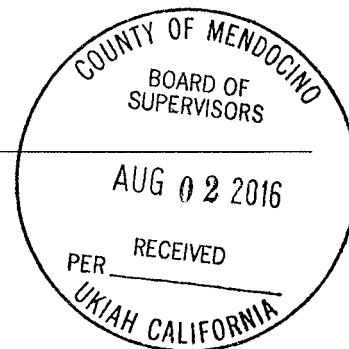


1 - Concern re: Permanent Ordinance for Tuesday BoS Meeting

From: Nikki Lastreto <nikkijturtle@gmail.com>
To: <bos@co.mendocino.ca.us>
Date: 8/1/2016 8:34 PM
Subject: Concern re: Permanent Ordinance for Tuesday BoS Meeting
Attachments: Swm Letter to BoS.docx



To: The Mendocino County Board of Supervisors

Re: Meeting Tuesday, August 2nd

Dear Madame and Sirs,

The Permanent Ordinance that you have proposed seems to have taken many of its features from our Heritage Initiative. However, all sorts of restrictive stipulations and multiple inspections were added and the allowable zoning districts were greatly reduced. In many ways, it is still just our old nemesis 9.31 back with more restrictive zoning.

There are numerous things I do not like about the Ordinance, but there are two main ones. First, cannabis cultivation is not defined as an agricultural crop or even an agricultural product. Second, this omission means that cannabis cultivation, which is found to be in violation of any of the myriad new regulations, is still defined as a nuisance. Presumably this means that the Sheriff or an agent of another regulating agency can still come and "summarily abate" someone's crop, under the normal nuisance abatement laws, without due process or right of appeal. Adding insult to injury, the victim of this destruction of their livelihood must also pay the cost of the enforcement operation, through asset forfeiture.

The most glaring deficiency of the Ordinance is the complete lack of any mention of ten categories of cannabis enterprise delineated in the State MCRSA Act. These are Cultivation types 3, 3A & 3B, Testing, Manufacture without solvents, Manufacture with solvents, two types of Dispensaries, Distribution and Transportation. The Mendocino County General Plan specifically mandates the fostering of locally sourced small industries. Manufacture of concentrates, edibles, tinctures and the like is particularly important to the county's economy and there are several Dispensaries currently operating in the county. Both categories are without any specific regulations, leaving them in legal limbo. In addition, disallowing one acre grows puts Mendocino at a disadvantage relative to other counties which do allow this size.

The 100 sq ft limit on a strict medical grow for oneself is much too small and would seem to be illegal since the Board of Supervisors are then in the role of determining a medical patient's prescription dose. There are patients requiring high doses to treat a particular disease who need up to 30 pounds per year. This tiny limit deprives them of their medicine.

In relation to the restrictions on cultivation area, I approve of canopy square footage instead of plant count, but nowhere in the Ordinance is "canopy" defined. This is a key issue, a hot button issue which has been a bone of contention amongst farmers and in discussion with various Supervisors and county officials. "Canopy" needs to be precisely defined.

New Zoning restrictions are onerous as well. In Mendocino County the General Plan highlights

Agriculture as a primary activity in Mendocino. Further, all Zones in the County are allowed "Row and Field Crops" and "Horticulture". Severely limiting the permitted zones for cannabis cultivation is not only contrary to the General Plan, it also deprives many citizens of their stated right to grow row and field crops. This will also reduce the number of jobs that cannabis enterprises have created in the county over the last 30 years.

What most small growers are trying to do is survive in a challenging new environment and also demonstrate that we are just as concerned about protecting the environment and preserving our way of life here in the beautiful mountains of Mendocino as any one else. To this end we are very willing to work with all the State and County agencies tasked with the enforcement of environmental and other regulations which are listed in the Ordinance and State law. Fair and equitable rules and enforcement is what we ask.

Indeed, many of these new regulations are overly detailed and petty. Why do certain types of permits require a 100 foot setback? Fifty was the previous limit and many currently compliant farmers face great expense to move their garden plot. It would be better to grandfather in those previously existing gardens, rather than make them apply for a special setback reduction. Why is a "legal dwelling unit" required on every cultivation parcel? Why is a residential structure that has undergone conversion prohibited? Why does every cultivation permit have to go through the Planning Department? Why aren't indoor grows allowed in AG zones? They allow wineries and dairies to have large buildings for processing, why not indoor grows or processing facilities for cannabis?

Basically we want to be regulated like all agriculture. To this end, I applaud the Ordinance for beginning a process of Appellation for Mendocino Cannabis and for organic certification, which is also stated in the State MCRSA law.

There are also provisions that I would like to see added to the Ordinance. The most important one is to allow for "non-distributor" transport of cannabis materials within the county between cultivator, nursery, grower, tester, manufacturer, dispensary or other markets. In addition, growers should be allowed to sell extra clones and seed starts (or be able to have a nursery license as well), organize farmers' markets and have direct sales to dispensaries or other retail outlets, just as small wineries are permitted. Again, the cannabis community wants to be regulated like other comparable industries.

This Ordinance would be serviceable with some detailed revision, but as it is, it's way too restrictive, and still talks only of cultivation. Nevertheless, it obviously took much from the Heritage Initiative, which demonstrates the power of concerned citizens when they are organized, engaged, and make their voices heard.

I hope you are considering passing the Mendocino Heritage Initiative at Tuesday's meeting, as it addresses all of the above issues.

Thank you very much for your time and efforts during this very important time in our county,
Swami Chaitanya
PO Box 2041
Laytonville, CA 95454

- From Valerie Edwards, farmer in Laytonville, CA

From: Candy Bliss <mycandybliss@gmail.com>
To: <bos@co.mendocino.ca.us>
Date: 8/1/2016 8:50 PM
Subject: From Valerie Edwards, farmer in Laytonville, CA

Please strike the 2-acre minimum.

To place a 2-acre minimum will leave many communities that are made up of smaller parcels outside of the regulated system, it discriminates against the most financially vulnerable constituency, and prohibits something they have been doing for years. Mendocino County has many small farmers who struggle to make financial ends meet and are trying to do so by growing on the only parcels they can afford. Prices are already going up on land and the children of many native Mendocino-ites may no longer afford to buy property in their birth county. You say you want to protect the small farmers, then my suggestion is to either strike the 2-acre minimum, or to establish zoning overlays that will exempt this arbitrary 2-acre minimum, and allow neighborhoods who have been cultivating and working together for years, to continue to do so.

How was this arbitrary 2-acre minimum arrived at? Was it to represent and protect your constituents who complain about the smell?

Hopefully we are all aware of the Oregon court ruling in a criminal case that the smell of marijuana – smoke or growing plants – are not physically offensive, which would require some element of physical distress to the body. The court ruled that for the smell to be a violation of their nuisance law, the actor, in our case – farmer, must either intend to cause, or recklessly risk causing, public inconvenience, annoyance, or alarm.

Growing an agricultural crop that has a distinctive signature fragrance does not constitute a party to intentionally or recklessly risk causing public harm. Good or bad smells generally are not objective, they are subjective and constitute personal preference.

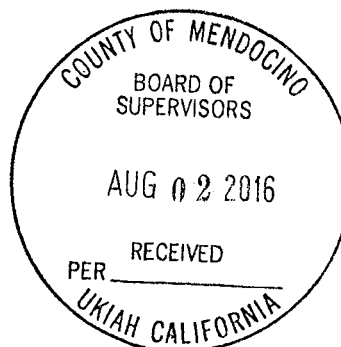
I would ask you to inquire of your constituents who complain about the bouquet, to present to you the objective evidence of how the smell has caused physical distress to their body. If they can't show objective evidence, then we can assume that their distress is purely subjective and based on personal preference and your reference to it and regulations to protect them, are solely political.

Strike this politically instigated 2-acre minimum and allow the neighborhoods who are made up of tiny farms, and who have been cultivating, and working together as communities to continue. If you find it necessary to side with your political chums, then please allow zoning overlays to protect the small farms who have been the environmental protectors and warriors of Mendocino County, and who are the salt of the earth in this county.

Thank you,

Valerie Edwards

Farmer – Laytonville, CA



- For BOS meeting August 2, 2016 regarding proposed marajuana ordnance

From: Deborah Kelley <Kelley_Deborah@msn.com>
To: "bos@co.mendocino.ca.us" <bos@co.mendocino.ca.us>
Date: 8/2/2016 12:04 AM
Subject: For BOS meeting August 2, 2016 regarding proposed marajuana ordnance

August 1, 2016

Dear Supervisors,

My name is Deborah Kelley and I have been a resident of Laytonville since December 2008. I have grown marajuana under the 2010-2011 sheriff/county 9.31 program and have registered with this years 9.31 program. I own ten acres that is 336 feet wide and 1,326 feet long with the beautiful Cahto Creek running in the back. If I have to comply with the 100 foot setbacks I will be forced out of business. My property is wooded on the south side and I can only grow on the north-side because of the shade the trees create. The 50 foot setback is hard enough but 100 feet would whip me out of business. I have no immediate neighbors to complain of smell or noise from a farm. **Please consider a 50 foot setback or at least a waiver procedure.**

I have worked my whole live. I ran a mental health agency in San Francisco for thirteen years where I served on numerous advisories committees to the SF Board of Supervisors on Mental Health and Disability. I have taught at Sonoma State University and San Francisco State University. I owned my own business buying, selling and renovating properties in the East Bay and Sacramento and have owned my own store in Marin County. I am retired and live on Social Security and the money I have saved and invested. I am not so different from many of the growers I know or from you. I need the additional income I make growing marajuana to live. This is not something I do for fun but rather it is a job I need for my survival.

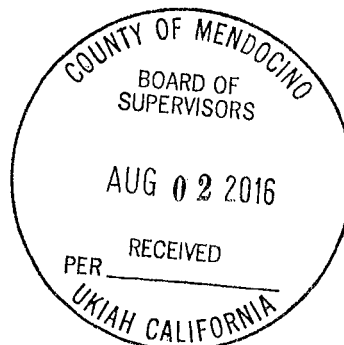
We, marajuana growers, are trying to create a sustainable business that will encourage independence, community and political involvement, and something that we can pass on to our children. An agricultural business that gets passed down. We all know in the years to come Marijuana will be declassified and the federal government will accept it as a legal legitimate business. It is your job to assist in making it a legitimate business that the citizens of Mendocino can excel at. You are on the cutting edge and I appreciate your willingness to get help understanding an industry that has been going on for decades that you knew very little about.

We need an ordnance that allows single moms and dads, retired folks and small families to grow six to twenty-five plants to supplement their income and be independent contributing citizens. **To require a minimum of two acres in rural Laytonville, and other small communities, is unfair and will hurt many, many growers that rely on this income to make it.** They rely on this income to be healthy, happy, contributing citizens of this county. In Laytonville, as well as many small communities, there is a huge population of people who will fall into poverty if they are unable to supplement their income with marajuana.

The regulations you pass will last for generations. We will either have an industry that supports the families of this county or one that will slowly but surly cut out family business, eliminate legitimate ways that single mothers, fathers, and senior citizens have to supplement their income. YOU can create an industry that supports families, retired folks and entrepreneurs but its up to you. **Please consider making a one acre minimum grow area with 50 feet setbacks on all properties.** Please support those of us who elect and support you.

Sincerely,

Deborah Kelley
P.O. Box 1723
Laytonville, CA 95454
415-407-4771



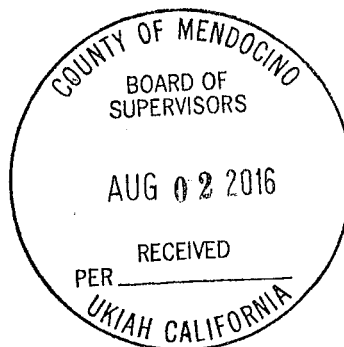
- Cal Growers Comment Letter

From: "Casey O'Neill" <casey@cagrowers.org>
To: <bos@co.mendocino.ca.us>
Date: 8/2/2016 6:40 AM
Subject: Cal Growers Comment Letter
Attachments: 8_2_16 Ordinance Responses.docx

Attached you will find the comment letter from California Growers Association regarding the current cannabis permitting process. Thank you.

--

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





Mendocino County Board of Supervisors and Staff regarding the Medical Cannabis Ordinance.

California Growers Association

Cannabis regulation has huge ramifications for our community; it is not an easy task and we applaud the Board for moving forward with this process. Our main concerns are the changes that took place when the process went from the Ad-hoc Committee to the General Government Committee. We believe that this is a result of unclear messaging, and that this problem can be rectified with the following steps:

- **Remove the Minimum Acreage for Cottage Permits:** We believe the intent of the Board was that anyone who could comply with the setbacks and limitations of the current ordinance would be eligible to apply for a cottage level permit. A two acre minimum will render many cultivators noncompliant.

-**Use Permits:** We were pleased to see that "Chart #2" in the current draft has the appropriate Building and Planning guidelines. As noted at the last Board Meeting, Building and Planning does not have the resources to conduct extensive Use Permit Application Processes.

-**Setbacks:** The setbacks and limitations established by the current cultivation ordinance should be included in the new ordinance. When factored to include Water Board Stream setbacks and the lay of the land, expanded setbacks will mean that many currently legal cultivators will have to move their gardens, creating unnecessary environmental impacts and economic hardships, or will not be able to comply at all.

- **Misdemeanors:** During the early Ad-Hoc presentations to the full board, the topic of misdemeanors for non-compliance came up; we were of the impression that this topic had been settled and that misdemeanors would not be part of the equation. We were surprised to see them in this draft.

Slopes: Many existing cultivation sites are on steep slopes; this should be acceptable so long as appropriate mitigations are maintained (mulch, terracing, ground cover, appropriate drainage). If the site meet the Water Board Permit standards then it should suffice for County Permitting.

- **Medical Exemption:** We know of many parcels on which several medical patients reside. The Medical Exemption for Patients and Caregivers should mirror MCRSA with 5 (500 sq ft). The Medical Exemption should clearly state that square footage will be measured by non-contiguous canopy (i.e. cultivators can grow plants in separate areas so long as they do not exceed 100 square feet of total canopy).

- **TPZ and FL:** Cultivators should have the opportunity to come into compliance on these parcels.

- **Clustering or Zoning Overlays:** In addition to staff's suggestion to consider some sort of clustering for cannabis processing and distribution, creation of some form of Zoning Overlay may be applicable to existing rural neighborhoods in which cottage cultivation is already concentrated. Creation of a zoning overlay may be a way to address the issue of setback waivers by creating zones in which waivers between neighboring cultivators would be automatically approved.

- **Multiple Cultivation Sites:** Language around "single site" in the Planning Dept's Attachment E needs clarification. Cultivators often utilize multiple cultivation sites on the same parcel. For parcels with multiple households, multiple permits need to be allowed, as long as they do not cumulatively exceed the maximum allowable square footage.