



MENDOCINO COUNTY *MEMORANDUM*

Date: August 2, 2016

To: BOS

From: Supervisor McCowen
2nd District Supervisor

Subject: Draft Marijuana Ordinance (agenda item 6b)

We are at a critical point in determining the future of cannabis regulation in Mendocino County. The Board appears to be split on key features of ordinance development. However, I believe we are in agreement on the purpose and intent of the ordinance and that focusing on areas of agreement will help resolve our apparent differences. It is in that spirit that this memo is written.

We all know the history of a steady proliferation of unregulated marijuana cultivation and the negative community and environmental impacts that go with it. Forty years of the war on drugs has done nothing to reduce these impacts. We cannot arrest or enforce our way out of this situation. I believe we all want to see the creation of a regulatory framework that allows current cultivators who are operating legally, or who can do so, to be registered, inspected, taxed, and comply with a long list of conditions.

I believe our intent is to reduce or eliminate negative community and environmental impacts while also creating a legal regulatory framework for those cultivators who are currently legally compliant or who are able to be legally compliant. The regulatory framework can be likened to a box. In order to isolate illegal growers who have no intention of complying with the law, the "box" needs to be big enough to accommodate as many legal cultivators as possible.

The current setbacks and limitation have worked well overall and will work more effectively in a regulated environment. Increased restrictions will not be effective in disabling the black market if they exclude significant numbers of currently legal cultivators from the permitting process.

Increased setbacks, two acre minimums for cottage permits, and Administrative and Use Permits all make sense if we were starting from scratch, but we are confronted with an existing industry with thousands of participants with no currently effective method of separating "legal" growers from illegal.

Instead of adopting prohibitive restrictions for currently compliant cultivators, I believe a more community and environmentally protective approach is to bring as many cultivators as possible into the regulatory "box"; strictly limit new cultivators; and increase the resources devoted to eradication of trespass and other environmentally damaging grows.

I believe a reasonable compromise is to retain the current setbacks and limitations, which have been the law since 2010, but also adopt the following measures:

- no permits for new cultivators until 2020 and then only within irrigated agricultural lands or with a watershed assessment that proves sufficient water availability;
- increased enforcement that targets trespass and other environmentally damaging grows;
- increased setbacks and acreage limitations for all new permits;
- use permits for selected categories;
- a program that encourages relocation for currently legal cultivators who are found to create neighborhood impacts that cannot otherwise be resolved.

Thank you for your consideration of these points.