

May 15, 2018

Dear Board Chair Alejo,

It was a pleasure meeting with you on April 2, 2018 along with Tiffany Wright and Nara Dahlbacka to discuss reasonable, sensible outdoor cannabis farming regulations in Monterey County, specifically on PG-40 zoned property. I left the meeting feeling hopeful that you would support such regulations, and hopeful that you would support a year of immunity for "heritage farmers" who meet certain conditions, while awaiting regulation from the county. Thank you for your leadership in referring a request for outdoor growers to staff. We hope to be helpful to the county while it prepares a response to your referral.

There is a big difference between growers who want to become legal and those who do not. Outdoor growers in Monterey County who want to become legal, licensed, taxpaying businesses should not be punished by the county while awaiting regulation. We would happily pay taxes on our product if protected by the county. It would be fairly simple to extend the immunity granted to outdoor growers by the board in 2016 while the county does the work in developing regulations.

The outdoor cannabis season runs from about May/June to October/November. I am hopeful that you will be able to protect "heritage farmers" for the 2018 farming season while the Supervisors and staff put together reasonable, sensible outdoor cultivation regulations. "Heritage farmers" would include any outdoor grower who was operating a legal cannabis business that was Prop 215 or SB420 compliant. And/Or, immunity could be limited to those growers who chose to come forward and self-identify, paying taxes to the county for the 2018 growing season.

The following are a list of reasons why I believe outdoor cannabis farming should be allowed in Monterey County on PG-40 zoned land:

- Cannabis farming on PG-40 land is consistent with the 2010 Monterey County General Plan, specifically Chapter 6.0 – Agriculture Element.
- The Planning Commission recommended that outdoor farming be allowed on PG-40 zoned property.
- Even if the County allowed the State max. of one-acre farms on minimum 40 acre properties, the total canopy would take up no more than 2.5% of the total property.
- Regulation is more responsible than prohibition. As we have seen with cannabis prohibition in our country and in Monterey County specifically, it has not been an effective policy.

- Allowing outdoor farming would generate significant tax revenue for the County. Continuing prohibition will continue to cost the tax-payers money.
- There are dozens of "heritage farmers" who want to come into compliance. They want to play by a set of rules, generate income for their families, and be tax-paying citizens treated like everyone else.
- There are more responsible farmers than people realize. They often do not speak up out of fear.
- In 2016, Proposition 64, which legalized cannabis in California, won by a large margin in Monterey County - 62% to 37%, a significantly larger margin than the rest of the State. All five supervisorial districts voted yes on Prop 64.

I know there are some residents who do not want cannabis farming the County. However, it is definitely possible to reward responsible farming practices while addressing the core issues of concerned residents. Robust regulation would do that.

It is possible to significantly limit the number of farms on PG-40 land. One easy way to accomplish this would be to **limit permit applications to operations which pre-existed as of a certain date**. This is a policy that has been in put into place in several other counties in the State including Mendocino and Humboldt counties. This would ensure that responsible "heritage farmers" have a place in the legal marketplace, while safeguarding the fabric of the County.

Thank you for your consideration. I have attached the Planning Commission recommendations from 2016 for your convenience.

Sincerely,

DANIEL SOSA

Daniel Sosa

Property owner; cannabis farmer
Lockwood, CA

Spencer, Craig x5233

From: Nara Dahlbacka <nara@milogroupca.com>
Sent: Tuesday, May 29, 2018 12:25 PM
To: Spencer, Craig x5233; Swanson, Brandon xx5334
Cc: 'Daniel Sosa'
Subject: Outdoor cannabis follow-up

Importance: High

Hello Brandon and Craig,

Thanks for taking the time to meet last week. To supplement the information in our initial letter and information, please find answers below to the questions that came out of the meeting with Craig.

- **Other jurisdictions with programs we think MoCo could model their pilot program on:**
 - Humboldt and Mendocino Counties required proof of cultivation prior to a certain date. November of 2016 could be a date (around when legalization passed). This ensured that local farmers who were doing it for years, sometimes generations, got to continue to operate, while blocking an influx of farmers from outside the County looking to enter the County.
 - Lake County allowed it's farmers to "self-certify" their compliance under their old 215 ordinance (Article 72), while the County worked out its new regs to align with State law. This allowed the compliant farmers to continue to operate and provide for their families without interruption, apply for their State temporary permits, and it allowed the County to get tax dollars in the meantime. The self-certification would be an affidavit. Also, if someone self-certifies falsely, they would be prohibited from obtaining a permit in the future, and potentially opened up to criminal or civil issues.
- **Estimate how many farmers there are in south county:**
 - Our estimate is that there are 100-200 farmers in South County. However, those that want to be licensed, have water and power on site, can prove they were operating in compliance with 215 (such as proving a relationship with a compliant dispensary), can prove via satellite imagery they were operating prior to 2016, and are on PG-40 land is more in the 10-40 range.
- **Are there ways to mitigate odor issues for outdoor grows?**
 - Odor is not a major issue on PG-40, due to the terrain of the land and sparse residences. However, the best way to deal with odor would be a 50-100 foot set back from a property line of a property that is not the same owner. A larger setback from neighboring homes such as 100-200 feet could be a possibility as well.
- **Non poison pest management techniques.**
 - Poison pest management techniques are inappropriate for cannabis farmers, and should be prohibited in the County. Frankly, we would not mind seeing them prohibited for use or sale for farmers, or anyone else in the County for that matter. We use alternative techniques for pest control. We use fencing for deer, chicken wire underneath our soil for gophers, and we also put out trays of water and grow vegetables near the cannabis crop for birds, rodents, rabbits, etc. These methods are effective.
- **Ways to preserve wildlife corridors while still having adequate security:**
 - It is unlikely that wildlife corridors will be affected by outdoor grows on PG-40. One acre of cannabis on a minimum 40 acre parcels means no more than 2.5% of the property would consist of the farm itself. Ancillary buildings would account for a bit more square footage, but not much more.
 - Sufficient security on PG-40 land can be accomplished with locked gates at the entry to the property and the fenced garden, and locked storage containers.
- **Ways to document pre-existing legal status:**
 - The best ways to document pre-existing legal status would be through satellite imagery, and documentation of a relationship with a compliant dispensary prior to a certain date such as November of 2016.

- **Earmarking these new taxes to go directly to enforcement:**
 - Since these will be new taxes for the county, and given the cost of enforcing illegal grows in south county, the tax money (or a portion of that money) could be designated for enforcement.

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