

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
February 28, 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/87336548653>

Zoom Phone Number (if joining via telephone): 1 669 900 9128 ; Zoom Webinar ID: 873 3654 8653

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 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)**

Recommended Action:

Discuss potential revisions to MCC Chapter 8.77, titled "Hazardous Vegetation, Combustible Material, Rubbish, and Weeds" (Abatement of Hazardous Vegetation and Combustible Material Nuisance Ordinance) and evaluate potential funding sources for implementation and determination of recommended next steps.

- 2b) Discussion and Possible Action Including Acceptance of Informational Presentation from the Mendocino Cannabis Department (MCD) Regarding MCD’s Adopted Fee Schedule (Sponsor: Cannabis)**

Recommended Action:

Accept the informational presentation from MCD regarding the currently adopted MCD Fee Schedule.

Attachments: [MCD Fee Schedule 020324](#)
[CN Master Fee Worksheet 20231030](#)
[Inspection Policv](#)

- 2c) Discussion and Possible Action Including Providing Recommendations to Staff Regarding the Sensitive Species Habitat Review (“SSHR”) Screening Tool (Sponsor: Cannabis)**

Recommended Action:

Provide recommendations to staff regarding the SSHR Screening Tool.

Attachments: [Pilot Policv for Sensitive Species Review in Cooperation wit](#)
[Pilot Policv SSR Form Exhibit A: 9.30.20](#)
[SSHR Redline](#)

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

Recommended Action:

Provide recommendations to staff; and a referral to the Board of Supervisors recommending approval of the County of Mendocino Cannabis Department Monthly Update for January 2024.

Attachments: [2024.01 MCD Monthly Report - January](#)
[2024.1 MCD Gantt Chart](#)

3. OTHER BUSINESS

3a) Approval of Minutes of January 24, 2024 Regular Meeting

Recommended Action:

Approve minutes of January 24, 2024 regular meeting.

Attachments: [01-24-24 Minutes \(Draft\)](#)

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: Supervisor Haschak

Meeting Date: February 28, 2024

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

Time Allocated for Item: 1.5 Hours

Agenda Title:

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)

Recommended Action/Motion:

Discuss potential revisions to MCC Chapter 8.77, titled "Hazardous Vegetation, Combustible Material, Rubbish, and Weeds" (Abatement of Hazardous Vegetation and Combustible Material Nuisance Ordinance) and evaluate potential funding sources for implementation and determination of recommended next steps.

Previous Board/Board Committee Actions:

On February 23, 2021 the Board adopted an ordinance creating Mendocino County Code Chapters 8.77 providing for the abatement of hazardous vegetation and combustible material to reduce fire hazards. On January 23, 2024, Board of Supervisors referred the consideration of potential revisions and potential funding sources to the General Government Standing Committee.

Summary of Request/Referral:

MCC Chapter 8.77 titled "Hazardous Vegetation, Combustible Material, Rubbish, and Weeds", was originally adopted as an "intentional broad framework" with an expectation set by the Board that there would be additional modifications to the ordinance, identification of dedicated resources, and/or Board direction committed to a multistep process developing this as a functional enforcement tool to reduce fire hazards in the County.

The grants division has identified two grants (Fire-Hazard Abatement Ordinance Implementation Planning and Capacity Building grant for \$107,000 and the Fire Hazard Abatement Ordinance Implementation Public Services grant for \$187,000) that may be re-purposed for costs of County personnel, including but not limited to County Counsel, Code Enforcement, Building Division staff, or any other department/division determined by the County as necessary to carry out enforcement.

Additionally, staff have stated it is reasonable that collaboration and coordination with local fire entities remains a critical matter to successfully address hazardous vegetation, with the County perhaps in a supporting role.

Item #: 2a)

Finally, there are hazardous situations in the County that need to be addressed, especially in regards to absentee owners. In some instances, community organizations have received grants for fuel reduction and hazardous vegetation abatement work, but they are unable to proceed for lack of authorization from absentee owners. All options should be explored, including acquisition or transfer of deadbeat properties to an entity that will be responsible stewards of the properties.

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: Possible funding from re-purposed grants

current f/y cost: NA

budget clarification: NA

annual recurring cost: NA

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

revenue agreement: No

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Final Status: Item Status

Executed Item Type: item

Number:



Mendocino County Board of Supervisors Agenda Summary

Item #: 2b)

To: GENERAL GOVERNMENT STANDING COMMITTEE

From: Cannabis

Meeting Date: February 28, 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 Acceptance of Informational Presentation from the Mendocino Cannabis Department (MCD) Regarding MCD's Adopted Fee Schedule
(Sponsor: Cannabis)

Recommended Action/Motion:

Accept the informational presentation from MCD regarding the currently adopted MCD Fee Schedule.

Previous Board/Board Committee Actions:

The Board of Supervisors has provided standing direction that fees for services should provide for full cost recovery. The Board regularly updates fees; the current fee schedule was approved on December 5, 2023. Fees approved on December 5 became effective February 3, 2024.

Summary of Request/Referral:

Questions have come up regarding nuances of MCD's adopted fee schedule. Specifically, there has been interest in the way renewal fees incorporate inspection costs. MCD staff will provide an informational presentation regarding the approved fees charged for services.

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

CEO Review: Yes

Item #: 2b)

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Final Status: Item Status

Executed Item Type: item

Number:



CANNABIS DEPARTMENT FEES

This fee schedule reflects Mendocino County's Exhibit X – Master Fee Schedule adopted by the Board of Supervisors on December 5, 2023 and is effective February 3, 2024

NEW APPLICATION FEE	TOTAL COST
10A.17 – Initial Application Review, Inspection, & Issuance Fee	\$2,593.00
RENEWAL OR MODIFICATION FEES	TOTAL COST
10A.17 – Annual Renewal and Inspection Fee	\$1,448.00
10A.17 - Modification Application Fee	\$695.00
LICENSE TRANSFER FEE	TOTAL COST
Cannabis Transferability Fee	\$274.00
SPECIAL INSPECTION FEE	TOTAL COST
Special Inspection Fee	\$647.00
PRE-APPLICATION CONFERENCE FEE (optional)	TOTAL COST
Review of the application (fee includes first hour hourly fee)	\$324.00
DEPARTMENT HOURLY FEE	TOTAL COST
Dept. Hourly Fee	\$90.00
CANNABIS BUSINESS TAX APPEAL	TOTAL COST
Business Tax Appeal – Initial fee	\$153.00
Business Tax Appeal – Hearing fee	\$5,775.00
CANNABIS CULTIVATION BUSINESS LICENSE DENIAL FEES	TOTAL COST
Appeal of Application Denial - Departmental Review	\$1,489.00
Appeal of Application Denial - Appeal Hearing	\$5,777.00
FOLLOWING FEE	TOTAL COST
Following Fee	\$186.00
WITHDRAWAL FEE	TOTAL COST
Program Withdrawal Fee	\$48.00
NOTICE OF APPLICATION STAY ("NAS") FEE	TOTAL COST
NAS Fee	\$48.00
NOTICE OF NON-CULTIVATION ("NON-CULT") FEE	TOTAL COST
Non-Cult Fee	\$48.00

Payments can be made from 8:30 a.m. to 4:30 p.m. Monday through Friday at the counter or through Accela

ACCEPTED FORMS OF PAYMENT AT THE COUNTER: Cash, personal check, or money order

ADDITIONAL INFORMATION: For cost information on Administrative Permits, Use Permits and Building Permits, please contact Planning & Building Services

Fee Change Update Workbook Guide

Department Info 	Exhibit C 	<p>*** This section should be completed by departments first ***</p> <p>Information regarding employee positions/titles, weighted rates, and departmental budget is entered on this sheet</p> <p>Departments will enter the Position Title for all employees involved in the fees to be calculated. This may be all employees in your department. Add lines as needed to capture all positions involved with fees</p> <p>Using either the top-end or an average of top and bottom pay for the positions involved this section will calculated employee weighted rates for the services required</p> <p>Departments will enter their Budget Information with regards to their 1000 and 2000 series expenses. These figures should reflect the department's FY20-21 Adopted budget. The County Adopted Budget book can be found here: https://www.mendocinocounty.org/home/showpublisheddocument?id=39202</p>
Fee Calculation 	Exhibit B 	<p>Input Fee Title and a short description of the service being provided</p> <p>If needed, Link cells in column D and F to the employees involved with that fee from Exhibit C. This should only be required for departments with a large number of employees. <i>Please contact the EO Budget office for assistance with this field if you're unsure how to proceed.</i></p> <p>Time Studies Input the amount of time each employee spends performing their portion of the service provided under the fee. This may require a time study if the department does not have a historical average for their services</p> <p># of Unit per Year Input either the historical average or projected # of times this fee is collected within a fiscal year</p>
Fee Change Detail 	Exhibit A 	<p>Fee Change Detail Input the current fee value and this section will compare the prior fee with the new fee value. Departments may also enter additional justification or explanation for the fee adjustment.</p> <p>Employee Service Detail A short narrative on the services each employee provides for each fee under consideration for change.</p> <p>Review & Approval</p>

Fee #	Fee Name	Proposed Fee Rate	Position of People Working on the Fee	Number of Hours Spent	Weighted Rate	Total Cost	Number of Units per Year	ADMINISTRATIVE ASSISTANT	PLANNING TECHNICIAN I	PLANNER I/II/III	#REFI	PROGRAM ADMINISTRATOR	SR PROGRAM MANAGER	DIRECTOR	SENIOR PLANNER	Hearing Officer	CoCo Office	0			
1	10A.17 Application Fee - Initial Application Review, Inspection, & Issuance Fee. Plus, actual time as	\$2,593.74	ADMINISTRATIVE ASSISTANT	1.24	57.38	\$71.15	20	24.80													
			PLANNING TECHNICIAN I	3.00	69.06	\$207.18	20		60.00												
			PLANNER I/II/III	21.00	97.60	\$2,049.60	20			420.00											
			PROGRAM ADMINISTRATOR	1.00	94.93	\$94.93	20				20.00										
			SR PROGRAM MANAGER	0.63	120.03	\$75.62	20					12.60									
			DIRECTOR	0.13	144.03	\$18.72	20							2.60							
			SENIOR PLANNER	-	106.89	\$0.00	20								0.00						
			Hearing Officer	-	200.00	\$0.00	20									0.00					
			CoCo Office	-	172.97	\$0.00	20											0.00			
				-	-	\$0.00	20													0.00	
			Miles	-	116.85	\$76.54															
					27.00	Total Cost>			\$2,593.74												
2	10A.17 Annual Permit Renewal Fee - Application Review, Inspection, & Issuance Fee. Plus, actual time as	\$1,448.56	ADMINISTRATIVE ASSISTANT	1.13	57.38	\$64.84	200	226.00													
			PLANNING TECHNICIAN I	2.00	69.06	\$138.12	200		400.00												
			PLANNER I/II/III	11.50	97.60	\$1,122.40	200			2300.00											
			PROGRAM ADMINISTRATOR	0.13	94.93	\$12.34	200				26.00										
			SR PROGRAM MANAGER	0.13	120.03	\$15.60	200					26.00									
			DIRECTOR	0.13	144.03	\$18.72	200						26.00								
			SENIOR PLANNER	-	106.89	\$0.00	200							0.00							
			Hearing Officer	-	200.00	\$0.00	200								0.00						
			CoCo Office	-	172.97	\$0.00	200										0.00				
				-	-	\$0.00	200													0.00	
			Miles	-	116.85	\$76.54															
					15.02	Total Cost>			\$1,448.56												

Item	Fee	Category	Rate	Hours	Cost	Rate	Hours	Cost	Rate	Hours	Cost	Rate	Hours	Cost	Rate	Hours	Cost	Rate	Hours	Cost
3 10A.17 Modification Application Fee - Application Review & Issuance Fee. Plus, actual time and inspection	\$695.64	ADMINISTRATIVE ASSISTANT	0.40	57.38	\$22.95	75	30.00													
		PLANNING TECHNICIAN I	1.00	69.06	\$69.06	75		75.00												
		PLANNER I/II/III	5.00	97.60	\$488.00	75			375.00											
		PROGRAM ADMINISTRATOR	0.73	94.93	\$69.30	75			54.75											
		SR PROGRAM MANAGER	0.23	120.03	\$27.61	75					17.25									
		DIRECTOR	0.13	144.03	\$18.72	75						9.75								
		SENIOR PLANNER	-	106.89	\$0.00	75							0.00							
		Hearing Officer	-	200.00	\$0.00	75								0.00						
		CoCo Office	-	172.97	\$0.00	75									0.00					
			-	-	\$0.00	75														
		7.49	Total Cost>		\$695.64															Yearly Hours
4 10A.17 Appendix G Checklist Fee - Review & Certification Fee. Plus actual time as applicable.	\$0.00	ADMINISTRATIVE ASSISTANT	-	57.38	\$0.00	0	0.00													
		PLANNING TECHNICIAN I	-	69.06	\$0.00	0		0.00												
		PLANNER I/II/III	-	97.60	\$0.00	0			0.00											
		PROGRAM ADMINISTRATOR	-	94.93	\$0.00	0				0.00										
		SR PROGRAM MANAGER	-	120.03	\$0.00	0					0.00									
		DIRECTOR	-	144.03	\$0.00	0						0.00								
		SENIOR PLANNER	-	106.89	\$0.00	0							0.00							
		Hearing Officer	-	200.00	\$0.00	0								0.00						
		CoCo Office	-	172.97	\$0.00	0									0.00					
			-	-	\$0.00	0														
		-	Total Cost>		\$0.00															Yearly Hours
5 10A.17 Nursery Add-On Application Fee - Application Review, Inspection & Issuance Fee. Plus actual time and	\$0.00	ADMINISTRATIVE ASSISTANT	-	57.38	\$0.00	0	0.00													
		PLANNING TECHNICIAN I	-	69.06	\$0.00	0		0.00												
		PLANNER I/II/III	-	97.60	\$0.00	0			0.00											
		PROGRAM ADMINISTRATOR	-	94.93	\$0.00	0				0.00										
		SR PROGRAM MANAGER	-	120.03	\$0.00	0					0.00									
		DIRECTOR	-	144.03	\$0.00	0						0.00								
		SENIOR PLANNER	-	106.89	\$0.00	0							0.00							
		Hearing Officer	-	200.00	\$0.00	0								0.00						
		CoCo Office	-	172.97	\$0.00	0									0.00					
		Miles	-	0.66	\$0.00	0														
		-	Total Cost>		\$0.00															Yearly Hours
6 10A17 Cannabis Permit Transfer Fee - Application Review and Issuance Fee. Plus actual time as applicable.	\$274.89	ADMINISTRATIVE ASSISTANT	0.30	57.38	\$17.21	100	30.00													
		PLANNING TECHNICIAN I	0.50	69.06	\$34.53	100		50.00												
		PLANNER I/II/III	2.00	97.60	\$195.20	100			200.00											
		PROGRAM ADMINISTRATOR	0.13	94.93	\$12.34	100				13.00										
		SR PROGRAM MANAGER	0.13	120.03	\$15.60	100					13.00									
		DIRECTOR	-	144.03	\$0.00	100						0.00								
		SENIOR PLANNER	-	106.89	\$0.00	100							0.00							
		Hearing Officer	-	200.00	\$0.00	100								0.00						
		CoCo Office	-	172.97	\$0.00	100									0.00					
			-	-	\$0.00	100														
		3.06	Total Cost>		\$274.89															Yearly Hours

7 Cannabis Business Tax Appeal - Administrative Fee	\$153.64	ADMINISTRATIVE ASSISTANT	0.50	57.38	\$28.69	70	35.00														
		PLANNING TECHNICIAN I	-	69.06	\$0.00	70		0.00													
		PLANNER VII/III	-	97.60	\$0.00	70			0.00												
		PROGRAM ADMINISTRATOR	0.25	94.93	\$23.73	70				17.50											
		SR PROGRAM MANAGER	0.25	120.03	\$30.01	70					17.50										
		DIRECTOR	-	144.03	\$0.00	70						0.00									
		SENIOR PLANNER	-	106.89	\$0.00	70						0.00									
		Hearing Officer	-	200.00	\$0.00	70							0.00								
		CoCo Office	-	172.97	\$0.00	70								0.00							
			-	\$0.00	\$0.00	70										0.00					
		Tax Collector	0.50	142.42	\$71.21	70															0.00
				1.50	Total Cost>	\$153.64															

8 Cannabis Business Tax Appeal - Hearing Fee	\$5,775.70	ADMINISTRATIVE ASSISTANT	0.25	57.38	\$14.35	1	0.25														
		PLANNING TECHNICIAN I	-	69.06	\$0.00	1		0.00													
		PLANNER VII/III	-	97.60	\$0.00	1			0.00												
		PROGRAM ADMINISTRATOR	1.25	94.93	\$118.66	1				1.25											
		SR PROGRAM MANAGER	1.50	120.03	\$180.05	1					1.50										
		DIRECTOR	4.50	144.03	\$648.14	1						4.50									
		SENIOR PLANNER	-	106.89	\$0.00	1						0.00									
		Hearing Officer	4.00	200.00	\$800.00	1							4.00								
		CoCo Office	22.00	172.97	\$3,805.34	1								22.00							
			-	-	\$0.00	1															0.00
			-	\$0.00	\$0.00	1															
		Legal Services Supervisor	1.00	66.61	\$66.61	1															
		Legal Secretary	3.00	47.52	\$142.56	1															
				37.50	Total Cost>	\$5,775.70															

9 10A17 Appeal of Application Denial - Administrative Fee	\$1,489.51	ADMINISTRATIVE ASSISTANT	0.63	57.38	\$36.15	12	7.56														
		PLANNING TECHNICIAN I	0.13	69.06	\$8.98	12		1.56													
		PLANNER VII/III	8.13	97.60	\$793.49	12			97.56												
		PROGRAM ADMINISTRATOR	1.88	94.93	\$178.47	12				22.56											
		SR PROGRAM MANAGER	1.38	120.03	\$165.64	12					16.56										
		DIRECTOR	2.13	144.03	\$306.78	12						25.56									
		SENIOR PLANNER	-	106.89	\$0.00	12						0.00									
		Hearing Officer	-	200.00	\$0.00	12							0.00								
		CoCo Office	-	172.97	\$0.00	12								0.00							
			-	\$0.00	\$0.00	12										0.00					
			-	\$0.00	\$0.00	5															0.00
				14.28	Total Cost>	\$1,489.51															

10 10A17 Appeal of Application Denial - Hearing Fee	\$5,777.64	ADMINISTRATIVE ASSISTANT	0.30	57.38	\$17.21	1	0.30															
		PLANNING TECHNICIAN I	-	69.06	\$0.00	1		0.00														
		PLANNER VII/III	-	97.60	\$0.00	1			0.00													
		PROGRAM ADMINISTRATOR	1.00	94.93	\$94.93	1				1.00												
		SR PROGRAM MANAGER	1.09	120.03	\$130.83	1					1.09											
		DIRECTOR	5.00	144.03	\$720.15	1						5.00										
		SENIOR PLANNER	-	106.89	\$0.00	1						0.00										
		Hearing Officer	4.00	200.00	\$800.00	1							4.00									
		CoCo Office	22.00	172.97	\$3,805.34	1								22.00								
		Legal Services Supervisor	1.00	66.61	\$66.61	1															1.00	
		Legal Secretary	3.00	47.52	\$142.56	1																
				37.39	Total Cost>	\$5,777.64																Yearly Hours

COUNTY OF MENDOCINO
FEE SCHEDULE
FEE JUSTIFICATION CHART

Department/Fee Description	Budget Unit	Anticipated Annual Units of Service	Current Fee	Proposed Fee	Percent Change	Total Annual Increase / Decrease	Government Code Justification (if applicable)	Approved by Auditor (Yes) (No)
Department Name: Cannabis Department		Cannabis Department						
Division:		Your Division						
Fee Section In Master Fee Schedule (Exhibit X): Cannabis Management								
Additional Description:								
10A.17 Application Fee - Initial Application Review, Inspection, & Issuance Fee. Plus actual time as	2810	20	\$1,648.59	\$2,593.74	57.3%	\$18,903.02		
10A.17 Annual Permit Renewal Fee - Application Review, Inspection, & Issuance Fee. Plus actual time as	2810	200	\$733.33	\$1,448.56	97.5%	\$143,046.97		
10A.17 Modification Application Fee - Application Review & Issuance Fee. Plus, actual time as	2810	75	\$733.33	\$695.64	-5.1%	(\$2,826.62)		
10A.17 Appendix G Checklist Fee - Review & Certification Fee. Plus actual time as	2810	0	\$693.33	\$0.00	-100.0%	\$0.00	REMOVE	
10A.17 Nursery Add-On Application Fee - Application Review, Inspection & Issuance Fee. Plus actual time as	2810	0	\$369.49	\$0.00	-100.0%	\$0.00	REMOVE	
10A17 Cannabis Permit Transfer Fee - Application Review and Issuance Fee. Plus actual time as	2810	100	\$255.63	\$274.89	7.5%	\$1,925.88		
Cannabis Business Tax Appeal - Administrative Fee	2810	70	\$282.87	\$153.64	-45.7%	(\$9,046.10)		
Cannabis Business Tax Appeal - Hearing Fee	2810	1	\$1,131.95	\$5,775.70	410.2%	\$4,643.75		
10A17 Appeal of Application Denial - Administrative Fee	2810	12	\$1,152.94	\$1,489.51	29.2%	\$4,038.83		
10A17 Appeal of Application Denial - Hearing Fee	2810	1	\$1,140.00	\$5,777.64	406.8%	\$4,637.64		
Special Inspection Fee	2810	50	\$448.49	\$647.94	44.5%	\$9,972.59		
Cannabis Business Facility License Application Fee - Application Review, Inspection & Issuance Fee. Plus actual time as	2810	0	\$176.04	\$0.00	-100.0%	\$0.00	REMOVE	
Cannabis Department Pre-Application Conference	2810	5	\$493.20	\$324.41	-34.2%	(\$843.95)		
Fallowing Fee	2810	90	\$0.00	\$186.99	100%	\$16,828.88		
Withdrawal Fee	2810	25	\$0.00	\$48.80	100%	\$1,220.00		
NAS Fee	2810	5	\$0.00	\$48.80	100%	\$244.00		
Non-Cult Fee	2810	50	\$0.00	\$48.80	100%	\$2,440.00		
Total						\$195,184.87		
AUDITOR'S COMMENTS:								
Weighted rates are calculated correctly. Time estimates appear reasonable and are reported to be based on Planning & Building experience. It is recommended that all fees be rounded down to nearest dollar to avoid dealing with coins.								
RECOMMENDED FOR APPROVAL:								
<div style="display: flex; justify-content: space-between; width: 100%;"> <div style="width: 45%; border-top: 1px solid black; margin-bottom: 5px;"></div> <div style="width: 45%; border-top: 1px solid black; margin-bottom: 5px;"></div> </div> <div style="display: flex; justify-content: space-between; width: 100%;"> Auditor Date </div>								
EXECUTIVE OFFICE COMMENTS:								
RECOMMENDED FOR APPROVAL:								
<div style="display: flex; justify-content: space-between; width: 100%;"> <div style="width: 45%; border-top: 1px solid black; margin-bottom: 5px;"></div> <div style="width: 45%; border-top: 1px solid black; margin-bottom: 5px;"></div> </div> <div style="display: flex; justify-content: space-between; width: 100%;"> Chief Executive Officer, or Designee Date </div>								

COUNTY OF MENDOCINO
FEE SCHEDULE
FEE JUSTIFICATION CHART

Department/Fee Description	Budget Unit	Anticipated Annual Units of Service	Current Fee	Proposed Fee Rounded to the nearest whole dollar	Percent Change	Total Annual Increase / Decrease	Government Code Justification (if applicable)	Approved by Auditor (Yes) (No)
Department Name: Cannabis Department		Cannabis Department						
Division:		Your Division						
Fee Section In Master Fee Schedule (Exhibit X):		Cannabis Management Unit						
Additional Description:								
10A.17 Application Fee - Initial Application Review, Inspection, & Issuance Fee. Plus actual time as	2810	20	\$1,648.59	\$5,329.00	223.2%	\$73,608.20		
10A.17 Annual Permit Renewal Fee - Application Review, Inspection, & Issuance Fee. Plus actual time as	2810	200	\$733.33	\$1,092.00	48.9%	\$71,734.00		
10A.17 Modification Application Fee - Application Review & Issuance Fee. Plus, actual time as	2810	75	\$733.33	\$794.00	8.3%	\$4,550.25		
10A.17 Appendix G Checklist Fee - Review & Certification Fee. Plus actual time as	2810	0	\$693.33	\$871.00	25.6%	\$0.00	REMOVE	
10A.17 Nursery Add-On Application Fee - Application Review, Inspection & Issuance Fee. Plus actual time as	2810	0	\$369.49	\$1,092.00	195.5%	\$0.00	REMOVE	
10A17 Cannabis Permit Transfer Fee - Application Review and Issuance Fee. Plus actual time as	2810	100	\$255.63	\$334.00	30.7%	\$7,837.00		
Cannabis Business Tax Appeal - Administrative Fee	2810	70	\$282.87	\$329.17	16.4%	\$3,241.00		
Cannabis Business Tax Appeal - Hearing Fee	2810	1	\$1,131.95	\$1,632.44	44.2%	\$500.49		
10A17 Appeal of Application Denial - Administrative Fee	2810	12	\$1,152.94	\$1,260.00	9.3%	\$1,284.72	Reso No. 22-243	
10A17 Appeal of Application Denial - Hearing Fee	2810	1	\$1,140.00	\$1,872.00	64.2%	\$732.00	Reso No. 22-243	
Special Inspection Fee	2810	50	\$448.49	\$556.00	24.0%	\$5,375.50		
Cannabis Business Facility License Application Fee - Application Review, Inspection & Issuance Fee. Plus actual time as	2810	0	\$176.04	\$1,427.00	710.6%	\$0.00	REMOVE	
Cannabis Department Pre-Application Conference	2810	5	\$493.20	\$327.00	-33.7%	(\$831.00)		
Fallowing Fee	2810	90	\$0.00	\$186.99	100%	\$16,828.88		
Withdrawal Fee	2810	25	\$0.00	\$48.80	100%	\$1,220.00		
NAS Fee	2810	5	\$0.00	\$48.80	100%	\$244.00		
Non-Cult Fee	2810	50	\$0.00	\$48.80	100%	\$2,440.00		
Total						\$188,765.04		
AUDITOR'S COMMENTS:								
Weighted rates are calculated correctly. Time estimates appear reasonable and are reported to be based on Planning & Building experience. It is recommended that all fees be rounded down to nearest dollar to avoid dealing with coins.								
RECOMMENDED FOR APPROVAL:								
<div style="display: flex; justify-content: space-between; width: 100%;"> <div style="width: 45%; border-top: 1px solid black; margin-bottom: 5px;"></div> <div style="width: 45%; border-top: 1px solid black; margin-bottom: 5px;"></div> </div> <div style="display: flex; justify-content: space-between; width: 100%;"> Auditor Date </div>								
EXECUTIVE OFFICE COMMENTS:								
RECOMMENDED FOR APPROVAL:								
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COUNTY OF MENDOCINO CANNABIS DEPARTMENT

860 NORTH BUSH STREET
UKIAH, CALIFORNIA 95482

CONTACT INFORMATION

PHONE: 707-234-6680

mcdpod@mendocinocounty.gov

<https://www.mendocinocounty.org/departments/cannabis-department>

DATE: November 13, 2023
TO: Mendocino Cannabis Department Staff
FROM: Steve Dunncliff, Interim Director Mendocino Cannabis Department
RE: Internal Procedure #07 – Site Inspections

PREVIOUS PROCEDURE

None.

PURPOSE

To promote accountability, consistency, equal application, and efficiency, the Mendocino County Cannabis Department (hereby "Department") shall define and implement a uniform strategy regarding site inspections.

DEFINITIONS

Cannabis Cultivation Business License or **CCBL** – An issued Cannabis Cultivation Business License for cultivation or nursery operations in Mendocino County.

SCOPE

All Divisions within the Department and any authorized contractors performing work on behalf of the Department shall be responsible to this procedure.

PROCEDURE

Site Inspections

Due to limited staffing resources within the Department, the Department is instituting a discretionary policy decision to prioritize site inspections to increase efficiency and reduce the overall workload burden. Through experience and partnership with other regulatory partners, the Department has determined the best path forward to be: to perform required inspections, complaint driven inspections, and quality control inspections while appropriately dividing the cost of all Department inspections across the related fees in the annual BOS approved fee schedule.

The Department shall utilize site inspection information provided by our regulatory partners, such as photographs and written narratives, and/or when appropriate, remote and physical inspections, whenever possible to reduce the need of physical site inspections while relying on CCBL holders to proactively meet the requirements and performance standards outlined in MCC Sec. 10A.17.

Prioritized Site Inspection List is as follows:

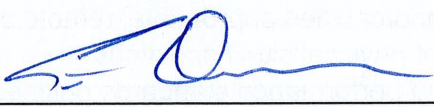
1. Inspections Deemed Necessary by the Department
 - a. Per Sec. 10A.17.070(Y), the Department may deem a site inspection necessary. If the site inspection does not fall into the categories below, then it shall require Department head, or Department Head Designee, approval prior to the Department conducting the inspection.

- b. An additional site inspection fee may be required if it is determined that the CCBL applicant or holder caused the need for the site inspection.
- 2. On-site pre-CCBL inspection
 - a. Per Sec. 10A.17.070(Y), the Department shall perform one site inspection prior to issuance of a CCBL.
 - b. This fee shall be captured in the initial application fee.
- 3. Complaint Driven or Performance Monitoring Inspection
 - a. Per MCC Sec. 10A.17.140(A), a site inspection may be required to confirm violations and/or correction of violations.
 - b. An additional site inspection fee shall be required for onsite compliance inspections per MCC Sec. 10A.17.140(B) if it is determined that the CCBL applicant or holder caused the need for the site inspection.
- 4. CCBL Renewal Quality Control Inspections
 - a. A physical site inspection will be conducted at least every 5 years
 - b. Additionally, 5% percent of all in program applications and CCBLs will be randomly selected for a priority inspection annually. Factors utilized to determine whether the random inspection will be physical or remote may include:
 - i. Does the CCBL have a confirmed deviation between submitted site plan and aerial imagery and/or history of non-compliance with the Department or other regulatory agencies?
 - ii. If viewed remotely does the CCBL location appear to be consistent with the most current site plan on file?
 - c. This fee shall be captured in the renewal fee.
- 5. Upon Request of CCBL Applicant or CCBL Holders
 - a. The Department may consider providing requested inspections based on the availability of staff, and appropriate cost recovery. For example, per MCC Sec. 10A.17.120 – Certifications, for a CCBL holder to maintain the “Certified Mendocino County Grown” certificate, as it may require an annual inspection from the Department.

RESPONSIBILITY

Any Department staff or authorized contractors performing any functions described in the scope are responsible to ensure compliance with this procedure and the subsequent revisions of this procedure. For MCD staff, failure to perform within the parameters of this procedure may result disciplinary action up to and including termination. For any contractor providing services on behalf of the County, failure to perform within the parameters of this procedure may result in termination of contracted services and responsibility of any costs incurred by the County.

AUTHORITY

Procedure Approved:  Date: 11/20/23
 Steve Dunnicliff, Interim Cannabis Department Director



Mendocino County Board of Supervisors Agenda Summary

Item #: 2c)

To: GENERAL GOVERNMENT STANDING COMMITTEE

From: Cannabis

Meeting Date: February 28, 2024

Department Contact: Sara McBurney

Phone: 707-234-6680

Department Contact: Jared Schwass

Phone: 707-234-6885

Time Allocated for Item: 30 Minutes

Agenda Title:

Discussion and Possible Action Including Providing Recommendations to Staff Regarding the Sensitive Species Habitat Review (“SSHR”) Screening Tool
(Sponsor: Cannabis)

Recommended Action/Motion:

Provide recommendations to staff regarding the SSHR Screening Tool.

Previous Board/Board Committee Actions:

On February 23, 2021, the Board requested that staff issue guidance clarifying which permit applications must be referred to CDFW for Sensitive Species Habitat Review (SSHR). On October 4, 2022, the Cannabis Ad Hoc Committee recommended that staff be directed to work with CDFW and stakeholders to review and modify a screening tool for SSHR referrals, with the intent of expediting workload and applicant screening for SSHR review by CDFW. On January 24, 2024, the General Government Committee (GGC) requested that staff bring proposed revisions to the SSHR Screening Tool to the regular February GGC Meeting.

Summary of Request/Referral:

On September 30, 2020, the Cannabis Program was within Planning & Building Services (PBS). The PBS Director signed a “Pilot Policy for Sensitive Species Review (SSR) in Cooperation with the California Department of Fish and Wildlife (CDFW)”. The policy noted that it was developed in consultation between the County and CDFW, and could be modified from time to time by mutual agreement. The original SSHR screening tool was attached as an exhibit to this policy. In September 2023, County staff met with CDFW to request changes to the Screening Tool, sharing written comment from both staff and the community. On January 5, 2024 the County received CDFW’s comments on proposed changes. At this time, Cannabis Department staff request input and recommendations from the General Government Committee regarding the SSHR Screening Tool.

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

Item #: 2c)

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

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Final Status: Item Status

Executed Item Type: item

Number:



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

Brent Schultz, Director
Planning and Building Services
Phone: 707-234-6650
FAX: 707-463-5709
Ft. Bragg 707-964-5379
FB Fax: 707-961-2427

cannabisprogram@mendocinocounty.org

www.mendocinocounty.org/government/cannabis-cultivation

Cannabis Program

Mendocino County Cannabis Ordinance

(MCCO) Sec. 10A.17.100(A)(2)

Pilot Policy For Sensitive Species Review (SSR)

In Cooperation With the California Department of Fish and Wildlife (CDFW)

PURPOSE

The purpose of this pilot policy is to satisfy the requirements of MCCO Sec. 10A.17.100(A)(2) by creating the required policy in consultation with the California Department of Fish and Wildlife (CDFW) in order to provide a process to evaluate the potential impact to sensitive species on proposed Cannabis Cultivation Permit locations and receive a determination from CDFW, if necessary, in order to issue a Mendocino County Cannabis Cultivation Permit.

AUTHORITY

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines § 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly, for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

Under this Policy, CDFW will provide biological expertise to assist the County in making a determination whether or not the proposed project demonstrates a less than significant impact to sensitive species. The County has the express authority for permit issuance. If the cultivator cannot demonstrate that there will be a less than significant impact to sensitive species, the County will not issue a Cannabis Cultivation Permit pursuant to MCC Sec. 10A.17.100(A)(2).

PROCEDURE

The following will be required of each Phase 1 and Phase 2 Mendocino County Cannabis Cultivation Permit Applicant and a County cultivation permit will not be issued until such time as the applicant can demonstrate that there will be a less than significant impact to sensitive species for the permit location:

Original Policy Date: 9/30/20

Revision Date:

Page 1

1. Each Applicant seeking a Mendocino County Cultivation Permit for a particular cultivation location will complete a "Sensitive Species Habitat Questionnaire" (SSHQ).
2. During the permit application review process, the Cannabis Program Planning Staff, Biologists or Environmental Scientists, either employed or contracted by the County, shall review the information provided in the SSHQ, the CNDDDB, against the objective set of criteria, "Exhibit A," and any other resource information available to the Program to determine if the information shall be referred to CDFW pursuant to MCCO Sec. 10A.17.100(A)(2).
3. If the Cannabis Program finds that consultation from CDFW is necessary under this Policy because of unique site specific concerns or practices, any relevant documentation shall be referred to CDFW.
4. During the duration of this Pilot Policy, the Cannabis Program will set periodic meetings with CDFW to review findings on projects that were given clearance without referral to CDFW.
5. CDFW will review the information received from the Cannabis Program, for those projects referred to them, and respond in writing with either a determination that there will be a less than significant impacts to sensitive species for the proposed cultivation permit location or that the applicant will need to provide further studies and information to assist CDFW in our role in advising the County of potential significant impacts to Trustee resources. CDFW may also request an inspection of the proposed cultivation permit location if they deem it is necessary to aid them in making their determination.
6. Pursuant to MCC Sec. 10A.17.090, any referral to or consultation with an agency other than the County of Mendocino shall state that a response must be returned within thirty (30) days of the date of the referral.
7. Any required responses from applicants, after proper notice, for information needed to fulfill the requirements for a determination required by MCC Sec. 10A.17.100(A)(2), will be on the same time-line as any other request for information as set by policy of the Cannabis Program.
8. A Cannabis Cultivation Permit will not be issued to an applicant that cannot demonstrate there will be a less than significant impact to sensitive species at their proposed Cannabis Cultivation Permit location.

This pilot policy is developed in consultation between The Mendocino County Cannabis Program and the California Department of Fish and Wildlife and may be modified from time to time by mutual agreement between CDFW and the Mendocino County Cannabis Program.

Policy Approved:  _____ Date: 9/30/2020
Brent Schultz
Director of Planning and Building Services



**10A.17.100(A)(2) PILOT POLICY WITH CDFW
 EXHIBIT A
 SENSITIVE SPECIES PERFORMANCE STANDARDS REVIEW**

(Rev. 9/30/2020)

Applicant Name:	
Current Mendocino County Cannabis Application or Permit Number (AG_XXXX-XXXX):	
APN:	
Site Address:	

SENSITIVE SPECIES PERFORMANCE STANDARDS

Instructions: *The Cannabis Program Planner assigned will review SSHQ materials, and the CNDDDB data base and any other resource information available to the Cannabis Program to determine if the information meets the performance standards outlined below.*

If all performance standards are met, this completed review form is an approval determination that the cultivator has demonstrated that there will be a less than significant impact to sensitive species on the parcel of the proposed cultivation permit location. The assigned Cannabis Planner must complete all the appropriate reviews, check boxes, and clearance section with signature and review determination.

If one or more do not meet the performance standards, or one or more performance standards are unknown, the application must be referred to CDFW for final determination, per the 10A.17.100(A)(2) Pilot Policy for Sensitive Species Review in Cooperation with CDFW.

For the purposes of this document, the “project” includes, but is not limited to, existing or proposed access roads, cultivation areas, and associated structures and activities related to cultivation.

Meets performance standard			
Yes	No	Unknown	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>1. No Notice of Violation from CDFW</p> <p><u>Meets performance standard:</u></p> <ul style="list-style-type: none"> No Notice of Violation has been issued by CDFW for the parcel, or CDFW has provided written verification stating that the violation has been resolved, or that the violation is in the process of being resolved satisfactorily and that approving the cultivation permit would not risk further impact to public trust resources. <p><u>Does not meet performance standard:</u></p> <ul style="list-style-type: none"> A Notice of Violation has been issued by CDFW and has not been resolved satisfactorily
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>2. No obvious violations of Fish and Game Code (FGC), or unpermitted activities that would require a permit from CDFW, are present on the project parcel, to the best of County staff's knowledge.</p> <p>Staff knowledgeable about the most common types of FGC violations on cannabis cultivation sites staff should make this assessment based on information in the cannabis application and reference to other site information (e.g. aerial imagery).</p> <p>The most violations most frequently observed relate to water diversion and/or stream alteration (e.g. road/stream crossings, ponds, etc.), and water pollution (trash, sediment, and/or other materials). Refer to reference material from CDFW.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>3. Project footprint has not expanded, and is not proposed for expansion. Grading, tree removal or vegetation removal is not proposed (nor has occurred) beyond what existed on January 1, 2016.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>4. For projects with a surface water source (stream, spring, pond, or offset/shallow/hydrologically connected well) for cultivation, domestic, or other consumptive use; stream crossings (culverts, bridges, fords, etc.); or other activities subject to Fish and Game Code Section 1602:</p> <ul style="list-style-type: none"> a) Applicant has obtained a final LSA Agreement, verification an LSA Agreement is not needed, or an "operation of law" letter, <u>OR</u> b) If applicant has not obtained one of the above documents: applicant has submitted an LSA Notification to CDFW. <p>Obtaining a final LSA Agreement or other written documentation from CDFW - within the one year cultivation permit term - shall be required (i.e. County cultivation permit shall not be renewed without a final LSA Agreement).</p>

Yes	No	Unknown	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>5. Project meets the following stream and wetland setbacks (for cultivation sites and associated infrastructure): a minimum of 150 feet from perennial streams/wetlands, and a minimum of 50 feet from intermittent streams, measured from the outer edge of the riparian vegetation or top of bank, whichever is greater. These areas should be identified and maintained as no-disturbance buffers.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>6. For projects with existing or proposed ponds</p> <p>Bullfrog monitoring and management plan has been submitted. Plan appears feasible and includes sufficient detail.</p> <p>For a project with an existing or proposed pond of any kind (on- or off-stream, including rainwater catchment), applicant shall implement a bullfrog monitoring and management plan. Projects proposing new ponds, or where a pond has been constructed within the past five years, should be referred to CDFW.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>7. Permanent infrastructure associated with cannabis cultivation is located outside of the 100-year floodplain.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>8. Project shall completely avoid impacts to oak woodlands (genus <i>Quercus</i>) and provide an adequate protection buffer between oak woodlands and project activities.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>9. Cultivation site is not located within 0.25 mile of a known Northern Spotted Owl activity center or forested habitat contiguous with a known activity center.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>10. For projects using artificial light</p> <p>Light containment plan has been submitted. Plan appears feasible and includes sufficient detail.</p> <p>To protect wildlife and comply with the County ordinance, all lights used for the indoor or mixed light cultivation of cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>11. For projects using generators and other machinery</p> <p>Noise containment plan has been submitted. Plan appears feasible and includes sufficient detail.</p> <p>Noise generated on any portion of the project site shall not exceed 50 decibels when measured from 100 feet. This includes but is not limited to projects using a generator for any purpose, motorized trimming machines, fans, ventilation systems, and other machinery. The applicant shall submit information on containment structures, and a plan demonstrating that the generator or other machinery would not deliver, or have the potential to deliver noise exceeding the above limits.</p>

Yes	No	Unknown	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>12. To protect fish and wildlife and comply with the State Water Resources Control Board Cannabis Policy:</p> <p>Cannabis cultivators shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh (e.g., jute, coconut (coir) fiber, or from other products without welded weaves). To minimize the risk of ensnaring and strangling wildlife, cannabis cultivators shall not use synthetic (e.g., plastic or nylon) monofilament netting materials for erosion control for any cannabis cultivation activities. This prohibition includes photo- or bio-degradable plastic netting.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>13. No evidence suggests that sensitive natural resources would be impacted by the proposed project (based on County staff scoping using CNDDDB and other recommended resources, biological assessment or survey reports, or observation of the site).</p>

CANNABIS PROGRAM PLANNER REFERENCE RESOURCES USED

Reference Resources Used			
Yes	No	Unavailable	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Most recent aerial imagery available (Google Earth, Bing maps, NAIP imagery, etc.). Imagery source: _____ Date of Imagery: _____
			BIOS/California Natural Diversity Database Minimum recommended data sets:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ California Natural Diversity Database (CNDDDB) – 9 quad search
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ Unprocessed Data from CNDDDB Online Field Survey Form
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ Northern spotted owl observations
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ California Streams
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ USFWS National Wetlands Inventory
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ NFHL 1% Annual Chance Flood (100 Year Flood)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ Vegetation - Mendocino Cypress and Related Vegetation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	USFWS IPaC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	USGS soils maps
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CNPS Rare Plant Inventory

CANNABIS PROGRAM PLANNER DETERMINATION

Meets criteria to be referred to CDFW			
Yes	No	Unknown	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Evidence suggests there is a potential for the project to impact rare, sensitive, threatened or endangered species, or streams, springs, seeps, wetlands, oak woodlands, native grasslands, or other sensitive resources or habitats. (See also “Expansion and Biological Surveys” section below.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A new pond is proposed, or was constructed on the parcel within the past (approximately) five years.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Applicant is unable (for any reason) to comply with performance standards detailed above.

Expansion and Biological Surveys

Projects that meet Expansion Definition and Require a Biological Survey

Request Biological Survey from applicant	Significant impacts likely: refer to CDFW	Significant impacts unlikely: consult with CDFW	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>If the project footprint has been or will be significantly expanded or modified, or significant vegetation removal or grading has occurred or is proposed beyond what was existing on January 1, 2016, and/or tree removal is proposed or occurred after May 4, 2017 (Meeting Standards Criteria #3):</p> <ul style="list-style-type: none"> • The County should require a biological survey, the type and scope of which would be based on the risk of potential impacts (proposed size increase, site characteristics, potential species or habitat to be affected, etc.) <ul style="list-style-type: none"> ○ If impacts are unknown or likely to be significant, the County should refer the project (with completed biological survey) to CDFW. If preferred, the County may contact CDFW for recommendations regarding the type/scope of biological survey to require. <p><i>If County staff believe impacts are likely to be minimal, County may refer the project to CDFW for a recommendation regarding whether a biological survey should be required.</i></p>

CANNABIS PROGRAM PLANNER DETERMINATION CONTINUED

Meets all Performance Standards:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Cannabis Planner Recommendation of Proposed Project:	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> CDFW Referral <input type="checkbox"/> Biological Survey from Applicant due to Expansion Definition
Potential Impact Comments for CDFW Referral:	
CDFW Referral Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No
CDFW Referral Sent Date:	Date: <input type="checkbox"/> N/A
Reviewing Planner's Name:	
Planner's Signature:	
Review Date:	



COUNTY OF MENDOCINO
CANNABIS DEPARTMENT
 125 EAST COMMERCIAL ST
 WILLITS CALIFORNIA • 95490

PHONE: 707-234-6680

FAX: 707-234-6337

cannabisprogram@mendocinocounty.org

<https://www.mendocinocounty.org/departments/cannabis-department>

**10A.17.100(A)(2) SUMMARY: PILOT POLICY WITH CDFW
 EXHIBIT A
 SENSITIVE SPECIES PERFORMANCE STANDARDS REVIEW**

Applicant Name:	{Planner to insert applicant name}
Current Mendocino County Cannabis Application or Permit Number (AG_XXXX-XXXX):	{Planner to insert AG Number. If completing for Cultivation and Nursery, insert both AG numbers}
APN:	{Planner to insert ALL applicable APN's}
Site Address:	{Planner to insert site address for cultivation}

SENSITIVE SPECIES PERFORMANCE STANDARDS

Instructions: The Cannabis Program Planner assigned will review SSHQ materials, and the CNDDDB data base and any other resource information available to the Cannabis Program to determine if the information meets the performance standards outlined below.

If all performance standards are met, this completed review form is an approval determination that the cultivator has demonstrated that there will be a less than significant impact to sensitive species on the parcel of the proposed cultivation permit location. The assigned Cannabis Planner must complete all the appropriate reviews, check boxes, and clearance section with signature and review determination.

If one or more do not meet the performance standards, or one or more performance standards are unknown, the application must be referred to CDFW for final determination, per the 10A.17.100(A)(2) Pilot Policy for Sensitive Species Review in Cooperation with CDFW.

For the purposes of this document, the “project” includes the cultivation site, as that term is defined by Mendocino County Code Section 10A.17.020, but is not limited to, existing or proposed access roads, cultivation areas, and associated structures and activities related to cultivation.

Commented [LA1]: This is too limiting, as it basically describes the footprint of the cultivation site. This would not include surrounding areas that might be impacted by cultivation activities. We may be able to refine what was previously included. However, limiting review to the cultivation footprint is not what was intended by CDFW or previous County staff, and does not provide adequate protection as outlined in the County’s CEQA document.

Commented [SM2R1]: MCD agrees to leave in the existing language.

Meets performance standard			
Yes	No	Unknown	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>1. No Notice of Violation from CDFW <u>Meets performance standard:</u></p> <ul style="list-style-type: none"> No Notice of Violation has been issued by CDFW for the parcel, or CDFW has provided written verification stating that the violation has been resolved, or that the violation is in the process of being resolved satisfactorily and that approving the cultivation permit would not risk further impact to public trust resources. <p><u>Does not meet performance standard:</u></p> <ul style="list-style-type: none"> A Notice of Violation has been issued by CDFW and has not been, <u>or is not being,</u> resolved satisfactorily
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>2. No obvious violations of Fish and Game Code (FGC), or unpermitted activities that would require a permit from CDFW, are <u>observed during the County's site inspection. present on the project parcel, to the best of County staff's knowledge.</u></p> <p>Staff knowledgeable about the most common types of FGC violations on cannabis cultivation sites staff should make this assessment based on information in the cannabis application and reference to other site information (e.g. aerial imagery). The most violations most frequently observed relate to water diversion and/or stream alteration (e.g. road/stream crossings, ponds, etc.), and water pollution (trash, sediment, and/or other materials). Refer to reference material from CDFW.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>3. Project footprint has not expanded and is not proposed for expansion: Grading <u>related to cultivation</u> beyond what existed on January 1, 2016.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>4. Project footprint has not expanded and is not proposed for expansion. Tree removal or vegetation removal is not proposed (nor has occurred) <u>related to cultivation</u> beyond what existed on January 1, 2016.</p>

Commented [JS3]: Additional proposed change.

Commented [AL4]: Since there are other ways to detect possible violations (e.g. site photos, verbal communication, aerial imagery), and regular site visits by County staff no longer seem standard, I propose we keep the existing language. It does not mean County staff will be responsible for being aware of violations that have not been brought to their attention.

Commented [JS5R4]: MCD conducts site inspection before any CCBL issuance and before all renewals where the inspector should identify unpermitted water diversion and/or stream alteration, and water pollution to the CCBL Holder to ensure compliance with CDFW and 10A.17

Commented [JS6]: Additional proposed change due to the rejected change to the definition of the "project". Prior proposed change was to limit grading "for the project"

Commented [JS7]: Same comment as above in #3.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>5. For projects with a surface water source (stream, spring, pond, or offset/shallow/hydrologically connected well) for cultivation, domestic, or other consumptive use; stream crossings (culverts, bridges, fords, etc.); or other activities subject to Fish and Game Code Section 1602:</p> <ul style="list-style-type: none"> o a) Applicant has obtained a final LSA Agreement, verification an LSA Agreement is not needed, or an "operation of law" letter, <u>OR</u> o b) If applicant has not obtained one of the above documents: applicant has submitted an LSA Notification to CDFW. <p>Obtaining a final LSA Agreement or other written documentation from CDFW within the one year cultivation permit term shall be required (i.e. County cultivation permit shall not be renewed without a final LSA Agreement).</p>
Yes	No	Unknown	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>6. <u>Project meets the following stream and wetland setbacks:</u></p> <p>a. If not enrolled under a Regional Water Board order prior to October 17, 2017, a minimum of 150 feet from perennial streams (or springs and ponds), a minimum of 100 feet from intermittent streams and wetlands, and a minimum of 50 feet from ephemeral streams. Distance to be measured from the bankfull stage or from the top edge of the waterbody bank in incised channels, whichever is more conservative.</p> <p>6-b. If enrolled under a Regional Water Board order prior to October 17, 2017, a minimum of 100 feet from perennial and intermittent streams, and 50 feet from ephemeral streams or wetlands. Distance to be measured from the bankfull stage or from the top edge of the waterbody bank in incised channels, whichever is more conservative. Project meets the following stream and wetland setbacks (for cultivation sites and associated infrastructure): a minimum of 150 feet from perennial streams/wetlands, and a minimum of 50 feet from intermittent streams, measured from the outer edge of the riparian vegetation or top of bank, whichever is greater. These areas should be identified and maintained as no disturbance buffers.</p>

Commented [JS8]: Additional proposal. MCD proposes to remove this language because the SSHR is preformed before CCBL issuance.

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Commented [JS9]: Additional proposed new language to align the review with the State Water Board Cannabis General Order's minimum riparian setbacks.

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Exhibit A: Sensitive Species Review

Yes	No	Unknown	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>7. For projects with existing or proposed ponds</p> <p>Bullfrog monitoring and management plan has been submitted. Plan appears feasible and includes sufficient detail.</p> <p>For a project with an existing or proposed pond of any kind (on or off stream, including rainwater catchment), applicant shall implement a bullfrog monitoring and management plan. Projects proposing new ponds, or where a pond has been constructed within the past five years, should be referred to CDFW.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>8. Permanent infrastructure associated with cannabis cultivation is located outside of the 100-year floodplain.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>9.7. Project shall completely avoid significant impacts to oak woodlands (genus Quercus) and provide an adequate protection buffer between oak woodlands and project activities.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>10.8. Cultivation site is not located within 0.25 mile of a known Northern Spotted Owl activity center or forested habitat contiguous with a known activity center.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>11.9. For projects using artificial light</p> <p>Light containment plan has been submitted. Plan appears feasible and includes sufficient detail.</p> <p>To protect wildlife and comply with the County ordinance, all lights used for the indoor or mixed light cultivation of cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>12.10. For projects using generators and other machinery</p> <p>Noise containment plan has been submitted. Plan appears feasible and includes sufficient detail.</p> <p>Noise generated on any portion of the project site shall not exceed 50⁵⁵ decibels when measured from 100 feet. This includes but is not limited to projects using a generator for any purpose, motorized trimming machines, fans, ventilation systems, and other machinery. The applicant shall submit information on containment structures, and a plan demonstrating that the generator or other machinery would not deliver, or have the potential to deliver noise exceeding the above limits.</p>

Commented [AL10]: Agree.

Commented [AL11]: Agree, as this is better handled through CDFW's FGC 1600 et seq authority.

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Commented [AL12]: Do not currently agree. I would like to understand the County's reasoning, and how many projects have been affected by this standard, or referred or otherwise delayed because of it.

Commented [JS13R12]: MCD agrees to leave in the existing language.

Commented [AL14]: Disagree. I would like to understand the County's reasoning, and how many projects have been affected by this.

Commented [JS15R14]: MCD agrees to leave the existing language.

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Commented [JS16]: Additional proposed language to better align with standards found in the MND.

Commented [JS17]: Additional proposed revision. As-is, this is an overly subjective standard.

Commented [JS18]: Same comment as above in #9

Commented [JS19]: Additional proposed revisions to align with DE100, 101, & 103.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>13.11. To protect fish and wildlife and comply with the State Water Resources Control Board Cannabis Policy:</p> <p>Cannabis cultivators shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh (e.g., jute, coconut (coir) fiber, or from other products without welded weaves). To minimize the risk of ensnaring and strangling wildlife, cannabis cultivators shall not use synthetic (e.g., plastic or nylon) monofilament netting materials for erosion control for any cannabis cultivation activities. This prohibition includes photo- or bio-degradable plastic netting.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>14.12. No evidence suggests that sensitive natural resources would be impacted by the proposed project (based on County staff scoping using CNDDB and other recommended resources, biological assessment or survey reports, or observation of the site).</p>

CANNABIS PROGRAM PLANNER REFERENCE RESOURCES USED

Reference Resources Used			
Yes	No	Unavailable	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Most recent aerial imagery available (Google Earth, Bing maps, NAIP imagery, etc.). Imagery source: __ ____ Date of Imagery: _____</p>
			<p>BIOS/California Natural Diversity Database https://apps.wildlife.ca.gov/bios6/Default.aspx?bookmark=326 Minimum recommended data sets:</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> California Natural Diversity Database (CNDDDB) – 9 quad search
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Unprocessed Data from CNDDB Online Field Survey Form
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Northern spotted owl observations
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> California Streams
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> USFWS National Wetlands Inventory
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> NFHL 1% Annual Chance Flood (100 Year Flood)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Vegetation - Mendocino Cypress and Related Vegetation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> USEWS IPaC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> USGS soils maps
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> CNPS Rare Plant Inventory

Commented [AL20]: I do not agree with the County omitting any reference material (including USFWS resources) that will give planners information regarding what sensitive species may be impacted by the project, including NSO observations and the California Streams layer. I would like to understand the County's reasoning for proposing this.

Commented [JS21R20]: MCD agrees to leave the existing language.

Commented [SM22]: MCD believes this language does not need to be deleted.

Commented [JS23]: Is this redundant given all other resources?

CANNABIS PROGRAM PLANNER DETERMINATION

Exhibit A: Sensitive Species Review

Meets criteria to be referred to CDFW			
Yes	No	Unknown	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Evidence suggests there is a potential for the project to <u>significantly</u> impact rare, sensitive, threatened or endangered species, or streams, springs, seeps, wetlands, oak woodlands, native grasslands, or other sensitive resources or habitats. (See also "Expansion and Biological Surveys" section below.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A new pond is proposed, or was constructed on the parcel within the past (approximately) five years.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Applicant is unable (for any reason) to comply with performance standards detailed above.

Expansion and Biological Surveys			
<u>Projects that meet Expansion Definition and Require a Biological Survey</u>			
Request Biological Survey from applicant	Significant impacts likely: refer to CDFW	Significant impacts unlikely: consult with CDFW	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>If the project footprint has been or will be <u>significantly</u> expanded or modified, or <u>significant</u> vegetation removal or grading has occurred or is proposed beyond what was existing on January 1, 2016, and/or tree removal is proposed or occurred after May 4, 2017 (Meeting Standards Criteria #3):</p> <ul style="list-style-type: none"> The County should require a biological survey, the type and scope of which would be based on the risk of potential impacts (proposed size increase, site characteristics, potential species or habitat to be affected, etc.) <ul style="list-style-type: none"> If impacts are unknown or likely to be significant, the County should refer the project (with completed biological survey) to CDFW. If preferred, the County may contact CDFW for recommendations regarding the type/scope of biological survey to require. <p><i>If County staff believe impacts are likely to be minimal, County may refer the project to CDFW for a recommendation regarding whether a biological survey should be required.</i></p>

Commented [AL24]: I strongly disagree with the proposal to remove this language.

Commented [JS25R24]: What was being proposed to be removed? It appears that there was just the addition of "significantly" in this sentence.

Commented [JS26]: Does this require an automatic referral if even if all questions were answered "yes" above? If not, this should be removed.

Commented [LA27R26]: It should probably be refined, e.g. is the pond permitted either through the County or CDFW? If unpermitted it definitely should be referred; if on-stream and not permitted by CDFW, it should be referred.

Commented [JS28R26]: Got confirmation that this is an automatic referral. MCD is okay with leaving the language as is.

Commented [LA29]: Currently disagree as I do not understand the reasoning for removing this.

Commented [JS30R29]: MCD agrees to leave the existing language.

Commented [JS31]: Removed due to reference to performance standards.

Commented [JS32]: Needs objective standards. Can you please recommend?

Commented [LA33R32]: How does the County define "major vegetation removal" in the coastal zone? This might be a useful parallel.

Commented [JS34R32]: The County uses a questionnaire to determine major vegetation removal. I will send it along for your review with our comments.

Commented [JS35]: Same as above.

CANNABIS PROGRAM PLANNER DETERMINATION CONTINUED

Meets all Performance Standards:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Cannabis Planner Recommendation of Proposed Project:	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> CDFW Referral <input type="checkbox"/> Biological Survey from Applicant due to Expansion Definition
Potential Impact Comments for CDFW Referral:	
CDFW Referral Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No
CDFW Referral Sent Date:	Date: <input type="checkbox"/> N/A
Reviewing Planner's Name:	
Planner's Signature:	
Review Date:	

Attachments Required for CDFW Referral:

- Exhibit A**
- Aerial Image from 2016**
- Aerial Image from most current (Either 2020 NAIP from BIOS or Google Earth)**
- LSAA - Lake and Streambed Alteration Agreement**
- SSHQ - Sensitive Species Habitat Questionnaire**
- Site Plan**
- Cultivation & Operations Plan**

Optional:

- Bullfrog Management Plan (Must provide if a pond is on site)**
- Artificial Light Management Plan (must provide if artificial light is being used)**
- Generator Noise Management Plan (must provide if a generator is used)**
- NOV's if indicated**
- Biological reports, if any exist**
- Reports from other professionals relating to tree removal or other environmental issues, if they exist**

Who to Email:

Angela.liebenberg@wildlife.ca.gov; Jessica.ryan@wildlife.ca.gov;



Mendocino County Board of Supervisors Agenda Summary

Item #: 2d)

To: GENERAL GOVERNMENT STANDING COMMITTEE

From: Cannabis

Meeting Date: February 28, 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 Providing Recommendations to Staff and a Referral to the Board of Supervisors Recommending Approval of the County of Mendocino Cannabis Department Monthly Update for January 2024

(Sponsor: Cannabis)

Recommended Action/Motion:

Provide recommendations to staff; and a referral to the Board of Supervisors recommending approval of the County of Mendocino Cannabis Department Monthly Update for January 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:

It is requested that the General Government Committee provide recommendations to staff regarding the above referenced monthly update and a referral to the Board of Supervisors recommending approval of the Mendocino Cannabis Department's Monthly Update.

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 #: 2d)

CEO Review: Yes
CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Final Status: Item Status

Executed Item Type: item

Number:



Mendocino County Cannabis Department Deliverables

DATE: February 29, 2024
TO: Mendocino County General Government Committee
FROM: Mendocino County Cannabis Department
RE: Monthly Activity Report – January 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: 313

Active Commercial Cannabis Cultivation Business Licenses (“CCBL”) issued by MCD¹: 459

Total: 772

January Breakdown

CCBL Renewals issued: 10

CCBL Initial issuance: 31

CCBL Withdrawn: 36

CCBL Denial: 2

Total number of CCBLs processed for the month: 79

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): 20

MCD Issued License with DCC (Provisional): 411

MCD Issued without DCC: 21

TOTAL: 452

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

Renewals Issued YTD: 10

Renewals pending (waiting for review by staff): 57

Mendocino County Approximate Square Footage²

Approximate total of issued square footage for cultivation: 4,228,000

CCBL Subtype	Number Issued	Approx. Sq. Ft.
1	53	265,000
2	312	3,120,000

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

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

4	64	768,000
C	30	75,000

Approximate total of under-review square footage for cultivation: 2,836,000

CCBL Subtype	Number Under Review	Approx. Sq. Ft.
1	31	155,000
2	209	2,090,000
4	43	516,000
C	30	75,000

MCD CCBL Applications

Information regarding current “under review” applications is as follows:

Review Data

Number of Applications and Renewals assigned to contract planners: 238

Number of Applications and Renewals assigned to MCD planners: 209

Department Log Jams

California Department of Fish and Wildlife (“CDFW”)

Response Required and Past 45-Day Deadline: 28 referrals
 Total Number of Days Since Referral Sent to CDFW: 8 - 226 days
 Total Number MCD Policy Has Allowed to Move Forward with Issuance: 63 Applications

CDFW Referral Responses Received: 55 Responses

Longest Response Time: 226 days
 Quickest Response Time: 28 days
 Average Response Time: 74 days

Non-responsive Applicants and CCBL Holders

The Department sent out a total of 210 notices to applicants during the month of December as we initiated review of applications without an active DCC license on file.

During the month of January, the Department sent out 135 certified USPS mail notifications in addition to regular USPS mail notifications and follow-up emails to applicants deemed “non-responsive applicants” due to no response received from the original December outreach.

In total, the Department has received 120 responses. Failure by the CCBL applicant or CCBL holder to respond to the Department’s outreach may result in the Department issuing CCBL Denial or CCBL termination based on non-responsiveness.

New Applications

All new Phase III CCBL applications should be applied for online. To start the application process, please visit the Department's [Accela webpage](#). Please note, the application process may take more than one hour. Applicants may also pause at any time throughout the application process and save their progress.

Furthermore, the Department is excited to announce there is now a total of 7 new "Accela How-To's" which are published as applicant guidance materials on the Accela webpage.

As a reminder, the submission of a CCBL application through Accela and the assigned license number does not allow you to cultivate until all County and State licenses have been acquired.

Site Inspections

Virtual site inspections are a part of the new streamline ordinance. The Department will be using the below CCBL Renewal Quality Control for Inspections:

- New Phase III Applications must complete an initial physical onsite inspection
- A physical site inspection must be conducted at least every 5 years
- At least 5% of all in program applications and CCBLs will be randomly selected for a priority inspection annually.
- Factors utilized to determine whether renewal or random inspections will be physical or remote may include:
 - Does the CCBL have a confirmed deviation between submitted site plan and aerial imagery and/or history of non-compliance with the Department or other regulatory agencies?
 - If viewed remotely does the CCBL location appear to be consistent with the most current site plan on file?

Number of Inspections Completed Month of January: 28

Miles Traveled Month of January: 933

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.

Environmental Review

Environmental Impact Report (“EIR”):

The DCC is leading CEQA review in connection with annual state licensure of cannabis cultivation in Mendocino County. DCC and a consultant, Ascent Environmental, are working to prepare a programmatic EIR addressing state licensure of cannabis cultivation in Mendocino County. As CEQA requires, this process will include opportunities for public review and input. Once complete, this programmatic EIR will allow for streamlined CEQA review of license applicants’ specific cultivation sites in Mendocino County, using site-specific addenda. This process may also result in the identification of specific sites that can satisfy CEQA using other documentation, such as negative declarations or mitigated negative declarations; if so, it may be possible to complete environmental review as to those specific sites without awaiting completion of the programmatic EIR. Meanwhile, and of significant note, while this CEQA review process is underway, DCC can continue to renew provisional cultivation licenses in Mendocino County that otherwise satisfy applicable renewal requirements through December 31, 2024.

Ordinance Streamlining Update

MCD, in coordination with the General Government Committee, held a special meeting for discussion and possible action including providing recommendations to staff and a referral to the BOS regarding Chapter 10A.17 on October 10, 2023.

The new proposed streamline ordinance went in front of the BOS for first reading, discussion, and approval on January 23, 2024. The second reading is scheduled as a consent item for the February 6, 2024, BOS meeting. If approved, the Department anticipates the new ordinance would go into effect on March 8, 2024.

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 licensee. The County has submitted applications for LEEP funding in the five rounds which have opened so far; three of those applications were funded, one was not funded, and one is awaiting award notification. 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.

Audit Findings and Funding

LEEP Round 3 (CEG-2022-387) close out was submitted for review to Go-Biz on November 28, 2023. The Department received a final audit memo from GO-Biz confirming a total of \$54,592.75 in Direct Technical Assistance funding that will need to be returned from Round 3.

No new LEEP direct grant applications or waivers will be accepted at this time as all funding has been exhausted.

The Department has applied for the 2023-24 Grant Solicitation (Round 5). Grant Evaluation and Award announcement was not made during the month of January. The Department recommends priority funding to the Tax Relief applications from verified equity applicants submitted on or before the deadline of April 25, 2023, that were not paid with previous LEEP funds. In addition to providing Direct Grant and Fee Relief support to our locally verified applicants, with Round 5 funding, the application also included funding to update Mendocino County's equity assessment. Furthermore, if awarded Round 5 funding, the Department plans to utilize a portion of the awarded funds to enter into a contract agreement with our procured vendor Canna Business Services who will offer Direct Technical Assistance to our equity applicants.

Equity Eligibility Criteria (Proposed)

The Department has revamped our Local Equity Criteria which was included as a part of the Round 5 application. If approved by GO-Biz, the Department plans to reach out to equity applicants who previously qualified solely under the 5-mile radius criterion in an attempt to re-qualify these individuals under new equity criteria so that they will be eligible to receive grant funding and fee relief.

LEEP Direct Grant Amendments

The Department opened a LEEP amendment window on December 15, 2023, for applicants that have an already approved LEEP Grant funded contract but would like to amend their previously approved Schedule A and B. If an applicant would like to amend their current LEEP contract, they should email cannabisprogram@mendocinocounty.gov to start this process.

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 Grant Program Manual has been approved by the DCC. The direct grant program is a reimbursement model with award amounts available of up to \$25,000.00 per applicant. The direct grant application window is currently expected to open on March 1, 2024. Applicants will be required to submit receipts totaling the requested award amount, and a copy of their DCC Provisional or Annual License along with their application. Additionally, applicants *may* be required to submit a W-9, Valid Liability Insurance, and any applicable fee relief requests. Supplemental Grant Application document requests and information will be added to the Department's website when available.

The Department will be hosting a LJAGP Grant Application Workshop on February 23, 2024. The Department invites anyone who may be interested to join us in person in the Agriculture/University of California Cooperative Extension Large Conference Room, 890 N. Bush Street, Ukiah CA 95482 or via Zoom from 8:30am-11:30am.

Budget

MCD's Fiscal Year 2023-2024 budget shows the Department is currently projecting to end the year as overbudget.

Department Staffing levels

As of December 2023: MCD Planners: 4
Contract Planners: 20 (9 Full Time Equivalent ("FTE"))

As of January 2024: MCD Planners: 4
Contract Planners: 20 (10 FTE)

Filled positions: Department Head (Interim)
Senior Program Manager
Program Administrator
Planner I/II (x3)
Planner I/Tech
Administrative Assistant

Current Recruitments: 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 January 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	135	8.4375	25	
Phase 3	17	1.0625	25	
Renewals	19	0.7125	15	

4Leaf Assigned Applications

Phase 1/2	160	2.380952381	25	
Renewals	70	0.625	15	

Total Applications

CCBL Issued	459
Under Review	313

Status	
Initial Issuance	
Ongoing Workload	
Workload Phase Out	



Mendocino County Board of Supervisors Agenda Summary

Item #: 3a)

To: GENERAL GOVERNMENT STANDING COMMITTEE

From: Executive Office

Meeting Date: February 28, 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 January 24, 2024 Regular Meeting

Recommended Action/Motion:

Approve minutes of January 24, 2024 regular meeting.

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Final Status: Item Status

Executed Item Type: item

Number:

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 – January 24, 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 Dunicliff, Deputy Chief Executive Officer; James Ross, Interim County Counsel; and Lillian Bearden, 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 COUNTY OF MENDOCINO CANNABIS DEPARTMENT MONTHLY UPDATE FOR DECEMBER 2023 - SPONSOR: CANNABIS

Presenter/s: Sara McBurney, Senior Program Manager, Cannabis; Jared Schwass, Deputy County Counsel; and Steve Dunicliff, Deputy Chief Executive Officer.

Public Comment: Steve Amato; Hannah Nelson; Corrine Powell; and Chantal Simonpietri.

Committee Action: Upon motion by Supervisor McGourty, seconded by Supervisor Haschak, IT IS ORDERED that the General Government Committee accepts the reports; and recommends a referral to the Board of Supervisors recommending approval of the County of Mendocino Cannabis Department Monthly Update for December 2023. The motion carried by the following vote:

Aye: 2 – Supervisor McGourty and Supervisor Haschak

No: 0 – None

Absent: 0 – None

COMMITTEE RECESS: 10:35 A.M. – 10:48 A.M.

2B) DISCUSSION AND POSSIBLE ACTION INCLUDING DIRECTION REGARDING THE DEVELOPMENT OF THE MENDOCINO COUNTY’S 2024 LEGISLATIVE PLATFORM - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Kelly Hansen, Administrative Analyst, Executive Office; Steve Dunicliff, Deputy Chief Executive Officer; and Jim Ross, Interim County Counsel.

Public Comment: Steve Amato; and Hannah Nelson.

Committee Action: Upon motion by Supervisor McGourty, seconded by Supervisor Haschak, IT IS ORDERED that the General Government Committee recommends a referral to the Board of Supervisors recommending approval of the Mendocino County’s Legislative Platform as amended. The motion carried by the following vote:

Aye: 2 – Supervisor McGourty and Supervisor Haschak

No: 0 – None

Absent: 0 – None

AGENDA ITEM NO. 3 – OTHER BUSINESS

3A) APPROVAL OF THE MINUTES OF DECEMBER 18, 2023 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 General Government Committee approves minutes of the December 18, 2023, regular meeting. The motion carried by the following vote:

Aye: 2 – Supervisor McGourty and Supervisor Haschak

No: 0 – None

Absent: 0 – None

3B) PUBLIC EXPRESSION

Presenter/s: Hannah Nelson; Paul Hansbury; and David A.

3C) ANNOUNCEMENTS

None.

THERE BEING NOTHING FURTHER TO COME BEFORE THE COMMITTEE, THE MENDOCINO COUNTY GENERAL GOVERNMENT COMMITTEE ADJOURNED AT 11:40 A.M.

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

JOHN HASCHAK, Chair

NOTICE: PUBLISHED MINUTES OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETINGS

- Effective March 1, 2009, Board of Supervisors minutes are produced in “action only” format
- LIVE WEB STREAMING OF BOARD MEETINGS is available via the County’s YouTube Channel, which can be found here: <https://www.youtube.com/@MendocinoCountyVideo>
- Minutes are considered draft until adopted/approved by the Board of Supervisors
- The Board of Supervisors’ action minutes are also posted on the County of Mendocino website at: <https://mendocino.legistar.com/Calendar.aspx>
- For technical assistance or any requests for official meeting records of the Mendocino County Board of Supervisors, please contact the Clerk of the Boards Office at (707) 463-4441
- Additional resource information: <https://www.mendocinocounty.org/government/board-of-supervisors>

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