



Mendocino County

Legislation Text

File #: 22-0417, Version: 1

To: Board of Supervisors

From: Supervisor Haschak and Supervisor McGourty

Meeting Date: March 2, 2022

Department Contact: Supervisor Haschak

Phone: 463-4441

Department Contact: Supervisor McGourty

Phone: 463-4441

Item Type: Regular Agenda

Time Allocated for Item: 1 Hour

Agenda Title:

Discussion and Possible Action Including Direction to Staff to Create an Appeal Process for Cannabis Application Denials and Return to the Board of Supervisors before May 1, 2022

(Sponsors: Supervisor Haschak and Supervisor McGourty)

Recommended Action/Motion:

Direct staff to create an appeal process for cannabis application denials, and return to the Board of Supervisors before May 1, 2022.

Previous Board/Board Committee Actions:

Adoption of Chapter 10A.17.

Summary of Request:

The vast majority of the cannabis applications going into the portal which closed on November 2 have been marked as having at least one requirement incomplete. The portal will re-open for a 30 day period. The cannabis program is only giving these re-submitted applications one review. If it is deemed incomplete after that review, the application will be denied. In these hundreds of cases, there will certainly be a sizable number that feel that they have done everything possible to complete the application in the portal yet issues around technology, standards and guidelines that have been misunderstood or mistakenly reviewed, reliance on third party consultants or agencies have caused the application to be deemed incomplete. Complete applications may also be denied for non-compliance with Chapter 10A.17.

There will be those who are denied and feel that they have a reason that they should not be denied. Some will seek a legal remedy if not given the chance to have an appeal process. The creation of an appeal process will provide an opportunity for review of the reasons for denial of an application.

The cannabis ad hoc recommends that the MCP work with County Counsel in developing an appeal process for these cases. The cannabis ad hoc would like direction to be given by the Board of Supervisors on two particular points: (1) whether a fee should be charged for full cost recovery of the cost of the appeal, and (2) should cultivation be permitted to continue while the appeal is being processed.

Alternative Action/Motion:

Provide alternative direction to staff.

Does This Item Support the General Plan? Yes

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: n/a

current f/y cost: n/a

annual recurring cost: n/a **revenue agreement:**

N/A

budget clarification: n/a

budgeted in current f/y: N/A

if no, please describe:

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk II

Date: March 8, 2022

Final Status: **Approved with Modification**

