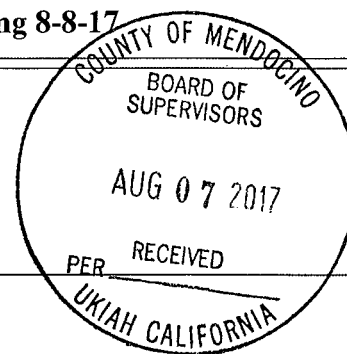


**Board of Supervisors - Letter regarding Cannabis for BOS Meeting 8-8-17**

**From:** "Casey O'Neill" <casey@cagrowers.org>  
**To:** <bos@co.mendocino.ca.us>  
**Date:** 8/7/2017 9:58 AM  
**Subject:** Letter regarding Cannabis for BOS Meeting 8-8-17



**TO: Mendocino County Board of Supervisors**

**FROM: Casey O'Neill, HappyDay Farms, Vice-Chair California Growers Association**

We are glad to see the willingness of the county to update the policies and to try to build a more inclusive program to provide space and opportunity for cultivators to come into compliance. There is still much work to be done, and we look forward to participating in the process. The following are comments on the materials from staff for this meeting:

**Ag-Exempt Structures:** We are extremely pleased to see the inclusion of drying sheds as Ag-Exempt Structures. We support this proposal, but also believe that it should be broadened to include hoophouses and greenhouses. We wonder if, under item #1 in the PBS proposal standards & limitations, we need to broaden the list of items the structure is designed and constructed for to include drying, growing, etc. of plants AND we wonder if the limitation to property PRIMARILY used for Ag or growing of plants would exclude those zoning where that is not the PRIMARY use.

**Trimming/Processing:** There is a need to figure out how trimming can be accomplished without requiring a full Commercial Building Permit. Businesses with less than 5 employees should not be subject to ADA requirements, and the Hardship Clause should be activated to avoid forcing farms to build full ADA compliant facilities.

**Septic System Requirements:** We support the proposed potential amendment to the County Code that would allow portable toilets. The potential for contained, evaporative systems like the Enviro-Loo (<http://www.swsloo.com/>) should be considered. These systems are designed to operate as a closed system that does not need a septic hookup. Including these toilet systems in a County Code Amendment would provide a cost-effective means of addressing human-waste issues that can be cost-prohibitive when a full septic system is required.

**Road Easements:** We do not support a restriction or requirement regarding road easements. The logistics that would be involved to require signoffs for road easements would create a huge workload for county staff and an unworkable system. There are many roads that have dozens or hundreds of parcels. Creating a requirement that involved county staff having to cross-check APN's with letters from neighbors would not be good policy. No other type of business faces these requirements.

**Coastal Zone Relocation:** We support the ability of cultivators to relocate from Coastal Zone parcels to Inland Zone parcels. Given the inability for Coastal Zone permits to be issued at this time, it would be logical and fair to allow relocation of these sites.

**Collective Agreements:** We offer strong support for the removal of the Collective Agreement Requirement; it has not worked well for many businesses because legal, downstream partners (dispensaries or distributors) are not always willing to provide this type of agreement.

**Prior Cultivation:** It is important to note that there are many cultivators who were cultivating prior to Jan 1, 2016 but who are now on different sites. Many times, a cultivator was working on a farm but now has been able to start his/her own farm. Proof of prior cultivation should be with the cultivator. The site for which the applicant is seeking permission should be allowed to provide proof of prior cultivation that may not have been cultivated by the applicant.

**Personal Medical Cultivation:** Given the restricted nature of the 100 sq foot cultivation size, it does not make sense to require registration with the Dept of Ag. There are also Medical Patient Confidentiality issues to be considered with this requirement, as information submitted to public agencies is considered public information. Also, having different rules from State (500 sq ft, 5 patients at state level) as well as different rules for adult personal use cultivation from medical personal cultivation at the local level, creates confusion for citizens and enforcement agencies.

**Tree Removal:** Retroactively altering the date of tree removal from “passage of ordinance” to “Jan 1 2016” flies in the face of carefully discussed and negotiated prior support from the “Coalition Letter” written during the ordinance process. To go back and alter the date penalizes cultivators who cleared trees prior to the ordinance including discussion about tree clearing. Denying permits for these applicants creates a disincentive for environmental compliance. Allowing these permits but requiring a the Ag Dept to inspect to make sure that environmental mitigations are in place to prevent erosion and contamination of surface waters would be a more appropriate means of achieving sound environmental practice.

**Deadline for Application Extension:** This is a crucial item for which we express strong support. Including in this process the signed Affidavit from the Ag Application as a Notice of Intent for law enforcement would help these cultivators move forward safely.

**Provisional/Conditional Permit:** Many farms have Building and Planning permitting issues that will take significant time to sort out given the shortage of available contractors, architects, engineers and county staff. The logistics of bringing a large number of parcels into compliance in a rural county with limited resources should not be underestimated. Provisional or Conditional Permits will create opportunity for cultivators to get state license next year by providing a statement of operational authorization, while attaching timeline requirements for compliance. These timelines should be flexible and subject to extension on a case-by-case basis.

**“Not in Violation” Process:** Similar to the prior point on provisional licenses, the county will need to be able to provide the CDFA with a verification that a cultivator is “not in violation” in the county. The Provisional license should be structured explicitly to include this point, and should not allow for Building Permit issues to count as a violation.

**Water Board Discharge Waiver:** The North Coast Regional Water Quality Control Board Waiver of Waste Discharge has now been absorbed into the State Water Board Program. It would make sense to require cultivators to engage in sound environmental practices to avoid nutrient leaching and sedimentation (reviewable by Dept of Ag Inspectors), but to not require registration for the Discharge Waiver as this will be changing with the new Statewide Program.

**Lake and Streambed Alteration Agreements:** There is a big difference between requiring a referral to DFW and requiring that everyone get an LSA. Not all farms will require one, it is better to refer applicants to DFW and let it be sorted out in that manner than to require LSA's up front.

Thank you for your time, we appreciate the willingness of the county to make this policy more workable.

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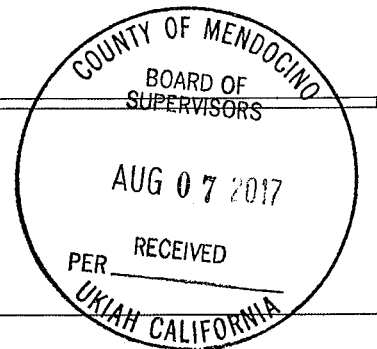
Casey O'Neill, HappyDay Farms,  
Vice Chair California Growers Association  
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## Board of Supervisors - Small Cultivator--Comments to Memo

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**From:** Courtney Bailey <bailey.courtney@gmail.com>  
**To:** <bos@co.mendocino.ca.us>  
**Date:** 8/7/2017 12:17 PM  
**Subject:** Small Cultivator--Comments to Memo

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Dear Mendocino County Board of Supervisors:

Thank you for your time and attention on the cultivation ordinance as well as the process for cultivators and county departments. I am a small cultivator in Philo. On May 5, I submitted the complete application for a 2500sf mixed-light permit and my pre-site inspection is scheduled for August 16.

Please see my comments and feedback below:

### Tree Removal

Many of us have wood stoves as a primary source of heat and remove trees on our property for firewood, or we may want to bring in more light for solar panels or clear the perimeter for safety purposes and defensible space. How do we address this? Is the expectation for cultivation permit holders that we should never remove a tree on our property? Or is this only within the fenced in cultivation area? **Please expand on the expectations of tree removal for cultivators.**

### ADA Compliance

Please continue to look into the ADA requirement further. **The "commercial" designation is only part of ADA compliance and is being used as the main condition.** The number of employees and undue hardship on the employer is also an important component to determining eligibility.

### Variance/Conditional vs Denial

With the rigid nature of the Building & Planning department, cultivators may find themselves in a situation where a solution could be available if a different set of eyes were able to look at the file. **Please consider adding in a variance or appeal procedure before denying applications.** In addition, please consider encouraging staff to assist cultivators in finding solutions versus denying applications.

### Agricultural Exemption Permit

Thank you for addressing this issue. Please consider removing the 40' setback from a residence. Many of these existing structures are close to residences for security reasons and the nature of being a small farmer with zero employees. The 50' setback from the property line is reasonable and keep with the guidelines of the ordinance. **Please reconsider the 40' setback from the residence.** These structures are not supporting employees or the public.

### State Felony Requirements

Please consider adding in the ability for the cultivator to **provide proof of rehabilitation or proof rights have been restored when a felony is present** on their record.

Thank you,

Courtney Bailey  
Philo, CA