



October 18th, 2021

Re: Cannabis Portal Application Process

Dear Board of Supervisors,

The Covelo Cannabis Advocacy Group (CCAG) has recently received feedback from many cultivators that have submitted cannabis applications to the portal. We are concerned about how this process has been going for many applicants and felt it was important to bring some things to the Board's attention.

**CCAG recommends that the portal be extended 60 days past the October 30th deadline.**

If an application is deemed incomplete for an error or some other correction that must be made, and the applicant is unable to make the correction before the deadline, the application will currently be denied and be shut out of our cannabis program.

We are aware that the cannabis program is currently understaffed and many of the planners have had to stop reviewing Appendix G applications to help with cannabis reviews for the portal submissions. We can only imagine the amount of stress this must be causing employees to have to try to review all of the applications that are coming in. Creating an extension would be a benefit to the applicants and to the cannabis Staff that have to review all the materials.

We have outlined some very specific examples below of what applicants have been experiencing with the portal process in hopes that it can provide context as to why our advocacy group is requesting a portal deadline extension.

- 1. The required documents to upload to the portal have NOT BEEN clearly identified**  
Waterboard:

All portal applicants must submit a Notice of Applicability (NOA) issued by the Water Resources Control Board into the portal, however many applicants have received deficiencies because they didn't include the most current Monitoring Report in addition to the NOA. This is **NOT** stated in the portal application. If the Monitoring Report is a required document, we question why the portal has not clearly asked for it to be uploaded at the beginning, as this would save everyone time and reduce deficiency notices.

### SIUR

*“Will you be providing a Small Irrigation Use Registration (SIUR)? If so, how many? If the applicant plans to use a surface water diversion to irrigate cannabis, submit a valid SIUR”*

The language in the portal asks the applicant if they will be providing an SIUR, the quantity and if they make a surface water diversion, they must provide a valid SIUR. Applicants that use groundwater (well) are exempt from needing an SIUR, but are still being required to provide an SIUR because they are receiving deficiency notices. The language in italics clearly states the portal question, however it contradicts what is actually being required which is that ALL applicants must submit a Small Irrigation Use Registration OR a letter stating that one is not required regardless if you use a surface water diversion or other source of water such as ground water. We question why this policy is in place? This is creating unnecessary deficiencies because the instructions are not clearly stating what the MCP wants applicants to upload.

## **2. Site map requirements have changed**

Some cultivators have stated that their applications have received deficiencies because they did not indicate on their site map where a compost pile will be located. This is not a requirement on the Site Plan instruction sheet provided on the County Website that we have attached below for reference, so we question why this is being required now? State maps require compost piles to be clearly identified in the premises diagram, but this has never been a county map requirement when submitting an application for a cultivation permit. Why the sudden change? This again creates unnecessary deficiencies. If the MCP wants to see premises diagrams that match State Licensing requirements, the portal should clearly state this requirement.

## **3. Files must be submitted as one pdf file if there are multiple pages or documents**

This may seem like an easy thing to adhere to, however some cultivators are not as savvy with uploading these types of files, and sometimes uploading documents like this requires using a software program such as PDF Filler to merge files together

which charges a fee to use the program. Some cultivators have experienced trouble in merging LSA documents as well.

**4. No Light Management Plans have been provided as an example on the cannabis website.**

Many cultivators are not sure exactly what the MCP requires for this documentation. Some applicants have stated that a light management plan was accepted for 1 application they submitted but not for another. If the MCP provided a template or an example of what was required for this document, it would help assist applicants with providing the proper documentation for Staff to review and cut down on deficiency notices.

**5. The Structures List clearly states to ONLY include structures related to your cannabis operations,** however many applicants have received a deficiency notice because they did not include every structure (*even those unrelated to cannabis*) on the list. Why are applicants being given deficiencies for not including the unrelated cannabis structures to the list if it's not a requirement in the instructions provided?

**6. No Wells on File**

If a property has a well that predates the early 1970's and there is no well on file with the County, an applicant must provide ALL 3 forms of documentation:

- a) Assessor records
- b) a well completion report search with the Department of Water Resources
- c) a letter from the County Environmental Health Department stating that no well is on file

Some cultivators have received deficiencies for not including all 3 types of documentation because the portal does not clearly state that all of this is required to satisfy the well requirements. Additionally extra time may be needed to obtain these documents from other departments such as the Assessor's Office or Environmental Health.

**7. Site maps require setback distances from all structures to a property line**

These requirements seem unnecessary to require for structures that are less than 120 sq ft and unrelated to cannabis such as a dog house, play house or chicken coop.

**8. LSAA documentation must be attached to an SSHR questionnaire**

Many applicants were unclear that an LSAA document must also be uploaded to the SSHR portal question. Again, if the portal clearly indicated this document should be provided in this section of the portal, it would cut down on deficiency notices. Furthermore, we are curious as to why it's even necessary to require this

documentation when the LSA document is required to be uploaded to a different section of the portal. Is it really necessary to require it twice?

**9. The portal does not allow you to view the files you upload.**

Applicants are not able to view the final documents that are uploaded to the portal. By not enabling the applicant to review files for accuracy and ensure that they have uploaded correctly to the portal, it can trigger deficiencies that otherwise could have been avoided.

**10. A generator noise management plan is required for those using a generator but no examples of what is acceptable is provided on the county website.** If there was an example that cultivators could reference, it would give clarity to what the requirements are for this document and avoid potential deficiency notices.

**11. When the cannabis program responds via email, the responses are being sent back anonymously.** It would be helpful if Staff could respond with their name so that applicants can reference issues with the correct person that is reviewing their application.

As you can see there are many discrepancies with this portal submission process and we don't want to see anyone that has come forward to submit an application be denied based on a small technicality. We strongly urge the Board to agendaize a portal discussion for the next available meeting. This way Staff has clear direction on the intent of the portal process and to continue to work with applicants that may need to make corrections with documents.

Creating an extended deadline of 60 days would be an important step to ensure that we don't lose cultivators that are trying their best to submit a complete application. Applicants that need to resubmit due to a deficiency should be allotted a minimum of 30 days to make a correction. In some instances, an applicant may need longer than 30 days to provide corrected materials. Applicants should be given enough time to provide the necessary documents in these cases. Especially if the documents being requested need to come from an outside agency such as CDFW or the State Waterboard. To ensure that applicants are making progress if additional time is needed to correct a deficiency, perhaps there can be a policy in place that requires an applicant to provide an update to the County on the status of the documents they are preparing.

We care about the success of our county cannabis program and hope this Board will take into consideration all of these important points raised, so that the portal process can be successful. CCAG wants to see the County approve the most amount of licensed cultivators

as possible and with more flexibility with this portal process, we believe this can be achieved. We thank you for considering our recommendations.

Respectfully,

Monique Ramirez  
For the Covelo Cannabis Advocacy Group