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Mendocino County Board of Supervisors
501 Low Gap Road
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March 31, 2017

Re: 4/4/17 Agenda Item 4I

Suggested Minor Changes/Clarifications to Cultivation Permitting Ordinances

Dear Honorable Supervisors and dedicated Staff:

Please consider making these changes prior to adopting the MCCR. I strongly believe that these changes are important clarifications and are in keeping with Board direction and the environmental review that has been conducted.

1. 10A.17.040 (G): Please also exclude the fencing requirement for cannabis grown in locked, secure, rigid greenhouses (in addition to the existing exclusion for "indoors."
2. 10A.17.060 (2), (5) and (8): Please remove the word "exclusively" in the description of permit types for indoor cultivation. The Definitions section properly defines "Indoors" with respect to the type of structure. Both the former and the current (acting) Ag Commissioner agreed that traditional "indoor" buildings that have a translucent roof which is glass or a very thick and hard plastic (akin to skylights) so as to take advantage of solar gain and reduce consumption of energy, could be classified as either "Mixed Light" OR "Indoor" for purposes of the permit types and that the relevant factor in those cases is the type of structure, not whether there is "exclusively" artificial light. Both permit types require a representative from Building and Planning for the pre-permit inspection, both require adherence to prevention of light leakage, proper wiring, etc. Don't we want to allow for the reduction of dependence on energy usage where we can? If the structure meets the strict and specific criteria of the definitional description of "Indoor" then it should be classified as "Indoor" for a permit type. If a structure does not meet the strict and specific criteria of the definition of "Indoor" (like a greenhouse), then it should be classified as a "Mixed Light" for purposes of the permit type.
3. 10A.17 Definition for "Mixed Light": Please remove the inclusion of manipulation of natural light (without artificial light assistance) from the definition. Old style light deprivation by using a tarp or other covering is NOT the same as a mixture of artificial light and natural light. In fact, there are cultivators that use that technique even when there is only one cycle so the cannabis can be harvested before it gets too wet out and mold becomes a problem. Also, the use of light deprivation can save water resources because of shorter cycles both for 1 cycle operations and for 2 cycle operations since the amount of water it takes to feed one very large plant is much greater. I have cultivators that have specifically stated this, not as a hypothetical, but as their experience and as one reason they choose to use light deprivation with just a tarp or covering and without light assistance so as to further reduce the resources



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they are expending. If we include operations that do not use any light assistance but do use light deprivation into the "Mixed Light" definition, we are discouraging people from using these water and energy saving processes, since they could add light assistance and be subject to the same requirements but get more out of it in terms of end product.

4. 10A.17.060 (10) (A): Please exchange the word "derived" with the word "sold" so that nursery producers are prevented from selling any product made from plants that were allowed to be grown to maturity under the specific Ag oversight program enunciated), but are not prevented from being able to test consumable product of strains they are developing or trying out. The difference s that some nursery permit holders might have to try (consume and test) new strains or new lines they intend to carry to see if they will perform in accordance with what they were told or what they think they have developed, but they can still be prevented from being able to sell any of it.
5. 10A.17.090 (M): Please clarify that EITHER the person must not be on probation or parole for any violent felony as defined in Section 667.5 (c), OR the person must not be on a probation or parole that has a condition that prevents them from being able to lawfully cultivate commercial cannabis. The way it is written, a person on felony probation for a nonviolent felony unrelated to anything similar (such as felony DUI), could be prevented from applying.
6. 10A.17.070 (D): Please clarify that different growing styles on one legal parcel does not necessarily constitute a need for a separate permit. For example, starting one's seeds in a lawful accessory building which is considered "indoors" because of the type of structure and because of the use of artificial lights, and then moving those germinated baby plants to a nursery in a hoop house or greenhouse with some light assistance which would be considered "Mixed Light" cultivation while they mature enough to withstand planting outdoors, and then moving them to outside in the ground or in pots, should not require 3 permits, which, under the ordinance, one cannot obtain. If you do not clarify this, people will be forced to abandon all outdoor growing or would have to purchase clones instead of grow from seed or make their own clones. Another example is that some growers, especially closer to more moist or foggy areas, use As long as a permit holder is not exceeding the total cultivation square footage allowed on that legal parcel, it really should not matter what "style" of cultivation they are conducting so long as they follow all requirements for that style. It is ALL tracked and traced, it is ALL part of the same collective/business, it is ALL on the same legal parcel, it is ALL subject to the total square footage limit. This is the same as is the case with allowing multiple people to have separate permits on the same legal parcel so long as the total square footage does not exceed the allowable amount for the parcel size and zoning. There was no distinction in the ordinance between multiple cycle grows and one cycle grow as a permit type. If that is what is desired, then that is the criteria that should have been be used. Finally, if some kind of distinction must be made for Nursery permits, perhaps that could require a second permit? But, even that does not make sense since I think that most



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Nurseries would require that they have an indoor facility for mothers or seeds, and then greenhouses or hoop houses for the nursery stock. There might even be a need for some outdoor area (or under a canopy but not an enclosed hoop or greenhouse) for nursery stock that has been potted up. Under that scenario, would a nursery require 3 permits? How could it operate if so?

Thank you for all of your hard work and for your consideration of these important clarifications.

Respectfully submitted,

Hannah L. Nelson