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Mendocino County Planning Commission
860 North Bush Street
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September 7, 2017

Re: 9/7/17 Meeting Item OA_2017-0001 Non-Cultivation Business Facilities

Dear Honorable Commissioners and dedicated Staff:

In addition to supporting many of the letters that have come in as public comment (Submissions 1-5), I have the following comments:

Please Ensure That In keeping with the General Plan Community Development and Industrial Development Findings Listed in Staff's Memo, As Well As Community Specific Policies in The General Plan, EVERYTHING POSSIBLE should be done to create, promote, support and maintain the enormous economic backbone of Mendocino County's Cannabis Industries.

It is no secret that cannabis cultivation, and associated activities has become a vastly larger source of economic viability in most parts of the County. With the emergence of a regulated market, it is imperative that the County provide realistic avenues for participation in the related business activities associated with a regulated market: processing, manufacturing (under two distinct categories of nonvolatile and volatile), distribution, transportation, and of course, our longstanding, safe and beloved dispensaries.

In reviewing the proposed ordinance modifications please ask the following questions:

1. Does this change do everything we can to support this vital and emerging industry that could revitalize our communities if it succeeds or devastate our economic foundation if it is unable to provide the support necessary for the cultivation industry that is now lawful here?
2. To the extent restrictions and regulations are necessary to govern the permitted uses, are those regulations being equally applied to other industries, or have we allowed the stigma of the former position of cannabis as illegal to color our determination of what is actually necessary in terms of additional restrictions and regulations. Would a lavender extractor be subjected to the very same requirements? Would a vintner be required to undergo the same conditional permit requirements?
3. To the extent any special conditions or restrictions are necessary, for example to ensure non-diversion of product to the unregulated market, are those conditions or restrictions narrowly tailored to fit the need in a manner that does not present a defacto ban?

The General Plan And Specific Policy Objectives Often Have Tension With One Another And Such Tension Does Not Necessarily Constitute A Significant Impact And Therefore Does Not Eliminate The Ability To Implement Specific Changes



In rereading the General Plan last night, I noticed how many times there was a tension between specific proposals or policy goals and broader plan objectives. The way it was handled was to assess whether or not those differences created a significant impact that would change the EIR or not. In all cases listed, the tension was recognized and determined to not create a significant impact. There is no reason why that process (of determining no significant impact) cannot take place where tension may exist between the outdated General Plan and new specific policies to be pursued so long as the new policies serve objectives outlined in the General Plan, and so long as there is no significant impact, the very fact that a specific policy pursued now could not be in tension with parts of the General Plan.

With that in mind, in addition to the Commercial and Industrial Development Policies listed in the Staff Memo as support for the creation of Cannabis Facilities Ordinances, I would like the Commission to also focus in on Community Specific Policies In Section 6 of the General Plan such as:

Anderson Valley: CP-AV 7, 8, & 9 where the local community policy was to promote and encourage diverse agribusiness and agricultural endeavors as well as wine production and sales and local food production and the County was to support that community in its efforts to enhance its efforts, including the expansion of such endeavors.

Covelo: CP C8, 9, & 10 where the expansion of the economic vision of Round Valley was of utmost concern and the policy of encouraging the commercial and light manufacturing uses were put forth.

Laytonville: CP-L6-9 where the County stated it would support local industries which would maintain the rural and unique character of Long Valley and create job and sustainable economic development through light industry and the possible creation of a business park.

Our Beautiful County Needs a General Plan Update, But we Must Use All of Our Creativity To Promote the Regulated Cannabis Industry Or It Will Leave The County Entirely

Instead of seeing what cannot work because of an outdated General Plan, The Commission should commit to a General Plan Update but in the mean time, seek methods of ensuring that the existing Plan Policies, even if there are some tensions with new proposed uses can be creatively implemented in a manner that is upheld by the Environmental Report and supported buy the various objectives stated that do support these kinds of activities. But this balancing act must be done in a manner that does not create a defacto prohibition on the activities in the areas they are needed most to keep this industry alive in our county. So, for example, on Page 11 of the Staff Memo, there are a list of General Limitations. I ask you to review them carefully and as yourself whether such limitation is actually necessary to achieve the goal and whether there are less restrictive ways to accomplish whatever goal it is seeking to protect. So, for example, why, when a temporary circus tent is allowed to be used for a month when it is in town, or serving a festival, should a temporary tent or other temporary building not be allowed during harvest to process cannabis? Or why shouldn't a temporary building be rolled onto the appropriate property and then leave?



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These are the questions that need to be asked when looking at what reasonable restrictions need to be placed on activities in different use area.

Respectfully submitted,

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