



Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

May 3, 2020

Re: Agenda Item 5e for 5/5/20: *Discussion and Possible Action Including (1) Adopt Resolution Approving and Adopting an Addendum to the Previously Adopted Mitigated Negative Declaration, in Compliance with California Environmental Quality Act Requirements, for Amendments to Section 10A.17.080 of the Mendocino County Code; and (2) Introduce and Waive First Reading of an Ordinance Amending Section 10A.17.080 of the Mendocino County Code to Postpone the Start Date of Phase Three of the Cannabis Cultivation Permit Program* (Sponsor: Planning and Building Services)

Honorable Supervisors,

Mendocino Cannabis Alliance respectfully requests that postponement of Phase 3, if any, be to **September 1, 2020**, not April 1, 2021.

We absolutely understand and respect the challenges that our county faces with the Covid 19 public health crisis, and we appreciate all of your hard work keeping us safe. However, the likely negative impact of such a lengthy postponement should be evaluated. Given the seasonal nature of most cultivation operations, it is critical that both legacy and Phase 3 permit pathways are open this fall, so that applicants interested in participating in legal, regulated, and taxed cultivation in 2021 will have the option to do so. Adopting the proposed delay to April 2021 could effectively prevent any new applicants from cultivating until 2022.

While the final requirements for Phase 3 have not yet been decided, it is likely that discretionary review (Use Permit, Administrative Permit, etc.) will be included. This means that only after a local application is submitted, would the discretionary review process begin, including outside agency referrals. Once the applicant has received local authorization, they must also complete the state licensing application process, and they may not cultivate until they receive a state license. Additional delays often happen at each stage of the process. It is easy to see how this would discourage potential applicants from coming forward. Furthermore, the County's economic recovery would be strengthened by a shorter delay.

Please keep in mind that there are numerous categories of local cultivators patiently waiting for the opportunity to apply for permits who did not qualify for Phase 1 including, but not limited to those who:

- were renters whose proof of prior cultivation was on property they were unable to permit for various reasons;
- happened to sell property before the passage of 10A.17 and despite having cultivated on the sold property prior to 1/1/16, could not qualify under Phase 1;
- were not aware that the property they own did not have a certificate of compliance recorded prior to 1/1/16;
- were denied entry during the last application window because they were missing a document in the packet submitted and were not allowed to make the correction; and,
- are located in sunset zones, opt-out zones, or unable to relocate from an unsuitable property before the relocation deadline.

In addition to opening Phase 3 on September 1, 2020, we strongly recommend the re-opening of legacy cultivation. In light of the recent award of Equity Program grant funding and the one-year timeframe within which those funds must be spent, we think it is essential that a permit pathway be open for those who may be eligible to receive the benefit of these funds.

Thank you for your consideration and for the opportunity to comment on these important issues.

Mendocino Cannabis Alliance