

To the Mendocino County Board of Supervisors-

We are writing today to voice our concerns about the county's medical cannabis ordinance. We are encouraged to see that the Board recognizes that there are a great many problems with the existing ordinance and is willing to address these issues. However, there is still much to do and many unworkable and unacceptable regulations must be changed if this program is to have any chance of success.

We are pleased to see the recent memo from building and planning that will include drying sheds as Ag Exempt structures. This will go a long way to making the cannabis ordinance workable and is a big step in the right direction. However, it is absolutely critical that this be expanded to include hoop houses and greenhouse as well. Greenhouses and hoop houses are very obviously agriculture structures and should be classified and regulated as such. Without this critical change, many farmers will be forced out of business and no longer be able to participate in the legal cannabis marketplace.

At a minimum, existing greenhouses which were already permitted by Building and Planning Services, especially ones which were approved under the 9.31 program, and were clearly and specifically indented for cannabis use need to be grandfathered in. There needs to be a reasonable path for compliance for the farmers who have these types of structures. It is unacceptable that farmers who participated in the 9.31 program, and who went to great lengths to ensure that their buildings and greenhouses were compliant are now being told that these structures cannot be used, or must be re-permitted or rebuilt, despite having been already approved.

Ignorance of the law or of regulations is certainly not an excuse, but this applies to the county government as well. Many farmers who were in the 9.31 program and who applied this year were apparently repeatedly and consistently given incorrect information time and time again by Building and Planning Services over an extended period of time. Farmers rely on regulatory agencies such as the Agriculture Department and Building and Planning to guide them through the complex web of regulations, and therefore the county government must take some of the responsibility for the fact that Building and Planning Services led every single farmer in the 9.31 program down the wrong path to compliance over the last two years.

Not only is it not right for farmers who were seeking legal compliance and attempting to do everything 'by the book' be penalized by the county for doing so, it is not legal either. We have consulted with our attorneys at Rogoway Law Group, and farmers who are in this position would have a strong case against the county. It would be advised that they county remedy this situation to avoid potential lawsuits. Lawsuits should obviously be avoided, as the county has already been sued a number of times over cannabis related issues, and it will only aggravate the situation. Unfortunately many farmers are being pushed towards this 'last resort' if something is not done soon.

Finally, we would recommend that the county only require ADA compliance for cannabis businesses which more than 5 employees, which is consistent with OSHA regulations, California State Law, as well as Humboldt County's cannabis program. It is unreasonable to require ADA compliance for small farms, especially family

run farms which are not open to the public. These requirements are an undue hardship and will put a significant number of farmers out of business or force them back on the black market which would be devastating for our community.

We ask that the Mendocino County Board of Supervisors take a strong stand on these major issues before the situation escalates any further. If the issues regarding commercial buildings and ADA compliance could be resolved in a reasonable manner, it would help ensure that the cannabis program is a success. If this program fails, the result on our community, on our economy, and on the farmers of this county would be devastating.

Brandon Wheeler - owner, Feliz Farms

Roger Wheeler - owner, Sanel Highlands