

Mendocino County Board of Supervisors  
501 Low Gap Road  
Ukiah, Ca. 95482

May 13, 2019

Re: May 14, 2019 Cultivation Ad Hoc Report/Recommendations

Dear Honorable Supervisors:

I would like to share my views on several of the Ad Hoc Committee's recommendations. My perspectives come from a vantage point of lowering the barriers to entry in order to create a policy and a process that allows the small and medium cultivators of our community to afford the same opportunities and discretion that every other agricultural crop enjoys. With that in mind, up to this point, the cannabis industry has been regulated as if it were still contraband and thus invites a bunch of shadowy issues and that the cultivators have endless loads of money to spend on becoming compliant.

The reality is that the costs and sophistication of the process to come into compliance has already squeezed a very large portion of our cannabis farmers out of the industry, and is breaking those who have made it this far.

I appreciate the Board's willingness to go back through and revisit what these challenges are and how they can be corrected in order to revitalize a very important part of our local economy.

I support all of the Ad Hoc Committee's recommendations as well as Hannah's comments in her letter to the Board, and would like to comment further on a few.

**Tiered Nursery Permits:** I support the tiered Nursery permits, but would ask that the Board consider that nurseries are able to operate very innocuously on a very small portion of land or inside a building. Being that the plants are not flowering, they do not have the heavy aroma that some people find offensive. Thus, a 20 x 20 area for vegetative plant growth and an indoor propagation room that uses fluorescent or LED lights could easily be ran in someone's back yard without bothering their neighbors in the least bit. Limiting nurseries to minimum lot sizes of 5 acres is a bit excessive and would disallow many people the opportunity to run a small successful business. I urge the minimum lot size for small nurseries be ¼ acre lots.

**Transferability:** I strongly support transferability of licenses in all zones. This is a very important aspect of investing in one's own business. Being able to get out what one has put into it once they are finished and ready to move onto other endeavors is incredibly important consideration when one decides to invest their own time, money, and effort into an new endeavor.

**Rangeland:** I STRONGLY support new permits on Rangeland and I mirror the comments made by Hannah Nelson in her letter. It makes no sense to limit cultivation of cannabis in a zoning that allows for much more impactful uses. Is a ¼-acre garden disturbance equal to or more harmful than a multi-hundred acre vineyard/orchard/field crops? Grazing cattle, horses, goats, or pigs? The current prohibition makes zero ecological sense.

I agree with Hannah Nelson's comments on the other Ad Hoc Recommendations. Hannah is truly in the trenches with multiple cultivators and really has a birds eye view of what the cannabis community is having to deal with.

I would also like to raise a couple of other issues that are making it very difficult for cultivators to come into compliance.

**Hoop house Accessibility and AG Exempt Structure Status:** Our current Hoop House Structure policy needs to seriously be reconsidered. The way it is playing out right now is creating an impossibility for cultivators to effectively operate a profitable business. Cannabis grown under the diffused light is more marketable and commands a higher price. In order to have 10,000 square feet of canopy under hoop house plastic, a cultivator needs to spend \$3900 to obtain Ag Exempt permits for their hoop houses. This not only creates another barrier to entry, but also brings in the accessibility issues of permitted structures. Since they are Ag Exempt, employees are not allowed to enter the structures. It is impossible for one or two people to cultivate 10,000 without ever requiring the assistance of employees. Cultivators in Mendocino County must choose to either grow entirely outdoors (a less marketable product, giving up revenue), decrease their garden size to a size that is manageable for one or two people (giving up revenue), or maximize their cultivation area under hoop houses and not be truthful about employees periodically entering the hoop houses.

Other counties such as San Luis Obispo County and Santa Barbara County do not require hoop houses to be permitted as long as they are used for agriculture and adhere to several other reasonable guidelines. Since they are used for crop protection and don't require permits, employees are allowed to enter the structure for cultivation purposes. The berry and pepper industry is thriving under these hoop houses and are not have the same restrictions that we seem to have here in Mendocino County.

I believe that allowing cultivators to have employees in their hoop houses allows them to maximize their businesses and operate in complete compliance will increase tax revenue and prove to be more profitable than restricting their uses through Ag Exempt permits. I also believe that we can require hoop houses to be registered so that the Fire Departments can be aware of their existence.

Whatever we do, hoop houses are a necessary part of cannabis cultivation and we must find a way to allow cultivators utilize them with the assistance of employees.

**Flexibility by Planning Department:** It has been the goal of the Board of Supervisors and many stakeholders to bring into the program as many cultivators as possible. As the legal cannabis programs have been rolled out both on the State level and County level, many cultivators have been met with numerous unexpected challenges. There is so much uncertainty facing cultivators going through this process that it is important for regulatory agencies to have a certain amount of understanding and flexibility in working with applicants' unique situations. It is important for regulatory staff to keep the mind frame that their goal is to assist in bringing more cultivators into compliance with the program as well as to help cultivators stay in the program, rather than stringently enforcing a very narrow set of guidelines.

It has been the experience of many cultivators that the Building and Planning Department has been very narrow in their interpretation of guidelines for situations. They have state that they are unable to grant any sort of extension, leniency, or creative thinking to be able to circumvent certain hurdles because they lack the direction to do so.

I urge the Board of Supervisors to adopt an attitude to do whatever necessary to bring more cultivators into the Cultivation Program and to direct the Building and Planning as well as the AG Department to be able to use their own discretion in determining the interpretation of policies in order to allow cultivators to come into and remain in compliance.

In my own instance, the financial effects of being evacuated for two fires, lower market prices, and exorbitant fees, taxes, and administrative costs has made it very difficult for my business to pay for the engineering plans and permits to comply with my Compliance Plan with in the year allotted. I had called the Planning Department to brainstorm ways to comply in order to maintain a compliant permit. I was told that they had no authority to offer leniency or extensions because they had not been directed to do so from the Board of Supervisors.

I urge the Board of Supervisor to take an official position that allows the staff to be proactive to bring in and maintain Cannabis Program participation.

Thank you.

Jed Davis  
Mendocino Clone Company

