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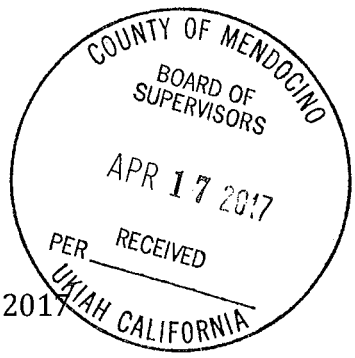

Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

April 17, 2017

Re: 4/17/18 Agenda Item 5a (9.30 & 9.31)

Dear Honorable Supervisors and dedicated Staff:

There are two main issues I request the Board take into account before passing any 9.31 amendments:

First, **please convert the 25 plants per parcel to 2500 square feet. The Staff Memo for this agenda item specifically states that the idea is to be as consistent as possible between 9.30, 9.31 and 10A17.** Both medical cultivation exemption amounts and commercial cultivation amounts are measured in square feet. Please covert 9.31 to square feet. As you all realize, mixed light and indoor operations are much more viable on the coast. To not give the same interpretation of canopy size based on square footage would be patently unfair. As has been mentioned before, growing on the coast exists; we are merely requesting that how it is counted is the same.

Second, there is a terrible potential that coastal zone residents will be shut out of State licenses in January if care is not taken to either pass a regular permitting process for them (probably not realistic given that the proposed ordinances have not been submitted to the Coastal Commission yet) or craft an alternative that will allow them to be on similar footing as their inland neighbors by either passing an URGENCY ORDINANCE specific to them or, create a process by which the coastal zone resident may request a site inspection by some department in the County (with an inspection fee) and if the person is in fact in compliance with 9.31, they are entered into a database that the County will transmit to the state. There is no way to know if that will be enough (see below, where the applicant might have to also do an EIR), but if the County does not take specific care to create a process that might satisfy the state (with or without the need for an EIR to be done by the applicant), these citizens will be shut out of the state licensing process. It is important that the County do everything it can to create a process that minimizes the likelihood that the applicant would have to also conduct an EIR, since, they will likely not have with ability to do it. The state came up with this potential solution (allow for applicants to submit an EIR in lieu of a permit) for places that had not passed any permitting procedures **but the reality is it is only feasible in places where much more cultivation is permitted and therefore the applicant**

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would be able to afford the EIR.

If these steps are not taken to ensure that coastal zone residents have a path forward, you will be effectively abandoning them and sending the message that they might as well just go underground.

Here is the proposal by the State to synthesize the two versions of the process of local compliance as a prerequisite for state license eligibility under MCRSA and Prop 64:

The following is from the Department of Consumer Affairs, Bureau of Cannabis Control Proposed Trailer Bill Legislation:

"**Summary of Changes**: Below are some of the key differences between AUMA and MCRSA and the Administration's proposed solutions for addressing these issues:

Dual State and Local Licensing:

Under MCRSA, a local permit, license, or other authorization is a prerequisite for obtaining a state license. Under this law, the applicant is responsible for providing proof of compliance with these local requirements to state licensing authorities.

Under Proposition 64, adult-use cannabis businesses must be in compliance with any local ordinance or regulation in order to obtain a license, but the burden is on the state licensing authorities to determine whether or not businesses are in fact in compliance.

Proposed solution:

With 58 counties and 482 cities, it is unrealistic to expect the licensing entities to verify that each applicant is in compliance with any local law or regulation. The proposed solution does the following:

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1) Since, the state licensing authorities cannot require applicants to show proof of a local permit, new language will require the Bureau to work with local jurisdictions to collect all the ordinances that govern cannabis in the state, including those that have bans. Also, local jurisdictions shall be responsible for providing the contact for their jurisdiction, so that state licensing entities know who to call when questions arise about an applicant.

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2) Authorizes an applicant to voluntarily submit a copy of the permit, license, or local authorization to the state licensing entities for jurisdictions that have taken action to regulate cannabis and have completed a programmatic Environmental Impact Report (EIR) in order to issue local permits.

3) In instances where a local jurisdiction allows cannabis business to operate, but does not issue permits, then the applicant will be responsible for submitting the EIR for certification to the state licensing entity. This will be similar to how a land developer has to work on their own EIR before a project moves forward.

4) As an incentive for locals to take on more of the environmental compliance work, a narrow CEQA streamlining is proposed for local jurisdictions that moves forward to regulate.

The proposed solution maintains local autonomy of zoning and planning decisions while providing state regulators with local compliance information in a timely manner."

We do not know for certain whether this proposal will be adopted by the Legislature, but there is a very good chance that it will be.

Please take specific steps to address this situation for the coastal zone citizens. It was not their choice that the ordinance process did not yet materialize in their jurisdiction.

Thank you for your consideration.

Hannah L. Nelson