



January 24th, 2021

Re: Board of Supervisor Meeting 1/25/2021 Agenda Items 3a, 3b

Dear Honorable Board of Supervisors,

We have provided feedback to the outlined agenda items below for your consideration. With regards to some of the attachments that have been posted to the agenda items, CCAG strongly recommends that redline versions be provided to the public so that it is easy to identify what new recommendations are being proposed from what was originally outlined. We hope that this can be a standard practice going forward in 2021 for all agenda items for Board of Supervisor meetings.

1. Agenda Item 3a

*Discussion and Possible Action Including Direction to County Staff to Continue Work on the CSA 3 Benefit Zone Pilot Program
(Sponsors: Supervisor Haschak and Supervisor Gjerde)*

CCAG would like to offer support for the CSA 3 Benefit Zone Pilot Program. It's important that there are additional access routes especially for fire and other emergencies. We appreciate the work of Supervisors Haschak and Gjerde for making this a priority and we hope the project will be completed soon so our County can be ready if disaster strikes.

2. Agenda Item 3b

*Discussion and Possible Action including Direction to Staff and Requesting the Planning Commission Review and Make Its Report and Recommendation to the Board of Supervisors Within Forty Days on (1) Draft Amendments to Mendocino County Code Regarding Commercial Cannabis Cultivation; and (2) Draft Amendments to Mendocino County Code Regarding Commercial Cannabis Facilities and Cannabis and Other Special Events
(Sponsor: Cannabis Ad Hoc Committee of Supervisors Williams and Haschak)*

1) FINAL Draft Chapter 22.18-Commercial Cannabis Activity Land Use Development Ordinance

In regards to the *FINAL Draft Chapter 22.18-Commercial Cannabis Activity Land Use Development Ordinance*, there are a few things we recommend.

a) Remove the requirement in Section 22.18.040, Exemptions, (D) that anyone who cultivates for personal medical and/or adult use who also holds a commercial State cultivation license must include these plants in their canopy allowance

CCAG is in strong opposition to this requirement. A commercial cultivation license does not allow for cannabis to be used for personal medical or adult use. ALL commercial inventory must be recorded into the State mandated METRC Track and Trace system and moved through the appropriate supply chain through a licensed distributor.

Mendocino County should not require commercial operators to deduct PERSONAL MEDICAL and/or PERSONAL ADULT USE plants from their commercial operations. They are entirely 2 separate activities and it makes no sense to make a commercial license holder have to use up their allowed canopy space for their personal needs. The County should categorize the two activities as separate. If this revision is not made, the County will lose sales tax revenue since operators will have to reduce the number of plants from their commercial operation, which equates to less income for the farm and also less money for the County.

The personal medical and/or adult use plants should, however, be indicated on a site map for inspection purposes. To help with inspections, signage should be required indicating that the plants are for personal medical or personal adult use needs. The State does not allow personal adult use or personal medical cannabis to be grown inside the perimeter of the commercial site. It must be separated.

Imagine if someone is caregiving for a patient and has 2 medical permits to cultivate 12 plants, that would mean deducting nearly half of their allowed COMMERCIAL license canopy for this activity if they were a Cottage Specialty Outdoor license holder. PROP 64, which was approved by the voters of California, allows citizens the ability to grow 6 plants for their personal needs. Please honor the vote of the people and do not mix this with commercial activities.

b) All changes to Section 22.18.040, Exemptions, (D) should apply to Phase 1 and those who also hold a Land Use Permit under Phase 3

CCAG recommends this change apply to those in Phase 1 that do not hold a Land Use Permit as well as those in Phase 3. We recommend that the language is modified (see text in red) to state:

*"Cultivation of medical and/or adult use cannabis under paragraph (B) and (C) on legal parcels where cannabis plants are being cultivated under a Land Use Permit, **or permitted under the Phase 1 ministerial process** issued pursuant to this Chapter and a State Commercial Cultivation License is allowed, provided*

that the person or persons cultivating the medical and/or adult use cannabis the medical and/or adult use cannabis plants are inclusive in the canopy allowed for under the issued State License and the medical and adult use cannabis plants shall be identified on any site plan required for a Land Use Permit required by this Chapter."

c) CCAG supports aligning with the State and allowing 6 plants for personal adult use or personal medical needs

We appreciate that this item is being brought forward for revision and we support counting plants and not sq footage, especially when there is no way the County has the means to even enforce checking personal medical or adult use square footage on sites. Counting plants is much easier for inspectors, whether from licensing agencies or law enforcement. Making rules that are not enforceable does nothing for our community and we appreciate the change to plant count for personal medical and adult use needs.

d) CCAG supports removing the acreage requirement of 10 acres to cultivate 6 plants outdoors for personal adult use or medical needs

This change to the ordinance will now allow many citizens that don't have 10 acres of land to be able to grow cannabis outside. Given the history of our County and our reputation as a legacy producing region, we should never have created this stipulation in the first place. We need to allow everyone an opportunity to grow their plants in the sunshine regardless of their acreage size, rather than pushing them into greenhouses or indoors, which adds more strain to the grid. We need to move away from fossil fuels and support plants being grown naturally outside just as nature intends. We appreciate and strongly support this proposed change and we hope the Board will vote in favor of the new recommendation.

2) Final Draft Chapter 22.18 Appendix A Table

With regards to the *Final Draft Chapter 22.18 Appendix A Table*, we have provided an outline of recommendations below.

a) Specialty Cottage Outdoor should allow up to 2,500 sq ft of cultivation and NOT up to 25 mature plants

The State made a legislative change to the Cottage Specialty Outdoor definition in 2020 to allow up to 2500 sq ft and removed the limitation of only up to 25 plants. Our recommendation would be to align with the State, which we believe is the intent of the County and we hope the Board will be in support of this change as well.

b) CCAG does not support *6 at the bottom of the table which states:

"Parcels in the AG or RL zoning district that have a minimum parcel size of ten (10) acres or larger may cultivate up to 10 percent of the parcel size"

CCAG recommends this be removed from the table and NOT ALLOWED. It should be noted that the Round Valley Area Municipal Advisory Council voted unanimously on December 2 in opposition to allowing 10% of a parcel size cultivation on AG or RL parcels.

Allowing 10% of a parcel size for cultivation in AG or RL districts is a step in the WRONG direction and will negatively impact our communities across this County. This allowance is not equitable since only certain zoning will be afforded this opportunity to expand. Nor does it consider the impacts to our water table, surrounding neighborhoods, and the rest of the licensed cultivators in our County who are capped to 10,000 sq ft based on their zoning. This would create an unfair playing field for the program by restricting some zones and allowing others to cultivate footprints beyond 1 acre. This allowance would take away from all the hard work we have all done to craft an ordinance that values our legacy heritage as operators and, most importantly, our County's limited resources.

The individuals and entities who support a 10% acreage allowance are well funded and will most likely vertically integrate. With this allowance, they would no longer have a need to source cannabis from many of the small farms here in our County. They would instead produce their own, which would only add more hardships to many farms already struggling to find local distribution opportunities.

There are not enough retail licenses at the State level to support continued growth in supply. If the market is too saturated, prices decline. Small farms will not be able to compete with falling prices and will ultimately be put out of business.

If this recommendation does move forward, we would like to request that it not be allowed within the Round Valley MAC district.

c) Do not allow 1 acre sites for Phase 3

CCAG has made recommendations to this zoning table in past meetings and continues to stand by our position. Everyone in Mendocino County who holds a cannabis permit should be afforded the same opportunities to grow cannabis in a responsible way with care for the environment and community. We feel the right compromise is to allow up to 22,000 sq ft for ALL applicants in both Phase 1 and Phase 3 for all zoning in which cannabis cultivation is allowed. Due to environmental reasons, our recommendation is to allow for expansion of up to 22,000 sq ft for Outdoor operators in all zoning for Phase 1 and 22,000 sq ft for those in Ag, RL, & UR for those in Phase 3.

d) If 1 acre permits will be allowed under Phase 3, require a Major Use Permit for AG Zoning for Medium Outdoor license types

Since Phase 3 does not require proof of prior cultivation, CCAG recommends that ALL AG zoned parcels that have no cultivation currently onsite that wish to expand to 1 acre, if approved by the Board, should require a Major Use Permit just as will be required by RL and UR parcel types. Those in Phase 1 wanting to expand to 1 acre should use a Minor Use permit since they already have cultivation onsite.

e) Prioritization must be given to PHASE 1 operators who need to apply for a Land Use Permit when PHASE 3 begins

Unfortunately, many operators under Phase 1 will not be able to use the Appendix G hybrid path to complete CEQA requirements and will instead need to apply for a Land Use Permit under Phase 3. If this is the case, CCAG would like to see a strong commitment from the Board to ensure that these applications will be the first processed when Phase 3 opens. These applicants have come forward as early as 2017 for licensing and due to many reasons, many out of their control, still to this day do not have County permits in hand. They have been paying the County 2.5% sales tax each year and an initial permit fee. These operators should have the first opportunity to receive a Land Use Permit. We would like to see a future agenda item brought forward to further discuss the details of the processing of Phase 3 applications in relation to those in Phase 1.

3) Section 8: Section 20.243.040

We support the changes to this Ordinance but do raise concern about the provision for Cannabis Farmers Markets. Section 8, a) states:

“No Cannabis Farmers Markets shall be conducted in a visibly public location, such as a park, street, or on any school grounds. Public fairgrounds are not included in this prohibition. “

In areas such as Covelo, there are limited places to host events. Many of the venue opportunities exist in visible public locations. The current language of this provision nearly eliminates most possible venue sites in Covelo. We recommend there be a discretionary review case by case basis for areas with limited venue options to allow for equitable practices across the entire County.

If the County chooses to move forward with expansion, either for 1 acre or 10% of a parcel's acreage in the proposed zoning, we would like to see a commitment from the County to place regenerative farming practice requirements for these types of farms. This includes building compost on site, limiting outside inputs, planting flowers, herbs and vegetables to attract pollinators and build biodiversity in soil, cover crop planting, using bulk soil to cut down on plastic waste, etc. Committing to not using plastic netting and sourcing materials locally as much as possible. Unless

these farms can commit to giving back to the soil and our community, we need to stand firm in not allowing these larger farms to exist in our County.

Thank you for the opportunity to provide comment on these agenda items. We know it's not easy to make decisions for the County when some issues so widely divide the community as a whole. We hope our recommendations have helped to provide further insight into the issues and we hope that you will consider our recommendations when you cast your votes.

Sincerely,

Monique Ramirez

for the Covelo Cannabis Advocacy Group