



**CALIFORNIA  
GROWERS  
ASSOCIATION**



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August 7, 2017

To: Respected Supervisors of Mendocino County  
RE: Cannabis Cultivation Ordinance

It is a pleasure to write to you today on behalf of more than 150 members of our association who live and do business in Mendocino County. I am writing to provide insight and concerns from our perspective in the hopes that your board can craft a stronger, more effective ordinance going forward.

Thank you for all of your work and leadership thus far in this process; Mendocino County is leading the way into the regulated future just as Mendocino growers have led the way for many years in the unregulated market. Working together can generate the best possible outcomes for our communities, our local economies and for our natural resources.

**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 hoop-houses and greenhouses. The state will not require commercial buildings, counties have flexibility on this issue and should work to make the compliance hurdles as low as possible to encourage participation.

**Temporary Permit:** State law authorizes provisional licenses for operators that are permitted at the local level to ensure a streamlined transition. We strongly encourage the county to consider a temporary 1 year permit to help ensure that there is not a gap in operations caused by limited staffing or resources in the agencies and departments tasked with permit review. Mendocino is renowned for cottage, specialty and small growers. These business types are often quite marginal and a delay in permitting could be the difference between success and failure for many of these businesses.

**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.



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**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.

**Cottage Permits:** It is important that the process for cottage cultivators be streamlined and made less expensive. At this time, very few cottage cultivators feel capable of participating in the permit program.

**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 closed systems that do 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.

**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.

**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



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the cultivator, not the site, particularly given that part of the goal of regulation is to move cultivation activities on to more appropriate sites.

**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.

**3<sup>rd</sup> Party Inspectors:** Given the costs of compliance, we support the removal of 3<sup>rd</sup> Party Inspectors as it would help farms to avoid an added cost. Inspections from Department of Agriculture should suffice.

**Deadline for Application Extension:** This is a crucial item for which we express strong support.

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If you have any questions or clarification please feel free to contact me at any time at 916 879 5063 or by email at [hezekiah@cagrowers.org](mailto:hezekiah@cagrowers.org).

Sincerely,

Hezekiah D. Allen, Executive Director