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Mendocino County Board of Supervisors
501 Low Gap Rd.
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Re: Agenda Item 4b BoS Meeting 3/2/22

Dear Supervisors,

I have been advocating for an appeals process for about 6 years (during the year of 10A.17 development). I am thankful that the Ad Hoc has brought this important and time-sensitive issue to the full Board. Last month, I found about 20 separate instances in the Mendocino County Code that incorporated appeals and other due process rights to other county regulated matters. The range included everything from Film Permit Denial Appeals (6.06.050) to a prohibition of denying or imposing technical or frivolous conditions on a Outdoor Festival Permit (6.16.060). Even the seizure of animals are subject to due process protections both pre-and post-seizure (10.24.050, 10.24.060 and 10.24.070). It is HIGH time that cannabis cultivation permit applications are also afforded due process rights.

The recent confusion and difficulties concerning the portal submission process last fall and the inconsistent reviews and correction checklists provide excellent reasons why an appeals process is needed. The recent issuance of 15-day Vegetation Modification letters and the letter I wrote in response to one file, that I posted as part of Public Expression for today's meeting, provides an excellent reason to ensure that any appeals process adopted is REASONABLE.

Specifically, the complexities and nuances of the application process and the voluminous times applicants were subject to changes in policies and procedures during their participation in the program, and the lack of publication (still) of policies and standards by which applications are reviewed and judged and the lack of posting of corrected forms or better instructions, all point to the need for timeframes that are more reasonable than those that are contained in the cannabis nuisance ordinance or code enforcement provisions (Sections 8.75, 8.76, 10A.17.160). The period of time needed to file an appeal would be greater than that provided in those code sections in order to meaningfully address the issues. Likewise, the specific topics of appeal must include both the stated reason for the denial and the standard by which it was judged. Finally, the cost, especially the initial filing fee if any, must not be prohibitive so as to render the use of the appeal process meaningless.

Thank you for your consideration,

Hannah Nelson