



General Government Committee
501 Low Gap Road
Ukiah, CA 95482

October 17, 2022

Re: Item 2b on 10/17 - Discussion and Possible Action Including Providing Recommendations to Staff and a Referral to the Board of Supervisors Regarding the Streamlining of Cannabis Department Programs and Chapter 10A.17 (Sponsor: Cannabis)

Honorable Supervisors,

We are glad to see the items from the Ad Hoc recommendations come before this committee so soon. As with all of their recommendations, we believe that we must urgently make significant efforts to implement them so as to better support the streamlining and operations of MCD.

The following Directive from the Draft Minutes of the Supervisors meeting on 10-4¹ provides a clear framework under which to consider the recommendations:

Board Directive: *GENERAL CONSENSUS OF THE BOARD to direct staff to ensure an expeditious approach to reviewing applications, not get lost in minutia [sic], take actions that don't result in clawback of funds, and be as reasonable as possible.*

In service to this directive, we recommend the GGC develop concrete procedures to ensure its implementation, such as creating workshop style meetings and the MCD Workflow Analysis we recommend in our Public Expression Memo, both of which would enable the GGC to hear from a broad range of stakeholders.

The Board then referred Ad Hoc Points 3, 8, 9, 11, and 12 to the GGC.

1. **Point 3.** *Clarify existing safety and disease exemptions in ordinance to specifically include fire safety, direct immediate implementation, and direct County Counsel to prepare procedural options for allowing tree removal for disease and safety and consideration of evidence needed for both applicants and department at the General Government Committee meeting.*
 - a. The resolution of the Vegetation Modification question in relation to the explicit exemption for disease and safety concerns built into the ordinance must be

¹ <https://mendocino.legistar.com/View.ashx?M=F&ID=11309621&GUID=E3A71177-FFFA-4D7F-886F-88A74D44D498>

resolved prior to the implementation of an Appeals program - which will be discussed by the BoS on 10/18 - so both MCD and applicants are fully aware of the Board's intent on this question.

- i. MCA fully supports the positions outlined in Hannah Nelson's detailed Memo titled [Tree_ShrubClarification.08.23.22](#), which provides clear and direct language that can be used to clarify the exemption and release our local operators from the fear that they may lose their license for activities that are allowed under the ordinance.
2. **Point 8.** *Create a dispute resolution process for matters and decisions that do not result in denials. This is in alignment with the often discussed need for MCD to do as much as possible to help the current cohort stay in the program and succeed to annual State licensure.*
 - a. The Board has given consistent past direction for MCD to keep as many operators as possible who are engaged with the Department in the process. It would therefore be beneficial to create a process (pre-denial) separate from the appeals process (post-denial) whereby if there is a question from MCD about an application it would not lead directly to denial proceedings unless there were egregious health and safety concerns. It is essential that MCD work with operators to help them remain compliant and in the program rather than resorting to denial if it can be avoided.
3. **Point 9.** *Issue local annual renewal permits within 30 days if they have minor changes that are below the established threshold that requires a modification application as intended by 10A.17.090 or State regulations. Currently, renewals are taking an inordinate amount of time for MCD to issue even if there are no or only insignificant changes that do not trigger a separate Modification process (such as change of type or size or other significant operational changes). Applicants are asked to submit all materials 60- days in advance but then are left without the renewal they need for 2-6 months after expiration of their existing permit.*
 - a. It is important to note here that the State does automatic renewals after all required documentation is turned in even if there are changes. A change does not put an applicant in danger of being denied a renewal. The County can take the same position that the State does, which is that the applicant is in good standing and can be renewed barring a specific reason to question that renewal.
 - b. We understand the need to review renewals for changes, but given the significant amount of work required on all fronts from MCD, it is possible to streamline the renewal process for those with minor or no changes.
 - c. This item is an excellent example of the Board's directive to "to ensure an expeditious approach to reviewing applications, not get lost in minutia [sic], take actions that don't result in clawback of funds, and be as reasonable as possible.
4. **Point 11.** *Align the County definition of outdoor cultivation with the imminent and expected State change in its definition to include the use of light deprivation without the use of light assistance. In a matter of weeks, the state will be publishing its new regulations. The proposed regulations change the definition of Outdoor to allow for light deprivation techniques without the use of lights. If the County does not act now, we will be*

far out of step with State law and local farmers will not receive the benefit that their competitors around the State will receive.

- a. Director Nevedal mentioned in a prior MCD mtg that she was thinking of ways to make sure cultivators could avail themselves of this beneficial State change, with which the County can retain all of the features specific to the size levels of each permit that it desires, while aligning with State style definitions in case they continue to be modified through State regulation and without having to go back and re-amend the local ordinance to reflect those potential changes.
 - b. We sincerely appreciate this foresight, and request that this committee either direct or recommend to the Board on 10/18 to direct County Counsel to take the following steps:
 - i. draft the simple ordinance language change while redrafting the appeals ordinance changes once they are finalized,
 - ii. add in other ordinance changes that were long ago directed by the Board that have yet to be added, and
 - iii. work with the Director of MCD to roll out the process for an applicant switching from ML to Outdoor without starting their application process over
5. **Point 12.** *Direct MCD staff to work with CDFW and stakeholders to review and modify a screening tool for Sensitive Species and Habitat Review referrals. This was agreed upon at the July 28 cannabis ad hoc committee meeting with CDFW, MCD, and stakeholders with the intent to expedite the workload and screen applicants for SSHR review by CDFW.*
- a. MCA believes that the SSHR Screening Tool needs to be sharpened up to be more effective. The Screening Tool could be more efficiently used if the MCD adheres both to the standards set by the MND, as well as the standards set by state agencies. For example, the MCD uses a distance as the standard buffer from watercourses/wetlands that is greater than the required buffers set by the Water Board. In another example, the Screening Tool uses “no impact” instead of “less than significant impact” as used in the MND.
 - b. The mis-use of the screening tool results in unnecessary referrals to CDFW for SSHR review. This means more time is required for processing and more applicants are stuck in line waiting for additional review than would have been necessary if the screening tool was used correctly. Modifying the tool would benefit both MCD and operators by reducing the number of CDFW referrals.

Urgent action on these items is required to minimize bottlenecks and streamline processes to meet rapidly approaching State deadlines, and to keep as many of our licensed operators in the program as possible.

Thank you for your consideration.

Sincerely,

Mendocino Cannabis Alliance
e: info@mendocannabis.com