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Mendocino County Board of Supervisors
501 Low Gap Road
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10/16/18 BoS Agenda Items Re: Cannabis

Dear Honorable Supervisors and dedicated Staff:

I regret that I am unable to attend today's Board Meeting, but I felt it was imperative to go to Sacramento to the State Water Resources Control Board Hearing and make Public Comment on the Proposed Updates to the Cannabis Cultivation Policy (9/27/18 draft) to give voice to small, rural cultivators. Please consider these comments in my absence:

Timing of Public Comment to State Regulations: Since we thought that we might need to be ready to respond to the newest round of proposed changes last week, I telephoned the Office of Administrative Law to see if we could get a better idea of when the State agencies (CDFA, BCC and CDPH) will issue any changes to the Proposed Regs (non-emergency) after close of Public Comment on 8/27/18. Apparently, there is no specific timeline. It appears that Emergency Regs can only be in effect for a maximum of tow 180 periods. That would appear to be up on December 4, 2018. While it would be cutting it close, it is possible that the agencies might not release their changes to the proposed regulations until sometime in November since there is likely to only be a 15-day comment period after the agencies release the changes to their initial proposed regs. It is also possible they could drop any time now. We should stand ready to submit a County response if applicable.

No Additional Laytonville or Mitchell Creek Public Meeting Prior to Planning Commission: It appears that the Board direction to conduct an additional public meeting for Laytonville and Mitchel Creek, prior to the Planning Commission Hearing, did not occur. This is distressing, especially for the Mitchell Creek area since there was so much confusion and lack of notice surrounding the first public meeting. I participated in a privately organized public meeting where the idea of Use Permits as an alternative to a combining district was explored and positively received by some members of the community that had otherwise voted against the combing district in the poll. I thought that an additional meeting sponsored by the County would be an excellent way to address the idea as an alternative. I request that the Board direct Staff (and/or the consultant) to conduct an additional meeting in Mitchell Creek to specifically explore the idea of using full Use Permits as a way to allow cultivators who are currently in the Ag Permit Program to continue beyond the Sunset period.

No Materials Concerning Use Permit Process As An Alternative Were Included in Planning Commission Materials: As stated above, some in the Mitchell Creek Area were very open to the idea of having cultivators that are currently participating in the Ag Permit Program utilize a full Use Permit process to allow them to continue past the sunset date if approved for a Full Use Permit. Many residents liked the idea that a site-by-site approach to extending those cultivators could be conducted rather than wholesale approve or reject the continuance of cultivation past the sunset period. Given that no materials were presented for Planning Commission consideration for this potential (not using a Combining District but instead making available a Use Permit process for those that wish to apply to be reviewed to see if they can continue cultivation beyond the sunset period), I respectfully request that the Board direct staff or the consultant to develop those materials and schedule the issue before the Planning Commission.

Ad Hoc Recommendations/Scheduling: I greatly appreciate the work the Cannabis Ad Hoc Committee has done and the opportunity that we had to provide input into the current ordinances. It is now the middle of October. Before we know it, the holidays will be upon us and the year will draw to a close. There were many issues that the Ad Hoc Committee heard input about that important to follow-up on in a timely manner. I respectfully request that we have a schedule regarding the further work of the Ad Hoc Committee and the time frame for bringing forward any changes the committee is recommending to the ordinances.

As always, thank you for your hard work and the opportunity to provide comment.

Hannah L. Nelson