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Via E-mail to: mcgourtyg@mendocinocounty.org, mulherenm@mendocinocounty.org,
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Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

Re: Agenda Item 3a June 2, 2021 - Proposed Amendments to Commercial Cannabis Activity Ordinance

Dear Supervisors:

We write on behalf of the Mendocino Cannabis Alliance (MCA) to support MCA's May 26, 2021 recommendations and Hannah Nelson's May 31, 2021 comment letter regarding the proposed staff and Planning Commission amendments to the Commercial Cannabis Activity Ordinance (CCAO). We concur with MCA's and Ms. Nelson's analyses that the CCAO, a new discretionary land use ordinance, is necessary for the County to process and conditionally approve a number of existing Phase 1 and 2 operators who may need to seek conditional, discretionary approvals in order to receive CEQA-compliant annual licenses from CDFA.

While some members of the community have advocated to amend Chapter 10A.17 to include the authority to impose discretionary conditions, the County cannot accomplish those objectives sought by staff and the Planning Commission through the amendment of Chapter 10A.17. As Ms. Nelson correctly states, such an amendment of Chapter 10A.17 would cause more problems than it would solve, requiring a new CEQA analysis that may re-open the entire Phase 1 and 2 program to legal challenge. Furthermore, due process of law prevents the County from amending the process and standards for pending Phase 1 and 2 applicants who have justifiably relied on Chapter 10A.17. Pending Phase 1 and 2 applicants who meet the standards of Chapter 10A.17 have vested rights to obtain ministerial cannabis cultivation permits.

We appreciate your consideration of these comments. We hope that you adopt MCA's common-sense, practical proposal.

Sincerely,

LAW OFFICES OF PETER KIEL


Peter J. Kiel