



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

January 3, 2021

Re: Item 4O on 1/5/2021 - Adoption of Ordinance Amending Mendocino County Code Chapters 1.04, 1.08 and 16.30 Relating to Code Enforcement Procedures and Regulations, Including Administrative Penalty Increases Relating to Stormwater, Cannabis and Building Violations (Planning and Building Services, Steve Dunncliff)

Honorable Supervisors,

MCA reiterates our support and respect for the need to review and cleanup the Notice of Violation (NOV) and Administrative Citation processes. We largely agree with the ordinance amendments as proposed. However, we do call your attention to our previous memo on these ordinance amendments from 12/8/2020, and we ask that you further consider several of the points we made at that time.

1. Unresolved items from the MCA 12/8/2020 Memo on Agenda Item 5H:
 - a. During the Board of Supervisors meeting on 12/8/2020, in response to our concern about the potential conflict between these proposed amendments to code enforcement procedure and the existing process of using Compliance Plans as per 10A.17 for cannabis permit applicants, it was stated that the existing Compliance Plan mechanism would be utilized for current applicants to the program. We request that specific language be included which explicitly states that: **For applicants to the County cannabis cultivation program, the Compliance Plan mechanism codified in 10A.17.100 (C) will be utilized as an exception to any code enforcement actions.**
 - b. We request that the County state clearly for the public record that these amended processes and regulations are not intended for, and will not be used to, reduce the number of permittees and applicants in process as part of Phase 1 as a means of reducing the County's obligation to review all applications. It is imperative to remember that the county has repeatedly failed to keep track of its own files and there is no accountable way to determine if a Phase 1 operator has already fulfilled the application requirements. It is equally crucial to remember that phase 1 operators have been paying yearly cultivation taxes despite not having been issued

an annual permit and while also facing the existential question of whether they will be able to maintain a state license given the CEQA debacle.

- c. We strongly disagree with the proposal to amend Section 1.08.080 by removing a requirement for certified mail as an alternative to personal service and instead allow first-class mail to be sufficient. Given the nature of rural mail in general, the pandemic, and the recent slowing of U.S. mail services in particular, removing the certified mail requirement would be disastrous.
- d. We request that professionals that serve as “Agents” for purposes of filing building, grading, and cultivation permits be removed from inclusion in the definition of Responsible Party’s and clarification of who has joint and several liability. Our rural community already has a shortage of qualified professionals to assist applicants and this policy creates a negative incentive and may inadvertently discourage them from acting as agents on submissions and assisting the county with streamlined processing of applications.
- e. We request that the proposed Section 1.08.060(H)(2)(a) be revised to define Immature Plants to maintain consistency with State law definitions regarding Immature Plants, as has been the Board's direction in the past.

Thank you for the opportunity to provide our comments, questions, and recommendations. We appreciate your careful consideration of the points we have raised.

Sincerely,

Mendocino Cannabis Alliance