



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

November 2, 2020

Re: Agenda Item 5e/5f for 11/3/20 BoS Meeting

Discussion and Possible Action Including Adoption of Resolution of the Mendocino County Board of Supervisors Ratifying the “Fire Safety Ordinances” of the Redwood Valley-Calpella Fire Protection District(5e), the Hopland Fire Protection District(5f). (Sponsor: County Counsel)

Honorable Supervisors,

MCA is concerned that, according to the staff memo provided by Building Official Mike Oliphant and Deputy County Counsel Matthew Keidrowski, the wording of the proposed revisions to the Fire Safety Ordinances for the Hopland Fire District (HFD) and the Redwood Valley-Calpella Fire District (RVFD) is more restrictive than the stated intent.

Unless modified, the proposed ordinance would classify all agricultural crop production (including cultivation, drying, processing and/or storage) as an F-1 Occupancy despite the fact that this would, in effect, reverse the progress made through the adoption of the current Ag Exempt Policy to provide for the possibility that certain agricultural structures (non-commercial w/ no public access) may be permitted in a streamlined fashion.

We respectfully request that direction be given to Staff to modify the proposed ordinance language, and we offer the following statement describing the reasons for modification:

*As proposed, the ordinances would classify all structures used in agricultural crop production, including those conforming to the County’s Ag Exempt Policy, as F-1 Occupancy. This is contrary to the intent of the Ag Exempt Policy, which allows for agricultural crop production activities to take place in structures with less restrictive requirements, lower building permit fees, and a streamlined permitting process. **This is also contrary to the stated intent of the fire districts, as per Building Official Mike Oliphant, that there would be minimal changes for buildings subject to the current Ag Exempt Policy, and that structures conforming to the County’s Ag Exempt Policy would remain a Utility “U” Occupancy in the districts.** The proposed ordinances should therefore be modified to reflect the intent (of both the Board of Supervisors and the fire districts) that the allowances under the current Ag Exempt Policy remain intact.*

MCA requests specifically that the following activities (which are currently allowed in Ag Exempt structures throughout the county) continue to be allowed, without increased restriction or change of occupancy classification, within the local fire districts:

- Cultivation activities within hoop houses / greenhouses
- Drying activities within sheds or barns
- Storage Activities within sheds or barns

Failing to ensure that these activities remain allowable in Ag Exempt Utility “U” Occupancy structures would be counter to the considerable effort and intent of the Board in creating the Ag Exempt Policy in the first place.

Additionally, we request the following modifications to the proposed ordinances also be considered, and we support Scott Ward’s recommendation that the Board direct the fire districts to review his specific, detailed comments and questions and return with a revised ordinance:

- Modify the ordinances to remove the requirement for an additional operational permit for cannabis operations that is not required for other agricultural activities.
- Modify the ordinances to allow poly water tanks for private fire protection and remove the requirement that they be steel tanks installed in accordance with NFPA Standard 22.
- Modify the HFD ordinance to not require fire sprinklers in agricultural buildings.
- Modify the routing procedures for building permit applications to allow for concurrent plan review so as to avoid delays of up to a month to the existing 6-8 week permit processing time.
- Modify the proposed amendments to remove any discretionary approvals that would not be allowed in a ministerial permit process, specifically the approval of fire sprinkler exceptions for agricultural buildings.

Lastly, we would like to point out that the fee schedules for local fire districts to process and approve building permit applications can be grossly more expensive (nearly 3x) than the county’s building permit application fee itself.

For Example: A cultivation permittee in the Hopland Fire District is charged \$10,169.88 to receive an approval letter for 10 hoop houses for which the county Ag Exempt building permit application fee is only \$3604.90.

We recognize that the fees are not on the agenda today, but we believe it is important to better understand the drastic disparity in cost and restrictiveness between farmers in certain local fire districts compared with those operating elsewhere throughout the county.

Thank you for your consideration.

Mendocino Cannabis Alliance