

To: Mendocino County Board of Supervisors

CC: Paul Junker (MBI), Carmel Angelo, Nash Gonzalez, Mary Lynn Hunt, Diane Curry, Sarah Dukett

RE: Comments from County Overlay Working Group Caucus

We are appreciative of the process initiated by the Board of Supervisors for stakeholder working groups to give input to this transition process to a fully regulated and protected commercial cannabis businesses. **Our overarching goals are to:**

1) **Facilitate the inclusion of stakeholder voices from all areas of the county** facing challenges in the areas of zoning, land use, permitting and related challenges. We have been actively working on these issues for years now and will continue to contribute to the process with our customary respect and due diligence.

2) **Identify and work on the most expeditious approach to solving these challenges** while minimizing the impact on county resources and creating policy pathways that support the timely permitting of those stakeholders whose activities can appropriately be included in the regulatory system.

AGENDA ITEM 5C – Michael Baker International Presentation on Overlay Issues

A. **Outreach is Essential with Extended Timeline for Permit Applications.** We have had the good fortune to benefit from already-organized community groups in Laytonville, Covelo, Leggett, Redwood Valley, Comptche and Willits, bringing their concerns to BoS meetings. We know that there is a need in other parts of the county to garner input. Individuals and communities in Anderson Valley, Comptche, Gualala/Pt. Arena, and other areas are stepping forward and we need to include their voices.

We are most encouraged by our initial meeting with consultant Paul Junker and are eager to work at an expedited rate in order to create a permanent framework and process for Opt-In Zoning Overlays. Specifically, we support Paul Junker's suggestion that MBI develop a web page for the Zoning Overlay Process, where information is centralized, and volunteer outreach efforts are supported. However, a significant number of rural communities have limited or no access to the internet, and would be best reached through community canvassing with print materials, radio outreach and/or meetings in their communities. We are seeking Board support for these efforts.

Given the need for these outreach efforts, the timeline for implementing Opt-In Overlays countywide may need to extend beyond six months, and we suggest that, if necessary, the window for permitting applications be extended in order to accommodate all communities seeking an Opt-In Overlay.

B. Transparent and Open Communication. County working group meetings represent the essence of democracy in action on the local government level. As such, they must include diverse points of view – indeed even opposing points of view – in every discussion and venue. Respectful expression of differences is the dynamic force that moves the process forward and results in healthy, robust and all-encompassing policy outcomes. Concretely, timely reporting and information flow is essential. The county is recording our Opt-In Sub Committee meetings, and we would like to be sure that the recordings are available to everyone to review. Additionally we would like to also be sure that the Opt-Out and Exceptions (which need to be calendared) group meetings are also recorded and available. We request that the recordings be made available on the county website within a timely manner so it can be used as a tool for the greater overlay working group.

AGENDA ITEM 5H – Discussion and direction regarding possible amendments to the cultivation ordinance and the non-cultivation ordinance.

Specific Points Requiring Immediate Direction

C. On 1/9/18 Hannah Nelson’s memo with five specific points was discussed at the BoS meeting. Recognizing the time-sensitivity of these suggestions, **the Board gave specific direction on many of the issues.** Rather than come back with proposed language for ordinance changes or with determinations that certain issues would not need ordinance changes, staff simply restated the issues. We recognize that staff is over-extended, especially due to the horrendous impact the fires has had on their workload, and we appreciate the work they’ve done, and continue to do, on cannabis regulation. However, the situation is desperate. State licensing has begun and our small cultivators and other businesses are going under because our county cannot address issues and offer permits in a timely manner. We re-state the prior points (and attach the original memo from Nelson) and ask for concrete direction in addressing these issues:

- 1. Create a simple ordinance amendment allowing for all cultivation styles to be permitted under ONE permit with the following simple requirements:**
 - a. *Any commercial cannabis cultivation for flowering may cultivate using different styles (i.e., outdoor, indoor, mixed light) under one permit so long as;*
 - b. The maximum square footage of all cultivation styles cannot exceed that which is permissible for the parcel under the commercial cultivation ordinance.
 - c. The applicant must specify the types of cultivation styles they will be engaged in and the square footage of each style.
 - i. (Nursery permits remain a separate and distinct permit.)
- 2. Clarify that FL & TPZ do NOT need Administrative Permits for cultivation unless there is expansion and direct staff to immediately prepare any necessary documents to deal with this clarification with the Planning Commission at the same time that they are presenting the changes removing any AP requirement on Range Land, regardless of expansion.**

3. Amend the local ordinance to align with the State with respect to immature plants NOT counting towards square footage. This will put our local cannabis farmers on an equal footing with other farmers in the state rather than at a further disadvantage.
4. Direct staff to write policy allowing the issuance of TEMPORARY cultivation permits to people who have clear examples of a likely exception, or a likely overlay zone.
5. Begin an expedited process for resolving the microbusiness issue and permitting these businesses so that they can obtain state permits. This is especially relevant with respect to accessory activities to cultivation such as non-volatile, low-tech manufacturing that does not fall within “home manufacturing” as stated in 20.243.040 (2) (b); and to non-volatile manufacturing that is accessory to dispensary/retail activities.

###