

October 12, 2020

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

RE: Agenda Item 3a for 10/13/20 Board of Supervisors meeting.
Discussion and Possible Direction to Staff Regarding the Mendocino Cannabis Cultivation Ordinance, Including Possible Changes to Phase Three

Dear Honorable Board of Supervisors:

Thank you for holding this important special meeting and for providing me the opportunity to comment. As most of you may already know, I am not a cannabis cultivator. My involvement in the industry mainly centers on building permit acquisition and guiding applicants through the regulatory system. As has been frequently discussed the current cultivation permitting system (Phase I) is broken. An industry that brings in approximately \$5.8 million dollars in revenue annually needs to be recognized and treated as a major component of the Mendocino County economy.

Certainty of government regulation is a critical component for any business to thrive and grow. The certainty of regulation and fees is sorely lacking in Mendocino County's approach to regulating cannabis cultivation. Metaphors such as "*hitting a moving target*" and "*they keep moving the goal posts*" come to mind whenever I try to explain to a client cannabis cultivation regulations or building permit requirements and fees. All too often the answer you get from staff varies depending on who you ask.

I am respectfully requesting that during your deliberations and giving staff direction that you consider the following suggestions.

Declare locally that cannabis is an agricultural crop.

This designation will assist cannabis cultivators with having some exceptions available for the Cal Fire 4290 road standards.

Use the Agricultural Exempt fee that is listed in the county building permit fee schedule for all Agricultural Exempt non-cannabis and cannabis cultivation structures.

Currently staff is charging commercial building permit fees for all Agricultural Exempt buildings including non-cannabis and cannabis cultivation Ag Exempt buildings instead of charging the Agricultural Building Exemption fee that is in the County fee table. See fee schedule excerpt below.

153	OTHER FEES	
154	Agricultural Building Exemption	\$97.10
155	Agricultural Building Exemption, if Constructed prior to Exemption Approval	\$194.20

Revise the proposed zoning table to include resource zoned lands

Revise the proposed zoning table to include resource zoned lands. Rangeland (RL), Forestland (FL), and Timber Production Zones (TPZ) should be added to the table. Require that all new cultivation sites within resource lands require a Minor Use Permit (Minor UP) and that all existing sites (with expansion allowed up to 10,000 SF of canopy) require an Administrative Permit (AP).

There are board members that are reluctant to consider cultivation on resource zoned land because of a desire to protect the environment. This is a laudable goal, except that it is myopically focused on cannabis cultivation to the exclusion of concern for the other permitted agricultural uses on resource zoned parcels. If you are going to protest growing a cannabis crop on resource zoned parcels be consistent and protest all other agricultural permitted uses.

Cannabis cultivators must receive approval from the California Department of Fish and Wildlife, the Water Resources Board and Cal Fire to receive a permit to cultivate. These State agencies sole focus is on environmental protection.

Currently the Inland Mendocino County Zoning Ordinance horticulture, row and field crops are permitted uses in Rangeland (Mendocino County Code §20.060.10 (D), in Forest Land (Mendocino County Code §20.064.010 (D) and in Timber Production Zone (Mendocino County Code §20.068.005 (C). None of these permitted uses and the other permitted uses in these resource zones are subject to the intense environmental regulation and testing regimens as cannabis.

Thank you very much for your time and kind consideration of these suggestions.

Sincerely,



Scott Ward, CBO

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