



Cannabis Department Deliverables

DATE: May 22, 2023
TO: Mendocino County General Government Committee
FROM: Mendocino County Cannabis Department
RE: Monthly Activity Report – May 2023

Cannabis Department Mission Statement

“The Mendocino County Cannabis Department’s mission is to issue cannabis cultivation permits in accordance with regulations as approved by the Board of Supervisors and ensure that all permitted 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.”

Cannabis 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 do not represent the entirety of all assigned objectives. In the Future, MCD will request guidance from the BOS to assist in clarifying and prioritizing this list.

Planning

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

Administration

Staff Support
Process Management
Fiscal and Budget
Grant Management
PRAs
Monthly Reporting

All the priorities listed above shall support the primary function of MCD, which is clearly outlined in the Mission Statement, which is to issue cannabis cultivation permits within the regulatory framework.

MCD Activity

The total workload of MCD is best reflected by these two primary data sets;

Active Commercial Cannabis Cultivation Applications submitted to MCD: 715

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Active Commercial Cannabis Cultivation Permits issued by MCD ¹ :	125
TOTAL:	840

Issued MCD Permit Status

When a commercial cannabis cultivation application meets all required criteria and is approved by MCD it becomes an issued permit. Issued permits 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 permittees to have an issued county permit as well as an annual state license.

Active Commercial Cannabis Cultivation Permits issued by MCD

MCD Issued Permit w/ DCC (Annual):	6
MCD Issued Permit w/ DCC (Provisional):	114
MCD Issued w/o DCC:	5
TOTAL:	125

Annual MCD Permit Renewals (Applies to the 125 issued permits above)

Renewals Issued YTD:	21
Renewals Approved (pending issuance) YTD:	2
Renewals Pending (waiting for review by staff):	63

Priority Processing of MCD Applications/Issued Permits

On or after July 1, 2023, the environmental requirements for DCC annual license renewal are elevated due to statutory deadlines. To ensure that MCD applicants holding DCC provisional licenses are eligible for annual licenses, MCD will first review applications that have provisional licenses scheduled to expire in July. MCD has assigned these applications with DCC provisional licenses set to expire to both our in-house planning staff and the planners on contract with the Department. Information regarding the “July expiration” pool is as follows:

Review Data

Preliminary review and deficiency notice submitted to the applicant if needed:	57 ²
Sensitive Species Habitat Review Completed in-house:	7

Referrals

District Attorney:	47 ³
Sensitive Species Habitat Review:	8

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

² There are more provisional licenses than this expiring in July, however those reflect multi-type permits.

³ Represents 117 individuals associated with the referred applications/permits.

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Air Quality Management District: 10⁴

Site Inspections

Number of Inspections Month of April: 14

Miles Traveled Month of April: 794

Is MCD on track?

To determine if MCD is “on track” to process permit applications and issue permit renewals in time for expiring DCC provisional licenses, the following chart has been developed:

	DCC Provisional License Expiration	Priority Applications	Priority Renewals	Processing Timeline
Total	July 1, 2023	43	14	April 30, 2023 June 30, 2023
Reviews Assigned		38	5	
Review Completed ⁵		0	3	
	DCC Provisional License Expiration	Priority Applications	Priority Renewals	Processing Timeline
Total	August 1, 2023	34	14	April 30, 2023 July 31, 2023
Reviews Assigned		21	8	
Review Completed		0	2	

MCD Application Status

Active commercial cannabis cultivation permit applications that have been submitted to MCD and are in one of the following stages of review:

<u>Status</u>	<u>Responsibility</u>	<u>Applications</u>
Applications received, pending review	Department	465
Active Review	Department	165
Non-responsive or inadequate material ⁶	Applicant	85
TOTAL:		715

⁴ Does not represent renewals.

⁵ Upon completion of the Department review, the result will be issued or denied. Those numbers shall reflect in the statistical categories.

⁶ Defined as applicants that are not responding to MCD correspondence and applications that require more information for a successful review.

Environmental Review

In order for applicants to receive a DCC annual license, an environmental review is required. The current pathway is the Appendix G checklist.

Total Appendix G Checklist Status

Appendix G Checklists reviews pending: 39

Appendix G Checklist reviews completed: 7

Appendix G's will be reviewed along with the provisional license expiration.

In an effort to streamline the permit review and environmental review processes, the County is working with the DCC to develop more streamlined processes. In that effort, DCC has tentatively agree to develop a process where it will perform site-specific environmental reviews as part of its licensing process, removing an administrative burden that has historically been borne by the County. The initial plan is for DCC to utilize a programmatic environmental impact report ("EIR") to study state licensing of cannabis cultivation in Mendocino County. This EIR can then be used as the basis to generate site-specific environmental documents for individual license applications and provide a pathway to annual licensure.

This would eliminate the need for Appendix G checklists to be prepared in the future. However, until that streamlined process is in place, MCD will continue to move forward with Appendix G checklist reviews prior to the completion of the EIR.

Vegetation Modification

The BOS provided clarification on the tree removal prohibition language in Mendocino County Code Chapter 10A.17. In conjunction with the BOS directed Tree Removal Affidavit as a result of BOS direction, MCD has created an internal procedure for cultivation sites that have potential tree removal that has been posted to the new Policies & Procedures subpage of the MCD website.

Training Materials

MCD has created a flow chart to guide staff and contract planners through the processing of applications and to help track the stage of each application under review. This flow chart has been posted to the new Policies & Procedures subpage of the MCD website and is subject to change as streamlining implementation occurs. Staff and contract planners have received training on referral processes including to outside agencies and departments, as well as how to notify applicants regarding completion of internal reviews.

Applicant / Permittee Communication

New Office Hours

As of June 1, 2023, MCD, located at 125 E. Commercial St., Willits, CA 95490, will be open Monday – Friday 8:00 AM to 5:00 PM, including the lunch hour.⁷

⁷ Financial transaction may be completed between 8:30 AM to 4:30 PM.

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Conference rooms

MCD has secured the use of conference rooms inside the Willits Justice Center for applicant/permittee meetings.

Pre-application conferences

MCD will be offering pre-application conferences in our Willits conference rooms. Pre-application conferences for phase three applicants will be by appointment only. To schedule a pre-application appointment, please contact the Planner of the Day at MCDPOD@mendocinocounty.org. To view the Department's current fees associated with phase three applications, please visit our website at <https://www.mendocinocounty.org/departments/cannabis-department>.

Notifications of Referral

MCD has implemented applicant notification procedures for when an application has been sent to outside agencies or departments for a referral.

Language adjusted in applicant/permit holder communications

To be more consistent with the nomenclature utilized by the DCC, MCD has amended our checklists to notify applicants/permit holders of "deficiencies" with their applications and will no longer be using "corrections".

Local Equity Entrepreneur Program ("LEEP") Grant

Mendocino County was awarded three rounds of funding from the Cannabis Equity Grants Program for Local Jurisdictions which is being administered by the Governor's Office of Business and Economic Development (GO-Biz). LEEP aims to provide funding and services for those hardest hit by the War on Drugs by lowering barriers to cannabis permitting and licensing.

Please note: As MCD looks to secure funding for the next round, MCD has stopped accepting Direct Grant applications, and Waivers. However, based on a cursory analysis of the LEEP program, as of April 26, 2023, MCD believes that there are enough funds left in the program to cover all grants and applications in the queue.

Financial Report

Administration Amount:	\$ 420,426.00
Amount distributed or to be distributed:	\$ 3,159,478.17
Amount Remaining:	\$ 1,729,643.99
TOTAL:	\$ 5,309,548.16 ⁸

Eligibility

Applications received:	141
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⁸ The Departmental accounting system and methodology are in the process of being restructured to ensure proper reconciliation of the internal data. This figure will be adjusted accordingly.

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Direct Grants

Processed to completion (TD):	54
In Review:	23
In queue:	71
Canceled:	5
TOTAL:	153

Waivers processed

Agricultural Department (TD):	64
Agricultural Department (April):	27
Environmental Health Department (TD):	1
Environmental Health Department (April):	0
Mendocino Cannabis Department (TD):	85
Mendocino Cannabis Department (April):	20
Planning and Building Services Department (TD):	214
Planning and Building Services Department (April):	0
Treasurer Tax Collector (TD):	303
Treasurer Tax Collector (April):	0

Waivers in queue

Agricultural Department:	2
Environmental Health Department:	1
Mendocino Cannabis Department:	14
Planning and Building Services Department:	21
Treasurer Tax Collector:	113

Local Jurisdiction Assistance Grant Program (“LJAGP”)

On March 14th, the BOS unanimously voted on agenda item (4)(f), directing MCD to work with the DCC to identify mechanisms to streamline California Environmental Quality Act (“CEQA”) reviews and to support the timely compliance of provisional licensees with state law. To resource this effort, the DCC requested that Mendocino County pause the issuance of unspent Local Jurisdiction Grant funds to assess how best to align the use of these dollars to support CEQA compliance of provisional license holders. In light of this assessment, Mendocino County will discontinue any disbursement of funds including those towards the grant program until the assessment is complete. Both Departments are committed to working collaboratively and have initiated their assessment efforts.

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The Departmental accounting system and methodology are in the process of being restructured to ensure proper reconciliation of the internal data. These figures will be added to the report once it becomes available.

Notice of Appeal of Minimum Business Tax for Commercial Cannabis Cultivation

Cultivators who received annual True-Up notices from the Treasurer-Tax Collector but did not cultivate commercial cannabis may have appealed the minimum business tax by submitting a completed Notice of Appeal Form, a copy of the annual True-Up notice, supporting documentation, and the appeal payment to MCD. The submission period for the business tax appeal was between April 13 – April 28, 2023.

Notice of Appeals

Received and under review by MCD: 68
Appeals Granted to date: 36 as of 5/9/2023
Appeals Denied: TBD after MCD review

Appellants shall be notified of the outcome of their tax appeal by MCD once all reviews are complete.

TTC Payment Plan

Per revisions recently adopted to Mendocino County Cannabis Business Tax, Chapter 6.32, Section 6.32.100, effective April 28, 2023, qualified cultivators will be allowed to participate in a limited amnesty program whereas persons who failed or refused to pay any commercial cannabis business tax required to be paid pursuant to this Chapter for cannabis cultivation or for a nursery business for tax years 2018, 2019, 2020 and 2021 may pay the full amount owed for that year and be waived of any penalties and interest for that year or those years effective April 28, 2023 through June 30, 2024.

MCD Efficiency Study

Review Timelines

In March of 2023, MCD implemented time tracking metrics to study planner time spent reviewing applications. Based on the initial review of the data being collected, MCD determined it is highly likely that the average time spent will be significantly less than the previous MCD estimate of 200 hours per review. MCD had projected a need for twenty-seven (27) planners to be able to complete reviews described in the tracking chart that was presented in both February 2023 and March 2023's monthly reports. An updated chart is presented in this report under the *Priority Processing of MCD Applications/Issued Permits* section.

As of April 2023

MCD Planners: 6
Contract Planners: 12

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Review time: TBD

As of May 2023

MCD Planners: 6

Contract Planners: 15

Review Time: Approximately 16 to 80 Hours*

*These are very pre-mature results of the initial MCD study. The time spent reviewing applications is calculated by having planners log the time spent completing actions associated with the review. For example, a 20-minute phone call is recorded as 20 minutes. This style of time accounting does **NOT** consider the time in between tasks, down time, applicant response time, etc. A 16-hour review will **NOT** happen in two 8-hour workdays. This is a purely time-spent snapshot.

The 16-hour review would represent the most ideal circumstances. Ideal circumstances may include a highly prepared applicant, new development, no environmental impacts, etc.

The 80-hour review would represent a more complex review that may include a remote location increasing site inspection times, existing development, environmental considerations, remediation or compliance objectives, etc.

Data Management

The Department has begun an initiative to centralize all permit-related data to ensure a uniform foundation for tracking and reporting. This includes joining the Department's unique permit identifier (AG #) with the State's unique license identifier (CCL #), as well as the expansion and collection of concise and reportable progress metrics. The data consolidation effort has fostered increased partner data exchange with the State and will bridge the efficiency gap until Accella software implementation.

MCD Staffing Levels

Planning

Filled positions: Chief Planner
Senior Planner
Cartographer
Planner I/II (x6)

Vacant Positions: Planner I/II (x4)

Administration

Filled positions: Department Head (Interim)
Senior Program Manager
Office Services Supervisor
Administrative Assistant

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Vacant positions: Program Administrator
Department Analyst I/II
Administrative Assistant
Staff Assistant I/II/III

Current Recruitments Program Administrator

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>