

**From:**  
**To:** <bos@co.mendocino.ca.us>  
**Date:** 7/10/2017 6:56 PM  
**Subject:** Inquiry from BOS Contact page



To: Mendocino County Board of Supervisors

I tried to arrange my schedule to be present for the Cannabis review but was not able to clear my Afternoon schedule so I would like to submit this memo for Tuesday, July 11 BOS meeting

I have been in contact with a number of Farmers, participants and County staff on some of the problems I have seen popping up with the ordinance. Considering how large this undertaking was I am pleased that we are so close to having a fully functional Cannabis program in Mendocino County. I would like to bring a few issue to the board's attention, so these might be addressed and to have an Ordinance that encourages participation.

1A It seems there could be some room to fine tune the Building regulations regarding ADA access which Federally kicks in at 15 employees, or open to the public. I spoke with Richard at the state BCS and he saw no State requirements for ADA facilities on small owner-operated farms. He pointed out a number of small Farm stands in the Sacramento area he visits, that do not have ADA parking let alone a bathroom. His one caution was if the public is allowed the operator would open themselves up for a non-compliant ADA lawsuit. This ADA requirement would be devastating to some of the Cannabis Farmers and food producers I have spoken with.

1B At this point I'm \$12,480 into building code upgrades and my property was one of the more code compliant properties. This is mainly in electrical upgrades. The problem is I have a wonderful old pre-1974 redwood barn that is a general purpose building. I would like the county to come up with some way to let farmers utilize these building with some structural upgrades if they are apparent by Building and planning. I have secured the building from its original state with a concrete floor foundation bolted to the sill, and a loft to secure the structure. With so many of these structures in the county, it seems practical to evaluate these and update the county parcel maps. This more controlled than a bunch of 120 sq foot structures

Also, some farmers were prior to the ordinance that class K would be fine since structures would be used for farming, a Class K permit would be fine. Now, these farmers find they can't convert these class K building over for commercial use, even though they have engineered plans and were guided by the county. After all, you can have a law office, accounting office and other business in a class K home. Again with no employees.

I know verifying employees will be hard this first year but if we are not working on a soft landing this will be devastating to the income of many residents and retail stores in the county with

2 Partnership prior grows. This is a critical situation where one partner has made it to the county to get an application in for a new site. This situation leaves the other partners out. Could a clause be added to provide proof of all partners so they all would have an equitable solution to moving on?

3 Track and trace, In a previous letter I mention some detailed concerns, but a major new issue has arisen. One is not able to get into the Track and Trace system until they are fully enrolled. With the need for an AP this could drag on beyond harvest. The last I knew there were a lot of question that could not be answered on privacy. They system is no guarantee that the origin will appear in the dispensary, as they will break down pounds therefor out of the system giving no benefit to the program. The State program will Start in six months on a statewide basis and would provide a better more effective tracking of product.

4 Dispensary Agreements are hard to get from most dispensaries and some are charging an outrageous fee of \$2500 for this document. If a farmer has a state resale license that is a control. Also, it will not affect the county tax wise since the tax is a flat fee.

Those are some main issue that would be helpful in getting feedback at maybe a workshop day for staff, Farmers, and the BOS.

The final issue is if code enforcement could not be SO in your face Law enforcement attitude. I'm not sure why these officers lean towards an LAWENFORMENT look, and not like the rest of the building and planning code enforcers of the past. We need to get past the illegal attitude towards Cannabis. I am glad enforcement letters are going out but, is it possible to tone down the outward appearance. I was a bit shocked when I saw the code enforcer at Building and Planning when I was filing my Administrative Permit application.

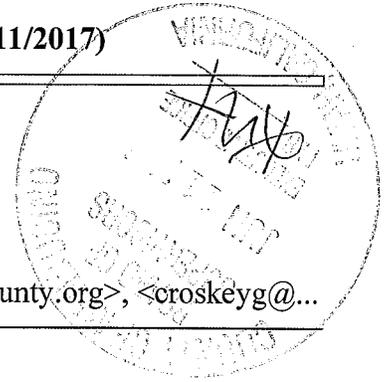
Again I want to thank County Staff and the BOS for setting this for public input

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Page: <http://www.co.mendocino.ca.us/bos/contact.htm>  
Browser: Mozilla/5.0 (Windows NT 5.1) AppleWebKit/537.36 (KHTML, like Gecko)  
Chrome/49.0.2623.112 Safari/537.36  
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**Karla Van Hagen - Cannabis Program Implementation (Item 5G - 7/11/2017)**

**From:** Patrick Sellers <patrick sellers23@gmail.com>  
**To:** <bos@mendocinocounty.org>  
**Date:** 7/11/2017 6:36 AM  
**Subject:** Cannabis Program Implementation (Item 5G - 7/11/2017)  
**Cc:** <browncj@mendocinocounty.org>, <mccowen@mendocinocounty.org>, <croskeyg@...



To: Honorable Board of Supervisors of Mendocino County

From: Patrick Sellers, Mendocino Agricultural Consulting

First of all, thank you again for hearing my concerns and ideas. I appreciate very much the active efforts of so many county officials to make this program work for the benefit of all county stakeholders.

I'm writing again regarding the issues created by the 'relocation and extinguish' process, and the unintended consequences created for many longtime cultivators in our community.

Currently, if more than one person cultivated on a site prior to 2016, and one of them chooses to relocate, then they must extinguish the other person's right to continue cultivating on the origin site. This is unfair for a number of reasons which I've outlined to the board in a previous letter.

**Please consider giving the following direction to resolve this issue:**

**If more than one person can adequately prove cultivation on a site prior to 2016, then each individual should be allowed to either A) continue cultivating on the origin parcel or B) relocate to an appropriate destination parcel without extinguishing another person's right to do the same.**

This relates specifically to Section 10A.17.080 B(3)(f) which states:

*If a person is granted a Permit for a destination site, any claims of proof of prior cultivation on the origin site shall effectively be transferred to the destination site, and the ability to claim proof of prior cultivation on the origin site shall be extinguished.*

It has been my understanding, and that of many cultivators seeking permits, that this paragraph was intended to refer to 'any claims (by that person)' rather than 'any claims (by any person)' who can prove prior cultivation.

Please consider giving the direction stated above to indicate that the intent of B(3)(f) was not for one person to be able extinguish another person's ability to also prove prior cultivation on that parcel.

Here are a few examples of scenarios where more than one person might seek to prove prior cultivation on a single parcel:

- Partners no longer wishing to work together
- Roommates sharing a single grow site
- Tenants and Landlords
- Farm Owners and Farm Managers

By giving the direction proposed above, you would in effect prevent these cultivators from being forced to make competing claims to their right to cultivate.

I know of 20+ pending application submissions which are effected by this issue, and so if the proposed allowance is not made, then I believe there will be many competing claims to proof of prior cultivation during the remainder of Phase 1.

Oftentimes it is the long-time cultivator, community member, and passionate land-steward of our county who is having his/her right to cultivate extinguished, and thus will be forced to challenge their extinguishment in order continue cultivating and maintain their basic livelihood.

Thank you again for considering this idea.

Sincerely,  
Patrick Sellers

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**Patrick Sellers**

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**Mendocino Agricultural Consulting**  
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