



April 26th, 2021

Re: Board of Supervisors Meeting 4-27-2021, Agenda Item 3b

Dear Honorable Board of Supervisors,

The Covelo Cannabis Advocacy Group (CCAG) followed the Board discussion during the April 19th special meeting. Many things were not discussed or fully decided and a continuation of the meeting was necessary. We have additional recommendations we are providing based on Board discussion and the new Staff memo that was submitted for this Agenda Item.

In section #6 ON MEMORANDUM, **CCAG supports Option #2** which states:

*Limit the Mixed-Light and Indoor cultivation permit types within the Ordinance, by removing the allowances for Medium Mixed-Light cultivation permits and Medium Indoor cultivation permits. This would result in the permitting of no more than 10,000 square feet of Mixed-Light or Indoor cultivation.*

In section #7 ON MEMORANDUM, **CCAG supports Option #1** which states:

*Consider limiting allowable Cultivation types and sizes on RL zoned properties as opposed to the exception language contained above, as verification may prove difficult like it has for proof of prior cultivation in Chapter 10A.17.*

CCAG recommends limiting allowable cultivation types to Outdoor only and 22,000 sq ft on RL zoned properties as opposed to the exception language. This recommendation should apply for both Phase 1 and 3 applicants.

CCAG continues to advocate for the recommendations provided to you in our 4-18-2021 memo Public Comment #253, which we will include here again for ease of reference. The items in bold are CCAG's additional recommendations for your consideration at this time.

1. **Allow Nursery Permits on parcels smaller than 10 acres with a Minor Use Permit. Additionally create a tiered Nursery Permit that is less than 22,000 sq ft, for all cultivators wishing to have a smaller nursery.** *The language currently requires a cultivator to have 10 acres of land or more and requires a Major Use Permit. Cultivators should have the ability to propagate their own seeds, preserve their genetics and be able to sell clones and seeds to other licensed cultivators. Many well known breeders in our community are not able to have a nursery license because they are on a parcel less than 10 acres. The current zoning table doesn't offer specialty cottage or specialty cannabis license holders to be able to have nursery permits if they reside on smaller parcels. The county should create nursery opportunities for all cultivators.*
2. **Allow (2) cultivation permits per person and 1 additional nursery permit for a maximum total of (3) permits**  
*Some permit holders have 2 cultivation licenses on 2 parcels but are not able to have a nursery permit under the 10A.17 ordinance, as nursery permits count towards 1 of the allowed cultivation permits. **The CCAO has not defined any permit caps and this should be considered.** We don't want to see license stacking as a result. CCAG offers this sensible allowance which will give flexibility to all producers and provide an opportunity for them to propagate their own seeds, preserve genetics, experiment with different genetics, allow sales of plants to other licensed cultivators and provide an additional opportunity to generate revenue for their business and additional sales tax revenue to the County from nursery sales.*
3. **Retain all setbacks, structures, zoning and slopes for Phase 1 operators transitioning to the Phase 3 CCAO**  
*Provide clear language that ensures protections for existing operators that transition to a land use permit. These footprints have already been defined and approved under 10A.17 and should carry over to the new ordinance.*
4. **Allow Mixed Light & Indoor operations in the CCAO but cap to 10,000 sq ft**  
*We strongly urge the Board to cap cultivation to a maximum of 10,000 sq ft for these styles of cultivation under the CCAO.*

## **5. Require a Best Management Practices<sup>1</sup> certification program**

*Under the 10A.17 ordinance, the County intended to create a certification program that unfortunately was never actualized. We strongly encourage the Board to include a BMP as part of the permit requirements under the CCAO. In order for this to be successful, it would need to include an inspection for accountability. The BMP program creates incentive for an environmentally responsible and accountable Mendocino Cannabis Program. A certification for permit holders, once all practices have been achieved and remains in practice over time, would demonstrate a branding model for Mendocino grown cannabis. Attached to this letter are reference photos of cultivation sites that have successfully implemented Best Management Practices.*

### **Previous 4-18-2021 CCAG recommendations:**

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)

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<sup>1</sup> Please refer to Public Comment #211 from the BOS 4-19-2021 meeting  
<https://mendocino.legistar.com/LegislationDetail.aspx?ID=4921764&GUID=0C03B7F6-96B0-4F29-85EF-CAE5BA2BFD2B&Options=&Search=>

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 Practices 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



## Best Management Practices



Image: Biodiversified gardens. Radicle Herbs



Image: Genetic preservation. Sun Roots Farm



Image: Integrated crops. Sunbright Gardens



Image: Building soil. Velveteen Dreams



Image: Agroforestry. Sun Roots Farm



Image: Cover cropping. Radicle Herbs



Image: Closed loop systems. Sunbright Gardens

If the Board is not able to make amendments after the adoption of the ordinance due to the State statutory CEQA exemption deadline, we believe it's essential that the Board fully understands and excogitates all of the important aspects to the ordinance before finalizing the recommendations. We hope you will consider the recommendations made by both CCAG and MCA. We appreciate your time and attention for this important land use ordinance.

Respectfully,

A handwritten signature in blue ink that reads "Monique Ramirez". The signature is written in a cursive, flowing style.

Monique Ramirez-founder  
*for the Covelo Cannabis Advocacy Group*