



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

February 7, 2021

Re: **Item 5A on 12/9/2020** - Discussion and Possible Action Including Cannabis Cultivation Phase 1 Update and Direction to Staff in Regard to Related Priorities (*Cannabis Ad Hoc Committee of Supervisors Williams and Haschak*)

Honorable Supervisors,

MCA is very concerned that the loss of essential cannabis staff will be detrimental to the continued processing of Phase 1 applications and other basic Phase 1 functions such as permit type/size changes, reassignment/transferability applications, etc. Additionally, the pending launch and implementation of the Equity Program, which is critical to assist applicants in undertaking the tasks ahead of them to satisfy state and local requirements at the same time as Phase 3 development and implementation will further strain county resources. Steps must be taken immediately to ensure that the problem does not become irreparably compounded. We continue to support all practicable approaches to provide a pathway to State annual licensure for existing and prospective cannabis cultivators in Mendocino County. **The County must ensure that any direction given regarding the Phase 1 program is aimed at securing the continuity of Phase 1 business operations.**

Phase 1 operators are actively determining and pursuing their best path to a State Annual License. Many are working with their consultants, hiring qualified professionals, or beginning to prepare their own CEQA documents. It is essential that these operators are able to make the appropriate decisions for their specific sites. At this point, given the need to provide CDFA with evidence that CEQA is underway, Phase 1 operators should be allowed to take control of their county application file review and timeline, and doing so may help decrease county staff workload significantly.

With consideration given to the lack of staff available, we recommend that the Board give staff the following direction:

1. Focus the efforts of remaining county staff on the review of resubmitted complete applications, not existing incomplete application materials.
2. Cease sending '30-day Corrections Required' notices to existing applicants, and instead communicate to all Phase 1 operators that they need to perfect their application and resubmit a complete application via digital means as soon as possible.

3. Expedite the creation of a digital portal so that Phase 1 operators can directly resubmit their complete application documents via the portal. (MCA recommends using Accela as the software solution, which is used by CDFA and with which all license holders are familiar.)
4. Confirm that either applicants or any hired consultant (not just those that submit a questionnaire for the county to post) may conduct the work of preparing and resubmitting complete application documents, as well as conduct and prepare the checklist materials and Project Description for final review by the County to certify CEQA compliance to CDFA.
5. Explore the use of out-of-county employees who can work remotely to fill in local employment gaps.
6. Explore the use of third party contractors to conduct certain components of the Phase 1 program for which staffing is inadequate.
7. Prioritize the processing and review of existing applications prior to accepting any new applications.
8. Reopen the provisions that allow relocation for Phase 1 applicants or permit holders to more appropriate parcels.
9. Allow all Phase 1 applicants to reassign/transfer their application, not just an annual issued permit, to a new person or entity.
10. Report back on outstanding items referred to County Counsel, such as elimination of LiveScans for employees and other streamlining measures.
11. Consistently monitor approaches taken by other jurisdictions to achieve site-specific CEQA compliance and engage with CDFA on all potential solutions, specifically:
 - [Santa Cruz Cannabis Program](#) (Designating Cannabis as an Agricultural Activity)
 - [Trinity County Urgency Ordinance](#) (Using an Urgency Ordinance to ensure continuity of business operations for current existing operators)
 - Sonoma County's draft [ministerial program](#) with [mitigated negative declaration](#) and best management practices.

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