

Hello Honorable Board Members,

You will be hearing a ton of testimony on Monday, some of it tedious, some thought-provoking. A few weeks ago, after a very long day of hearing public comment, the Planning Commission wearily agreed to a recommendation by staff to exclude some Phase 1 failed applicants from applying to Phase 3. I hope you do not become weary like the Planning Commission was, and accept these exclusions without much consideration. In fact, I hope you refuse and remove them.

Section 22.18.050 "(A) Eligibility. The parcel upon which the Land Use Permit is requested shall not be located in a Commercial Cannabis Prohibition (CP) Combining District or sunset area (as described in Mendocino County Code section 10A.17.080(B)(2)(b)). In addition, the Phase 1 permit application shall not have been denied for one of the following reasons:

- (1) Tree removal violation.
- (2) Failure to pass the required background check.
- (3) Lack of proof of prior cultivation.
- (4) Legal parcel established after January 1, 2016.
- (1)(5) Non-responsiveness to requests for information from the County."

Phase 3 is meant to welcome all regardless of their previous history with cannabis. "2016" no longer holds importance. "Proof of Priors" are no longer a thing. Therefore, (3) and (4) are illogical exclusions. As for the other three, as I don't know much about them, although it seems to me that someone who couldn't pass the background check before, won't pass it now, so why codify that? And wouldn't it be easier to put a non-responsiveness clause into the code that says if someone doesn't reply within a year, then their application is dead and the planning department gets to keep the application fees? There's something like that in the Facilities regulations, so why not include that in Phase 3 regulations? That makes more sense than saying a person can't apply.

Should you deny someone in Phase 3 for a previously insufficient proof of prior cultivation? Historically, past cannabis department members regularly refused to accept real proofs of prior that 'weren't clear enough'. Mine was refused at one point, until I found and paid for an image service with a clearer image at which point it was accepted. Not everyone was able to afford that fancier image service to prove their proofs of prior like I could. Should people without such access be denied entry into phase 3? Further, I know of at least one farmer who attempted to apply for Phase 1 but was denied for 'lack of proof of prior' because they grew under the trees. Planning staff laughed at them and said "Everybody grows out in the sun. Nobody grows under the trees." Well, it's a proven fact that people DO grow in the trees when it's not totally legal. Many people grew actually UP IN the trees. Even my landlady can show you old buried pvc irrigation pipes in her fir forest from before she bought the place. Please stop penalizing Phase 1 applicants because the department believed gardens were always out in the open. Should these shade-grown farmers now also be denied an opportunity to apply for Phase 3?

As for the 2016 rule, Phase 1 required parcels be subdivided before 2016 to keep permits from proliferating and solely for legacy farmers. But the only place a parcel was defined as solely being subdivided before 2016, was in the 10A.17 'definitions' which I zoomed right on by to get to the actual rules. A land speculator bought up a large parcel I had grown on, subdivided it in March 2016, then sold a smaller (still expensive!) part to my landlady so I could rent and use that land. I even moved another proof of prior to the parcel to make sure I was solid and right with the department and they granted me a clearance and embossed receipt. Long story short, I am currently with a big rent bill and a denied license because I didn't recall the definitions section of Phase 1 and because the post-2016 CoC was noted and cleared at zoning clearance for my embossed receipt. I was proud of accomplishing that receipt, and astonished when they reversed their decision and took it away. Should I be further penalized for applying to legally grow on a parcel that had my TWO proofs of prior? I acted in good faith, was responsive and was told I'd met all the regulations, but was failed by a definition. Will the Board add insult to my injury and deny me the ability to apply for Phase 3?

I urge the Supervisors to remove everything in Section 22.18.050(A) beginning with 'In addition' and up to 'from the County.' At minimum, please remove 22.18.050(A)(4) and 22.18.050(A)(5) from the Eligibility exemptions for Phase 3. Phase 3 is open to all, so let's remove legacy restrictions from Phase 3.

Open up Phase 3 to all humans willing to meet your application, land and activity regulations.

Let me farm.

Matt Holloway
Legacy Farmer