



MENDOCINO COUNTY *MEMORANDUM*

Date: October 4, 2022

To: Board of Supervisors

From: Supervisor Haschak & Supervisor McGourty

Subject: Cannabis Ad Hoc Recommendations

The cannabis ad hoc committee will be passing on the work related to cannabis issues to the General Government Committee. Since time is critical to meet the state-imposed deadline of June 30, 2023 for transition of state provisional licenses to state annual licenses, the ad hoc believes that the following list of recommendations are time sensitive and urgent for BOS action.

1. Reiterate prior Direction and request specific and on-going implementation of (a) MCD Director submitting changes to LEEP manual with state to maximize benefits allowable grant items for awardees; (b) do not delay implementation until after BoS informed, but implement as soon as state approves changes and then inform BoS at earliest opportunity; (c) continue to review and respond to requests of Equity Applicants to add additional items/efficiencies that are allowable under the state grant.
2. Assign one County Counsel staff and one CEO office staff to temporary full-time assignment to Cannabis issues including contracting, review of policies and procedures as needed, interdepartmental coordination and other tasks that need particular focus given the deadlines. Immediately contract with organizational consultant to review departmental operations for efficiencies.
3. Clarify existing safety and disease exemptions in ordinance to specifically include fire safety, direct immediate implementation, and direct County Counsel to prepare procedural options for allowing tree removal for disease and safety and consideration of evidence needed for both applicants and department at the General Government Committee meeting
4. Request that the General Government Committee meet monthly.
5. Direct Building Official to review and adopt a policy akin to Humboldt County's policy of allowing Trimming (processing and packaging) in residences and accessory structures without the need for a commercial, F1 occupancy under the Home Occupation and Cottage Industry use ordinances.
6. Direct MCD to provide a "no objection" status for every document or requirement that MCD referred to any outside agency and that has not been responded to by the County within 30-days. The standard 30-day response window was built into the ordinance but is not currently being implemented in a manner that would allow applications to continue in the approval process without actually obtaining a formal response from the agency.
7. Direct MCD to set a deadline to establish an application process for the LJAGP grants to rectify the slow roll out of grant funds by the Department and contract with an outside agency, such as West Company, to manage the administration of the LJAGP grant. Although the County has four

years to distribute these funds, cultivators must transition from provisional to annual licenses by July 2023 and these funds are essential to aid them in that transition.

8. Create a dispute resolution process for matters and decisions that do not result in denials. This is in alignment with the often discussed need for MCD to do as much as possible to help the current cohort stay in the program and succeed to annual State licensure.

9. Issue local annual renewal permits within 30 days if they have minor changes that are below the established threshold that requires a modification application as intended by 10A.17.090 or State regulations. Currently, renewals are taking an inordinate amount of time for MCD to issue even if there are no or only insignificant changes that do not trigger a separate Modification process (such as change of type or size or other significant operational changes). Applicants are asked to submit all materials 60- days in advance but then are left without the renewal they need for 2-6 months after expiration of their existing permit.

10. Direct Building Official to review and to reconsider his Memo to Staff limiting use of portable toilets to better align with Mendocino County Code Section 16.08.015 which specifically states that portable toilets may satisfy the restroom requirement for structures that are used to process cannabis plants (facilities), Hoop Houses, and Greenhouses that service cannabis businesses. Support Building Official to review his direction to Staff to presume that infrastructure associated with the business or structures negates a finding of seasonal use of those structures and incorporate use of portable toilets for home and accessory structures used under the home occupation and cottage industry rules.

11. Align the County definition of outdoor cultivation with the imminent and expected State change in its definition to include the use of light deprivation without the use of light assistance. In a matter of weeks, the state will be publishing its new regulations. The proposed regulations changed the definition of Outdoor to allow for light deprivation techniques without the use of lights. If the County does not act now, we will be far out of step with State law and local farmers will not receive the benefit that their competitors around the State will receive

12. Direct MCD staff to work with CDFW and stakeholders to review and modify a screening tool for Sensitive Species and Habitat Review referrals. This was agreed upon at the July 28 cannabis ad hoc committee meeting with CDFW, MCD, and stakeholders with the intent to expedite the workload and screen applicants for SSHR review by CDFW.