

GLENN MCGOURTY
DISTRICT 1
JOHN HASCHAK
DISTRICT 3



DARCIE ANTLE
CHIEF EXECUTIVE OFFICER
CLERK OF THE BOARD

JAMES R. ROSS
INTERIM COUNTY COUNSEL

**MENDOCINO COUNTY
GENERAL GOVERNMENT COMMITTEE
AGENDA
REGULAR MEETING
June 26, 2024 - 9:00 AM**

Meeting Location(s): 501 Low Gap Road, Room 1070, Ukiah, CA. 95482 (Board Chambers)

Zoom Link: <https://mendocinocounty.zoom.us/j/86905912361>

Zoom Phone Number (if joining via telephone): 1 669 900 9128 ; Zoom Webinar ID: 869 0591 2361

Listed below are some of the Board of Supervisors Public Engagement options. For streaming options and a complete list of ways to interact with agenda items (or more information on any of these listed) please visit: <https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>

Written Comment

- Submit online via the eComment platform at <https://mendocino.legistar.com/Calendar.aspx>

Verbal Comment

- Speak in person at any physical meeting location when the Chair calls for Public Comment
- Join the Zoom Webinar and use the "raise hand" feature when the Chair calls for Public Comment (if joining via telephone: press *9 to raise your hand, and *6 to unmute yourself when called)
- Leave a voicemail message, up to 3 minutes in length, by calling 707-234-6333

*Note: Voicemail comments will no longer be played back during Open Session, but are immediately available to the full Board of Supervisors upon submittal.

COMMITTEE MEMBERS: Chair Haschak and Supervisor/Member McGourty**1. CALL TO ORDER****2. COMMITTEE ACTION ITEMS**

- 2a) **Discussion and Possible Action Including Recommendations to Staff and a Referral to the Board of Supervisors Recommending Approval of the County of Mendocino Cannabis Department Monthly Update for May 2024**
(Sponsor: Cannabis)

Recommended Action:

Provide a referral to the Board of Supervisors recommending approval of the County of Mendocino Cannabis Department Monthly Update for May 2024.

Attachments: [2024.05 MCD Monthly Report - May](#)
[2024.5 MCD Gantt Chart](#)

- 2b) **Discussion and Possible Action Including a Recommendation to the Board of Supervisors to Consider a Reduction in the Cannabis Business Tax for Calendars Year 2025 and 2026**
(Sponsor: Supervisor Haschak)

Recommended Action:

Recommend the Board of Supervisors consider a reduction in the Cannabis Business Tax of 40% for calendar year 2025, and 35% for calendar year 2026.

- 2c) **Discussion and Possible Action Regarding Illegal Cannabis Cultivation Sites within Unincorporated Areas of Mendocino County, Potential Environmental Impacts, and the Need for Property Owners to Prioritize Cleanup Efforts**
(Sponsor: Supervisor McGourty)

Recommended Action:

Discuss illegal cannabis cultivation sites within unincorporated areas of Mendocino County, potential environmental impacts, and encouraging property owners to prioritize voluntary cleanup efforts.

Attachments: [PBS Violation Fee Procedure REVISED](#)
[Demolition of Multiple Structures-Procedure](#)

3. OTHER BUSINESS

3a) Approval of Minutes of May 22, 2024 Regular MeetingRecommended Action:

Approve minutes of May 22, 2024 regular meeting.

Attachments: [05-22-24 GGC Minutes - DRAFT](#)
[05-22-24 GGC Minutes](#)

3b) PUBLIC EXPRESSION

Members of the public are welcome to address the Committee on items not listed on the agenda, but within the jurisdiction of the Committee. The Committee is prohibited by law from taking action on matters not on the agenda.

Individuals wishing to address the Committee under Public Expression are welcome to do so via any method listed on the front page of this agenda or on our Public Engagement page, at: <https://rb.gy/d3p0>

For more information on any of these methods, please call the Mendocino County Clerk of the Board at (707) 463-4441

3c) ANNOUNCEMENTS**ADJOURNMENT****Additional Meeting Information for Interested Parties**

For a full list of the latest available options by which to engage with agenda items, please visit <https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>

All electronically submitted comment is immediately available to Supervisors, staff, and the general public by clicking this meeting's eComment link at <https://mendocino.legistar.com/Calendar.asp>

LIVE WEB STREAMING OF BOARD MEETINGS is available at <https://mendocino.legistar.com> or visit the Mendocino County YouTube channel. Meetings are also livestreamed from the Mendocino County Facebook page. For technical assistance, please contact the Clerk of the Board at (707) 463-4441. Please reference the departmental website to obtain additional resource information for the Board of Supervisors: www.mendocinocounty.org/bos

The Mendocino County Board of Board of Supervisors complies with the Americans with Disabilities Act (ADA) requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code 54953.2). Anyone requiring a reasonable accommodation to participate in a meeting of the Board of Supervisors or Affiliate Meeting Body should contact the Mendocino County Clerk of the Boards Office at (707) 463-4441, not less than 48 hours prior to the meeting.

Thank you for your interest in the proceedings of the General Government Committee.



Mendocino County Board of Supervisors Agenda Summary

Item #: 2a)

To: GENERAL GOVERNMENT STANDING COMMITTEE

From: Cannabis

Meeting Date: June 26, 2024

Department Contact: Sara McBurney

Phone: 707-234-6680

Department Contact: Steve Dunicliff

Phone: 707-463-4441

Time Allocated for Item: 30 Minutes

Agenda Title:

Discussion and Possible Action Including Recommendations to Staff and a Referral to the Board of Supervisors Recommending Approval of the County of Mendocino Cannabis Department Monthly Update for May 2024

(Sponsor: Cannabis)

Recommended Action/Motion:

Provide a referral to the Board of Supervisors recommending approval of the County of Mendocino Cannabis Department Monthly Update for May 2024.

Previous Board/Board Committee Actions:

On April 19, 2022, the Board directed Department staff to provide a written update during the second Board Meeting of every month. On August 16, 2022, the Board referred the topic of Cannabis to the General Government Committee.

Summary of Request/Referral:

Department staff requests that the General Government Committee refer the monthly update to the Board of Supervisors with a recommendation that it be approved.

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

budget clarification: N/A

annual recurring cost: N/A

budgeted in current f/y (if no, please describe): N/A

revenue agreement: N/A

CEO Liaison: Executive Office

Item #: 2a)

CEO Review: Yes
CEO Comments:

FOR COB USE ONLY

Executed By: Lillian Bearden, Deputy Clerk I

Final Status: Approved

Date: June 26, 2024





Mendocino County Cannabis Department Deliverables

DATE: June 26, 2024
TO: Mendocino County General Government Committee
FROM: Mendocino County Cannabis Department
RE: Monthly Activity Report – May 2024

Mendocino County Cannabis Department Mission Statement

“The Mendocino County Cannabis Department’s mission is to issue cannabis cultivation licenses in accordance with regulations as approved by the Board of Supervisors and ensure that all program cultivation sites comply with all applicable environmental, community safety, and regulatory performance standards. The Department shall implement these services fairly and equitably in a timely, professional, and compassionate manner.”

Department Priorities

The Mendocino County Cannabis Department (“MCD”) has identified the following priorities via Board of Supervisor (“BOS”) directives. These priorities are beyond the normal duties required for normal business operations and does not represent the entirety of all assigned objectives.

Planning

Staff Support
Process Management
Streamlining
Priority Reviews (PH. I & II DCC timelines)
Contract Planners
Phase III Applications
Monthly Reporting
Public Meetings

Administration

Staff Support
Process Management
Fiscal and Budget
Grant Management
PRAs

All the priorities listed above shall support the primary function of MCD, as outlined in the mission statement, which is to issue cannabis cultivation licenses within the regulatory framework.

MCD Activity

The total workload of MCD is best reflected by the following two primary data sets:

Active Commercial Cannabis Cultivation Applications submitted to MCD: 146

Active Commercial Cannabis Cultivation Business Licenses (“CCBL”) issued by MCD ¹ :	537
Total:	683

May Breakdown

CCBL Renewals issued:	14
CCBL Phase I and I Initial issuance:	23
CCBL Phase III Initial issuance:	1
CCBL Withdrawn:	8
CCBL Denial:	4
Total number of CCBLs processed for the month:	50
Total number of modifications processed for the month:	1
Total number of reassignments processed for the month:	7

2024 YTD Total CCBLs issued:	206
2024 YTD Total CCBLs denied or withdrawn:	135

Issued MCD CCBL Status

When a CCBL application meets all required criteria and is approved by MCD it becomes an issued CCBL. Issued CCBLs are renewed annually and require a state license issued by the Department of Cannabis Control (“DCC”) to actively cultivate cannabis. The main objective is for all applicants and licensees to have an issued county CCBL as well as an annual state license. All provisional CCBLs have a December 31, 2024, deadline for transition to annual.

Active Commercial CCBLs issued by MCD

MCD Issued License with DCC (Annual):	23
MCD Issued License with DCC (Provisional):	481
MCD Issued without DCC:	33
TOTAL:	537

Annual 2024 MCD CCBL Renewals (Applies to the issued licenses above)

Renewals Issued YTD:	75
Renewals pending (waiting for review by staff):	72

¹ Renewals are accounted for within the Issued Licenses data set.

Mendocino County Approximate Square Footage²

To showcase issued and under review CCBLs in a different way, please see the approximate amount of square footage that **could** be grown in Mendocino County, **if** everyone cultivated the maximum square footage they were issued or under review for below. Please note actual cultivation in Mendocino County will not equal the approximations by license type below due to site plan limitations, fallowing and applicants without a valid DCC license.

Approximate total of issued square footage for cultivation: 5,723,000

CCBL Subtype	Number Issued	Approx. Sq. Ft.
1	59	295,000
2	372	3,720,000
4	74	1,628,000
C	32	80,000

Approximate total of under-review square footage for cultivation: 1,494,000

CCBL Subtype	Number Under Review	Approx. Sq. Ft.
1	13	65,000
2	103	1,030,000
4	17	374,000
C	10	25,000

MCD CCBL Applications

Information regarding current "under review" applications is as follows:

Review Data

Number of Under Review Applications assigned to contract planners:	56
Number of Under Review Renewals assigned to contract planners:	36
Number of Under Review Applications assigned to MCD planners:	90
Number of Under Review Renewals assigned to MCD planners:	37

Site Inspections

Number of Inspections Completed Month of May: 23

- On-site: 19
- Virtual: 4

Miles Traveled Month of May: 711

² "Type 1" (5,000) square feet of total plant canopy - for medium outdoor, indoor, or mixed light cultivation
"Type 2" (10,000) square feet of total plant canopy - for large outdoor, indoor, or mixed light cultivation
"Type 4" (22,000) square feet of total plant canopy for the cultivation of cannabis nursery stock and/or seed production
"Type C" (2,500) square feet of total canopy - for small outdoor, indoor, or mixed light cultivation

Is MCD on track?

Please find the Department Gantt Chart attached which reflects goals and expected timelines. The Department is working towards the DCC provisional license cultivation deadline of December 31, 2024.

- Internal staff will focus on Phase III applications, site inspections, renewals, and applications with no DCC provisional licenses, and applications with an annual license.
- Contract planners are focused on under-review applications with expiring DCC provisional licenses by order of expiration and renewals with a DCC provisional license as a condition of the contract planner funding source, the Local Jurisdiction Assistance Grant Program (“LJAGP”). As a part of their review, contract planners will assist with applicable Administrative Permits (“AP”), and essential Accela input.

Department Log Jams

Administrative Permits (“APs”)

APs may be required from Planning and Building Services due to zoning or setback reduction discovered during the Department’s review of the CCBL application. If a Bio Survey is deemed necessary during the AP review process, there may be a delay in processing due to the blooming season and the CCBL application will not be able to be completed prior to the DCC’s deadline of December 31, 2024.

Total Number of APs Under Review:	31
Total Number of APs out for CDFW Referral:	1
Total Number of APs on hold due to Tree Removal:	1
Sites Identified as needing an AP with no application submitted to Planning:	11
Total Number of APs issued YTD:	20

Compliance Plans

Per 10A.17.100(C)(1) Failure by applicant to agree in writing to a required compliance plan shall be grounds for denial of the CCBL. Applicants must sign their compliance plan/CCBL affidavit prior to issuance.

Total number of applicants with unsigned compliance plans pending issuance: 2

California Department of Fish and Wildlife (“CDFW”)

The Department is currently working with CDFW to ensure applications deemed not less than significant are prioritized in CDFW review.

Number of Application Referrals with a CDFW Response Pending: 55

Environmental Review

Environmental Impact Report (“EIR”):

The Draft Environmental Impact Report (“DEIR”) for the Proposed Licensing of Commercial Cannabis Cultivation in Mendocino County became available for review on May 3, 2024. The 45-day comment period is now open, extending from Friday, May 3, 2024, to Monday, June 17, 2024, at 5:00 pm.

DCC is the Lead Agency for the preparation and review of the DEIR for the Licensing of Commercial Cannabis Cultivation in Mendocino County (project). The project will apply to unincorporated areas of the County outside of the coastal zone.

The EIR will programmatically evaluate the impacts of the DCC’s annual licensing of such provisionally licensed commercial cannabis operations in the County, as well as the environmental impacts of future licensed commercial cannabis operations. The DCC has prepared a DEIR pursuant to the California Environmental Quality Act (CEQA) to evaluate the environmental impacts of these proposed license actions. The DEIR analyzes impacts in the areas of Aesthetics, Agriculture and Forestry Resources, Air Quality, Archaeological, Historical, and Tribal Cultural Resources, Biological Resources, Energy, Geology, Soils, and Mineral Resources, Greenhouse Gas Emissions and Climate Change, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise and Vibration, Public Services and Recreation, Transportation, Utilities and Service Systems, Wildfire, Cumulative Impacts, and Other CEQA-Required Analysis. Significant impacts are identified in the following areas: odors, historic resources, biological resources, greenhouse gas emissions, construction vibration, wildfire, and cumulative effects.

In compliance with CEQA Guidelines section 15087(c)(6), the lists specified under Government Code section 65962.5.5 related to hazardous waste conditions for known hazardous material and contamination sites in the unincorporated area of Mendocino County is disclosed in the DEIR. To review the DEIR and all documents incorporated by reference, please visit: [The Licensing of Commercial Cannabis in Mendocino County Project Environmental Impact Report - Department of Cannabis Control](#)

Applicants with questions regarding their individual EIR process should direct questions to licensing@cannabis.ca.gov.

Local Equity Entrepreneur Program (“LEEP”) Grant

The State’s Cannabis Equity Grants Program for Local Jurisdictions aims to advance economic justice for populations and communities impacted by cannabis prohibition and the War on Drugs (WoD) by providing support to local jurisdictions as they promote equity in California and eliminate barriers to entering the newly regulated cannabis industry for equity program applicants and licensees. The County has submitted applications for LEEP funding in the five rounds which have opened so far; four of those applications were funded. With \$6 million awarded from the State and administered by the Governor’s Office of Business & Economic Development (“GO-Biz”) and \$100,000 in matching grant funds from the BOS, the program offers applicants waivers of cannabis business expenses, direct grants funds for start-up and ongoing expenses, and direct technical assistance based on individual needs and circumstances.

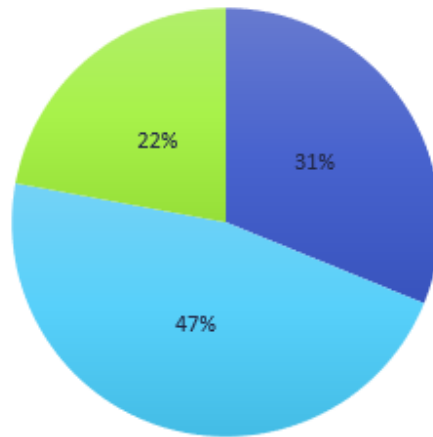
The Department has distributed \$5,125,531.55 in LEEP funding to verified local equity applicants via direct grant and fee relief to date.

LEEP Funding (CEG-2024-583) Round 5

The Department received award notification of the 2023-24 Grant Solicitation (CEG-2024-533, Round 5) on February 7, 2024. The Department received a Type 2 grant with an award amount of \$1,803,929.86.

The Department issued a survey seeking community input on the best way to utilize the funding available for Round 5. The Department had a total of 77 responses, and participants voted in favor of 70% of available funding being utilized towards (\$50,000) Direct Grants and 30% of available funding being utilized for Fee Relief up to \$10,000 per applicant. Please find survey results below:

How do you think LEEP funds should be distributed?



- (A) Direct Grants - (24 total responses)
- (B) A mixture of both Direct Grants and Fee Relief - (36 total responses)
- (C) Fee Relief in the amount of up to \$10,000.00 per verified equity applicant - (17 total responses)

What do you think the maximum Direct Grant award should be?	Responses
\$50,000.00	41
\$25,000.00	13
\$10,000.00	12
Total	66

If you selected (B) A mixture of both Direct Grants and Fee Relief on question number 1, how much of the available funding would you like to see allocated by category?	Responses
30% of available funds allocated towards Direct Grants and 70% of available funds allocated towards fee relief	4
50% of available funds allocated towards Direct Grants and 50% of available funds allocated towards fee relief	14
70% of available funds allocated towards Direct Grants and 30% of available funds allocated towards fee relief	23
Total	41

LEEP Fee Relief Applications started being accepted by the Department on May 13, 2024, at 8:00AM.

A Direct Technical Assistance workshop with Canna Business Services was held on May 10, 2024, from 10:00 am-11:30 am via Zoom. Interested applicants were able to meet with Canna Business Services staff and asked questions regarding Direct Technical Assistance. A recording of the Zoom meeting can be found here: [Canna Business Services - Meet and Greet - LEEP DTA \(youtube.com\)](#)

The Department notified vendors of Request for Proposal (“RFP”) RFP-015-24 selection on May 6, 2024. The County has procured MGT Consulting to provide an update to the County equity assessment and expects to begin this process this summer.

Local Jurisdiction Assistance Grant Program (LJAGP)

Mendocino County was one of 21 local jurisdictions awarded funds from Department of Cannabis Control (DCC) for the LJAGP. This one-time funding is to assist local jurisdictions with the greatest need to transition provisional licensees to annual licenses. In January 2022, the County was awarded over \$17.5 million in assistance, a portion of which was set aside by County staff to offer direct grants and fee waivers to qualified provisional license holders located within the unincorporated areas of Mendocino County. On February 17, 2023, the County received notification that the LJAGP Grant was under routine audit; to date, this audit has not yet been cleared.

The LJAGP Direct Grant Application and supporting materials are published on the Department’s website. Eligible Provisional License holders are encouraged to apply: [Cannabis LJAGP Direct Grant Application | Mendocino County, CA](#)

- Total amount of Direct Grant funding available: \$4,806,744.18
- Total amount of Direct Grants received to date: 254 applications
- Total amount of Direct Grants in queue (removing duplicates): 237 applications
- Total funding remaining: \$292K = 11.7 more applications
- Total amount of applications processed: 48 (37 checks for AP batches)
- Total amount of applications in Cobblestone: 71

MCD Budget

MCD's Fiscal Mid-Year Reporting for 2023-2024 shows the Department is currently projecting to end the year with an unbudgeted expense to the general fund.

Department Staffing levels

<u>As of April 2024:</u>	MCD Planners:	4
	Contract Planners:	16 (9 Full Time Equivalent ("FTE"))
<u>As of May 2024:</u>	MCD Planners:	4
	Contract Planners:	9 (8 FTE)
<u>Filled positions:</u>	Department Head (Interim)	
	Senior Program Manager	
	Program Administrator	
	Planner I/II (x3)	
	Planner I/Tech	
	Administrative Assistant	
<u>Current Recruitments:</u>	None	

For additional and up-to-date information regarding the Cannabis Department Activities please sign up for "Canna-Notes" through the county's eNotification system at the following link:
<https://www.mendocinocounty.org/government/cannabis-cultivation/enotifications>

CCBL Application Status

Mendocino County Cannabis Department May 2024 Update

Department Deadline: December 31, 2024

2024

January February March April May June July August September October November December

Milestone description	Total	Total Months Needed	Hours
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MCD Assigned Applications

Phase 1/2	76	4.75	25	
Phase 3	14	0.875	25	
Renewals	37	1.3875	15	

4Leaf Assigned Applications

Phase 1/2	56	1.296296296	25	
Renewals	36	0.666666667	15	

Total Applications

CCBL Issued	519
Under Review	173

Status	
Initial Issuance	
Ongoing Workload	
Workload Phase Out	



Mendocino County Board of Supervisors Agenda Summary

Item #: 2b)

To: GENERAL GOVERNMENT STANDING COMMITTEE

From: Supervisor Haschak

Meeting Date: June 26, 2024

Department Contact: Supervisor Haschak

Phone: 707-463-4221

Time Allocated for Item: 45 Minutes

Agenda Title:

Discussion and Possible Action Including a Recommendation to the Board of Supervisors to Consider a Reduction in the Cannabis Business Tax for Calendars Year 2025 and 2026
(Sponsor: Supervisor Haschak)

Recommended Action/Motion:

Recommend the Board of Supervisors consider a reduction in the Cannabis Business Tax of 40% for calendar year 2025, and 35% for calendar year 2026.

Previous Board/Board Committee Actions:

Ordinance No. 4361 adopted Chapter 6.32 - Cannabis Business Tax on August 2, 2016. March 2, 2022, the Board directed staff to prepare Amendments to the Cannabis Business Tax to create a procedure where cultivation sites could be followed with relief from the minimum tax requirements; this was brought back to the Board on May 17, 2022. April 19, 2022, the Board directed staff to return with an action to reduce Cannabis Business Tax Collection, including the minimum business tax, by 50% for two years starting in Tax Year 2022/23 and require tax compliance for Cannabis Permit Renewal. February 27, 2023, the General Government Committee recommended the Board take action to approve the Cannabis Business Tax reduction, a limited penalty and interest amnesty program, and create a tax payment plan. March 28, 2023, the Board adopted an Ordinance amending the Cannabis Business Tax to reduce Cannabis Business Taxes by 50% for calendar years 2023 and 2024.

Summary of Request/Referral:

The voter-passed Cannabis Business Tax was established in 2016. This tax was reduced 50% by the Board effective April 19, 2022 for Tax Years 2023 and 2024. While it is difficult to recommend the continuation of a tax cut at a time the County is facing a major deficit, cannabis farmers in the regulated system continue to struggle with market conditions, the cost of local and state regulations, and the illegal market which continues to proliferate. To promote and support cultivators in the regulated market and encourage additional participation in the regulated market, a continued reduction in the structure of the cannabis tax is recommended. When more cultivators stay in the Cannabis Cultivation Business License (CCBL) framework, it is better for overall tax collection and environmental stewardship. Options that encourage economic growth, entry into the regulated market, and adherence to the ordinance should be explored. In the most recent period, approximately \$3.8 million of Cannabis Business Taxes were waived through the current reduction, which will expire December 31, 2024. At this time, there are approximately 683 CCBLs which have been issued by the County, of which approximately 500 have State Licensing and can legally cultivate. Reductions

Item #: 2b)

in the tax rate will have an impact on the budget depending on the percent of reduction while reverting to the original tax rate could drive more cultivators out of the regulated market. A reduction of the cannabis tax to 40% for calendar year 2025 and 35% for calendar year 2026 will help cannabis cultivators deal with the changing economic environment and allow time to explore other options for the taxing of cannabis cultivation.

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: General Fund

current f/y cost: FY 24/25 Budgeted Cannabis Tax Revenue is \$1M. This is based on FY 23/24 projections which included the 50% reduction, and an understanding there are less cultivators enrolled than previous years.

budget clarification: N/A

annual recurring cost: Dependent upon recommendation from GGC to BOS and action taken by BOS.

budgeted in current f/y (if no, please describe) Yes

revenue agreement: N/A

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Lillian Bearden, Deputy Clerk I

Final Status: Approved

Date: June 26, 2024





Mendocino County Board of Supervisors Agenda Summary

Item #: 2c)

To: GENERAL GOVERNMENT STANDING COMMITTEE

From: Supervisor McGourty

Meeting Date: June 26, 2024

Department Contact: Supervisor McGourty **Phone:** 707-463-4221

Time Allocated for Item: 30 Minutes

Agenda Title:

Discussion and Possible Action Regarding Illegal Cannabis Cultivation Sites within Unincorporated Areas of Mendocino County, Potential Environmental Impacts, and the Need for Property Owners to Prioritize Cleanup Efforts

(Sponsor: Supervisor McGourty)

Recommended Action/Motion:

Discuss illegal cannabis cultivation sites within unincorporated areas of Mendocino County, potential environmental impacts, and encouraging property owners to prioritize voluntary cleanup efforts.

Previous Board/Board Committee Actions:

On August 16, 2022, the Board referred the topic of Cannabis to the General Government Committee.

Summary of Request/Referral:

Illegal cannabis cultivation sites exist throughout the unincorporated areas of Mendocino County. Potential environmental impacts of these sites are numerous, and property owners should prioritize voluntary cleanup efforts. This item is intended to allow for discussion about the problem and incorporate fact-finding. The Planning & Building Services Department is also reviewing its policies related to cleanup efforts when code enforcement becomes involved, typically through community complaints.

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

budget clarification: N/A

annual recurring cost: N/A

budgeted in current f/y (if no, please describe): N/A

revenue agreement: N/A

CEO Liaison: Tony Rakes, Acting Deputy CEO

Item #: 2c)

CEO Review: Yes
CEO Comments:

FOR COB USE ONLY

Executed By: Lillian Bearden, Deputy Clerk I

Final Status: Approved

Date: June 26, 2024





COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

JULIA KROG, DIRECTOR
PHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.gov
www.mendocinocounty.gov/pbs

DATE: JUNE 7, 2024
TO: PLANNING AND BUILDING SERVICES STAFF
FROM: JULIA KROG, PLANNING AND BUILDING SERVICES DIRECTOR
RE: VIOLATION/PENALTY FEE PROCEDURE

Previous Procedure

Effective September 14, 2022, titled Violation Fee Procedure, approved by Julia Krog, Planning and Building Services Director.

Purpose of this Procedure

Violation/Penalty Fees are designed to act as a deterrent to development and/or construction without the benefit of a permit and to recover costs that are associated with after-the-fact permit processing and enforcement. Violation/Penalty fees collected as a result of nonpermitted construction under Title 18 of County Code are made available to the Department for use in training and further code enforcement. Additionally, this procedure is to ensure consistency in the application of these fees.

Definitions

“Commercial Structure” or “Commercial Facility” whose operations will affect commerce, such as the activity of buying and selling goods or services and are intended for nonresidential use by a private entity. See California Building Code Chapter 2 Definitions as adopted by Mendocino County Code (“MCC”) Sec. 18.04.025.

“Commercial Land Use” include the distribution and sale or rental of goods; and the provision of services. For the purposes of this procedure, this definition includes Civic Use types. See MCC Chapters 20.020 and 20.024 (Div. I), 20.320 and 20.324 (Div. II), and 20.620 and 20.624 (Div. III).

“Investigative Fee” is a term superseded by the term “Violation/Penalty Fee”. See Violation/Penalty Fees.

“Minor Construction Permits” such as heating appliances, water heaters, re-roofings, replacement of siding, electrical outlets, plumbing fixtures, awnings, decks, demolition, other minor projects which typically require an "over the counter" type permit, and any construction deemed minor by the Chief Building Official. See MCC Sec. 18.08.030(C)(2).

“Violation/Penalty Fee” is one of the mechanisms in which the County recovers the cost of enforcing the provisions of County Code via additional fees to the cost of a permit, however, this is **NOT** a “Fine” or an “Administrative Citation” that any properly authorized County employee, such as a Code Enforcement Officer, may issue upon discovery of or failure of a responsible party to remediate violations of MCC. See MCC Sec.18.08.030(A) for Violation/Penalty Fees and MCC. Ch. 1.08 for Administrative Citations.

Authority

The Planning and Building Services Department (“PBS”) is authorized to impose Violation/Penalty Fee(s) via MCC Section 18.08.030 and the Mendocino County Master Fee Schedule as adopted by the Mendocino County Board of Supervisors (“BOS”), at their December 5, 2023, Meeting through Resolution No. 23-190, unless superseded.

Procedure

The following shall be applicable unless subject to an active permit amnesty program as adopted by the BOS or a codified exception:

Cause for Violation/Penalty Fee	Equal to the Normal Permit Fee*	MCC Section or Master Fee Schedule
Self-reported after-the-fact building permit application.	x1	18.08.030(C)(1)
Minor construction projects that require a building permit, or Over the Counter (OTC) permits.	x1	18.08.030(C)(2)
Construction projects that require a building permit, other than commercial or industrial structures, that do not qualify as a home occupation or cottage industry, where PBS discovered and/or investigated the violation as a result of a complaint.	x2	18.08.030(D)
Construction projects that require a building permit involving a commercial or industrial structure that does not qualify as a home occupation or cottage industry.	x3	18.08.030(E)
Self-reported after-the-fact discretionary permit application.	NO FEE	N/A
After-the-fact non-commercial land uses that require a discretionary permit.	x1	Pg. 16, Ln. 45
After-the-fact commercial land uses that require a discretionary permit.	x2	Pg. 16, Ln. 45

*The *Basic Construction, Plumbing, Mechanical, Electrical, and Temp Electric* fees for Building Permits, or the *Base Fee* for Discretionary Permits.

For example: If the normal permit fee is \$100.00, then

- x1 would equal an additional \$100.00 for a total of \$200.00
- x2 would equal an additional \$200.00 for a total of \$300.00
- x3 would equal an additional \$300.00 for a total of \$400.00

Whenever the Chief Planner, the Chief Planner’s designee, the Chief Building Official, the Chief Building Official’s designee, or Code Enforcement Division Staff investigates a county parcel, regardless of the complaint, case, or investigation status in TRAKiT’s CodeTRAK, the following procedure shall be followed:

1. When a complaint, case, or investigation is initiated on a parcel, **prior to the confirmation of the violation and prior to the application of additional fees**, a WARNING “note” will be placed in LandTRAK under the Restrictions drop down.

For investigation warnings, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	WARNING	(Date)	(Name)	N/A	N/A	CE INVESTIGATION – NON-PERMITTED CONSTRUCTION

2. When a violation(s) is **confirmed** via an investigation and supported by proper evidence, such as a Code

Enforcement Division site inspection with photo documentation, the WARNING “note” will be changed to VIOLATION in LandTRAK under the Restrictions drop down for each violation type.

For minor construction building violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	N/A	N/A	BV FEE X1 – RE-ROOF SFR

For residential (non-commercial) building violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	N/A	N/A	BV FEE X2 – SHIPPING CONTAINER, RESIDENTIAL STORAGE

For commercial building violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	N/A	N/A	BV FEE X3 – NON-PERMITTED RESTAURANT

For non-commercial discretionary permit violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	N/A	N/A	ZV FEE X1 – COASTAL DEVELOPMENT PERMIT FOR SFR ADDITION

For commercial discretionary permit violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	N/A	N/A	ZV FEE X2 – USE PERMIT FOR WINE TASTING

In the event there is more than one violation type confirmed on a single parcel, such as circumstances where both a BV FEE and a ZV FEE are applicable, additional Restrictions may be added in LandTRAK to effectively describe the nature of the violations and the corresponding violation/penalty fee multiplier.

For multiple violations, see example below:

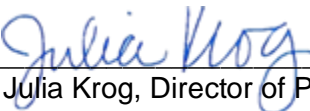
Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	N/A	N/A	ZV FEE X2 – USE PERMIT FOR FIRE WOOD PROCESSING AND SALES
	VIOLATION	(Date)	(Name)	N/A	N/A	BV FEE X2 – NON-PERMITTED ADDITION TO SFR

- Under the Restriction section of the Restriction drop down, the staff member inputting the restriction will place the following note for each violation:

- a. Building Violation (“BV”) or Zoning Violation (“ZV”); then
 - b. FEE and the respective multiplier, such as:
 - X1 for minor construction/OTC building permits and non-commercial discretionary permits.
 - X2 for residential building permits and commercial discretionary permits.
 - X3 for commercial building permits, OR
 - c. NO FEE for violations that do not receive a multiplier, including but not limited to;
 - violations that qualify for building permit amnesty,
 - self-reported violations that require discretionary permits,
 - or any violations on a property with a Phase I Cannabis Cultivation Business Licenses in the application process (MCC 10A.17.100(C); THEN
 - d. A condensed description and/or list of the violation(s) that will receive the respective fees.
4. It is the responsibility of the Chief Planner, the Chief Planner’s Designee, the Chief Building Official, the Chief Building Official’s designee, or Code Enforcement Division Staff to determine when these fee multipliers apply. However, should an applicant self-report a building permit violation prior to any complaint being received by the Department, such as an “Existing cabin”, Building Division staff processing the application may assign the single (x1) violation fee and the prefix, BV_ to the permit.
 5. When staff are processing a permit application and determining the appropriate application of permit fees, the Restriction in LandTRAK will indicate the correct administration of violation fee multipliers.
 6. No fees adopted by the Board of Supervisors may be “waived” by any person in the County, including Violation/Penalty Fees. If an applicant wishes to contest a fee, or request a reduction of those fees, they must submit correspondence to the Board of Supervisor for consideration using the normal channels of communication, such as e-mail or phone calls to the Executive Office/Clerk of the Board.
 7. When the violations have been remediated to the satisfaction of the Department, the VIOLATION “note” may be “cleared” in LandTRAK by the appropriate authority.

For cleared violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	(Date)	(Name)	BV FEE X2 – SHIPPING CONTAINER, RESIDENTIAL STORAGE

Approved by:  Date: June 12, 2024
 Julia Krog, Director of Planning and Building Services



Demolition of Multiple Structures

PURPOSE

The purpose of this policy is to explain the procedure for demolishing multiple structures on a single permit.

GOALS AND OBJECTIVES

The goals and objectives of this policy are to provide a consistent process to be followed that allows applicants to demolish multiple structures with a single permit application and one permit fee while also reducing required processing time by including multiple structures on a single permit.

AUTHORITY

The authority for this procedure is contained the Mendocino County Code (MCC) as follows:
Sec. 10.08.010 – Construction Permits and Inspection Fees

POLICY

This demolition permit policy is applicable to the inclusion of multiple structures, located on a single parcel and issued on one demolition permit.

Demolitions permits shall only apply to the complete removal of a structure(s) including foundations systems of structure or the complete removal of a mechanical/electrical or plumbing system not associated with a structure.

A concrete slab foundation will be allowed to remain in place if not in violation of any Mendocino County Planning and Building Regulation or any Environmental Health regulations.

PROCEDURE

1. Submit a complete building permit application identifying the structures, square footages, and use of structures to be demolished.
2. Submit a Mendocino County Air Quality clearance letter as applicable.
3. Submit a site map indicating all property lines, all structures on the property and clearly identifying all structures to be demolished.
4. Maintain the Construction waste and demolition forms to be collected at final inspection.
5. To qualify for a single permit, all structures shall be in the same immediate vicinity or adjacent to one another, and a maximum distance of 50 feet to the next structure.
6. All structures shall be removed at the same time and a single inspection requested for final verification of demolition of all structures listed on the permit.

7. If the permit is not finalized at time of initial inspection, or any correction notices are received by the applicant that require an additional inspection, that subsequent "final" inspection must be accompanied by a reinspection fee.

Please see the County of Mendocino Planning and Building web page for building permit application submittal information: <https://www.mendocinocounty.gov/government/planning-building-services>

Policy Initiated By: Richard Angley, County of Mendocino Chief Building Official

Policy Approved: Julia Krog Date: 6/18/2024
JULIA KROG,
Director Planning and Building Services



Mendocino County Board of Supervisors Agenda Summary

Item #: 3a)

To: GENERAL GOVERNMENT STANDING COMMITTEE

From: Executive Office

Meeting Date: June 26, 2024

Department Contact: Atlas Pearson

Phone: 707-463-4441

Department Contact: Darcie Antle

Phone: 707-463-4441

Item Type: Regular Agenda

Time Allocated for Item: 5 Minutes

Agenda Title:

Approval of Minutes of May 22, 2024 Regular Meeting

Recommended Action/Motion:

Approve minutes of May 22, 2024 regular meeting.

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Lillian Bearden, Deputy Clerk I

Final Status: Approved

Date: June 26, 2024



GLENN MCGOURTY
1st District
Supervisor
Chair

MAUREEN MULHEREN
2nd District
Supervisor
Vice-Chair

JOHN HASCHAK
3rd District
Supervisor

DAN GJERDE
4th District
Supervisor

TED WILLIAMS
5th District
Supervisor



DARCIE ANTLE
Chief Executive Officer/
Clerk of the Board

James Ross
Interim County Counsel

COUNTY ADMINISTRATION CENTER
501 Low Gap Road, Room 1070
Ukiah, CA 95482
(707) 463-4441 (t)
(707) 463-5649 (f)
cob@mendocinocounty.org

MENDOCINO COUNTY GENERAL GOVERNMENT COMMITTEE ACTION MINUTES – May 22, 2024

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO - STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)

AGENDA ITEM NO. 1 – OPEN SESSION (PLEDGE OF ALLEGIANCE AND ROLL CALL 9:00 A.M.)

Present: Committee Member/Supervisor Glenn McGourty and Committee Member/Chair John Haschak. Chair Haschak presiding.

Staff Present: Steve Dunncliff, Deputy Chief Executive Officer; Charlotte Scott, Assistant County Counsel; Lillian Bearden, Deputy Clerk of the Board; and Atlas M.A. Pearson, Senior Deputy Clerk of the Board.

The Pledge of Allegiance was led by: Sara McBurney.

AGENDA ITEM NO. 2 – REGULAR CALENDAR**2A) DISCUSSION AND POSSIBLE ACTION INCLUDING PROVIDING RECOMMENDATIONS TO STAFF AND A REFERRAL TO THE BOARD OF SUPERVISORS RECOMMENDING APPROVAL OF THE MENDOCINO CANNABIS DEPARTMENT MONTHLY UPDATE FOR APRIL 2024 - SPONSOR: CANNABIS**

Presenter/s: Sara McBurney, Senior Program Manager, Cannabis; and Charlotte Scott, Assistant County Counsel.

Public Comment: Steve Amato.

Committee Action: Upon motion by Supervisor McGourty, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors refers to the Board of Supervisors recommending approval of the Mendocino Cannabis Department Monthly Update for April 2024. The motion carried by the following vote:

Aye: 2 – Supervisor McGourty and Supervisor Haschak

No: 0 – None

Absent: 0 – None

2B) DISCUSSION AND POSSIBLE ACTION INCLUDING RECOMMENDATION OF APPROVAL TO THE BOARD OF SUPERVISORS OF A DRAFT AGREEMENT WITH CANNA BUSINESS SERVICES, FOR UP TO \$180,000 IN DIRECT TECHNICAL ASSISTANCE SERVICES FROM THE EFFECTIVE DATE OF THE AGREEMENT THROUGH OCTOBER 31, 2025 - SPONSOR: CANNABIS

Presenter/s: Sara McBurney, Senior Program Manager, Cannabis.

Public Comment: Chantal Simonpietri.

Committee Action: Upon motion by Supervisor McGourty, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors recommends approval to the Board of Supervisors of the draft Agreement with Canna Business Services, for up to \$180,000 in direct technical assistance from the effective date of the Agreement through October 31, 2025. The motion carried by the following vote:

Aye: 2 – Supervisor McGourty and Supervisor Haschak

No: 0 – None

Absent: 0 – None

COMMITTEE RECESS: 10:09 A.M. – 10:16 A.M.

3B) PUBLIC EXPRESSION

Presenter/s: Glenn McGourty; Steve Amato.

AGENDA ITEM NO. 2 – REGULAR CALENDAR

2C) DISCUSSION AND POSSIBLE ACTION INCLUDING CONSIDERATION OF POTENTIAL REVISIONS TO MENDOCINO COUNTY CODE (MCC) CHAPTER 8.77, TITLED “HAZARDOUS VEGETATION, COMBUSTIBLE MATERIAL, RUBBISH, AND WEEDS” (ABATEMENT OF HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL NUISANCE ORDINANCE) AND EVALUATING POTENTIAL FUNDING SOURCES FOR IMPLEMENTATION - SPONSOR: SUPERVISOR HASCHAK

Presenter/s: Supervisor Haschak; and Xuyen Mallela, Principal Administrative Analyst, Executive Office.

Public Comment: None.

Committee Action: Upon motion by Supervisor McGourty, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors recommends staff evaluate potential funding sources for implementation and determination of recommended next steps. The motion carried by the following vote:

Aye: 2 – Supervisor McGourty and Supervisor Haschak

No: 0 – None

Absent: 0 – None

3A) APPROVAL OF MINUTES OF APRIL 24, 2024, REGULAR MEETING - SPONSOR: EXECUTIVE OFFICE/CLERK OF THE BOARD

Presenter/s: Lillian Bearden, Deputy Clerk of the Board.

Public Comment: None.

Committee Action: Upon motion by Supervisor McGourty, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors approves minutes of February 28, 2024 regular meeting. The motion carried by the following vote:

Aye: 2 – Supervisor McGourty and Supervisor Haschak

No: 0 – None

Absent: 0 – None

3C) ANNOUNCEMENTS

None.

THERE BEING NOTHING FURTHER TO COME BEFORE THE COMMITTEE, THE MENDOCINO COUNTY GENERAL GOVERNMENT COMMITTEE ADJOURNED AT 11:32 A.M.

Attest: ATLAS M.A. PEARSON
Senior Deputy Clerk of the Board

JOHN HASCHAK, Chair

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Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors

DRAFT

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MENDOCINO COUNTY GENERAL GOVERNMENT COMMITTEE ACTION MINUTES – May 22, 2024

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO - STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
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2A) DISCUSSION AND POSSIBLE ACTION INCLUDING PROVIDING RECOMMENDATIONS TO STAFF AND A REFERRAL TO THE BOARD OF SUPERVISORS RECOMMENDING APPROVAL OF THE MENDOCINO CANNABIS DEPARTMENT MONTHLY UPDATE FOR APRIL 2024 - SPONSOR: CANNABIS

Presenter/s: Sara McBurney, Senior Program Manager, Cannabis; and Charlotte Scott, Assistant County Counsel.

Public Comment: Steve Amato.

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No: 0 – None

Absent: 0 – None

2B) DISCUSSION AND POSSIBLE ACTION INCLUDING RECOMMENDATION OF APPROVAL TO THE BOARD OF SUPERVISORS OF A DRAFT AGREEMENT WITH CANNA BUSINESS SERVICES, FOR UP TO \$180,000 IN DIRECT TECHNICAL ASSISTANCE SERVICES FROM THE EFFECTIVE DATE OF THE AGREEMENT THROUGH OCTOBER 31, 2025 - SPONSOR: CANNABIS

Presenter/s: Sara McBurney, Senior Program Manager, Cannabis.

Public Comment: Chantal Simonpietri.

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COMMITTEE RECESS: 10:09 A.M. – 10:16 A.M.

3B) PUBLIC EXPRESSION

Presenter/s: Glenn McGourty; Steve Amato.

AGENDA ITEM NO. 2 – REGULAR CALENDAR

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Presenter/s: Supervisor Haschak; and Xuyen Mallela, Principal Administrative Analyst, Executive Office.

Public Comment: None.

Committee Action: Upon motion by Supervisor McGourty, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors recommends staff evaluate potential funding sources for implementation and determination of recommended next steps. The motion carried by the following vote:

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Absent: 0 – None

3A) APPROVAL OF MINUTES OF APRIL 24, 2024, REGULAR MEETING - SPONSOR: EXECUTIVE OFFICE/CLERK OF THE BOARD

Presenter/s: Lillian Bearden, Deputy Clerk of the Board.

Public Comment: None.

Committee Action: Upon motion by Supervisor McGourty, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors approves minutes of February 28, 2024 regular meeting. The motion carried by the following vote:

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No: 0 – None

Absent: 0 – None

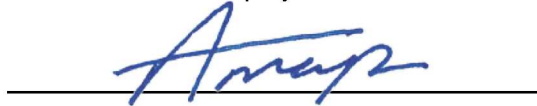
3C) ANNOUNCEMENTS

None.

THERE BEING NOTHING FURTHER TO COME BEFORE THE COMMITTEE, THE MENDOCINO COUNTY GENERAL GOVERNMENT COMMITTEE ADJOURNED AT 11:32 A.M.

Attest: ATLAS M.A. PEARSON
Senior Deputy Clerk of the Board


JOHN HASCHAK, Chair



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DRAFT