience to identify the potential for future erosion or prescribe effective erosion prevention and erosion control BMPs. We recommend that the County Code be modified to require an erosion and sediment control plan certified by a qualified professional for both Regular and Engineered Grading plans.

Recommended Exemptions to Mendocino County grading permit requirements

Many counties in Northern California with moderate to high densities of privately maintained rural roads and developed grading ordinances, such as Humboldt, Sonoma, Lake, and Butte Counties, have included a permit exemption in their respective county grading ordinance for the maintenance of private roads, including culvert replacement. Currently, the Mendocino County Code Chapter 18.70 has no similar provision, and requires an individual county building permit for any site where the proposed grading will creates a cut slope greater than 1 ft in height or entails cuts or fills of over 50 yd^3. The maintenance of existing facilities and culvert replacement in accordance with published guidelines of CDFW or NOAA Fisheries for the purpose of reducing sedimentation are listed as Categorical Exemptions to CEQA. Given the lack of a specific exemption for road maintenance in Chapter 18.70, Mendocino County should likely be receiving and processing several hundred to a thousand building permits for small road maintenance projects annually. We recommend the addition of an exemption titled: *Mendocino County Code Chapter 18.70.030 (B) (10), Maintenance, repair, or resurfacing of* ***existing, lawfully constructed private roads,*** *to include culvert replacement.*

Finally, throughout Northern California, large and small-scale conservation and restoration projects are conducted through federal, state, and local government agency grant programs. These projects have a

high degree of oversight and monitoring by multiple federal, state, and local government agencies. We recommend the addition of an exemption titled: *Mendocino County Code Chapter 18.70.030 (B) (11), Grading for soil, water, wildlife, or other resource conservation, restoration, or enhancement projects, where a public agency assumes full responsibility for the work. The county permit authority shall be notified in writing at least 30 days prior to the commencement of the work.* The Mendocino County Resource Conservation District and Natural Resources Conservation Service's Permit Coordination Program (Mendocino PCP) is a program coordinating multi-agency regulatory review and permitting for restoration and conservation projects, and has adopted a mitigated negative declaration to comply with CEQA. Projects conducted under the Mendocino PCP would qualify for the recommended exemption above.

As qualified in Mendocino County Code Chapter 18.70.030, neither of the above recommended exemptions could be deemed to grant authorization for any work to be done in any manner in violation of Chapter 18.70, or any other laws or ordinances of County jurisdiction, or otherwise. In particular, exemption from a grading permit does not relieve the requirements to comply with Chapter 16.30 of the Mendocino County Code (Stormwater Runoff Pollution Prevention Procedure).

Thank you for your review and consideration of our comments and recommendations on this important matter.

Sincerely,

Danny Hagans, Principal Earth Scientist; Colin Hughes, PG 8549
Pacific Watershed Associates Inc.
PO Box 4433 • Arcata, CA 95518-4433

Nicole French - Resend: Public Input for BOS Meeting Tuesday March 21 and the Inland Cultivation Ordinance Agenda Item

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From: Jed Davis <jedasiah@gmail.com>
To: John McCowen <mccowen@co.mendocino.ca.us>
Date: 3/16/2017 9:55 AM
Subject: Resend: Public Input for BOS Meeting Tuesday March 21 and the Inland Cultivation Ordinance Agenda Item
Cc: Carre Brown <browncj@co.mendocino.ca.us>, Dan Gjerde <gjerde@co.mendocin...
Attachments: Inland Cultivation Ordinance Input Letter for 3-21-17 (2).pdf

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The attached document has the complete letter. Sorry for the inconvenience.

Jed Davis

March 14, 2017

Mendocino County Board of Supervisors
501 Low Gap Rd.
Ukiah, Ca. 95482

RE: Tuesday's BOS Meeting and the Inland Cultivation Ordinance Agenda Item

Honorable Board Members:

In regards to some of the changes made to the most recent draft of the MCCO, I would like to make a number of suggestions.

There are a number of proposed regulations for Nurseries that could be revised as they are currently prohibitive to the nursery's ability to run it's business in the best way possible according to common growing practices.

1. ***Clone Nurseries should be allowed to have a very small space to flower a limited number of plants for testing and demonstration purposes.*** If a nursery desires to introduce a new line of strains, or wishes to convey important growing, genetic, and flowering characteristics including State testing results for potency and pesticides to it's customers, it is imperative that it be able to flower out a few plants in order to obtain this information. It is important that the nursery be able to obtain this knowledge through it's own experience, and not rely on the experience of one of it's customers, as would be the case should a nursery be allow NO flowering plants. Also, many customers want to see examples of the end product before they buy hundreds of clones. It is important for a nursery to be able to provide actual examples of the finished product of strains that they are offering. It would be important to indicate in the ordinance that any flowers produced from the limited flowering area would NOT BE FOR SALE. The ordinance could limit the are to 100 sq. ft. or to 5 plants of each strain.

2. ***The lighting limitation of 35 watts per shelf for clone nurseries needs to be increased to a minimum of 110 watts per shelf.*** It is ESSENTIAL for successful cloning to have an **even disbursement of both light and heat.** The most common light bulb used for cloning is a 54 watt 4-foot long T5 Fluorescent light bulb that is strapped to the bottom of each shelf in order to give light to the soon to be rooted "cuttings" on the shelf below. These bulbs also provide heat to the rooting zone of the plants above the light. The rooting zone **MUST be 75-78 degrees** otherwise successful rooted plants are greatly diminished by as much as 50% as well as the time for roots to form is greatly increased to up to twice as long. If ONLY one bulb

is used, placed so that it runs down the center of each shelf, the middle 1/3 of tray of cuttings that is directly below the light, and above the light on the shelf below it produces roots very quickly, while the 1/3 of the tray on either side of the center has a lower "success rate" of forming roots, as well as it takes longer for the roots to form (If the cuttings receive proper light and heat, roots begin to form in 7-14 days. This uneven rooting issue is mitigated by placing TWO 4-foot long T5 on each shelf so that the entire tray of cuttings gets even light as well as even disbursement of heat.

Furthermore, by limiting the number of watts per shelf to anything below 110 watts, the ordinance is severely limiting the nursery grower's ability to do what he/she needs to do to ensure a decent rooting success rate in a decent amount of time. If light wattage is limited to less than 110 watts, growers will turn to electric heat-mats to ensure the proper root-zone temperature. A 4-foot heat-mat uses 107 watts. Thus, by forcing a nursery to use an insufficient amount of light, a nursery will have to turn to a heat mat which uses the same amount of watts as 2 T5 lights. Thus, there will be net increase in watts used.

3. ***Included in a clone nursery's permit should be the ability for it to have a SEPARATE store-front that is NOT A DISPENSARY in which ONLY clones are sold to qualified patients, caregivers, wholesalers, dispensaries, and permitted farms.*** There are two main reasons for this; 1) A safe product exchange location that is not located at a rural location. Unlike a "flowering" cannabis grow operation in which the final product can be taken to a dispensary or distributor, a nursery often has is clientele come to the location of nursery. Due to the limited zoning for permitted grows, many nurseries (mine included) are in rural, isolated settings often several miles up a shared dirt road. Having the clientele going directly to the nursery would increase traffic on these shared dirt roads creating safety issues as well as unhappy neighbors. If a nursery is forced to meet their clientele at un-disclosed, unregulated location, again, professionalism and safety are compromised. 2. Unwanted pest mitigation. Given the necessity for a nursery to offer a product that is free from pests and to do so in an organic fashion, it is IMPERATIVE that a nursery not expose itself to potential infestations by having hundred or thousands of strangers coming to the nursery. A mite or other pest problem could completely ruin a nursery's reputation and its ability to successfully find clientele.

3. ***The air purification system requirements should not apply to clone nurseries because plants that are not flowering DO NOT produce the strong odors that many people find offensive.*** Furthermore, air filtration is impossible for any "flowering" greenhouse that uses convection (opening of ridge vents and side-walls) to cool the green house. If the greenhouse is not within the smell vicinity of any neighbors, it should not be required to use these air filtration systems as requiring them to do so

would require them to replace their "zero-energy" cooling system with expensive, high energy fans and water-walls. If outdoor "flowering" operations are not required to "scrub" their air, it seems unfair for greenhouse operations to be required to do so. The only instance I could see for requiring a greenhouse to use an odor scrubbing air filtration system is if they are in close vicinity to neighbors or other businesses as would be the case for many grows located in industrial zones.

4. ***Clarification for supplemental "mixed" lighting in a greenhouse.*** Is it the BOS' intent that any greenhouse using mixed lighting be required to fully "black out" the greenhouse whenever the lights are on? I ask, because the cost of installing an automatic black-out system for an existing greenhouse is $15,000-30,000.

I thank you for your hard work on formulating this ordinance and your open mind in hearing the needs and the concerns of all members of the community who have been willing to participate in this process.

Sincerely,

Jed Davis
Potter Valley
707-621-0484

Nicole French - 3/21/17 BoS Meeting Agenda Item 5F

From:	Hannah Nelson <hannahnelson@hannahnelson.net>
To:	"bos@co.mendocino.ca.us" <bos@co.mendocino.ca.us>
Date:	3/20/2017 3:33 PM
Subject:	3/21/17 BoS Meeting Agenda Item 5F
Cc:	John McCowen <mccowen@co.mendocino.ca.us>, "carrebrown@pacific.net" <car...
Attachments:	HNmemo20March17.docx; HNProofofPriorCultProposedLang.docx

Please attach the two enclosed items from me to the Agenda item 5F for tomorrow's meeting. One is a memo and the other is Proposed Language for Proof of Prior Cultivation. These two items are in addition to the item that Casey O'Niell submitted on behalf of both of us earlier today. Thanks so very much!

Hannah L. Nelson Attorney At Law
(707) 962-9091

Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

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

March 20, 2017

RE: 3/21/17 BOS Agenda Item 5 F □

Honorable Board Members:

We are at an important moment of positive forward motion. However, it is imperative that we get certain things correct and that our anxiousness about having something in place soon does not overshadow the need to consider important refinements. As you all and I well know, there will be little appetite to expend time and effort in the near future to amend these ordinances unless absolutely necessary. So while it might be tempting to claim that "fixes" can be made down the road, please don't be naïve about the likelihood of those "fixes" happening any time soon after the passage of these ordinances unless CLEAR AND SPECIFIC direction is given by the Board to do so. Here are some important issues to address NOW, before they dissipate into a crumpled pile of unintended consequences that seriously impact how the ordinances are implemented.

1. We Need A Specific Exception Process: Imagine the absurdity of the situation where an otherwise qualified applicant with Ag land with water rights and PG&E who can meet setbacks and whose neighbor is willing to lease or sell them a 4 acres cannot apply for anything other than a Cottage level permit because they currently only have one acre. Everywhere around them is 20 and 40 acre parcels zoned Ag. The neighbors don't mind if they cultivate cannabis and the one neighbor who would rent or sell them additional acreage can't even use or develop the property they want to lease or sell to the cultivator. Under the current draft, there is no way the cultivator can apply for more than cottage level because their legal parcel is currently undersized. Imagine another scenario where someone in the prior 9.31 Exemption program all of a sudden finds out although they never before had to have a dwelling in order to cultivate, they must now have one and the accessory structures that had been grown in prior to this new requirement are now making them ineligible because they were used for cultivation before the dwelling was built. Imagine someone's setback to an occupied legal residential structure on a neighboring parcel is just shy of 100 feet but the occupying neighbor doesn't care. Only setbacks from property lines are eligible for an exemption after applying for an AP, so this cultivator would be ineligible for a permit to cultivate. There are probably tons of other examples. While it is impossible to write an ordinance that fits every situation, it does make sense to have some sort of process to review eligibility criteria exceptions that might make sense to allow after an Administrative Permit review. The process to apply for an exception to a particular provision can be drafted so that it is applicable to anyone EXCEPT an applicant in the Regina

Hannah L. Nelson
Attorney at Law

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Heights or Deerwood or other neighborhood where public outcry has been significant. It would NOT exempt people from performance standards. Rather, it would allow a common-sense review of eligibility criteria under the supervision of both the Ag Department and Planning and Building using standards such as no significant impact to neighbors within a certain radius or distance, or written permission from neighbor for any setback waiver, or surrounded by other properties that are permitted to cultivate, etc. **If there is no way to include this kind of provision now, please consider making it a priority and a specific direction to the Staff to begin working on it immediately with a goal of completing it as an amendment within a month if at all possible.**

2. Alternative Proof of Prior Cultivation: By the very terms of the draft ordinance **as written NO indoor cultivation prior to 1/1/16 would qualify**. The same might be true for mixed light given that all that would show up is possibly a permanent greenhouse, and even then, no specific images of cannabis would be visible. **Likewise, if hoop houses are used and taken down, they would not necessarily be visible**. Unless satellites happen to catch the property in the correct year (satellite images are not always created every year), and unless they capture the cultivation areas (not always visible from satellite images), one is not eligible to apply for a permit. **If you genuinely want to bring existing cultivators (that were cultivating prior to 1/1/16) into the regulatory framework, you MUST change the type of proof required.** If you do not, there will be a considerable group of prior cultivators that will remain in the black market. **In a separate document I have submitted DRAFT language for your consideration.**
3. Further Restriction Through ANOTHER Change in Definition of Legal Parcel: Under the current definition of "legal parcel" in the most recent draft of 10A.17.010, et seq., **even if one participated in either the Urgency Ordinance Exemption Program or Voluntarily registered with the Ag Department, and they somehow have a parcel that was not created under the Subdivision Map Act or did not have a recorded Certificate of Compliance BEFORE 1/1/16, they are not eligible for a permit. Citizens that had NO KNOWLEDGE THAT Certificate Of Compliance WAS EVEN NECESSARY TO OBTAIN AND RECORD are NOT eligible unless it happens that they had a recorded certificate prior to 1/1/16**. While the imposition of a retroactive date for prior cultivation might be justified under the environmental review, **this very recent change in the definition of legal parcel is completely unnecessary for the environmental review and in fact, is not in keeping with the baseline of the environmental assessment since it included ALL cultivation in ALL areas on ALL types of parcels.** In addition to unfairly impacting property owners who had no knowledge that they did not have a recorded Certificate of Compliance or that their parcel was not created under the Subdivision Map Act prior to 1/1/16, it also unfairly impacts people who lawfully subdivided or otherwise went through an approved County procedure to lawfully adjust or create new parcels prior to the passage of these ordinances. Again, the baseline cultivation amount remains the same. **Limiting who can apply for a permit**

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to cultivate by again narrowing the definition of legal parcel is completely inappropriate, especially given that the change was made so late in the more than year-long process of drafting these ordinances. The date should be the date of the passage of the ordinance, not retroactive to prior to 1/1/16. **At the very least, there needs to be a method to grant exceptions to those that were in the 9.31 Exemption program or voluntarily registered as well as to any applicant who are on Ag or Industrial property since we want to encourage Ag and Industrial properties as more appropriate places to cultivate and since they all have to prove prior cultivation anyway.**

4. Transferability: A couple in their 60s who have been cultivating and wish to continue until they retire must now invest a huge amount of money to apply for a permit and comply with all provisions of the new ordinances and then State law. In most cases, small farmers do not have large IRAs and investments; they have their land. They work the land and then hope to retire by selling the land and moving somewhere that is perhaps easier for an older person to function. If they must invest so much money in becoming compliant (or in some cases in staying compliant since some have been compliant at each step of the way as the requirements have moved higher and higher), and they are not able to recoup those expenses when selling their land, they will be forced out of business. By limiting the transfer to such a limited group of eligible transferees, you discriminate against those that do not have children or parents or who want to retire and move with their partner as opposed to be forced to have one partner not retire. I strongly urge the Board to consider broader transferability requirements. **Make a requirement that the transferee must still personally qualify, and that the property must continue to qualify. If you have those safeguards, why not allow it to continue under a new stewardship?** If you do not broaden the transferability to anyone, **at least consider adding to the list of transferees the following: Daughter-In-Law, Son-In-Law, Siblings**. There are family farms that ought to be able to continue for children-in-law and especially for siblings. I know of many siblings that will be co-applicants, but I also know of some who have one sibling here and another who is trying to arrange their lives to be able to help on their brother or sister's farm. If they do, shouldn't they be able to stay and continue even if the original sibling has to move away?
5. The Recent Change To The Definition Of "Mixed Light" Should NOT Include Light Deprivation Without Light Assistance: The very recent change to the definition of "Mixed Light" now includes "the process of solely manipulating natural light…" If the Board retains that recently expanded definition, then **under subsection 070 (K), hoop houses that have NO LIGHT ASSISTANCE and SIMPLY USE A TARP or other means of light deprivation, would require that a Building & Planning Inspector attend the pre-approval site visit despite the fact that there may not be a permanent structure or ANY electricity going to it.** Why subject operations with NO light assistance to the same requirements as structures that use light assistance? **Please consider returning the definition of "Mixed Light" to**

Hannah L. Nelson
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include natural AND artificial light and then simply have Planning & Building inspect all permanent structures or structures that might be required to have a building permit along with all structures that use artificial light?

6. Nursery Permits Should Be Allowed to Sell to Any State License Holder (when those Come available) AND The Nursery Operator Should Be Allowed To Derive A Consumable Product (for testing and trial of new strains) So Long As They Do Not Sell Such Consumable Product. As written, the Nursery Permit holder may not sell to someone other than another Mendocino County Permittee, or a qualified patient or primary caregiver. However, when State licenses become available, there will be State license holders that are not Mendocino County permit holders or themselves patients or primary caregivers. **It would be unnecessarily restrictive to not allow fully permitted Nursery operators to be able to sell to fully State licensed buyers in other jurisdictions.** Additionally, under the last sentence of subsection 060 (10) (A) (page 14 of the redlined version), although Nursery operators are allowed, under specific requirements and supervision of the Ag Dept, to grow through the flowering stage a limited amount of stock in order to verify genetic expression, they are NOT allowed (as written) to have any consumable medical cannabis product "derived from" those plants. The reality is, if nursery operators need to verify strains and test new lines of nursery stock, they need to be able to have a consumable product to test. **It is reasonable to PROHIBIT THE SALE OF SUCH CONSUMABLE PRODUCT, but it is unreasonable to state that they may not grow to maturity (i.e., a consumable product) a new strain to see if it performs the way they think it will or to be able to have it tested for CBD or THC or other properties.** Please change the word "derived" to the phrase "permitted to be sold under this permit." That would fix this problem, still prohibit sales and still requires adherence to the Ag Dept rules for the limited square footage and oversight.
7. Why Limit Nursery Permit Holders on TPZ or FL To sales to Mendocino County Permit Holders Only? **If the concern is minimizing traffic** to the property by patients, caregivers or State License holders, **then require that that those nursery permit holders on TPZ or FL be required to transport their nursery stock to the purchaser. If it is not a traffic/road impact issue, what is it and can't we make a reasonable alternative to address whatever concern it is so that these permit holders are not so limited in their legitimate market?**
8. The Requirement That A Trust Must Have Been Created Prior To 1/1/16 In Order to Be Disregarded Entity For Purposes Of The Transferability Limitation Is Not Reasonable. It is one thing to require that the Permit Holder prove prior cultivation and be the one to serve as Trustee (really, the requirement should be that the Grantor be the permit holder and not the Trustee since the Grantor has the ability to change a revocable trust and the Trustee does not unless they are also the Grantor), but it is entirely a different thing to require that the Trust existed prior to 1/1/16. What difference does that make? **If the Permit holder had to prove prior cultivation and the permit holder has to be the**

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Trustee (or the Grantor if we correct it to that), then who cares when the trust was created? It would be impossible to "dupe" the system in any way if you require the permit holder prove prior cultivation, even if they transfer their property into a revocable trust.

9. The Proof of Prior Cultivation by the Applicant Was Specific to Mendocino County and The Proof of Prior Cultivation on the Parcel Was Not Required To Previously Have Been In Compliance With An Ordnance That Did Not Exist: The whole point of these ordinances is to bring Mendocino County cultivators who have previously been cultivating here into the regulatory system even if they were not previously in compliance with anything. Additionally, it was repeatedly stated that so long as a Mendocino County cultivators could prove prior cultivation and so long as the property that they now want to get permitted had prior cultivation, it did not matter if they were on a different property now then they had been before (again so long as prior cultivation is proved for the new property unless there is a transfer and extinguish application). As written, subsection 080 (B) (1) would prevent someone who cultivated in Mendocino County prior to 1/1/16 from being eligible to apply for a permit if they moved properties even if the new property had proof of prior cultivation. Worse, as written, that subsection would prevent a cultivator who had evidence of prior cultivation in Mendocino County on or off the current site from applying for a permit EVEN IF the site they were applying for had proof of prior cultivation if that site previously had plants visible from the publically travelled private road, or if they previously used an accessory structure for cultivation prior to having a dwelling, or if they were not then within setback requirements even if they are now eligible to apply for an AP to get that reduced, or even if they had moved their garden to now comply. **The language of this provision must be changed to comport with the intent of the ordinances to bring people (who may not have previously been in compliance) into compliance and to allow all prior Mendocino County cultivators to be eligible even if the property they are now applying for is not the same as before so long as the current location can prove prior cultivation or the application is under the transfer and extinguish provision.**
10. The Smell Provision Is Vague And Overly Broad: Subsection 040 (B) would allow anyone to claim the smell "annoys" them or that it endangers their "comfort." **Certainly, smell mitigation is important and in fact is provided for both in filtration requirements and in designing setbacks from dwellings on neighboring parcels**. There **must be a balance between the needs of residents to not be inundated by smell that is offensive to them, with the need to not provide an avenue for sensitive complainant to be able to prevent the permit holder from cultivating responsibly by attesting that the smell annoys them or endangers their comfort.** At the very least, there **should be a different standard for small residential parcels in neighborhoods than for 10, 20 or even 40 acre parcels.**
11. Fences Should Not Be Required Around Secure Lockable Greenhouses With Rigid Walls: Under subsection 040 (G), the secure wildlife exclusionary fence would be required around solid-walled greenhouses that lock. It seems that if

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the structure is hard-walled and lockable, there is no need for fencing. **"Indoor" structures do not require a fence around them since they require that they are secure and lockable. Why not apply the same standard to a rigid greenhouse?**

12. Isn't There An Exemption From the 10 Acre Minimum For 2A & 2B Permits On Industrial Properties? Both the definitions of permit types under subsection 060 (8 & 9) and Table 1 in Section 20.242.040 seem to infer that Industrial properties must be at least 10 acres in order to support a 2A or 2B permit. However, the nature of Industrially zoned properties is such that many are not that large and yet would still be extremely suitable for 2A and 2B permits. The setback requirements specific to Industrially zoned properties confirm this by requiring only setbacks that are specific to the building setbacks required for that zoning.
13. The Sunset Provision Should Run From the Date Of The Application, NOT The Effective Date Of The Ordinance. Subsection 080 (B) (2) (b)(ii) only gives the permit holder the possibility of permit renewal for up to 2 years from the effective date of the ordinance rather than 2 years from the date of their application. The applicant is paying for a full year from their application, they should be entitled to a full year from their application.
14. Please Refine Subsection 090 (M): The phrase "and not currently on parole or felony probation" should be clarified to either state "for any violent felony" if that was intended OR should state " the terms of which prohibit commercial cannabis cultivation." **If the intent was to prevent persons on probation or parole for the violent felony from eligibility, then please specify that. If the intent was to prohibit persons on probation or parole, please limit it to those whose probation or parole orders specifically prevent commercial cannabis cultivation.**
15. The Date A Partnership Was Formed Is Irrelevant. Under subsection 090 (O), a Partnership must (understandably) submit the names and residence addresses for each partner. However, it is ridiculous to require the date of the Partnership. It has no relevance to any matter being regulated. **So long as you have the names and addresses of all partners, that is all that is needed**.
16. Please Comport Subsection 110 (C) To The Same Language Used In Subsection 070 (G) With Respect To T&T: It appears that subsection 070 (G) was rewritten to allow for the possibility that the Track & Trace requirements might provide for some other method of T&T identifiers to be placed (in lots, batches, trays, whatever, instead of only affixed to the base of a plant). However, subsection 110 (C) still uses the old language limiting it to the base of the plant.
17. Please Create A Filtered Ventilation System Exemption For Buildings That Are Remote. Under subsection 110 (M), all buildings using artificial light must have a filtered ventilation system permitted by the MCAQMD. However, in remote areas where no neighbors will be bothered by smell, this requirement would unnecessarily require that hoop houses and less sophisticated greenhouses install such systems, thereby substantially increasing not only the cost for the system, but verily likely increasing the footprint and

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permanence of the structure since if all structures that used artificial light were required to install such systems, people would need to build more permanent structures to do so.

In addition to these items, PLEASE continue to follow-up on the direction to Staff to prepare a Coastal Zone ordinance for cultivation. If need be, please commit additional funds (as you did with the Overlay Zone issues) to help insure that process begins and continues to proceed. Also, PLEASE continue to direct Staff to utilize the funds they were already instructed to use to hire consultants to assist with drafting an Overlay Zone provision and require that continuous progress be made and reported on a regular basis on both issues as well as any amendment that might need to occur with respect to an exception to eligibility criteria process.

Thank you for your patience and your thoughtful consideration of each of these important points. I hope that we can successfully move this along.

Respectfully submitted,

Hannah L. Nelson
Attorney AT Law

Hannah L. Nelson
Attorney at Law

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

March 20, 2017

RE: 3/21/17 Item 5 F Proposed Language for Proof Of Prior Cultivation□

Honorable Board Members:

I drafted proposed language regarding Proof of Prior Cultivation for you to consider. As I have stated numerous times, the currently worded language would prohibit indoor cultivators, those who were unlucky enough to not have a satellite pass over their property in the correct year, or those who could only show a building or greenhouse or hoop house (if the satellite happened to pass over when the hoop house was erected). Also, it seemed that there were always two components that you were interested in: that the cultivator had cultivated in Mendocino County prior to 1/1/16 and that the legal parcel had been cultivated on prior to 1/1/16. Since the new ordinance would allow people to expand, proof of the prior sixe is not relevant as an eligibility criteria. Instead, if it is relevant at all, it is relevant to an expansion plan if required by the Ag Dept.

Here is some proposed Proof of Prior Cultivation Language:

"Proof of prior cultivation" shall mean evidence satisfactory to the Agriculture Commissioner that the applicant has cultivated cannabis in Mendocino County prior to 1/1/16 and that the legal parcel for which a permit is now sought has proof that cultivation of any size has existed on it prior to 1/1/16 as demonstrated by showing the Ag Commissioner evidence described in (a) and (b) below
For proof that the applicant cultivated in Mendocino County prior to 1/1/16: Date-stamped photographic evidence of the cultivator on the Mendocino County property they cultivated on, or a letter from a landlord specifying that the applicant cultivated cannabis on the Mendocino County property prior to 1/1/16, or a receipt for cannabis cultivation supplies from a Mendocino County business dated prior to 1/1/16, or a copy of receipts prior to 1/1/16 for reimbursement from a Mendocino County medical cannabis collective where the applicant is a cultivator member, or evidence that the applicant was raided or cited on property in Mendocino County prior to 1/1/16, or prior participation through any zip tie program with the Sheriff or Ag Department, or an electric bill or receipt in the applicant's name for diesel or propane demonstrating amounts commensurate with cannabis cultivation indoors in Mendocino County prior to 1/1/16, or a Sellers Permit in the name of the applicant or their medical cannabis collective (with a copy of their membership agreement) registered to a Mendocino County address or that was obtained prior to 1/1/16 or that was obtained after 1/1/16 but for purpose of reporting cannabis grown in 2015 on their 2016 reports to the BOE, or a signed and dated contract with a California dispensary or other medical cannabis patient provider or manufacturer with the applicant's name and listing their address in Mendocino County for cannabis grown in 2015.

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For proof that the legal parcel had cultivation prior to 1/1/16: Date-stamped photographic evidence of the parcel that demonstrates cultivation in any cannabis garden, whether in established outdoor holes, pots, or beds or in greenhouses or hoop houses; or a contract with a California dispensary or other medical cannabis provider or manufacturer that specifies that the contract is specific to the parcel for which an application is being sought and that was entered into for cannabis grown in 2015; or any registration or permit or evidence of attempt to be permitted under the Urgency Ordinance or any prior Mendocino County program regarding cannabis cultivation. For indoor cultivation a bill or receipt prior to 1/1/16 for electricity or diesel or propane demonstrating amounts commensurate with cannabis cultivation indoors at the legal parcel for which an application is being sought. Any similarly reliable documentary evidence satisfactory to the Ag Commissioner that establishes that medical cannabis was planted and grown on the parcel to be registered prior to 1/1/16.

Respectfully submitted,

Hannah L. Nelson
Attorney AT Law

Nicole French - Letter from Casey and Hannah re 3-21 meeting agenda item 5-F

From: "Casey O'Neill" <casey@cagrowers.org>
To: "Casey O'Neill" <casey@cagrowers.org>
Date: 3/20/2017 11:02 AM
Subject: Letter from Casey and Hannah re 3-21 meeting agenda item 5-F
Attachments: Casey& Hannah LettertoBoSnew.docx

Good Morning :) This letter has been drafted in response to various conversations and the article in the Mendocino Voice discussing potential delays in the ordinance process. We appreciate the time and effort that has gone into this process!

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

To: Mendocino County Supervisors
From: Hannah Nelson, Casey O'Neill

We have a fundamental appreciation for the amount of effort that has gone into this process and would like to thank you for your efforts. We have heard community frustration that the Coastal Zone ordinance work has not been done by Staff, but we appreciate that funds have now been committed to hire consultants to undertake that process. Likewise, we are keenly aware that the development of the "overlay" zone, like the Coastal Zone ordinance, will take a long time. However, we have garnered support for a way the Board could make an explicit commitment to keep those issues on the front burner and to address an additional important need for those who are disqualified because of recent changes without the need to halt or totally tank the passage of the inland ordinance.

We would like to see a commitment to an amendment to the ordinance that would create an "eligibility criteria exception review process" for cultivation licensing. In short, the idea would be to have a way to apply for an administrative permit (or some other process) if there is a special circumstance where an exception should be granted to an eligibility criteria that would otherwise prevent someone from being able to apply for a cultivation permit. Realistically, the ONLY way this could happen is if there were some areas that were specifically excluded from being able to apply for such a review process (think Regina Height and Deerwood). Unfortunately, County Counsel has said that creating the specific language and establishing the basis that would be used to determine if an exception could be made as well as coming up with a way that the excluded areas could be defined, would take an additional month.

We are all anxious to get this thing done so that people can start to apply and sign their affidavits and be safe. However, it is important that this process for a review for an exception to the eligibility criteria is advanced very soon and that the efforts to advance the coastal zone ordinance, and the overlay zone are kept on the front burner with the gas turned up. There are potential negative consequences if the ordinance is delayed, or, on the other hand, these important topics are not prioritized.

A compromise between these two tensions could be advanced if the Board makes a strong policy statement and very clearly and specifically directs Staff to:

1. Create an Amendment to the Ordinance (hopefully in a month after it passes) that details a procedure/process for review of special circumstances where someone reasonably believes that an exception to a particular eligibility criteria ought to be waived;
2. Include a specific prohibition for that process to be allowed for sites in specific neighborhoods (think Regina Heights and Deerwood);
3. Create an overlay zone;
4. Charge forward with the Coastal Zone Cultivation Ordinance;

5. Continue to commit funds to hire additional staff/consultants if necessary (they already approved funds to hire the staff to start the Coastal Zone stuff);
6. Require that Staff report to the Board on their progress every month or maybe even at every meeting

A possibility of extending the sunset provision from 2 to 3 years was also mentioned, as was grandfathering in Urgency Ordinance Exemption Program participants.

While this is not the iron clad result we ultimately would prefer, we believe it strikes a decent enough balance between needing this ordinance to get passed soon so that people are not still hanging out there waiting and unable to have safety as more time passes, with the need to insist that these important issues get dealt with in a timely manner.

One potential hiccup is if the development of this procedure/process of a way to apply for an exception to the criteria (with the exclusion of people in certain upset neighborhoods from being able to apply for it) requires an environmental review on its own. If it does, it will take much longer than a month.

Time is of the essence, as spring waits for no one, and the economic viability of Mendocino cannabis farmers hangs in the balance. We appreciate your efforts!

Sincerely,

Hannah Nelson and Casey O'Neill

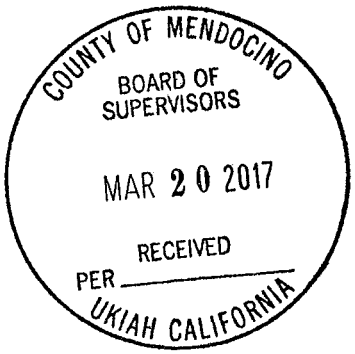
From: Deb Attaway <debisue@saber.net>
To: <bos@co.mendocino.ca.us>
Date: 3/20/2017 2:49 PM
Subject: Fwd: Board Correspondence for Item 5f on March 21, 2017.
Attachments: noname.pdf

Please find attached for the Board of Supervisors Cannabis Meeting on March 21, 2017:

My Letter regarding: Medical Cannabis Cultivation Regulation

Item 5f

See attached PDF



March 19, 2017

Dear Supervisor Gjerde:

As a home owner for 34 years in a small, rural residential neighborhood, I strongly urge you to extend the ban on commercial cultivation of medical marijuana in parcels under two acres.

Our location is a 16 house subdivision and our zoning is RL160, even though all of the parcels are less than two acres, with most being smaller than one acre.

Recently, without going through the permit process, a newly purchased 1.1 acre parcel was clear cut, graded from hill to flat and a seasonal creek was rerouted. The MC Planning Department has temporarily halted this project. These "entrepreneurs" show blatant disregard for the environment, the law and us neighbors.

Large scale operations have already had an impact on the safety of our street with large tractors and trailers and road degradation. Conducting business in our neighborhoods, endangers and desensitizes our children and grandchildren to drug production and usage.

Why is this being allowed when we cannot start a commercial business without a license?

Please lead the move to say "You can **not** grow in residential neighborhoods, unless your neighborhood gets an approved exemption through an overlay, such as in Laytonville."

Respectfully Submitted,
Deb and John Attaway

Nicole French - board correspondence for item 5f on March 21, 2017

From: Mecca Donna <dmecca1@comcast.net>
To: <bos@co.mendocino.ca.us>
Date: 3/20/2017 3:44 PM
Subject: board correspondence for item 5f on March 21, 2017
Attachments: Board of Sup's 3:21.pdf

Please see attached pdf regarding marijuana cultivation

Mecca Donna
dmecca1@comcast.net
707-468-5758 home
707-391-4935 cell

From: <patricksellers23@gmail.com>
To: <bos@co.mendocino.ca.us>
Date: 3/20/2017 4:28 PM
Subject: Honarable Members of ... from Web

Honarable Members of the Board,

Thank you for your continued efforts to create sensible policy around the cannabis industry in our county. I realize that this is a complicated process and that a lot of energy has gone into trying to make it work broadly for county stakeholders.

I'm writing regarding the definition of 'legal parcel' in Chapter 10A.17.020 of the latest draft Medical Cannabis Cultivation Ordinance.

Please enter this letter into the official public comment for the 3/21 Board of Supervisors Meeting Agenda Item 5F.

Please consider removing the language in this definition that requires parcels to have been created or recorded prior to 1/1/2016 for Industrial Zones (I-1, I-2, P-1.)

In order for Mendocino County to adequately participate in the ongoing regional development of the newly-regulated cannabis industry in Northern California, county policy needs to reflect supportiveness of local entrepreneurship by ensuring that there are appropriately zoned places for cannabis-related business to take place.

This limitation on the current and future subdivision of industrial land is potentially devastating to the growth of economic activity surrounding this industry. The parcel size limitations are more than sufficient to prevent patterns of excessive development.

Thank you for considering this alteration to the county policy.

Sincerely,

Gary Breen
Campovida - Hopland, CA
&
Patrick Sellers
Ridgetop Botanicals - Hopland, CA

Page: http://www.co.mendocino.ca.us/bos/index.html
Browser: Mozilla/5.0 (Macintosh; Intel Mac OS X 10_11_5) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/56.0.2924.87 Safari/537.36
IP: 70.36.224.178, DT: 2017-03-20 16:18:46
d: 1

Robert Werra MD
#2 Lookout Dr
Ukiah Calif 95482

Dear Supervisor

Enclosed is a Petition by 40 physicians of Mendocino County urging you to limit Medical Dispensaries in Mendocino county & Limit Marijuana Growing. Brief article enclosed.

We testify that the Medical need is vastly used not for true Medical Need but for pleasure & profit. It is not prescribed by Medical Physicians but outside physicians for legal but Medically unsubstantiated conditions" "any pains illness" Trust your local physicians

Sincerely Robert Werra MD

February 9, 2017

SEE LAST PAGES FOR REASONS

To: Mendocino County Board of Supervisors

As a physician in the Ukiah and Mendocino County area, because of the lack of demonstrated medical benefits and documented dangers to adults and particularly to children and adolescents, I would request that you severely limit Medical Marijuana Dispensaries within our County, as well as limiting widespread growing of marijuana in Mendocino County.

NAME (PRINT)	SIGNATURE
ROBERT WERRA MD	Robert Werra MD
THOMAS E. KILKENNY, MD	Thomas E. Kilkenny, MD
ROBERT RUSHTON, M D 844 SO. DORA ST. UKIAH, CA 95482-5711	[signature]
Guy R. Teran	[signature]
Susan Cordes, MD	[signature]
Monita Green M.D. MONITA YUEN GREEN, M.D. 232A Hospital Dr. Ukiah, CA 95482	
Randall Woesner	Randall E Woesner
Geoffrey Reid	Geoffrey Reid
JORGE ALLENDE	[signature]
Jon Porteroff	[signature]

February 9, 2017

To: Mendocino County Board of Supervisors

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NAME	
PRINT	SIGNATURE
David Ploss	
Ben Meyer MD	
Laura Winkler	
Theron Chan M.D.	
Bryan Stirlingova	
Iyad Nama MD	
Guy Rubin MD	
Ghenini, M.D.	
Hengbing Wang, M.D.	
Brian D. Fagan,	

February 9, 2017

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NAME	
PRINT	SIGNATURE
VINCENT P. VALENTE	Vincent P Valente MD
Gary DeCrouch MD	Gary DeCrouch MD
DONALD L. COURSEY	Donald L Coursey M.D.
Michael Young	
James E. O'Dorisio	James O'Dorisio, MD

February 9, 2017

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NAME

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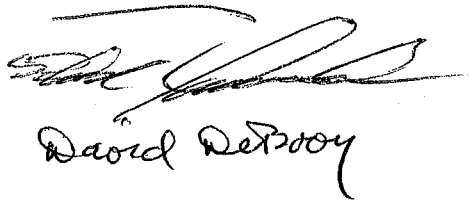
P Tamancho

David DeBoon

SIGNATURE



David DeBoon

February 9, 2017

To: Mendocino County Board of Supervisors

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NAME

PRINT

Anne Martinko

SIGNATURE

February 9, 2017

To: Mendocino County Board of Supervisors

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NAME

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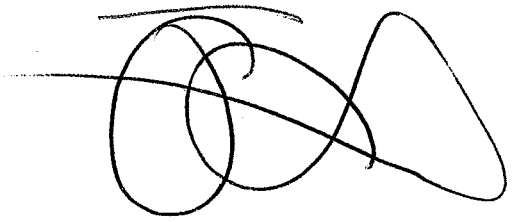
J. Drew Coltrax, MD, JD

SIGNATURE



February 9, 2017

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NAME

PRINT

Joanne LaMonica MD

SIGNATURE

February 9, 2017

To: Mendocino County Board of Supervisors

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NAME

PRINT

SIGNATURE

HARRY MATOSSIAN MD

February 9, 2017

To: Mendocino County Board of Supervisors

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NAME

PRINT
Miriam Ida Harris, MD

SIGNATURE

February 9, 2017

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NAME	
PRINT	SIGNATURE
Richard McClintock	
Ronald W Slaughter	
Mario Espindola	
Lawrence W Hartley	

February 9, 2017

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NAME	
PRINT	SIGNATURE
Steven Wirth, MD Peter Cho MD.	S. Wirth MD

February 9, 2017

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NAME		
PRINT		SIGNATURE
Duncan	Johnston	
Gary Fuson		

www.medscape.com

Medical Marijuana: The State of the Science

Michael E. Schatman, PhD |February 06, 2015

Dispensaries and Medical Marijuana

Medical cannabis products are typically sold in dispensaries, which have become ubiquitous in some areas, such as Denver, Colorado.[178] Despite their legality, dispensaries may sell few products that are particularly "medical,"

7/20/2016 www.medscape.com/viewarticle/839155_print

because the majority of what is sold is the same quality of marijuana sold on the streets and carries the same health risks.[178]

Questions also have been raised regarding the legitimacy of dispensaries' clientele. A recent study found that most dispensary customers had initiated marijuana use in adolescence, with one half presenting with indications of risky alcohol use and 20% presenting with recent histories of prescription medication or illicit drug abuse.[179]

Emerging data suggest that dispensaries have deleterious societal effects, such as diversion to adolescents who are treated for substance abuse,[180] increased adult treatment admissions for marijuana dependence and alcohol abuse,[181] and increased unintentional pediatric marijuana exposure.[182] The current dispensary system results in unlicensed "pharmacists" dispensing marijuana, who are unlikely to inform customers of the dramatic physical and mental health risks associated with marijuana use and lack expertise on potential drug/drug interactions.[183]

Finally, the THC potency in states with legally protected dispensaries is significantly higher than that in states without dispensaries.[184] Pacula and Lundberg[185] convincingly argue that it is not the medical marijuana laws per se, but rather the dispensary systems, that drive down the price of marijuana and lead to increased use in both established and new users.

Research on the THC/CBD ratio of marijuana sold in dispensaries is sorely needed, although at present, there is no evidence that the overwhelming majority of the cannabis sold in dispensaries is in any way, shape, or form "medical." This supports the argument that the dispensary system, as it exists presently, needs to be dismantled. Legislation such as that being proposed by a group of physicians in Florida stipulating that "medical marijuana" should contain a maximum of 5% THC and a minimum of 10% CBD would go a long way toward legitimizing cannabis as "medicine" and dispensary systems.

Wall Street Journal OPINION

REVIEW & OUTLOOK

A Brave New Weed

Marijuana is now legal in 25 states for medicinal purposes and in four for recreational use. Voters in another five have a chance on Nov. 8 to legalize the retail consumption of pot, but the evidence rolling in from these real-time experiments should give voters pause to consider the consequences.

The costs so far from pot legalization are higher than advertised.

In 2012 Colorado and Washington voters legalized recreational pot, followed by Alaska and Oregon two years later. Initiatives this year in California, Arizona, Nevada, Maine and Massachusetts would allow businesses to sell and market pot to adults age 21 and older.

Adults could possess up to one ounce (more in Maine) and grow six marijuana plants. Public consumption would remain prohibited, as would driving under the influence. Marijuana would be taxed at rates from 3.75% in Massachusetts to 15% in the western states, which would license and regulate retailers.

Marijuana is a Schedule I drug under the federal Controlled Substances Act of 1970, which prohibits states from regulating possession, use, distribution and sale of narcotics. However, the Justice Department in 2013 announced it wouldn't enforce the law in states that legalize pot. Justice also promised to monitor and document the outcomes, which it hasn't done. But someone should, because evidence from Colorado and Washington compiled by the nonprofit Smart Approaches to Marijuana suggests that legalization isn't achieving what supporters promised.

One problem is that legalization and celebrity glamorization have removed any social stigma from pot and it is now ubiquitous. Minors can get pot as easily a six pack. Since 2011 marijuana consumption among youth rose by 9.5% in Colorado and 3.2% in Washington even as it dropped 2.2% nationwide. The Denver Post reports that a "disproportionate share" of marijuana businesses are in low-income and minority communities. Many resemble candy stores with lollipops, gummy bears and brownies loaded with marijuana's active ingredient known as THC.

The science of how THC affects young minds is still evolving. However, studies have shown that pot use during adolescence can shave off several IQ points and increase the risk for schizophrenic breaks. One in six kids who try the drug will become addicted, a higher rate than for alcohol. Pot today is six times more potent than 30 years ago, so it's easier to get hooked and high.

Employers have also reported having a harder time finding workers who pass drug tests. Positive workplace drug tests for marijuana in Colorado have increased 178% since 2012. The construction company GE Johnson says it is recruiting construction workers from other states because it can't find enough in Colorado to pass a drug test.

Honest legalizers admitted that these social costs might increase but said they'd be offset by fewer arrests and lower law enforcement costs. Yet arrests of black and Hispanic youth in Colorado for pot-related offenses have soared 58% and 29%, respectively, while falling 8% for whites.

The share of pot-related traffic deaths has roughly doubled in Washington and increased by a third in Colorado since legalization, and in the Centennial State pot is now involved in more than one of five traffic fatalities. Calls to poison control for overdoses have jumped 108% in Colorado and 68% in Washington since 2012.

Colorado Attorney General Cynthia Coffman has said that "criminals are still selling on the black market," in part because state taxes make legal marijuana pricier than on the street. Drug cartels have moved to grow marijuana in the states or have switched to trafficking in more profitable drugs like heroin.

One irony is that a Big Pot industry is developing even as tobacco smokers are increasingly ostracized. The Arcview Group projects that the pot market could triple over four years to $22 billion. Pot retailers aren't supposed to market specifically to kids, though they can still advertise on the radio or TV during, say, a college football game. Tobacco companies have been prohibited from advertising on TV since 1971.

The legalization movement is backed by the likes of George Soros and Napster co-founder Sean Parker, and this year they are vastly outspending opponents. No wonder U.S. support for legalizing marijuana has increased to 57% from 32% a decade ago, according to the Pew Research Center.

We realize it's déclassé to resist this cultural imperative, and maybe voters think the right to get high when you want is worth the social and health costs of millions of more stoners. Then again, since four states have volunteered to be guinea pigs, maybe other states should wait and see if these negative trends continue

March 14, 2017

To: County of Mendocino Department of Planning and Building Services

Enclosed is comments on the Public Hearing regarding Medical Cannabis Cultivation and the related proposed amendments to Williamson Act policies and procedures.

My family and I are residents of Round Valley – Covelo. We raise cattle and hay in the valley. We view the Williamson Act as a reduction in land taxes for the purpose of agriculture. Agriculture is defined as a product produced that consists of food or fiber. Equines do not qualify as either food or fiber, they are considered a pet; we use our equines to gather our cattle and move them from pasture to pasture. We pay taxes on their expenses – feed, medicine, hoof care, etc.

While medical cannabis is grown in the ground it technically is not either food or fiber. Excluding those who grow male cannabis plants for hemp. Granted many people eat the cannabis mixed in food, but the primary consumption is through inhalation. It is a big stretch to say that cannabis is food or fiber and therefore qualifies as a property tax reduction under the Williamson Act.

The other concern is that many cannabis "farms" bring in people who are illegally in this country, place them in travel trailers parked next to their growing area, and these trailers are not connected to a septic system. Is the Department of Planning and Building Services going to go out to all registered sites and inspect the "temporary" housing? Raw sewage running out upon the ground is an environmental hazard and a health hazard. How does the county propose to deal with this illegal discharge? Many of these "farms" also have a large number of dogs which they stake out to protect the growing area, after harvest the dogs are turned loose or rather thrown away like a piece of garbage. For those of us in the cattle business, the dogs become a real problem as they are hungry and calves are an easy target. While cattlemen have the right to shoot these dogs it is tiresome when one shoots 15 to 20 dogs in one day.

We hope that you take these thoughts into consideration during your decision making process.

Sincerely,

Family Rancher in Covelo

Oddone Vineyard

Dry Creek Valley AVA
Sonoma County, California

5523 Dry Creek Road
Healdsburg, California 95448
Telephone: 707.431.2521
Fax: 707.431.2521 (call first)
Email: barbara@oddonevineyard.com
www.oddonevineyard.com

March 16, 2017

John McCowen, Chair
Board of Supervisors
County of Mendocino
501 Low Gap Road, Room 1070
Ukiah, CA 94582

RE: Draft Chapter 10A.17, Draft Medical Cannabis Cultivation Ordinance and Chapter 20.242, Medical Cannabis Cultivation Site

Dear Supervisor McCowen:

I concur with the commendation by California Oaks of the County of Mendocino for its important work to prepare a Medical Cannabis Cultivation Ordinance. As a member of California Oaks and a grape grower who has preserved oak woodlands on our property I strongly support: preparation of an oak woodland protection ordinance prior to January 1, 2020; the provision protecting oak trees from removal or damage during the period before the oak woodland protection ordinance takes effect; and the prohibition of new cultivation permits in districts zoned as rangeland (with the exception of relocation of sites per limitations of the ordinance).

With regard to the County's review of existing grading regulations, Chapter 18.108 of the Napa County Code is instructive; it requires Erosion Control Plans for agricultural projects involving grading and earthmoving activities on slopes over five percent.

California's oak woodlands and oak forested lands form an ecological backbone that supports the economy and environment. On our property, the oak woodlands provide protective barriers against pests that can become major problems in areas with monoculture. Oak woodlands sustain healthy watersheds, provide habitat for diverse plants and wildlife and sequester carbon—generating benefits that extend across property and county lines.

Mendocino County can find useful informational resources posted on California Oak's website (www.californiaoaks.org). Thank you for your leadership in stewarding the county's natural resources.

Yours truly,

Barbara Saarni Oddone

Barbara Saarni Oddone
cc: California Oaks

BOS ✓
CEO ✓
COC ✓

From: <bailey.courtney@gmail.com>
To: <mccowen@co.mendocino.ca.us>
Date: 3/20/2017 11:52 AM
Subject: Dear Supervisor, ... from Web

Dear Supervisor,

Please consider voting and approving the two cannabis-related ordinances on Tuesday, March 21. Although they are not perfect for the industry I represent they do offer an excellent starting point. Regulation is a welcome change and I hope to transition with ease.

In addition, please consider creating a policy statement with clear direction on how to 1) apply for an exception or create a variance process; 2) overlay zones; and 3) move forward with urgency on the Coastal Zone Cultivation Ordinance.

Courtney Bailey
Philo Resident

Page: http://www.co.mendocino.ca.us/bos/district2.htm
Browser: Mozilla/5.0 (Windows NT 10.0; WOW64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/56.0.2924.87 Safari/537.36
IP: 64.195.220.170, DT: 2017-03-20 11:42:44
d: 1

- Agenda Item 5f Cannabis Ordinance

From: "Casey O'Neill" <casey@cagrowers.org>
To: <bos@co.mendocino.ca.us>
Date: 3/20/2017 8:26 PM
Subject: Agenda Item 5f Cannabis Ordinance

To: Mendocino County Board of Supervisors
From: Casey O'Neill, HappyDay Farms, Vice-Chair California Growers Association

This has been a process of trying to balance many different needs and perspectives on what may be the most complex policy issue that the county will deal with this decade. We would like to offer full support of passage of the ordinance today, and to applaud the efforts by Board and Staff to move this process forward. We look forward to participating in the continuing dialogue.

Provisional Licenses: Though there is nothing in the ordinance that provides for provisional licenses, we understand that the Ag Dept is developing an affidavit that would allow cultivators to participate safely in the program while applications are being processed. We strongly support this affidavit as the foundation upon which this program will rest until permits are processed.

Proof of Prior Cultivation: It is important that we include as many existing cultivators as possible in this program; as such, we must throw a wide net for types of proof of prior cultivation. It is also important that we accept any form of proof that can be offered, which is why we must leave the list of acceptable methods for proof open ended. It is also important to note that prior Mendocino cultivation is separate from the site for which a cultivator is seeking a permit. We'd like to support the proposed language by Hannah Nelson.

No Delay but Further Development: There is a delicate balance between the need to pass this ordinance and the need to create as much opportunity for program participation as possible. We would like to see the ordinance pass today, but we also support an immediate and robust process that would develop Coastal Zone permits, Overlay Zones and an Exception Process for applicants who could present a case for a legal, nonconforming use.

Definition of Legal Parcel: Certificate of Compliance is a term that is just now dawning on our community, and it's important that we not penalize people who would otherwise be eligible for a permit because they didn't understand the process for Certificate of Compliance.

Transferability: Cultivators are making a tremendous investment in becoming compliant. It would make sense that when permits become available to the general public in Stage 3, that

cultivators who wanted to retire or sell should be able to access the value return by their permit being transferable to a new applicant.

Sunset Provision: Sunsets need to be as long as possible, preferably 3 years, but if it remains at 2 years it would make sense not to start the Sunset for a permitted location until the day of permit issuance, giving them a full two years from that point.

Remote Cultivation: For remote sites, it doesn't make sense to require expensive filtration systems. This would be a helpful clarification.

Spring waits for no one, please vote in favor of passing this ordinance. Thank you!

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

- Board Correspondence for Item 5f on March 21, 2017. Extend ban on cultivation in parcels under 2 acres.

From: "Susan B. Gates" <beardengates@comcast.net>
To: <browncj@co.mendocino.ca.us>, <bos@co.mendocino.ca.us>
Date: 3/21/2017 7:33 AM
Subject: Board Correspondence for Item 5f on March 21, 2017. Extend ban on cultivation in parcels under 2 acres.

Regarding the Board of Supervisors' Cannabis Meeting on March 21, 2017:

Medical Cannabis Cultivation Regulation

Item 5f

Dear Carrie and Board of Supervisors,

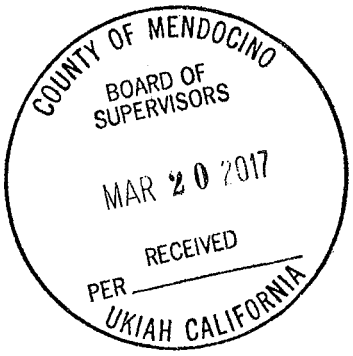
As a home owner for 18 years in Rogina Heights east of Ukiah, I strongly urge you to **extend the ban** on commercial cultivation of medical marijuana in parcels under two acres.

Marijuana growing is **not compatible** within a community of neighbors who aim to maintain a family friendly atmosphere and retain equity in their residences. We urge you to continue to exclude marijuana cultivation on parcels under 2 acres and in residential neighborhoods.

Susan and Ray Gates

575 Vichy Hills Dr.

Ukiah, CA



From: <randolphdale@yahoo.com>
To: <bos@co.mendocino.ca.us>
Date: 3/21/2017 7:53 AM
Subject: March 21, 2017 Re:... from Web

March 21, 2017

Re: Medical Marijuana Cultivation Ordinance

Dear Board of Supervisors:

We live and cultivate medical marijuana in the 3rd District. Presently, we do not have a Supervisor in the 3rd District to represent us. We are trying to address our concerns with public comments and letters to the other Supervisors. We appreciate the other Supervisors listening to our concerns.

Please simplify the requirements and reduce the costs of the new cultivation ordinance. Please give cultivators time to transition from permitted and non-permitted cultivation activities to the new cultivation ordinance.

Assessor's Parcel Numbers

In 2016, we participated in the 9.31 ordinance. Cultivation permits for the 9.31 ordinance were issued by Assessor's Parcel Numbers. The new cultivation ordinance proposes that cultivation permits be issued by Legal Parcels. The definition of a Legal Parcel is a complicated matter. It requires researching the history of an Assessor's Parcel Number and obtaining a Certificate of Compliance by the Planning and Building Department. The Certificate of Compliance is a time-consuming process and costs $664. It may delay the cultivation permit process. It may require the relocation of cultivation sites, fencing, water tanks and irrigation systems. The relocation of cultivation sites is a time-consuming and expensive process. The relocation of cultivation sites may impact the natural environment. Please allow cultivation permits to be issued by Assessor's Parcel Numbers. Alternatively, please allow cultivation permits to be issued by Assessor's Parcel Numbers this year. This will give cultivators time to research the history of an Assessor's Parcel Number, obtain a Certificate of Compliance and relocate cultivation sites.

Costs of Medical Marijuana Cultivation Permit

The Agriculture Department annual cultivation permit fee is $1,240. The Agriculture Department annual inspection fee is $675. The Agriculture Department follow-up inspection fee is $89.71 per hour.

Presently, the cost of third party inspections in unknown. The enrollment with the North Coast Regional Water Quality Control Board is a time-consuming and expensive process. It may delay the cultivation permit process. The Water Board annual enrollment fee is from $1,000 to $10,000 based on tier classification. We received an estimate of $2,500 for the annual enrollment fee for tier 2 classification. We received an estimate of $8,250 for a Water Resource Protection Plan. The estimate does not include contractor costs for site improvements. Presently, contractor costs for site improvements is unknown. The Water Board said they will allow some time to complete site improvements. Please allow cultivation permits to be issued without Water Board enrollment this year. This will give cultivators time to save money for Water Board enrollment, Water Resource Protection Plan and site improvements.

The track and trace program is a time-consuming and expensive process. We received an estimate of $199 monthly software fee, $999 software setup fee and $3,000 hardware costs for track and trace program. Please allow cultivators time to research and save money for the track and trace program.

Please allow cultivation permits to be issued without the requirement for a legal dwelling unit. Alternatively, please allow cultivation permits to be issued without the requirement for a legal dwelling unit this year. This will give cultivators time to save money to permit and/or construct a legal dwelling unit.

Please allow cultivation permits to be issued by declaration for proof of prior cultivation.

Please consider that medical marijuana cultivators are required to operate on a nonprofit basis. Please consider cultivators with limited financial resources, crop loss due to weather, crop loss due to disease, crop loss due to theft, and loss in value of crop. The loss in value of crop will continue as supply increases with implementation of Assembly Bill 243, Assembly Bill 266, Senate Bill 643 and Proposition 64.

Thank you for considering our concerns.
Sincerely,
Resident of the 3rd District.

Page: http://www.co.mendocino.ca.us/bos/boardmemphoto.htm
Browser: Mozilla/5.0 (Windows NT 10.0; WOW64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/56.0.2924.87 Safari/537.36
IP: 24.4.64.159, DT: 2017-03-21 07:44:06
d: 1

From: Brian Corzilius <bcorzilius@corzilius.org>
To: <mccowen@co.mendocino.ca.us>
CC: <bcorzilius@corzilius.org>, <ruth.valenzuela@asm.ca.gov>
Date: 3/20/2017 4:34 PM
Subject: Concern over County Cannabis Ordinances

Dear Supervisor John McCowen;
[cc'd to Representative Jim Woods]

I hope this email finds you well, and I'd like to start by thanking you for all of the difficult hours you've put in on County business, especially regarding Cannabis, my topic today.

In my capacity as an off-grid solar energy consultant, I have conversations on a wide range of subjects. Lately however, most conversations regard the transitions occurring in the cannabis industry. Normally I would not get involved in detailed discussions on this topic, but what I am seeing now, economically, appears to be a harbinger of a brewing crisis that may very well affect the ability of the County to function.

Specifically, there is a large population of this county that have traditionally relied on cannabis to pay some of their more critical bills, especially property taxes. I am not talking about the later waves of younger 'growers', but the so-called 'mom & pops' that fill out our rural regions.

What I am hearing from my clients, and from pretty much everyone I run into in my rural neighborhood, is that no one has been able to sell anything. As a result, people like myself are not getting paid. No one seems to know what has happened to the market (though there are rumors of large greenhouse grows in Central Valley, not to mention a lot of new metal buildings on our county's valley floors, apparently funded by big-money interests).

My concern is that this will eventually trickle up to the County operational level, where we'll start seeing properties default on their taxes, not to mention increasing destitution and crime as the folks living in the hills try to make ends meet where there really isn't any other economy. Without property taxes, public safety takes a major hit, not to mention other county services.

In regards to this, I would like to make a couple of suggestions for you (and the cannabis policy group) to consider.

1) As with any effort to grow small businesses, the equivalent of a small business administration needs to exist to help guide the traditional 'mom and pops' into the new regulatory framework. These folks have often only grown enough to make ends meet and therefore (contrary to cannabis mythology), do not have 'cash reserves' to layout on licensing and fees. And this is on top of the uncertainty of the rules and regulations coming down.

My suggestion is that there be an entity created to help guide small scale folks through the process. In addition, there needs to be a means in which the fees can be managed, either through a SBA-style loan program, or by postponement of the first year's fees. Lastly, there needs to be some sort of amnesty program from the perspective of the building department since there appears to be a requirement of their clearance before moving ahead (remember that these folks have been living in the hills for years, they are not the money-backed newbies).

An additional consideration here might include a suggestion put forth some years back by Sheriff Tom Allman -- the creation of a warehouse in the south end of the county where small farmers, including those still trying to get licensed, could bring their excess and that would serve as a brokering point. In Santa Rosa, Privateer Holdings (a Wall Street-group) is setting up to do just that. In our case, we need to ensure the 'little guy' is taken care of (including the world-class genetics these people have created and that are at risk).

2) There needs to be some consideration, at least initially, of the costs in creating the product (growing the plant). Right now, everything I have read speaks of fees (pre-paid, w/o regard to crop failure) and taxes (based on gross income and quantity produced versus market value / end product). This is not the way traditional businesses are taxed, nor traditional agriculture.

3) Any approval of County cannabis regulations must wait until 3rd District representation again exists. There seems to be a growing clamor over lack of representation in the creation of cannabis industry regulations and I think acknowledging this would go far in cooperation in the north county.

I want to thank you Supervisor McCowen for taking the time to read this and I hope you find the concerns and suggestions reasonable.

Sincerely

Brian Corzilius
707.894.4634
Willits

Honorable Board of Supervisors
Mendocino County
Ukiah, CA

Re: Cannabis Ordinance: MCCO/MRRC

Comments for Supervisors March 21, 2017

1. Please do not postpone progress on the MCCO/MCCR because you have chosen not to include the coastal zone cultivation in this ordinance. Please create a mechanism for all growers to move forward into the 2017 growing season, if only temporary, until a new ordinance is unanimously passed.

2. Please correct the disparity between the transferability of cultivation permits held by individuals, constrained to sell only to certain family members, and other entities such as LLC, partnerships, syndicates etc. that have no similar constraints. I have suggested a simple leveling of the playing field which will allow all permitted parcel to be sold to the buyer of choice and that new owners will have a sunset term of three years to renew a cultivation permit provided the new owner maintains any and all compliance regulations with the cultivation ordinance in effect. It is not in property owners' or the County's best interest to minimize property value by prohibiting the transfer of permits unfairly or unreasonably.

3. When will you direct staff to rectify conflicts between the MCCO/MCCR and AUMA?

4. The language in Section 10A.17.040 (B), the paragraph addressing odor complaints is vastly vague and requires further attention. How will County

officials define, "considerable number of people or to the public" or when anyone is subject to, "endanger the comfort, repose, health, or safety of any of those person or the public".

5. Please direct staff to clarify the need for MCAQMD review in the permit process so that the ordinance will not contain its current uncertainty.

6. Where does the County process stand with Track and Trace development? What happened to the streamlining and reasonable consideration of batch or lot identifiers as opposed to individual plant identifiers? What are the proposed Track and Trace fees?

7. Please include time frames for interdepartmental application reviews.

Thank you for your continued efforts and consideration of my suggestions.

Respectfully submitted,

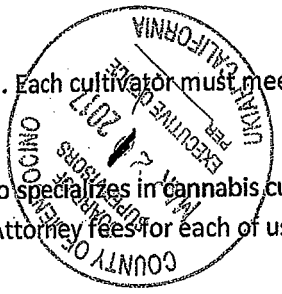
Corinne Powell

3/21/2017 Statement to the Mendocino County Board of Supervisors
Linda Gray

Many of us in this County own land as Tenants-in-Common. On Greenfield Ranch there were originally 23 big parcels, each over 200 acres, but zoned UR40, each composed of 1 to 6 assessor parcels, and each sold to tenants-in-common.

Those of us on Greenfield, who want to grow cannabis legally, have already spent considerable amounts of money.

2015 & 2016



August 13, 2015 The SWRCB adopted its cannabis-related regulatory order . Each cultivator must meet their 12 standard conditions

- By December 2015 many of us on Greenfield retained an attorney who specializes in cannabis cultivation. Mendocino County requires us to form mutual benefit corporations. Attorney fees for each of us were $3680.00
- January 2016 the North Coast Regional Water Quality Control Board (NCRWQCB or simply "Water Board") advised us that we were required to enroll with the Water Board by Feb 15, 2016
- February 15, 2016 many of us met with Pacific Watersheds Associates (PWA), 3rd-Party certifier for the Water Board to evaluate our properties and counsel us on Best Management Practices (BMPs) at an initial cost of $3000.00 per assessor parcel. *This includes the Water Board's fee of $700.00 for Tier 1 or $1750.00 for Tier 2.*
- $1300.00 - $1800.00 for PWA Office data entry, map development, project communication and administration, and waiver program tracking by PWA for the Water Board.
- $1500.00 - $2000.00 for a PWA Water Resource Protection Plan (WRPP) required by the Water Board
- Hobart Scale $576.00 for 9.31 program required by the Ag Commissioner (not the right type of scale)
- Zip Ties Summer 2016 $25 each (instituted by the BOS) $625.00 for a Cottage Grow , $2500.00 for 9.31 program

Start-up Costs 2015 - 2016:

Low Cost	High Cost (9.31)	
$3680.00	$3680.00	Mutual Benefit Corp
1500.00	3000.00	PWA Onsite Evaluation (NCRWQCB 3rd Party Cert)
1300.00	1800.00	PWA Data Entry Etc. (NCRWQCB 3rd Party Cert)
1500.00	2000.00	PWA Water Resource Protection Plan "" ""
~~700.00~~	~~1750.00~~	~~NCRWQCB Enrollment Fee (included in initial PWA fee)~~
625.00	2500.00	Zip Ties
00.00	476.00	Hobart Scale
00.00	990.00	County 3rd Party Certifier
00.00	25.00	Hobart Scale Certification
100.00	100.00	Dr. Prescription
$8705.00	$14,571.00	**TOTAL**

2017

- California Department of Fish & Wildlife (CDFW) fee - $5000.00? or $3000.00? or none? This is determined by whether or not any of the work required under the WRPP directly impacts a natural stream course.

- $561.00 for CDFW Lake and Streambed Alteration Agreement per culvert required for stream crossings or any other minor instream encroachment .

- At least $700.00 annual fee to NCRWQCB for tier I and $1750.00 for Tier 2 if working with a Water Board 3rd Party Certifier ($1000.00 for Tier 1 and $2500.00 for Tier 2 if working directly with the Water Board - no 3rd Party Certifier)

- A $ 1000.00 - $2000.00 annual fee to 3rd Party Certifier to NCRWQCB 2500.00

- Implementing the WRPP Plan will require $5000 - $6000 for Heavy Equipment work on my 3/4 mile road (to replace undersized culverts, install ditch relief culverts, redesign roads with rolling dips, out-slope the road, gravel, etc.

- County Permit? - $2500.00

Costs for 2017:

Low Cost	High Cost (9.31)	
$00.00	$3000.00, or 5000.00	CDFW Marijuana Cultivation Fee
00.00	561.00 or more	Each minor LSAA Fee
700.00	1750.00	NCRWQCB (if using 3rd Party Certifier
1000.00	2000.00	Annual NCRWQCB Monitoring (3rd Party Cert)
00.00	5000.00 or more	Heavy Equipment Work
2500.00	2500.00	County Permit?
800.00	800.00	Corporation Fee
$5000.00	$15,611.00 - 17,611.00 or more.	

Annual Fees

- At least $700.00 annual fee to NCRWQCB for tier I and $1750.00 for Tier 2

- $1000.00 - $2000.00 Annual compliance monitoring and reporting by PWA to the Water Board

- County Fees ???

- County 3rd party certifier for 9.31 cultivators $990.00 ???

- $100.00 annually for a doctor's prescription

- $800.00 annually (or bi-annually?) for Corporation fee.

- We're finding we have to hire an accountant who specializes in cannabis compliance to advise us on how to keep our books and files @$60/hr

You've decided that you're getting ...

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
LAKE AND STREAMBED ALTERATION AGREEMENTS AND FEES

EFFECTIVE OCTOBER 1, 2016

Note: Authority cited: Sections 713, 1609, and 12029, Fish and Game Code; and Section 21089, Public Resources Code. Reference: Sections 713, 1605, 1609, and 12029, Fish and Game Code; and Sections 4629.6(c) and 21089, Public Resources Code.

DEFINITIONS

The following definitions apply:

"**Activity**" means any activity that by itself would be subject to the notification requirement in subdivision (a) of Section 1602 of the Fish and Game Code.

"**Agreement**" means a lake or streambed alteration agreement issued by the department.

"**Agreement for routine maintenance**" means an agreement that:

(A) covers only multiple routine maintenance projects that the entity will complete at different time periods during the term of the agreement; and

(B) describes a procedure the entity shall follow to complete any maintenance projects the agreement covers.

"**Agreement for timber harvesting**" means an agreement of five years or less that covers one or more projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection.

"**Department**" means the California Department of Fish and Wildlife.

"**Extension**" means either a renewal of an agreement executed prior to January 1, 2004, or an extension of an agreement executed on or after January 1, 2004.

"**Major amendment**" means an amendment that would significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources, or require additional environmental review pursuant to Section 21000 et seq. of the Public Resources Code or Section 15000 et seq., Title 14, California Code of Regulations, as determined by the department.

"**Master agreement**" means an agreement with a term of greater than five years that:

(A) covers multiple projects that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine

maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement and for which specific detailed design plans have not been prepared at the time of the original notification; and

(B) describes a procedure the entity shall follow for construction, maintenance, or other projects the agreement covers.

(C) An example of a project for which the department would issue a master agreement is a large-scale development proposal comprised of multiple projects for which specific, detailed design plans have not been prepared at the time of the original notification. The master agreement will specify a process the department and entity will follow before each project begins and may identify various measures the entity will be required to incorporate as part of each project in order to protect fish and wildlife resources. The process specified in the master agreement may require the entity to notify the department before beginning any project the agreement covers and to submit the applicable fee. After the department receives the notification, it will confirm that the master agreement covers the project and propose measures to protect fish and wildlife resources in addition to any included in the master agreement, if such measures are necessary for the specific project. By contrast, if the large-scale development proposal is comprised of, for example, multiple residences, golf courses, and associated infrastructure projects for which specific, detailed design plans have been prepared by the time the entity notifies the department and the entity is ready to begin those projects, the entity may obtain a standard agreement only.

"**Master agreement for timber operations**" means an agreement with a term of greater than five years that:

(A) covers timber operations on timberland that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement; and

(B) describes a procedure the entity shall follow for construction, maintenance, or other projects the agreement covers. For the purposes of this definition, "timberland" and "timber operations" have the same meaning as those terms are defined in sections 4526 and 4527 of the Public Resources Code, respectively.

"**Minor amendment**" means an amendment that would not significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources, as determined by the department, or an amendment to transfer the agreement to another entity by changing the name of the entity to the name of the transferee.

"**Project**" means either of the following as determined by the department:

(A) One activity. An example of such a project is one that is limited to the removal of riparian vegetation at one location along the bank of a river, stream, or lake that will substantially change the bank.

(B) Two or more activities that are interrelated and could or will affect similar fish and wildlife resources. An example of such a project is the construction of one bridge across a stream that requires the removal of riparian vegetation, the installation of abutments in

or near the stream, and the temporary de-watering of the stream using a diversion structure. Each of those three activities together would constitute one project for the purpose of calculating the fee under this section because they are all related to the single purpose of constructing one bridge at one location. By contrast, the construction of three bridges and two culverts across a stream at five different locations would not constitute one project, but instead would constitute five projects, even if each structure were to provide access to a common development site or were physically connected to each other by a road.

"Project" does not mean project as defined in Section 21065 of the Public Resources Code or Section 15378 of Title 14 of the California Code of Regulations.

"**Standard agreement**" means any agreement other than an agreement for gravel, rock, or sand extraction, an agreement for timber harvesting, an agreement for routine maintenance, a master agreement, or a master agreement for timber operations.

FEES

Standard Agreement

Fee if the term of the agreement is five years or less:

$561.00 if the project costs less than $5,000.

$704.00 if the project costs from $5,000 to less than $10,000.

$1,405.00 if the project costs from $10,000 to less than $25,000.

$2,109.00 if the project costs from $25,000 to less than $100,000.

$3,095.00 if the project costs from $100,000 to less than $200,000.

$4,198.00 if the project costs from $200,000 to less than $350,000.

$5,000.00 if the project costs $350,000 or more.

Fee submittal: If the entity requests an agreement with a term of five years or less, the applicable fee specified above shall be submitted with the notification.

Fee if the term of the agreement is a Long-term agreement, longer than five years:

$6,750.00 base fee, plus:

$561.00 if the project costs less than $5,000.

$704.00 if the project costs from $5,000 to less than $10,000.

$1,405.00 if the project costs from $10,000 to less than $25,000.

$2,109.00 if the project costs from $25,000 to less than $100,000.

$3,095.00 if the project costs from $100,000 to less than $200,000.

$4,198.00 if the project costs from $200,000 to less than $350,000.

$6,328.00 if the project costs from $350,000 to less than $500,000.

$11,249.00 if the project costs $500,000 or more.

Fee submittal: If the entity requests an agreement with a term longer than five years, the base and the applicable project fee specified above shall be submitted with the notification.

For the purpose of this subsection, project cost means the cost to complete each project for which notification is required. Project costs shall include, but are not limited to, the cost of all investigations, surveys, designs, labor, and materials required to complete the project.

A notification for a standard agreement should identify only one project.

If an entity chooses to identify more than one project in a single notification, the fee shall be calculated by adding the separate fees for each project. For example, if a notification identifies three projects, one of which will cost less than $5,000 to complete, one of which will cost $7,500 to complete, and one of which will cost $17,500 to complete, the fee for the first project would be $561.00, the fee for the second project would be $704.00, and the fee for the third project would be $1,405.00. Hence, the total fee the entity would need to submit with the notification that identifies those three projects would be $2,670.00.

Notwithstanding the above, the department may require the entity to separately notify the department for one or more of the projects included in the original notification based on their type or location. If the department requires the entity to separately notify the department for one or more of the projects included in the original notification, the department shall return the original notification and fee to the entity, after which the entity may submit to the department separate notifications and a fee for each project.

An entity may not obtain a standard agreement for any project identified in the notification that qualifies for an agreement for gravel, rock, or sand extraction, an agreement for timber harvesting, an agreement for routine maintenance, a master agreement, or a master agreement for timber operations unless the department agrees otherwise.

Agreement for Gravel, Sand, or Rock Extraction

Any agreement for commercial or non-commercial mining or extraction of gravel, sand, rock, or other aggregate material.

Fee if the term of the agreement is five years or less:

$1,405.00 if the annual extraction volume identified in the notification is less than 500 cubic yards.

$2,812.00 if the annual extraction volume identified in the notification is 500 to less than 1,000 cubic yards.

$5,000 if the annual extraction volume identified in the notification is 1,000 or more cubic yards.

Fee submittal: If the entity requests an agreement with a term of five years or less, the applicable fee specified above shall be submitted with the notification.

Fee if the term of the agreement is longer than five years:

$28,123.00 base fee, plus an annual fee of $2,812.00.

Fee submittal: If the entity requests an agreement with a term longer than five years, the base fee shall be submitted with the notification, and the annual fee shall be submitted as specified in the agreement.

Agreement for Timber Harvesting

Pursuant to subdivision (c) of Section 4629.6 of the Public Resources Code, no fee shall be required if the department received the notification after July 1, 2013. This includes a notification made to the department pursuant to Section 1602 or Section 1611 of the Fish and Game Code.

Agreement for Routine Maintenance

Fee if the term of the agreement is five years or less:

$3,376.00 base fee, plus $281.00 for each maintenance project completed per calendar year.

Fee if the term of the agreement is longer than five years:

$6,750.00 base fee, plus $281.00 for each maintenance project completed per calendar year.

Fee submittal: The base fee shall be submitted with the notification, and the project fee shall be submitted as specified in the agreement.

Master Agreement

Fee: $84,368.00 base fee, plus:

An annual fee of $7,030.00, unless the department specifies otherwise.

$704.00 for each project the agreement covers, unless the department specifies otherwise.

Fee submittal: The base fee shall be submitted with the notification. The annual fee and project fee shall be submitted as specified in the agreement.

Timber Master Agreement

Pursuant to subdivision (c) of Section 4629.6 of the Public Resources Code, no fee shall be required if the department received the notification after July 1, 2013. This includes a notification made to the department pursuant to Section 1602 or Section 1611 of the Fish and Game Code.

Additional Fee for Marijuana Cultivation Sites That Require Remediation

If the purpose of an agreement, or major amendment to an agreement, is to remediate a marijuana cultivation site, the entity shall submit the applicable fee below, which shall be in addition to the fee for the agreement or major amendment, in accordance with subdivision (d) of Section 12029 of the Fish and Game Code.

Fee:

$3,000.00 if the total remediation area is less than or equal to 1,000 square feet as determined by the department.

$5,000.00 if the total remediation area is greater than 1,000 square feet as determined by the department.

Fee submittal: The fee specified above shall be submitted with the notification or amendment request by separate check or other method of payment.

Extensions for Agreements

To request an extension for an existing agreement, complete an Extension Request Form, and submit to the appropriate department Regional office with the proper fee. An extension request must be made prior to expiration date of the agreement. An extension is not an amendment.

Fee: $562.00.

Fee submittal: The fee specified above shall be submitted with the request for an extension.

Amendments

The holder of a Lake or Streambed Alteration Agreement may request the department to amend the agreement, provided the request is submitted to the department in writing prior to the agreement's expiration. To request an amendment for an existing agreement, complete an Amendment Request Form, and submit to the appropriate department Regional office with the proper fee. A project may not be added to an agreement by amendment unless the agreement specifies otherwise.

Minor Amendments -

Fee: $421.00.

Major Amendments -

Fee: $1,405.00.

Fee submittal: The fee specified above shall be submitted with the request for an amendment.

California Environmental Quality Act (CEQA)

When the department is required to act as lead agency to administer and enforce Sections 1600-1616 of the Fish and Game Code, the department may charge and collect a reasonable fee from the entity to recover its estimated CEQA-related costs in accordance with Section 21089 of the Public Resources Code. The department may recover its estimated CEQA-related costs by collecting from the entity one or more deposits.

Fee submittal: If the entity requests an agreement with a term longer than five years, the base fee shall be submitted with the notification, and the annual fee shall be submitted as specified in the agreement.

Agreement for Timber Harvesting

Pursuant to subdivision (c) of Section 4629.6 of the Public Resources Code, no fee shall be required if the department received the notification after July 1, 2013. This includes a notification made to the department pursuant to Section 1602 or Section 1611 of the Fish and Game Code.

Agreement for Routine Maintenance

Fee if the term of the agreement is five years or less:

$3,376.00 base fee, plus $281.00 for each maintenance project completed per calendar year.

Fee if the term of the agreement is longer than five years:

$6,750.00 base fee, plus $281.00 for each maintenance project completed per calendar year.

Fee submittal: The base fee shall be submitted with the notification, and the project fee shall be submitted as specified in the agreement.

Master Agreement

Fee: $84,368.00 base fee, plus:

An annual fee of $7,030.00, unless the department specifies otherwise.

$704.00 for each project the agreement covers, unless the department specifies otherwise.

Fee submittal: The base fee shall be submitted with the notification. The annual fee and project fee shall be submitted as specified in the agreement.

Timber Master Agreement

Pursuant to subdivision (c) of Section 4629.6 of the Public Resources Code, no fee shall be required if the department received the notification after July 1, 2013. This includes a notification made to the department pursuant to Section 1602 or Section 1611 of the Fish and Game Code.

Additional Fee for Marijuana Cultivation Sites That Require Remediation

If the purpose of an agreement or major amendment to an agreement is to remediate a marijuana cultivation site, the entity shall submit the applicable fee below, which shall be in addition to the fee for the agreement or major amendment, in accordance with subdivision (d) of Section 12029 of the Fish and Game Code.

Fee:

$3,000.00 if the total remediation area is less than or equal to 1,000 square feet as determined by the department.

$5,000.00 if the total remediation area is greater than 1,000 square feet as determined by the department.

Fee submittal: The fee specified above shall be submitted with the notification or amendment request by separate check or other method of payment.

Extensions for Agreements

To request an extension for an existing agreement, complete an Extension Request Form, and submit to the appropriate department Regional office with the proper fee. An extension request must be made prior to expiration date of the agreement. An extension is not an amendment.

Fee: $562.00.

Fee submittal: The fee specified above shall be submitted with the request for an extension.

Amendments

The holder of a Lake or Streambed Alteration Agreement may request the department to amend the agreement, provided the request is submitted to the department in writing prior to the agreement's expiration. To request an amendment for an existing agreement, complete an Amendment Request Form, and submit to the appropriate department Regional office with the proper fee. A project may not be added to an agreement by amendment unless the agreement specifies otherwise.

Minor Amendments -

Fee: $421.00.

Major Amendments -

Fee: $1,405.00.

Fee submittal: The fee specified above shall be submitted with the request for an amendment.

California Environmental Quality Act (CEQA)

When the department is required to act as lead agency to administer and enforce Sections 1600-1616 of the Fish and Game Code, the department may charge and collect a reasonable fee from the entity to recover its estimated CEQA-related costs in accordance with Section 21089 of the Public Resources Code. The department may recover its estimated CEQA-related costs by collecting from the entity one or more deposits.

Payment of Fees

The department may refuse to process a notification, or a request for an extension, or a request for a minor or major amendment until the department receives the proper fee or fees.

Method of Payment.

Any fee specified herein shall be made to the Department of Fish and Wildlife by check, money order, or credit card accepted by the department.

To pay a fee by credit card, the department's Credit Card Payment Authorization Form (DFW 1443b (8/15)) shall be completed in full and submitted to the department with the notification form, request for an extension, or request for a minor or major amendment, unless the fee is paid in person at one of the department region offices. The form is available on the internet at: www.wildlife.ca.gov/Conservation/LSA/Forms.

If the fee is paid by credit card, the department shall assess a separate credit card processing fee of 1.6% to recover handling costs and credit card company charges.

Refunds

The department may not refund or return any fee specified herein except as specified below.

(A) If an entity requests an agreement with a term longer than five years and the department denies the entity's request, the department shall return the fees paid and instruct the entity to submit the applicable fee for an agreement with a term of five years or less.

(B) If an entity identifies more than one project in a single notification, and the department requires the entity to separately notify the department for one or more of the projects in accordance with subsection (b)(4)(A), the department shall return to the entity the fee with the original notification.

(C) If after receiving a notification the department determines that the fee submitted was more than the amount required, the department shall refund to the entity the excess amount.

(D) If after receiving a notification the department determines that notification is not required because the project is not subject to subdivision (a) of Section 1602 of the Fish and Game Code, the department shall refund to the entity any fees submitted with the notification.

Type of Agreement

The department shall determine at its sole discretion the type of agreement the entity may obtain for a project or projects.

2200.7 Annual Fee Schedule for Marijuana Cultivation

(a) Annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges associated with marijuana cultivation shall be as follows:

(1) Category 1: If a discharger is not a member of a group that has been approved by the appropriate Regional Water Quality Control Board, the following fee schedule applies

Tier	Discharge Threat[1]	Annual Fee
1	Low Threat to Water Quality	$1,000
2	Moderate Threat to Water Quality	$2,500
3	Elevated Threat to Water Quality	$10,000

(2) Category 2: If a discharger is a member of a group that has been approved by the appropriate Regional Water Quality Control Board, the following fee schedule applies:

Tier	Discharge Threat[1]	Annual Fee[2]
1	Low Threat to Water Quality	$700
2	Moderate Threat to Water Quality	$1,750
3	Elevated Threat to Water Quality	N/A

[1] As assigned by the appropriate Regional Water Quality Control Board

[2] Dischargers in Tier 3 may join a third-party group, but must pay the Category 1 fee unless the Regional Water Quality Control Board subsequently assigns the Discharger to a lower tier. Any Discharger that is required by the Regional Water Quality Control Board to take corrective action shall be subject to the fee schedule in Category 1 for a minimum of one billing cycle, and for all subsequent billing cycles until all corrective actions are complete as determined by the Regional Water Quality Control Board.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Sections 13260 and 13269 of the Water Code.

2200.8 General Requirements for the Use of Recycled Water

Any person who serves as an Administrator under a General Order authorizing the use of recycled water shall pay an annual fee in accordance with the threat/complexity ratings in Section 2200(a) for each recycled water program that the person administers. The first annual fee shall be submitted with the Notice of Intent to be covered by the General Order.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 of the Water Code.

2200.9 Annual Fee Schedule for Waivers of Waste Discharge Requirements.

(a) Any person for whom waste discharge requirements have been waived pursuant to Section 13269 of the Water Code shall submit an annual fee to the State Board if a fee is specified for the waiver in this section. These fees shall apply whether or not a regional board or the State Board has previously waived the payment of fees for the discharge of waste.

(b) [reserved]

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13269 of the Water Code.

From: <simplegreenman@gmail.com>
To: <mccowen@co.mendocino.ca.us>
Date: 3/21/2017 1:13 PM
Subject: To The Mendocino Coun... from Web

To The Mendocino County Board of Supervisors:

I am writing in concern to an issue on the Cannabis Cultivation Ordinance I would like to address. I would like to raise a few points on the "proof of prior cultivation" provision. I completely understand the reasoning behind this but I think there is a better way to approach the situation without making it a three-step process.
In order to get as many people as possible compliant, I propose to make the "proof of prior cultivation" a one or possibly two step process.

Firstly, I propose that anyone who successfully completed the 9.31 exemption process last year should automatically be allowed to apply for a cultivation permit this year. The several hundred people that applied last year jumped through many hoops and spent countless hours to establish compliance. These folks, who came out of the shadows were pioneers and put full faith and trust in the local government and police in order to show that they were willing to make a change. They should not be further scrutinized now, and possibly risk not getting a permit because they can't show "proof"

I think it makes logical sense to simply allow air photo/ satellite imagery as proof. There is really no better way to prove that cultivation existed on the property prior to 2016.

If for some reason folks can't show proof through air photos then other forms may be submitted such as, date marked photos, substantial receipts from grow stores, etc.

Forcing people to provide 3 forms of proof will definitely become a burden on many, otherwise compliant growers. For example many growers have refrained from taking any photographs of their gardens for fear of self -incrimination.

I hope you understand and please take some steps to refine the ordinance in order to facilitate as many people as possible who are trying to become compliant.

Lastly, thank you for all of your hard work in establishing this ordinance.

Sincerely
Adam Woolace

Page: http://www.co.mendocino.ca.us/bos/district2.htm
Browser: Mozilla/5.0 (Macintosh; Intel Mac OS X 10.11; rv:52.0) Gecko/20100101 Firefox/52.0
IP: 47.208.141.23, DT: 2017-03-21 13:04:06
d: 1

Ted and Carole Hester

1771 Wildwood Rd. . Ukiah, CA 95482 . (707) 463-1231
tedahester@juno.com
Carole Cell: (707) 972-2795 . carolehester@juno.com

To: Mendocino County Board of Supervisors
From: Ted and Carole Hester, Part of a Cadre of Concerned Deerwood Neighbors
Date: March 21, 2017
Re: Commercial Marijuana Cultivation in Residential Neighborhoods
CC: County Counsel, Clerk of the Board, Carmel Angelo

I appeared before you in February with the urgent request

" We ask that you
Prohibit all *indoor/outdoor* commercial cultivation
of marijuana in RR5 zoning and lower,
including existing operations as well as future operations
...INCLUDING NO GRANDFATHERING for existing operations"

The Deerwood Subdivision is zoned RR1 through RR5. There are 130 parcels.

My issue is with Cannabis, which has become such a plague over the land and a $7 billion dollar industry. You may know that Mendocino County is known ALL OVER THE GLOBE for quality conditions to grow this product – this is NOT the identifier by which we should be known. We used to be touted as the best pear orchards, vineyards, etc. – crops that do not damage the earth nor our people. There are legion horror stories over the negative impact over our children, our neighborhoods, our earth as the raping and pillaging over virgin land and water is ruined. We are under siege.

There is an elephant in the room that this Board is not addressing. As Attorney General Jeff Sessions expressed, "...Too many lives are at stake to worry about being fashionable," referring to PC tolerance of drug use these days.

Whether medical or recreational, it's not just law enforcement who is seeing a rise in negative impact of this drug, but medical staff, teachers, and those who work with the public speak clearly if not loudly as to the change in our land.

Deerwood is residential – not commercial - and we are concerned about an increase in traffic, danger to our families and children, property value and potentially flight of families from an area tolerating these Marijuana cultivations.

As part of a consortium of residents in the greater Ukiah area, we have testified before the Board of Supervisors about the criminal element now present in our neighborhood.

Growers with attack dogs and bright lights shining into neighbors' windows all night long; traffic on streets not built for business. Growers who don't care that they don't have to register all their gas and propane engines, their pesticides, their illegal water use. True farmers spend at least one day a week in their office filling out all the forms required to be a farmer in today's environment. Not so the Growers. One Grower responded to a farmer, "I don't want to have to do all that regulations stuff." What makes anyone think that by imposing rules and regulations that these folks will all of a sudden want to become legal and abide by the same rules as every legitimate farmer? I think not.

Why should someone's business, in a residentially zoned area, take precedence over those who live there. CC&Rs in many neighborhoods, given in disclosure at the time of purchase of residential home/property, state unequivocally no business. However, to enforce these rules, we would have to hire an attorney – with funds we don't have – to fight the Growers.

Redemeyer Road is the only road in and out, supporting four subdivisions: Vichy Springs; El Dorado; Deerwood; and Redemeyer. Road infrastructure has already deteriorated and will continue to do so with more trucks and vehicles using Redemeyer Road during harvest. When Growers begin processing their product, we then fear the potential of fire.

We do not want Marijuana or any of its byproducts of any kind in our neighborhood, neither outdoor nor indoor. We also do not want processing.

Allowing or even encouraging indoor Marijuana cultivation as an *alternative* to outdoor cultivation defeats the purpose of excluding cultivation in residential neighborhoods. **Indoor cultivation presents virtually all the same threats to neighborhood peace and safety as outdoor cultivation, including the increased risk of home invasions.** All the other negative impacts, including decreasing property values and limiting housing availability, will still be present with indoor cultivation. We strongly urge the Board of Supervisors to eliminate ALL marijuana cultivation and production in Zones RR5 and lower.

Ted A. Hester

(Mary) Carole Hester