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Mendocino County Planning Commission

Ukiah, CA 95482

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501 Low Gap
Road

RE: CASE#: OA_2018-005

Honorable Commission Members:

I greatly appreciate the careful attention this Commission has paid to these issues. In general, I am in support of the amendment requests and in fact, most of them are based on issues I raised with the Board of Supervisors. However, I request that you consider a number of specific comments and proposed changes to the Staff recommendations concerning these issues. I have referenced the sections of the proposed amended text and page numbers of the redlined version Staff submitted for this Agenda Item. Some of the proposed changes are technical in nature, but some will have a significant impact on how the amendments are implemented and I appreciate your careful deliberation concerning them. Again, I support the amendments and appreciate Staff's hard work in bringing them forward.

Staff Memo Issues/Questions:

Page 2, Second bullet: Please use "or" instead of "and" for list of activities.

Page 2, Fourth bullet: Please change to "until or unless the State allows otherwise" since not only have Shared Facilities regulations have been released, but there is a strong movement to change the "same premises" requirement at the state level and it is anticipated that will change.

REDLINE VERSION:

Page 2, Sec. 6.36.020 (C) (1): Typo at end of paragraph.

Sec. 6.36.020 (C) (2): This provision excepts from compliance (c) of 20.243.050, which are the setbacks. Was this intended?

Page 3, Sec. 6.36.040 (B): The term of the license may conflict with amendment just made to tax collection (to switch to calendar year).

Page 4, Sec. 6.36.060 (C): Why require an additional Live Scan? The State REQUIRES a LiveScan in order to get a State license and one MUST have a State License to be in compliance with local license. If you are determined to have people do two separate LiveScans (at a cost of about \$55-75 each), please modify this provision to not refer to probation or parole since there is no prohibition on being on probation or parole to get a license unless the probation or parole terms prohibit it.

Page 7, Sec. 6.36.150 (A) (1) (c): With respect to the property review/zoning clearance, as well as other review fees, if the property profile or review was done as part of a permit or license for which the current license is an accessory use, and so long as a property profile or review was previously done, there should not be a second review or a second fee, just the confirmation that the review had been done already.

Sec. 6.36.159 (A) (4): With respect to the checking if it is CEQA Exempt: If the entire ordinance is CEQA Exempt, is this necessary? What is involved?



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Sec. 6.36.150 (A) (5): Is the Environmental Health review PRIOR to the Temporary? If so, why? If not, it does not specify that as the other provisions related to Temporary licenses do.

Page 8, Sec. 6.36.150 (D): Please change Date. This 2/28/18 date makes no sense.

Page 11. Definitions:

License and Licensee also mean local (language was probably lifted from 10A17 which confers local permits and not licenses, but here we are conferring licenses.

Microbusiness: please replace the "and" with an "or" in the list of activities.

Please remove all references to "Dispensary". That language is no longer used. There are only Retailers.

Page 14, Sec. 20.242.040 (E) (3): Please include "or cultivation permit" when stating that CFBL holder may be considered an accessory use.

Sec. 20.243.040 (F) (9): Microbusiness and the "same premises" requirement: Please include language that specifies "unless or until the State allows otherwise" since there is a strong likelihood that the state will be changing this requirement and we don't want to have to re-amend this ordinance if we can anticipate those changes.

Page 15, Sec. 20.243.050 (D): Please modify the prohibition on the use of Cargo Containers and instead require that if any cargo container is used, it must have a building permit. We have gone through a lot of work to have Cargo Containers be applicable for Ag Exempt permits and to be able to get a commercial building permit both for use in cannabis or other businesses.

Page 17, Table 1: Please consider adding another Table that indicates all zoning and the applicable review for all exceptions and for all zoning where the activity is an allowable accessory use.

Thank-you for your careful consideration of these issues.

Respectfully,

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