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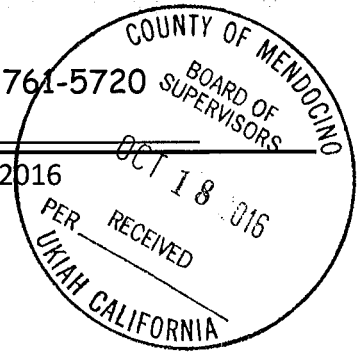
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Board of Supervisors
501 Low Gap Road, Room 1010
Ukiah, CA 95482

October 18, 2016



Re: Cannabis Cultivation Licensing

Dear Honorable Board Members:

As the proposed ordinance regarding cannabis cultivation moves forward, including through the CEQA process, there are a few matters that I urge you to consider and a few questions I hope can be answered:

1. The use of the "prior cultivation" date of 1/1/16 started out as a way to establish priority processing. The language was borrowed from one of the few details initially known about the upcoming state regulations. **As the term is now utilized, it appears it has morphed into a means to limit the number of people that can qualify for a permit locally regardless of whether they have actually been cultivating in the County prior to that date.** Given the lengthy history of the need for cultivators to hide their activities, the state is now considering allowing alternative forms of proof of prior commercial cannabis activities, such as sworn declaration by the applicant. **The State is NOT contemplating the use of photographic evidence whatsoever.** At one time, this Board directed staff to include an alternative means of proving prior cultivation to the Ag Commissioner and language was added to the proposed ordinance. However, that language was then added as an additional requirement instead of an alternative means of providing proof. Please consider directing that the additional means of proof (acceptable to Ag Commissioner) can be as an alternative to the other proof listed or not. Also, please consider that there may be a fairer way to limit the number of permits or licenses issues than whether photographic proof exists. I continue to have severe concerns regarding forcing persons who WANT to be regulated to violate their Fifth Amendment right against self-incrimination in order to qualify for an application in the proposed ordinance scheme. Surely, there can be better ways to determine who you want to apply for permits and how many permits to issue. If the goal is to get into regulation the existing cultivators, this is not the method that will best accomplish that goal.
2. The State Pre-Regulatory process gave the public clear specific regulatory goals to obtain specific comments on and is making sure that the specific regulations that are being drafted match the regulatory goals. It has been an effective technique in both focusing on important goals and in directing input to address those goals. I believe that some of the language in the proposed ordinance is still murky on certain issues because there was not always a clear goal enunciated. Please consider reviewing the provisions of the proposed ordinances with the following questions in mind: What is the regulatory goal we are trying to accomplish? Is this the best way to achieve those goals? And, finally, will use of the language we are proposing accidentally create a different problem?
3. Please consider effectuating a wider and more advanced publication of notice to the public concerning when the CEQA process comment period ends, where and when public comment on the project will occur and any other relevant information to maximize public input. At one point, it was stated that there might be a public hearing (towards the end of the public comment period) in early November, but it is unclear as to whether that will be in a stand-alone hearing or in the context of a Board or Planning Commission meeting and when that might be at this point.

Thank you for your consideration.

Hannah L. Nelson

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