



April 18th, 2021

Re: BOS 4-19-2021 Meeting, Agenda Item 3b

Dear Honorable Board of Supervisors,

The Covelo Cannabis Advocacy Group believes that it's important for the County to pass a land use permit ordinance for commercial cannabis. It's important for Phase 1 and 2 operators to be able to transition over to a new ordinance if needed and be given priority. We offer support for the MCA memo and their recommendations. On the issue of canopy size, we write to **oppose the allowance for 10% acreage expansion** on Ag Land, Rangeland and Upland Residential parcels.

For your consideration we offer these amendment recommendations for Chapter 22.18:

1. Provide a **90 day** window for Phase 1 applicants to apply under the CCAO before allowing new cultivation permits to enter the que (*giving ample time for Phase 1 operators to attempt the Appendix G #15168 application process first*)
2. Remove Section 22.18.050 (B) (1) that requires a Major Use Permit and replace with an Administrative Permit for all Phase 1 operators that will not be scaling up beyond 10,000 sq ft that transition to the CCAO
3. Allow Phase 1 operators that transition to the CCAO, to scale *up to* 10,000 sq ft with an Administrative Permit, as is currently allowed under 10A.17
4. Allow 22,000 sq ft of canopy for outdoor cultivation ONLY with a Minor Use Permit for Phase 1 operators in these zonings:
 - AG (Ag Land)
 - UR (Upland Residential)
 - RR-10 (Rural Residential-10)
 - RL (Rangeland)
 - TPZ (Timber Production Zone)
 - FL (Forest Land)
5. Allow 22,000 sq ft of canopy for outdoor cultivation ONLY with a **Minor Use Permit** for Phase 3 operators on Ag (Ag Land)

6. Allow 22,000 sq ft of canopy for outdoor cultivation ONLY with a **Major Use permit** for Phase 3 operators in these zonings:
 - UR (Upland Residential)
 - RR-10 (Rural Residential-10)
 - RL (Rangeland)
 - TPZ (Timber Production Zone)
 - FL (Forest Land)
7. Allow 1 acre of canopy on Ag Land with a minimum 20 acre parcel size and a Minor Use Permit
8. Allow Specialty Cottage Cultivation Permits on a parcel with **1 acre** or more
9. Limit the number of permits to (2) per person and align with State requirements that applicants disclose all licenses they have a financial interest in
10. Require a Minor Use Permit for Nursery permits in: AG, UR and RR-10 zoning
11. Amend Section 22.18.030 and remove language that states: ***with the exception of a test well.*** Require a hydrological study to assess the impacts.
12. Amend Section 22.18.070 (C) to state “mixed light activities must be covered up at night to not impact the night sky”
13. Re-open the Accommodation Districts identified in Covelo Core & Fairbanks, Leggett and Laytonville to allow for more legacy cottage cultivators to come forward
14. Outline Best Management Practices¹ to be required as part of the CCAO cultivation permit application and create a certification process for ALL cultivators (phase 1 ,2, 3) to participate in.
15. Conduct an Environmental Impact Report (EIR) for expansion **over 22,000** sq ft to identify what the appropriate level of expansion should be for Mendocino County

On the issue of the proposed 10% expansion, **we are one of MANY diverse stakeholders that do not support 10% acreage expansion.** At the time of this written memo, the following organizations, institutions, and businesses have publicly expressed opposition or concerns: California Department of Fish and Wildlife, Mendocino County Climate Action Committee, Round Valley Area Municipal Advisory Council, Laytonville Municipal Advisory Council, Redwood Valley Municipal Advisory Council, Mendocino County Sheriff’s Department, Covelo Community Services District, Mendocino Cannabis Alliance, Willits Environmental Center, Round Valley County Water District, and M&M Feed Supply.

A petition, generated by the community, at the time of this written memo, **has been signed by over 1,950 people in opposition to the 10% acreage allowance.**

¹ Please see Best Management Practices Memo submitted by CCAG member Patricia Vargas

(You can access the petition, here: <https://www.change.org/Stop10percentExpansion>)

We have many reasons to oppose the CCAO extended expansion:

- **The County must fully address the issues with and complete the work of Phase 1 before the BOS votes on any more expansion.** County Staff are already stretched at full capacity dealing with the County's current cannabis program. The County has issued approximately 198 permits incorrectly and after months of knowing this, has STILL NOT notified applicants of the County's error. The County needs to slow down, rectify, and learn from the past mistakes of pushing through problematic and underthought cannabis ordinances. Mendocino County must show the State that it can run a functional program before there is any more expansion.
- **The County should not create a license type larger than the State allows.** The Type 5 State license will not be made available until January 1st 2023. Mendocino County should not allow expansion beyond what is currently allowed at the State level at this time.
- **Water Availability.** Every year we break new records with the lack of precipitation. The current Board recommendation does not offer any strict guidelines for proof of water availability and expansion *will* detrimentally affect an already catastrophic dearth of water. Supervisor McGourty said last week with regard to the drought, *"Not a year to expand your garden or landscape."* Our natural resources are finite & cumulative impacts must be examined before we take this on. NO 10% WITHOUT AN EIR.
- **Exacerbation of Pests.** Cannabis cultivators have been reporting new pest invasions from russet mites, broad mites, and the hemp bhang aphid over the last several years. If cultivators do not have the proper skills and experience, it could have major impacts on neighboring licensed commercial cultivators due to mismanaged pests and pollen drift.
- **Market Flooding.** There is already plenty of product in the market with the existing tax-paying and compliant cultivators in Mendocino County. Expansion will continue to exacerbate the flooding of an already saturated market with limited retail locations statewide.
- **Unequal access to Vertical Integration.** If distribution companies hold cultivation licenses while small farmers are prohibited from self-distribution we will have unequal access to vertical integration. Until there is a level playing field, the County should not be giving preferential treatment to large companies.
- **Lack of oversight for Use Permits.** In October of 2020 during a BOS meeting, Senior Planner Julia Krog stated that nothing would be done to ensure mitigation measures were followed up on after a use permit was issued, unless there were complaints. This calls into question the safeguards that are being referred to with the Use Permit Process.
- **No cumulative impacts will be assessed on the CCAO if it's passed by July 1st 2021.** Chapter 22.18 would be exempt from CEQA analysis because of State Business and

Professions Code Section 26055. Even though each project must meet site specific review, unfortunately this does not account for cumulative impacts.

- **The potential revenue from corporate cannabis will not go back into our County, but to corporate outside-of-Mendocino-investors.** Mendocino County should focus on supporting the families, farms, and businesses of legacy cultivators who are already *here*. Legacy cultivators have and will continue to invest in their farms and community, where they have made their homes.
- **The outstanding reputation of Mendocino craft cannabis should be promoted by the County.** We shouldn't compare our County to neighboring counties or go down the same path of bad policy. Mendocino County cannabis has been historically cultivated for decades by many small farms. This legacy is economically viable and we have planned ahead to weather the coming storms. Why not take the visionary step of branding Mendocino Cannabis as originating mostly from small legacy farms? We would rather be a county of 8,000 small farmers than one of 5 vertically integrated companies.

A representative for the Cannabis Business Association of Mendocino County, an organization in favor of 10% expansion, stated during their town hall forum on March 15th: *“public policy is community discourse written into law.”* We could not agree more. We urge the BOS to hear and believe the overwhelming coalition of opposition to 10% expansion within community discourse. In addition to all our many reasons to oppose the 10% expansion, we also want the BOS to hear: **it would be reckless and injudicious of elected leadership to go against the will of the people of Mendocino County.**

As an advocacy group for small farmers, we want to reiterate that **opening up expansion to scale will exacerbate current issues and create entirely new ones.** The Covelo Cannabis Advocacy Group has created recommendations for the BOS on how to rectify issues within Phase 1 as well as many compelling reasons to uncouple Phase 3 from expansion. There is room for expansion once the County has completed addressing Phase 1 permits, but not before.

Thank you to each supervisor for taking the time to meet with our advocacy group over these last several weeks. We hold aspirations for a bright and sustainable future for Mendocino County. With your support for our recommendations and those of MCA's, we can achieve this important goal.

Respectfully,



Monique Ramirez, founder
for the Covelo Cannabis Advocacy Group