



**COUNTY OF MENDOCINO
CANNABIS DEPARTMENT**

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Date: April 25, 2024
To: Cannabis Department Staff/ Contract Planning Staff
From: Steve Dunicliff, Interim Director Mendocino Cannabis Department
RE: Internal Procedure #09 – CCBL Density

The Mendocino County Cannabis Department (“**MCD**”) provides the following memorandum to provide clarity and to implement a policy regarding Mendocino County Code (“**MCC**”) Section 10A.17.070(D), which addresses Cannabis Cultivation Business License Density.

DEFINITIONS

"Cannabis Cultivation Business License" or "CCBL" shall have the definition set forth in MCC §10A.17.020 as it may be amended from time to time.

"CCBL Holder" shall have the definition set forth in MCC §10A.17.020 as it may be amended from time to time.

"Contiguous expansion" is defined as the relocation of plant canopy, and/or the permitted expansion of plant canopy to an area that is within 200 feet of any original cultivation site (prior to January 1, 2016) located on the parcel. Terms used in this definition shall be the same as those already defined in Chapter 10A.17, including “cultivation site,” “expansion” and “plant canopy.”

"Department" shall have the definition set forth in MCC §10A.17.020 as it may be amended from time to time.

"MCCO" means Chapter 10A.17 of the Mendocino County Code as it may be amended from time to time, which is also referred to as the Mendocino Cannabis Cultivation Ordinance

"Person" shall have the definition set forth in MCC §10A.17.020 as it may be amended from time to time.

"Type 4 CCBL" shall have the definition set forth in MCC §10A.17.020 as it may be amended from time to time.

ORDINANCE SECTIONS

Sec. 10A.17.070 – Requirements for All CCBL’s.

(D) CCBL Density. A Person may apply for and obtain a maximum of two (2) CCBL's listed in section 10A.17.060 at any given time, with a maximum density of one (1) CCBL per legal parcel; provided, however, that:

- (1) A Person may obtain two (2) separate CCBL's of different CCBL types on a single legal parcel if the total square footage of the two (2) CCBL's does not exceed the largest maximum square footage authorized on a parcel for the relevant zoning district.



A Person who applies for and obtains a Type 4 CCBL in combination with any other CCBL, shall not exceed a total square footage of twenty-two thousand (22,000) square feet per legal parcel, of which not more than ten thousand (10,000) square feet may be grown to maturity. Plants may be grown to maturity by a Type 4 CCBL Holder for seed production or genetic expression, where the mature flowers are destroyed, and not used for commercial purposes, shall not require a separate CCBL.

- (2) A Person may apply for one (1) CCBL of a single size (e.g. Type C, Type 1 or Type 2) that may include any combination of all three (3) cultivation types (e.g. indoor, outdoor, mixed-light), but if any cultivation would require the issuance of a permit pursuant to Chapter 20.242, the entire CCBL shall be subject to review under Chapter 20.242.
- (3) A Person may obtain one (1) CCBL for multiple legal parcels, so long as the parcels are contiguous and under the same ownership. Should the Person sell any of the parcels subject to the CCBL, subsequent CCBL's shall be required to modify the cultivation site to adhere to required setbacks.

Sec. 20.242.040 – Existing Cannabis Cultivation Sites.

(B) Cultivation sites, in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit as required for the zoning district in which the cultivation site is located and as listed in Table 1.

TABLE 1
Zoning Permit Requirement for Existing Cannabis Cultivation by Zoning District and Cannabis Cultivation Ordinance CCBL Type

MCCO CCBL Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm, Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery
Min Parcel Area (ac)*1, *2, *3	NA	NA		NA	5	5	5	10	10	10	5
Cultivation Area Limit (sf)	2,500	500	501—2,500	2,500	2,501—5,000	2,501—5,000	2,501—5,000	5,001—10,000	5,001—10,000	5,001—10,000	22,000
Zoning District	RR 5* 1	ZC	AP	UP	ZC	ZC	—	ZC	—	—	—
	RR 10	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	AG	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	UR	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	RL	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	FL* 4	ZC	AP	UP	ZC	AP	—	AP	AP	—	AP
	TPZ* 4	ZC	AP	UP	ZC	AP	—	AP	AP	—	AP
	I1* 5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC
	I2* 5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC
PI* 5	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	



Sec. 20.242.040 – Existing Cannabis Cultivation Sites.

(C) Cultivation sites, operated in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit, as required for the zoning district in which the cultivation site is located and listed in Table 2.

TABLE 2
Zoning Permit Requirement for New Cannabis Cultivation by Zoning District
and Cannabis Cultivation Ordinance CCBL Type

MCCO CCBL Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light			C-B Sm, Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery
Min Parcel Area (ac)	2	2			2	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501— 2,500		2,500	2,501— 5,000	2,501— 5,000	2,501— 5,000	5,001— 10,000	5,001— 10,000	5,001— 10,000	22,000
Zoning District	RR 5* ¹	ZC	AP	UP	ZC	ZC	—	ZC	—	—	—	—
	RR 10	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	AG	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	UR	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	I1* ²	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	ZC
	I2* ²	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	ZC
	PI* ²	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	ZC

STAFF INTERPRETATION

This policy is intended to clarify the interpretation of MCC § 10A.17.070(D) and to revise any past interpretations that were inconsistent with this policy. Previously, MCC § 10A.17.070(D) was utilized to limit a Person’s mature cannabis cultivation area to 10,000 square feet per parcel. However, after further review, the plain meaning of the text does not prescribe such a limit. Rather, the only 10,000 square foot limit on mature cannabis cultivation in MCC § 10A.17.070(D) applies to Type 4 CCBL Holders who have an additional non-Type 4 CCBL on a parcel. In that case, the total cultivation area is limited to 22,000 square feet and the non-nursery cultivation space is limited to 10,000 square feet. There is no such limit prescribed to a Person who obtains two non-nursery CCBLs on one parcel.



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As MCC § 10A.17.070(D)(1) plainly states, “[a] Person may obtain two (2) separate CCBL's of different CCBL types on a single legal parcel if the total square footage of the two (2) CCBL's does not exceed the largest maximum square footage authorized on a parcel for the relevant zoning district.” MCC § 10A.17.070. Further, the same subsection contemplates that a Person may have a Type 4 CCBL in combination with any other CCBL with certain limitations.

Based on that language, it is clear that a Person can obtain two separate CCBLs of different types on the same parcel and that combining CCBL types is not limited to nursery and non-nursery CCBLs. A Person can obtain two different CCBL types on one parcel so long as the cultivation area square foot limit is not exceeded.

Other than placing the aforementioned limit on Type 4 CCBLs, the MCCO does not contain cultivation area square foot limits on parcels. As such, we look to the zoning code to find square-foot cultivation area limits for parcels because the zoning code regulates commercial cannabis uses in the particular zoning district.

When reviewing the zoning code, however, rather than finding cannabis cultivation area square foot limits on parcels, it contains square foot limits for each CCBL type. Therefore, the cultivation area square foot limits per parcel are determined by the CCBL types allowed in the applicable zoning district and the CCBL limit found in MCC § 10A.17.070(D). For example, a parcel of 50 acres could have a Type 4 CCBL and a Type 2 CCBL provided that the total square feet licensed does not exceed 22,000 square feet and no more than 10,000 square feet may be grown to maturity.

Based on the above, MCD's updated interpretation of MCC § 10A.17.070(D) is that a Person can obtain a maximum of two separate CCBL types on a single parcel without obtaining a Type 4 CCBL, so long the CCBL types are allowed in the applicable zoning district and all requirements found in the MCCO are satisfied.

For current CCBL holders that have a Type 4 CCBL and wish to modify their current license to a cultivation based on the above, a modification may be submitted to MCD so long as the proposed footprint does not expand more than 200 feet, meeting existing code required for contiguous expansion.

Persons that want to apply for a new or additional CCBL, must submit a new Phase III application in Accela. New applications will be subject to zoning requirements as stated in Table 2 of this procedure.

AUTHORITY

Procedure Approved: _____

Date: _____

4/25/24

Steve Dunicliff
Interim Cannabis Department Director