



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

October 25, 2021

Re: Extending the Portal Resubmission Window

Honorable Supervisors,

We write today to discuss the ongoing Portal Resubmission Process, which is currently slated to close on October 30, 2021.

MCA strongly urges the County to extend the Portal deadline until at least December 31, 2021, but at a minimum that the County clearly confirm for applicants and the MCP that any applicant who has submitted to the Portal by October 30 will be able to see their submission through to Completion. We make these requests for the following reasons:

1. The number one difficulty applicants are having with the Portal is response time. Resubmissions go to the back of the line and must wait to be re-checked, which could easily take till after Oct 30th.
2. Many applicants need more time to meet the continually changing County requirements. For example, applicants must work to complete building designs and site diagrams, with the help of busy consultants.
3. Applicants may soon benefit from the recent expansion of equity grant eligibility; and on the State level, recently passed legislation mandates State funded fee waiver programs. Both of these changes could enable more people to move forward through the Portal. On the regulatory front, additional funding opportunities are imminent, such as the CDFW Qualified Cultivator Grant Opportunity and other state funds targeted at helping local jurisdictions to staff up and help operators pay for environmental compliance. These monies are in the pipeline and the County needs to assertively pursue them as they become available.
4. Seeking equity assistance, as well as other potential state and county sources of financial support, takes an extraordinary amount of time and certainly cannot be secured by the end of October. People have simply run out of money and it is the middle of harvest. Applicants need more time from the County.
5. Ordinance 22.18 has been dropped and there is a moratorium on 10A.17 Phase 3 applications until March, 2022. Since there is no ordinance in place for potential new applicants, and given the tremendous amount of work that staff are currently facing as they process existing operators, the Portal should be extended.

6. MCP has indicated that they may not be able to apply for essential Equity Grant funds for our hi community due to understaffing. The extension of the Portal will enable MCP to apply for these crucial funds.

MCA conducted a survey asking for feedback to 20 questions posed to cultivators and consultants on how the Portal is working for them. Over 40 individuals responded.

Most germane to the need to extend the Portal end-date, the survey asked "How long have you waited to hear back from the County after Portal Submission or Re-submission?" 40% said it took three weeks or more to receive a response from the County. Thus someone submitting today, within the 90 day window, may not even have their application reviewed by MCP before the window closes. This artificial deadline will only serve to remove folks trying to be compliant from the program based on an arbitrary date with no intrinsic purpose.

Additional items of note include:

1. When asked if applicants were waiting for a Building permit to be processed, 63% of respondents said yes.
2. When asked if they had difficulty uploading documents, 50% of respondents said yes.
3. When asked "Have you tried to schedule an appointment with MPC?" Of those who said yes 70% said an appointment had not been set.
4. 80% of respondents who have submitted at least once still have not been assigned to a Planner.

Here are several comments that indicate substantial confusion on the part of those using the Portal:

- ◆ "I find the forms confusing, Not sure if I am supposed to include any additional forms as attachments to primary forms or as separate attachment?"
- ◆ Realized that the Portal is NOT like CalCannabis (cannot attach additional forms at any later point during the process)."
- ◆ "MCP has been unresponsive to questions, They have changed requirements for what needs to be submitted after documents have already been submitted."
- ◆ "Can't combine PDF's for the LSA and concordance page because they came from CDFW and are protected so no merging allowed. My application is being rejected for this reason."
- ◆ "The portal logs you off without knowing and documents show uploaded on entry side but are not uploaded on back side."
- ◆ "The lack of information as to which planner is reviewing the deemed complete portal submittal is frustrating. The generic MCP email signature on responses are lame and are structured so that no one individual is held accountable for lack of customer service."
- ◆ "This has been a very disturbing experience. They have removed personal interaction and have "requirements" that were never mentioned, expectations for remediation plans from YEARS ago."

- ◆ “I understand the process but wish we had more time after the portal is closed to meet the criteria. People are working hard trying to get there but its difficult as its right at harvest time”

Here are some comments provided as submitted from those who are going through the Portal:

It feels like there is no standard for review. One person says yes and then another person says no. My most recent exchange actually felt a bit hostile because I pushed back on a couple of the items the latest reviewer (initials RF) said were incomplete. These were items that had been deemed complete by the previous reviewer (initials KN).

Same complaint we have all had since the beginning, constantly changing goal posts.

need an extension for the portal

The lack of a information as to which planner is reviewing the deemed complete portal submittal is frustrating. The generic MCP email signature on responses are lame and are structed so that no one individual is held accountable for lack of customer service. In my opinion MCP planner Rob Fitzsimmons is doing his best to find a way to deny applications. Fitzsimmons is overly subjective and is anxious to abuse his authority. If I could I would want him relieved of employment.

Concerned about applications being rejected because applicants need proof of pond exemptions.

Some PDFs like CDFW and Secretary of State Documents cannot be merged (they are protected by the source) and this is causing applications to get rejected. Therefore there should be options to upload more than 1 file or additional files for additional pages.

Concerned about applications submitted in October that could be rejected because they were missing something after 10/31 closure. Do applicants still have an opportunity to correct or will they be denied?

Its unclear if livescans need to be current and what is considered current?

Lots of hours going into constant re-work and resending of items of the past months/years.

Taking longer than 6 months to process renewals of finalized permits.

I understand the process but wish we had more time after the portal is closed to meet the criteria. People are working hard trying to get there but its difficult as its right at harvest time and the market has crashed to an all-time low.

Getting an email reply from PBS is extremely difficult. I often have no responses on documents that I submit to them (building permit extensions and reinstatements, pond exemption requests, etc).

Overall, the potential for this portal to function is good but the execution has been poor.

I am not presently waiting for a building permit to be issued, but the one I submitted this year took four months to process.

Mendo growers will not compete with the low overhead, easy application and massive scale of the Central Valley, Canada and Oklahoma. Every year mendo changes the goal posts and chops down anyone who fails to jump through the new hoops. Your annual brand new, expensive, complicated application process and disfuncional, massive permitting overhead make us hate everything.

I submitted Ag exempt forms for our hoop houses last year and was told this year by Nicolas Duncan that they were not at the building department. I have tried to get Cal Fire to do the assessment for 6 months to be told that they no longer do them as of June 1, 2021. I am

contacting our local fire department to determine my next steps to get the Ag exempt forms turned in.
I have not heard from county. I am sure I need to give them more Documents
<p>This year has been the toughest year to work with the county cannabis dept. I have had my county license's in the past and they were fast and easy to process. As well as the county folks were helpful and this year they have been extremely difficult to work with. I currently have 1 state license and another one pending. The process with state was pretty easy and the folks at state have been very helpful.</p> <p>It would be great if the county could streamline their process with the State.</p> <p>I believe that there is favoritism in the county. I know of people who work within the county who had their license given and have not been asked for many of the items I have had to turn in. Such as their water reporting documents. My cousin has friends that she went to school with in the county cannabis office her license was waived through, without the compliance's/documents or full application. There are several others that I know of.. It's NOT a case by case issue.. Because clearly we all have to turn in the same documents. But I have personally been told by folks they did not have to complete the same documents or comply. Some folks because of who they know or work for in the county had their licenses waived through. The last thing I will bring up is the terrible rumors of corruption in the county. Especially surrounding certain people. If this is going on this is a terrible thing and people's lives & livelihoods are at stake. I certainly hope this is not the case.</p>
<p>The county lacks true uncorrupt leadership and accountability. It is being run by an over worked and underpaid disgruntled skeleton crew. It feels as though they would prefer to let the cannabis program and its current Applicants crumble and fail. Mendocino county only excels at over regulating an already over reaching and suffocating permitting process. Too bad they couldn't have just admitted the error in their ways and just deferred to state guidelines. There are too many conflicting rules between state and county including what is required on site Maps and premises diagrams. Four years now and 3 attempts at submitting applications just because they don't have the proper staffing to process our information in a timely manner? And changing requirements over and over again... I'm exhausted</p>
<p>I spent an additional \$5000 on consulting fees to resubmit to the portal for our 5 outdoor licenses. Given the tenuous state of our industry, I am worried that it may not even matter that we executed to this requirement of the county. I think it's important for the county to realize that there ARE good actors in this industry in our county.</p>
<p>This has been a very disturbing experience. They have removed personal interaction and have "requirements" that were never mentioned, expectations for remediation plans from YEARS ago have photos attached years after submittal. "Incompletes" based on the failure of the MCP. They should be doing EVERYTHING they can to get Phase 1 farmers to an annual permit. I see many law suits in the very near future.</p>
<p>One needs more time to navigate this porthole and all the changing forms by weekly, the deadline is not realistic. To allow us a fair shot at getting the application properly submitted, giving notice by email or public notice regarding forms changing is the best move forward. Also since phase #3 no longer exists at the moment, what is the big rush now? There is no need to rush the farmers & compliance administrators to submit applications through the porthole with such time constraints.</p>
<p>If the portal closes and I was able to submit, that should be considered complete. I can turn in more docs with the planner as needed. Staff has a poor understanding of how the CDFW and the Waterboard works.</p>
The constantly changing forms and requirements make doing business very difficult

<p>After receiving a denial letter October 1 from a planner I've never had a communication about our TPZ zoned relocation property. I was my understanding that I would be grandfathered in. I'm wondering why my relocation application was excepted in 2019.</p> <p>I have left Hanna Nelson a message. I feel like I should speak with a lawyer.</p>
<p>The county is not helpful</p>
<p>It appears this process is set up for incompletes since incompletes are being generated inappropriately. Requirement changes are being made without public knowledge or change in the Portal. Incompletes are being created because MCP can't "read the assessor's chicken scratch"; MCP is stating state waterboard issued well completion reports for that specific address are not for that specific address - when did MCP have authority over the waterboard? New requirements for well permits never been asked before at local or state level, when the cannabis manager say they have been; SUIRs required for well water source without notifying public. Portal was to open 8/2/21 at midnight, confirmed by the cannabis manager twice, but did not open then, having a severe negative effect on our clients timing of upload to the portal.</p>
<p>I have four applications that are still not final after giving them everything they want again and again and not complaining that so much of it wasn't originally requested.</p>
<p>I had submitted two applications, the applications were flagged "SENT" on September 14th and September 16th. On October 4th, I checked the website and the applications were flagged in Progress. No deficiencies have been received via letter or email.</p>
<p>I am planning on finishing up my portal submission asap but it has been a very long and confusing and unclear process..</p>
<p>They are taking a long time to get through these submittals!</p>
<p>I think that the county should extend the portal window. The 90 day limit is unduly onerous given the level of detail required for the application.</p>
<p>If you guys really want small farmers to succeed and not just the big farms who have money to pay consultants to do this you'd extend the deadline past october. Literally evidence you don't want us solo farms to make it by doing this in september and october. Unbelievable and sad. We are being crushed right now and unless you are a fancy consultant with the cannabis direct line to the people running this department you cant get through. Sad Also make the survey anonymous if you actually wanted people to say what they think.</p>
<p>The price is crashing its not even worth with all this redundant paper work</p>

And here are comments from folks who have yet to submit, indicating some reasons that they have not yet been able to use the system:

- ◆ Finding time to review and resubmit everything by myself is taking time. Im 3/4 done
- ◆ Gathering all the documents & the forms have changed 3 times since the Portal has been implemented. Making it very confusing to gather correct forms to fill out
- ◆ Most of my clients have not yet, due to waiting on money and professional assistance and busy being farmers.
- ◆ We have hired someone to help and they are still working on it.

- ◆ Still working on my premises diagrams. The county's requirement that everything be to scale and discouragement from using satellite imagery put me way behind in my application process, forcing me to hire a professional with expertise in CAD design.
- ◆ I haven't had access to a computer until recently because of the pandemic and I've been hard pressed on time with the market crashing and the pandemic and the struggle of life in this moment. This random portal timeline overlapping with harvest is extremely burdensome and seemed unfair and designed to fail.
- ◆ Trying to work with State Water Resource and CDFW to finalize LSA agreements and relocation approvals. Not the quickest responses from governing bodies.
- ◆ Waiting on well permits and engineer sign off on drawings for building permit applications
- ◆ You guys realize this is the busiest time of year for us. not everyone has 40k to drop and pay someone else to do this stuff? I am one person.

As you can see, at this moment Phase 1 cultivators are facing challenges on many different levels, including the significant demands of harvest season. They should not have to face losing their license over an arbitrary deadline that can be extended. The County has the power to provide relief for the challenges many cultivators are having completing the Portal. We empathize with MCP's lack of staffing, but it should not be a reason that cultivators are not able to successfully resubmit. We hope you will consider these facts and extend the Portal Resubmission process accordingly.

Further, there has been no reporting on the number of Portal submissions made since the BoS meeting on September 14. We request an update from MCP that includes the total number of Portal submissions, those deemed complete, and those still in process to achieve completeness.

Thank you for your consideration of this important matter.

Sincerely,

Mendocino Cannabis Alliance

e: info@mendocannabis.com