Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

Mendocino County Board of Supervisors July 17, 2017
501 Low Gap Road
Ukiah, CA 95482

Re: 7/18/17 Agenda Item 5h

Dear Honorable Supervisors and dedicated Staff:
Thank you for your dedication to carefully consider the practical affect of the ordinances as written and the need to slog through some more tricky issues that there was either insufficient time to consider or that just did not arise before enactment. I implore you to take a deep breath and work with both patience and urgency. While some may not have the desire to expend effort on what may seem like miniscule details, it is imperative that we take this opportunity to improve on our first versions. It is also critical that these issues not be put off into the future. The time is now to analyze the practical reality of the ordinances.

I raised many of the issues detailed in this Memo prior to the enactment of the ordinances. I was told that they would be discussed and addressed when the ordinance was up for the amendment process. Please honor that understanding. In addition to supporting Casey O'Neill's letter, I have the following comments and specific concerns:

1. Commercial Permits for Structures: Are They necessary? Only AFTER This Determination Can We Ask What Is And Is Not Required For Such A Permit. We Must Distinguish The CA Uniform Building Code, the County Building Code, the County Zoning and Use Ordinances, Cal OSHA/Division of Industrial Relations (DIR) Requirements And The Applicability of ADA.

There seems to be a melting of these issues when discussing interrelated topics of great concern to small farmers regarding structures and we really need to separate them out in order for the Board to make sound decisions and direct Staff to implement reasonable policies.

a. **Greenhouses**: There is first the question of whether we must require that *all* greenhouses be permitted for commercial purposes if used in a cannabis business. It seems this analysis should be NO DIFFERENT than it is for OTHER AGRICULTURAL businesses. If the greenhouse is open to the public for business, it seems obvious that a commercial permit is required. If it is not open to the public, then we should look to all agricultural businesses in Mendocino County to decide if and when a commercial building permit is required. This issue may or may not involve an analysis of whether employees access the facility or not. However, it should not be presumed that if there are employees at all there must be a commercial building permit. **We should specify the categories: public access, no employees, employees that do not access and employees that do access the greenhouse and address each situation so the PRELIMINARY issue of whether a commercial permit is required is clear under**

Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

each instance. Once that determination is conducted under relevant laws, then we can turn to the issue of what would or would not be required in terms of access and toilet facilities (under separate laws).

b. **Dry/Cure Structures**: Again, there has been a temptation to meld together different aspects of different laws when discussing the issue of whether a commercial permit is required for a dry/cure structure under state law versus whether we have the ability to create a new use code for this type of structure.

2. <u>When A Determination (based on law) Has Been Made That A Commercial Building Permit Is Required For A Structure, What Are The Specific Legal Requirements?</u>

a. **Accessibility**: The 2016 California Access Compliance Advisory Reference Manual (accessed at <u>documents.dgs.ca.gov</u>) deals with accessibility issues pertaining to the California Uniform Building Code and other California Regulations. The ADA Title III Technical Assistance Manual Covering Public Accommodations and Commercial Facilities (accessed at <u>ada.gov</u>) also deals with accessibility issues applicable on the federal level. However, both are not always applicable. If the facility is not a public facility, generally, the ADA is not applicable unless there are more than a certain number of employees, but the California accessibility requirements may be applicable. In addition, as indicated in both the 2016 California Building Code Access Compliance Advisory Reference Manual, as well as in all ADA compliance manuals, **provisions are specifically made for unreasonable or undue hardship** in which case a balancing test must be undertaken. So, **it is not enough to declare that all commercial structures must adhere to all accessibility requirements under state and or federal law. One must engage in the careful analysis to see if the provisions of either are applicable and then, whether there are any exceptions that may be applied before uniformly requiring all commercial structures to include all features required under accessibility laws.**

b. Permanent vs. Portable Bathrooms (ADA or Otherwise): In the 2016 California Access Compliance Advisory Reference Manual, the definition for bathroom does not mention permanent or mobile or temporary. **I am not positive, but it appears that the accessible bathroom(s) in commercial facilities, if required, may be able to be met by either permanent or portable bathrooms.** This is consistent with and similar to the requirements under the California Industrial Safety Orders under Article 13, Section 3457 applicable to (hand labor operations) and even under Article 9, Section 3360 et.seq. (applicable to all operations). The Division of Industrial Relations/CAL OSHA duty officer I spoke to was adamant that not only is Section 3457, which specifically mentions portable facilities, applicable to cannabis operations even if the workers were conducting "hand operations" in a permanent greenhouse year round (as opposed to only being applicable to itinerant workers), he pointed out that nothing in any of the provisions regarding bathrooms and hand washing in Section 3360 et.seq. (applicable where workers are not engaged in hand operations for agricultural businesses) make mention of fixed versus portable facilities. He specifically stated that if he, as enforcement officer, were to go to an office building, he would not be able to issue a notice of violation if they had portable facilities that otherwise met the requirements

Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

listed. In short, he confirmed my understanding that **the issue was not whether the facility provided is portable or permanent, but rather, for purposes of the DIR and CAL OSHA, whether the proper number of facilities is provided and whether they meet certain standards (not including whether they were permanently affixed).** From a discharge and water quality perspective, the North Coast Regional Water Quality Control Board rules allow local jurisdictions to determine the acceptability of the sanitation facilities.

3. Track and Trace Implementation This Year: I am very concerned about the implementation of T&T this year. My biggest concern revolves around **two important issues: cost and feasibility of technical success**. **Given the enormous number of hurdles that Applicants are in the process of undertaking, one must carefully consider whether the benefit outweighs the burdens**. In addition to the monthly fee, there are additional fees and cost such as the cost of obtaining the unique identifying numbers and the cost to obtain the tags those identifiers must be printed on which are NOT provided by the T&T company, the cost of internet access, printers, computers (mobile devices are NOT supported at this time), etc. As important to consider are the logistical resources available to the farmers to implement this program this year. I fear that the requirement will just be starting to kick in just as the rains are coming. To require applicants or permit holders to learn the new system, work out any bugs in it and input information and upload it as often as is required at a time that most of them will be scrambling to prevent mold and mildew from both destroying their crops and from potentially infecting the medical cannabis supply, is simply unrealistic for many. When we add to it the fact that **the company chosen did NOT continue with its contract in Humboldt County, is NOT going to be the vendor at the State level, and does NOT have a method for maintaining the Mendocino Identifying information and stamp on product that is repackaged (which is virtually ALL Mendocino product at this point), one must think about whether the risk of setting farmers up for failure (because of the additional costs and technical requirements) is worth the benefit at this point in time**.

4. Allow People Who Might Be Eligible For an Exception From A Criteria Of the Ordinance An Avenue to Apply and Be Safe: The delay in anything related to TWO SEPARATE Exception Processes has resulted in the Catch-22 for some cultivators: continue to cultivate without applying for a permit and risk being busted or don't cultivate and risk not being eligible for a State license, when they become available, a permit locally because the ordinance does not allow for applications any longer, or a permit locally because the gap in cultivation makes them ineligible under the local ordinance. A good example are those that thought that their parcel was legal but, and in fact, it is eligible for a Certificate of Compliance, but they had no idea that one was needed and therefore it was not obtained or recorded prior to 1/1/16 (see below). **If we allow, with an Administrative Permit, people to apply, subject to review and passage of the specific exception process (at the very least for**

Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

issues other than the overlay zones), then we can accomplish multiple goals: safety for those that wish to come into the light, oversight and compliance through the inspection process, and discretionary review to ensure the exceptions are appropriate.

5. Modify the Requirement that ALL Certificates of Compliance Must Have Been Recorded Prior to 1/1/16 And If Need Be Add-In An Administrative Permit Requirement For Legal Parcels That Are Eligible For Certificates of Compliance But Did Not Have Actual Recorded Certificates of Compliance: I have encountered numerous people who only now have found out that their property is eligible for a Certificate of Compliance, but that one was never obtained or if it was, it was not recorded prior to 1/1/16. Title reports do not always reveal whether Certificates of Compliance were needed, and if they were, recorded. It does not seem right to punish people who pay property taxes, do everything right and had no way of knowing that they would need a Certificate of Compliance to have been recorded prior to 1/1/16 in order to be lawful in their cultivation.

6. Please Enunciate Not Only Clear Criteria For The Rejection Of An Application, But Please Create A Specific And Reasonable Review and Appeal Process. Not only do we need clear criteria upon which discretionary decisions may be made to reject an application, we need a clear and reasonable review and appeals process. There are review and appeals processes for violations once a permit is granted, but not for the denial of a permit.

7. Please Consider Expanding the Transferability/ Eligibility to Renew Permits Allowances to Include Additional Family Members and Persons Who Can Prove They Were Cultivating In Mendocino County Prior to 1/1/16. By restricting who can renew the permits to only those listed in the ordinance, it reduces the number of people that will apply and therefore, the number of properties that will be subject to compliance under the rigorous rules of the ordinance. Unless folks can lawfully allow others in their family, or those who have been working with them for years, or even those that have cultivated elsewhere in Mendocino County for years, but started working with the applicant more recently, to renew the permit, subject to the same requirements as would be for the original permit holder, we are discouraging people from applying and being subject to regulation. We are also encouraging permit holders to contract with outside businesses to cultivate long after they "retire" from cultivation themselves. By restricting the family member transfer to spouse, parent and child only, we are disadvantaging older non-married people who do not have children and whose parents have passed or are too old to cultivate. This limited definition evokes the recent national travel ban with its restrictive definition of family for purposes of the exception, which recently was expanded by a court to include a broader definition of family members. In any

Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

event, **it seems that a balance of the interests of can be accomplished without such severe restrictions on who can renew a permit on a property that has been cultivated on since prior to 1/1/16 so long as people who can prove prior cultivation in Mendocino County or who will be supporting an immediate family member (definition broadened) by taking over for them once they can no longer continue to do it so long as they meet other eligibility requirements (21 years old, no serious violent felonies, etc.).**

8. Please Consider Allowing Any Number of TYPES of Cultivation Styles By One Applicant on Each Legal Parcel Up To The Total Square Footage Allowable For That Parcel and Those Permits: There is no rationale to support the prohibition on mixing and matching cultivation styles on one legal parcel by one applicant. So long as the applicant does not exceed the limit for the parcel based on zoning and acreage and meets all of the requirements for each cultivation style (indoor, mixed light, outdoor, etc.), it does not make sense to prevent applicants from mix and match. **The current scheme inadvertently encourages applicants to abandon outdoor cultivation in favor of mixed light and indoor endeavors given the restriction of two permits per person and the interpretation of each "style" as a separate permit type**. Restrictions on the total square footage for each parcel size and zoning is in place. Oversight for not exceeding the total square footage and for adhering to the compliance requirements particular to each cultivation style are in place. If a distinction between permit types is necessary, it makes sense to have the Type 4, Nursery permit be distinct from the permit types that allow flowering cannabis for sale, but it should not matter what cultivation style one conducts if strict adherence to size for the parcel and specific requirements for each style type are enforced.

9. Please Clarify That A Single Homestead Owned By One Person With Two Garden Sites Does NOT Have To Obtain Two Separate Permits Because There Are Two Contiguous Legal Parcels Where The Person Is Choosing To NOT Cultivate The Maximum Allowable For The Two Legal Parcels But Is Choosing To Keep The Combined Cultivation To Under The Amount Allowable For One Permit: I had a client who applied for a Type 2 Permit. She owns two legal parcels contiguous to one another and for reasons related to the terrain and other environmental factors, located her garden sites in two locations on her property. Despite the fact that she legally could expand each garden to 10,000 square feet, she did not want to. Rather, she wanted to maintain the combined total of less than 10,000 square feet. Last year, she was in the Exemption Program and her two contiguous legal parcels were considered a single parcel for purposes of the permitting. She does not want to undertake the effort or the environmental impact of consolidating the two gardens. **The Ag Department required her to apply for TWO SEPARATE permits because the two smaller garden sites were on two legal parcels despite the fact that they are owned by the same person, arte part of the same homestead, are contiguous, and the operation is the same singular operation. This logic seems ridiculous and counter to the goal of discouraging unnecessary environmental**

Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

impact. Should she want to avoid two separate permits (and, incidentally, this particular client is not wanting to apply for a separate permit elsewhere, though that should not matter either), she would need to uproot and move one of her gardens. Her NCRWQCB registration is for the entire property. Her cultivation operation is ONE operation. It seems counter productive to discourage people from staying put or not maxing out just because they legally could. By requiring her to obtain a second permit for her single activity, you are encouraging her or those similarly situated to grow more on each garden site rather than stay at the level she was at.

10. Nursery Permit Requirements Need Some Adjustment: There are two provisions of the Nursery Permit "additional requirements" that concern to Nursery operators. First is the last sentence of 10A.17A.060 (10 (A): "No **consumable** medical cannabis product of any kind shall be **derived from** the plants being cultivated." I raised this issue prior to the passage of the ordinance, but the Board was anxious to have it passed so did not specifically address this issue. The ordinance recognizes the need for nursery permit holders to grow a limited amount of flowering plants for research medical cannabis product. It would be sensible to prevent any sales of any kind of any consumable cannabis that might be developed under the research and development portion of the operation. **However, preventing the researcher and developer to test the product in its consumptive form to see if it will be a commercially viable product defeats the purpose of the research and development.** The second additional requirement for nursery permits that needs attention is the requirement in subsection (B) that limit the **wattage to 35 watts per shelf. Attached to this memo is a breakdown of the realistic needs of a Nursery operator from a Nursery Permit applicant**. Please consider his comments and the need for Nursery operators to ensure the viability of production.

11. Please Clarify Whether Proof Of Prior Cultivation By A Mendocino County Resident Together With Proof of Prior Cultivation On The Legal Parcel, Without The Need to Tie The Two Together, Is Sufficient And If Not, Please Consider Allowing It: There are two interpretations since two provisions frame it ambiguously. In Section 10A.17.080 (A) (1) states the applicant must prove proof of prior cultivation **"at a"** site but Section (B) (1) states **"on the"** site. Throughout the ordinance development process, I understood that the Board was interested in achieving TWO goals with respect to the proof of prior cultivation issue: First, there was the necessary goal of limiting the cultivation to property that had already been cultivated upon (unless a site was transferred and extinguished) in order to not expand the number of properties upon which cultivation was occurring. Second, there was a goal to PROTECT Mendocino County farmers that had been here for years from being pushed out by new people. The Board wanted those residents to get a head start and to have some recognition for the fact that they had been supporting our local economy and communities for so many years. **If we do not make clear that the two**

Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

requirements do not need to be tied to one another, we disadvantage renters, people who have worked for years and only recently been able to purchase, people who cannot take advantage of extinguish and transfer because they alone do not have the right to restrict the property in that manner (family property, co-owned property, renter, etc.). **If the property has proof of prior cultivation and the Mendocino County resident has proof of prior cultivation, we achieve both goals.** There is no need to discriminate against those who are socioeconomically less able to maintain the same premises or achieve sole ownership rights. **There would be NO additional environmental impact since the property must qualify. In fact, an argument can be made that not allowing this (separately qualifying then property and the cultivator) would encourage the continued use of properties that are less appropriate to continue cultivation on**.

12. Please Clarify Whether Extinguish & Transfer Is Available For Properties That Are Not Subject To the Sunset Provision, And If Not, Please Consider Allowing It: The goal of Extinguish & Transfer was both to allow people who had been cultivating prior to 1/1/16 to be able to take advantage of the permit program and to ensure that inappropriate locations (such as small residential neighborhoods) were retired from being cultivated upon. While the concept largely grew out of the desire to provide an avenue forward for those subject to the sunset provision, it seems we would want to encourage relocation of other cultivation locations that might be preferable to have relocated. **The application of the Extinguish & Transfer program to all properties together with its zoning restrictions, the additional setbacks and the remediation would apply to ensure a greater number of suitable property are utilized while less appropriate properties are retired.**

13. Please Modify Section 10.A.17.090 (M) To Specify That The Probation Or Parole Status Specifically Refers To Violent or Serious Felonies and NOT All Felonies: As stated prior to the passage of the ordinance, the phrase that was added to this section mandating that an applicant not be on Parole or Probation for a felony is overbroad and is not in keeping with the "serious and violent" felony prohibition and is not in keeping with what is likely to be required at the State level. There is no need to expand the prohibition on parole or felony probation status to ALL felonies. I previously suggested that limiting the prohibition to parole or probation for serious or violent felonies along with adding a prohibition for those who are currently on probation or parole IF there is an explicit term or condition of such parole or probation that prohibits them from commercially cultivating. We want to encourage people to support themselves. Felons have a hard enough time getting hired. Again, this is a social justice and socioeconomic issue. **Often it is people of lower socioeconomic status that plea to felonies because they cannot afford to fight a case and risk losing (which often results in losing much more than the case). Please do not unnecessarily expand the prohibition to those that would otherwise be ideal candidates for the permit**.

Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

14. Please Modify Section 10A.17.090 (P): Requiring Applicants to provide written agreements with dispensaries or processors is impractical for many. Dispensaries are very resistant to providing lawful cultivators that regularly exchange medicine for money for the collective with ANY paperwork. Slowly this is changing, but currently I have many clients whose requests are being denied to provide them with receipts, wholesale tax certificates, and especially written agreements. **As an alternative, please allow Applicants to submit copies of BOE sales (wholesale) reports OR receipts of transactions with legitimate patient dispensing collectives, processors or manufacturers (they are missing from the list) after transactions have occurred rather than requiring proof of an upfront agreement since cultivators are experiencing great difficulties, especially if they are small and new to the legitimate market, in obtaining such agreements.** If Track and Trace is implemented this year, please **REMOVE** this requirement since it is unnecessary for accountability.

15. Please Modify The Noise Level Analysis Requirement For Generators So That A Decibel Reading Is Conducted At The Property Line IF There is A Complaint And Then Require A Noise Analysis As Currently Described In The Ordinance Only If The Decibel Reading At The Property Line Is Above a Certain Level (Section 10A.17.110 (E) 2nd paragraph): Sadly, Mr. Jenson is no longer with the County. Otherwise, the former Environmental Health Director might be able to explain what he told me: this is an impractical requirement that is unnecessary. He expressed to me that it would be much more sensible to conduct a decibel reading at the property line if someone complains. There currently are NO acoustical engineers in Mendocino County that can perform this analysis. It is an unnecessary burden on applicants that could result in technical noncompliance without a sound basis (ha ha) for the requirement.

16. Please Modify Section 10A.17.110 (M) To Require Filtered Ventilation System Only In Buildings For Which There Has Been A Smell Complaint Or Where Needed For Safety: The way the ordinance reads now, ALL buildings. Including greenhouses, are required to have air filtration systems for cultivation pursuant to an "artificial light permit" regardless of type of building, location, or whether any smell negatively affects any person. This is another unreasonable and expensive requirement. Please consider modifying the requirement to require such systems only where needed either to attempt to mitigate a complaint or for safety if that is ever a factor).

17. Please Amend Section 10A.17.180 To Prevent The Use Of Information Provided To The County In The Permit Process To Be Used in Any State Prosecution UNLESS A Clear Violation Of The Permit Has Been Adjudicated: We cannot protect against federal subpoenas. However, we can protect against overzealous law enforcement

Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

or prosecutors utilizing information from the program to attempt to prosecute an applicant or permit holder. **It is reasonable to allow the use of information that an applicant or permit holder has actually violated a provision of the ordinance or a set permit requirement (as determined through an adjudicated process), but it is NOT reasonable to allow for any use of any program information in ANY criminal prosecution.** The recent raids by law enforcement on persons who were in the 9.31 program and were in the process of applying for a permit this year together with the statements by our local District Attorney that he will seek CONSPIRACY charges in order to obtain felony convictions rather than the misdemeanor charges the law now provides for after Prop 64, require that the Board take BOLD action to support permit applicant s and holders.

18. Please Clarify Matters Concerning Existing Cultivation on TPZ, FL, or RL: Section 20.242.040, Table 1 and its corresponding asterisk notes have led to some confusion.

    (a) The double asterisk associated with those zoning designations seems to indicate that an **Administrative Permit is required for expansion of cultivation ONLY**. Is this an accurate statement? If not (meaning if APs are needed no matter what), please exempt properties that had no expansion and were in the 9.31 Exemption program.

    (b) Can an applicant **located in those zones apply now at the existing level and LATER expand with the appropriate increased permit application and with an AP**? It seems that we would like to **encourage smart and deliberate expansion and discourage a rush to expand** because one might not be able to later if one is on one of those zoning designations.

    (c) If one has **moved part or all of one's existing gardens to a different site on the same legal parcel and has NOT expanded, do they need an AP**? There is no language anywhere that would require an AP under the scenario where part, or even all, of the garden site has moved. It seems that we would want to **encourage moving to better locations for the long term. Everyone has to comply with NCRWQCB and other agency requirements that will act as a safeguard to only relocate to environmentally appropriate locations**, so there does not seem to be a danger of environmental inappropriateness. If needed, you could require a remediation of the prior site.

19. Please Consider Amending Section 20.242.070 (C) (2) And (D) (2):: The way the sections reads now, a finding that there is **NO OTHER environmentally superior site** on the property is necessary for an AP or UP. It seems that we would want an alternative avenue to find that even if a superior site might exist, **so long as all other requirements for the property are met, the current site should be allowed**.

Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

20. Please Use The language In Section 10A.17.070 (G) To Replace The Language That Is Used Elsewhere To Uniformly Require The T&T Identifyer To Be Placed At The Base Of Each Plant When Adherence To T&T Requirements, Whatever They Are, Would Suffice And The Current Language Could result In A Violation If Some Other Process Is In Fact The Process Implemented By The T&T Vendor In Some Instances (batches, etc.): While this may seem like a hyper-technical request, my goal is to ensure we are not accidentally setting people up for violations. At the T&T information session hosted by the County and the vendor that I attended, the vendor agreed that there might be instances where attaching the unique identifiers to the base of each plant may not make sense and they would work out specific scenarios with cultivators in a sensible manner (while maintainer accountability features). There is no reason for the ordinance to nail down specific methodology that has not yet been determined. **Simply require the cultivator to adhere to T&T requirements**.

21. Please Amend Section 10A.17.030 (A) To Recognize The Validity Of The Temporary Authorization To Cultivate After Submission Of Application Documents, Payment of Fees, And Signing Of The Affidavit: Again, a slightly technical request, but one that is important to **ensure those who are waiting for their permits to be processed are safe.**

22. Please Amend Section 10A.17.040 (A0 (2) To Recopgnize The Old Setbacks For Permits That May Be PENDING In Addition To Those That May Be Issued: Given how slow the PBS process may wind up being, especially for anyone that might be able to eventually utilize an exception process that has not yet been written, it seems prudent to ensure those whose **permits are still being processed (and are not "new" cultivation) are specifically afforded the guaranty that the new setbacks will not be applied to them due to a lag in processing time**.

23. Please Add "or (A) (6)" (Building Property Line for Indoor Permits) to Section 10A.17.040 (6 b?...It is unclear if it is that subsection at the top of page 9): As it reads now, "Applicants may seek a reduction in the setback described in paragraph (A) (5) upon issuance of an administrative permit pursuant to Chapter 20.242." (A) (5) refers to outdoor or mixed light. Please add in reference to the appropriate setback for buildings for Indoors cultivation types and allow for an application for a reduction via AP.

Hannah L. Nelson
Attorney at Law

31452 Airport Road, Fort Bragg, CA 95437

(707) 962-9091 - hannahnelson@hannahnelson.net

24. Please Replace All References To The Requirement That The Applicant "Facilitate" initial and subsequent inspections With a Requirement That They Cooperate And/Or Schedule. Again, this may seem like a technical request, but it is way to easy under the current language for an applicant or permit holder to be accused of not properly "facilitating" an inspection without clear and specific criteria of what that entails. At present, the applicant may not instigate the first inspection. How are they supposed to facilitate it?

Respectfully submitted,

Hannah L. Nelson