

Hey brother :) send to bos@co.mendocino.ca.us

That goes to all of them. Much love:)

On Aug 7, 2017 7:27 PM, "jeremy p" <jpfreeride@gmail.com> wrote:

Hey Casey,

Hope your well.

Who should I send a letter to for tomorrows meeting so it ends up a part of the meeting? and should I send it to all the super independently?

thanks

Jeremy

On Sun, Aug 6, 2017 at 3:17 PM, Casey O'Neill <casey@cagrowers.org> wrote:

Hey folks, The Board of Supervisors meets on Tuesday, for an all day workshop on cannabis. The information about the meeting and the memos from staff can be found [here](#).

My draft of comments is as follows:

TO: Mendocino County Board of Supervisors

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

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.

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Casey O'Neill, HappyDay Farms,
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