

From: Nicole French
To: Board of Supervisors
Date: 8/22/2017 8:24 AM
Subject: Fwd: Regarding your visit to Round Valley last week to discuss cannabis

>>> Georgeanne Croskey <croskeyg@mendocinocounty.org> 8/22/2017 8:21 AM >>>

Sent from my iPhone

Begin forwarded message:

From: "tom loring" <loring.tom@gmail.com>
Date: August 22, 2017 at 1:58:02 AM PDT
To: "Georgeanne Croskey" <croskeyg@mendocinocounty.org>
Subject: Regarding your visit to Round Valley last week to discuss cannabis

Hello Georgeanne,

I spoke with you last week during your visit to Round Valley at the library. Thank you very much for taking the time to hear the concerns that the community has around the emerging county cannabis ordinance, we need your help, particularly in the face of District 3 not having any representation during the drafting of the ordinance. I cannot make the Supervisors meeting on 8/22, so I am writing to recap on my comments last week, that they can be shared with other supervisors and be part of the public record.

The board of supervisors, in the cannabis ordinance, state that the goal of the ordinance is to regulate the production of medical cannabis and to promote the health, safety, and general welfare of the residents and businesses in the county, limit nuisance, as well as protect the environment. By limiting cultivation to no more than 10,000 sq ft, the environment will be protected much more stringently than in other counties where individuals are allowed to cultivate multiple acres as an upper limit (Humboldt, among others). Due to the economic importance of cannabis cultivation in Mendocino, the county needs to make the protection of the pre existing farmers a priority. Without doing this the board of supervisors are neglecting to provide conditions which would enable the continued survival of many of the rural residents of the county. As of yet I have seen or heard of no other economic plan or agenda to help the under represented and underserved rural residents of the county. There are few jobs available outside the urban centers of the county, certainly not enough for the large numbers that will be displaced by the ordinance as it is currently written. Remember that compliance with state regulations (particularly the RWQCB) will already cause hardships for small farmers. It is up to you to help the small farmers if you do not want an economic disaster to unfold in the remote corners of the county, which will then spread to the centers.

So far the ordinance seems to be designed to disqualify rural growers from entering the emerging legal markets. This is evident in the weak enrollment numbers and extremely few permits that have been awarded, last I heard there were about 700 applicants and only 2 permits had been issued. That is ridiculous in a county that may have as many as 10,000 growers! The process would be more effective if it were designed to bring existing farmers into the framework of legalization quickly and easily, rather than exclude them from it.

The baseline of allowable cultivation should be limited to areas that were in cultivation as of the end of 2015. These pre existing cultivation areas should not be trouble for the county with regards to CEQA, as this is not an expansion of cultivation, rather it is the defacto cultivation, and is suitable as a reference point for comparison and future analysis and expansion of cultivation. To permit these pre existing farms is not an approval of past activities, but merely an acknowledgement of the economic motor of the county, the small farmer. It seems the supervisors need to be reminded that the smallest vineyard dwarfs the largest cannabis grow. How many vineyards are a quarter acre or less? Few or none. How many cannabis grows are a quarter acre or less? All of them if they are allowed permits under the current guidelines. To make permitting of cannabis agriculture so difficult in the face of this, to be blank, seems misguided and extremely biased. This indicates a need for a culture shift at the level of county government, to keep pace with state laws and the public's needs and attitudes.

One other current issue regarding the cannabis ordinance is the way that the ADA is being applied. The ADA is quite clear on the point that it does not apply to employers with less than 15 employees. It is absurd for a small agricultural venture to be held to the standards used for a large commercial employer. Mr Oliphant has claimed at the board of supervisors meeting in July that the ADA applies to all commercial activity. This is patently false and is quite easily debunked by reading the ADA. The role of county employees in this case is not to interpret law but rather to apply existing law. I would be surprised if the county does not find itself the target of legal action if this detail of the ordinance is not addressed. Humboldt county is not requiring the application of the ADA to small acreage cannabis cultivation and does not have the same opinion of the application of the ADA as Mr Oliphant at Mendocino County Building and Planning does. Why is that? I have worked on several farms and ranches in Mendocino and Humboldt counties over the last 25 years. None made any attempt to comply with the ADA. Why? Because it is absurd to try to apply it to small agricultural ventures.

The Mendocino County Cannabis Ordinance is off to a rough start, with various problems primarily a lack of representation of the 3rd district in the original failing ordinance, which has not been written to accommodate the rural realities of small farmers and a general attitude that this is a great time to gouge small farmers excessively with an expensive and difficult cannabis compliance ordinance. A large amount of the acreage of grapes in the county is controlled by large corporations, and that income by and large leaves the county. By contrast, the small cannabis farmers of the county turn much of their income back into the county and support local communities. Ask local merchants. Please do the right thing and work to preserve and accommodate the pre existing and vibrant communities of small farmers who support the county economically.

Thank you for keeping an open mind and compassionate heart when dealing with the future well being of the citizens of Mendocino county.

Regards
Tom Loring