

**GLENN MCGOURTY**  
1st District  
Supervisor  
Vice-Chair

**MAUREEN  
MULHEREN**  
2nd District  
Supervisor

**JOHN HASCHAK**  
3rd District  
Supervisor

**DAN GJERDE**  
4th District  
Supervisor

**TED WILLIAMS**  
5th District  
Supervisor  
Chair



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**MENDOCINO COUNTY**  
**BOARD OF SUPERVISORS AGENDA - FINAL**  
**SPECIAL MEETING**  
**March 02, 2022 - 9:00 AM**

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Effective March 20, 2020, the Mendocino County Board of Supervisors meetings will be conducted virtually and not available for in person public participation (pursuant to Government Code section 54953(e)(1)(A)). Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or by toll-free, telephonic live stream at 888-544-8306.

The public may participate digitally in meetings in lieu of personal attendance. Comment may be made in any of the following ways: via written comment using our online eComment platform at <https://mendocino.legistar.com/Calendar.aspx>, through voicemail messaging by calling 707-234-6333, or by telephone via telecomment. For details and a complete 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>

**1. OPEN SESSION (9:00 A.M.)****1a) Roll Call****1b) Pledge of Allegiance****2. PUBLIC EXPRESSION**

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

*Individuals wishing to address the Board under Public Expression are welcome to do so via email, telephone, Zoom, or via voicemail message. For information on each of these methods, call Mendocino County Clerk of the Board at (707) 463-4441 or visit <https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>.*

*All correspondence will be attached to the item and made available online at:  
<https://mendocino.legistar.com/Calendar.aspx>.*

**3. COUNTY EXECUTIVE OFFICE AND DEPARTMENTAL MATTERS****3a) Discussion and Possible Action Including Direction to Staff Regarding Amendments to the Sensitive Species Habitat Review Performance Standards and the Contiguous Expansion Affidavit Policy (Sponsor: Cannabis)****Recommended Action:**

*Discuss and provide direction to the County Cannabis Director to amend the Sensitive Species Habitat Review Performance Standards and the Contiguous Expansion Affidavit Policy.*

**3b) Discussion and Possible Action Including Adoption of a Resolution Authorizing the County of Mendocino Cannabis Program Director to Develop, Update, Amend and Implement the Mendocino County Local Jurisdiction Assistance Grant Program - Direct Grant Policy Manual, as Approved by County Counsel and Within the Extent Permitted by State Law (Sponsor: Cannabis)****Recommended Action:**

*Adopt Resolution authorizing the County Cannabis Director to develop, update, amend and implement the Mendocino County Local Jurisdiction Assistance Grant Program - Direct Grant Policy Manual, as approved by County Counsel and within the extent permitted by state law; and authorize Chair to sign same.*

**3c) Discussion and Possible Action Including Approval of Departmental Name Change from Mendocino County Cannabis Program to Mendocino County Cannabis Department  
(Sponsor: Cannabis)**

Recommended Action:

*Approve departmental name change from Mendocino County Cannabis Program to Mendocino County Cannabis Department.*

**4. BOARD OF SUPERVISORS AND BOARD OF DIRECTORS MATTERS**

*The Mendocino County Board of Supervisors meets concurrently as the Board of Directors of the: In Home Supportive Services Public Authority Governing Board; Mendocino County Air Quality Management District; Mendocino County Public Facilities Corporation; and the Mendocino County Water Agency.*

**4a) Discussion and Possible Action Including Direction for County Counsel to Work with Mendocino Cannabis Program Staff in Adopting Changes as Needed to Section 10A.17.080 and 10A.17.090 and/or Tax Ordinance Chapter 6.32 for the Purpose of Extending Non-Cultivation and Stay of Permit for Cannabis Cultivators  
(Sponsor: Supervisor Haschak)**

Recommended Action:

*Direct County Counsel to work with Mendocino Cannabis Program staff to adopt changes as needed to Section 10A.17.080 and 10A.17.090 and/or Tax Ordinance Chapter 6.32 for the purpose of extending non-cultivation and stay of permit for cannabis cultivators.*

**4b) Discussion and Possible Action Including Direction to Staff to Create an Appeal Process for Cannabis Application Denials and Return to the Board of Supervisors before May 1, 2022  
(Sponsors: Supervisor Haschak and Supervisor McGourty)**

Recommended Action:

*Direct staff to create an appeal process for cannabis application denials, and return to the Board of Supervisors before May 1, 2022.*

**ADJOURNMENT**

**Additional Meeting Information for Interested Parties**

*Effective March 20, 2020, the Mendocino County Board of Supervisors meetings will be conducted virtually and not available for in person public participation (pursuant to Government Code section 54953(e)(1)(A)). Meetings are live streamed and available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or via toll-free telephonic live stream by calling 888-544-8306*

*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 the Supervisors, staff, and the general public by clicking this meeting's eComment link at <https://mendocino.legistar.com/Calendar.aspx>*

*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](http://www.mendocinocounty.org/bos).*

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



# Mendocino County Board of Supervisors Agenda Summary

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**Item #: 3a)**

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**To: Board of Supervisors**

**From: Cannabis**

**Meeting Date:** March 2, 2022

**Department Contact:** Kristin Nevedal

**Phone:** 707-234-6680

**Item Type:** Regular Agenda

**Time Allocated for Item:** 30 minutes

**Agenda Title:**

Discussion and Possible Action Including Direction to Staff Regarding Amendments to the Sensitive Species Habitat Review Performance Standards and the Contiguous Expansion Affidavit Policy  
(Sponsor: Cannabis)

**Recommended Action/Motion:**

Discuss and provide direction to the County Cannabis Director to amend the Sensitive Species Habitat Review Performance Standards and the Contiguous Expansion Affidavit Policy.

**Previous Board/Board Committee Actions:**

On February 23, 2021, the Board of Supervisors directed staff to issue guidance and clarification regarding environmental mitigation measures identifying the information that must be included in application packets to determine whether Sensitive Species Habitat Review is required.

**Summary of Request:**

On September 30, 2020, County staff, in collaboration with the California Department of Fish and Wildlife (CDFW) completed development of the sensitive species review policy and associated documents including the Exhibit A, Sensitive Species Performance Standards Review and the Sensitive Species Habitat Questionnaire. This policy was intended to fulfill the requirement of Mendocino County Code section 10A.17.100(A) to establish such a policy with CDFW.

Based on direction provided to County staff during the February 23, 2021, Board of Supervisors meeting, staff took completed the following:

1. Defined contiguous expansion to mean the relocation of plant canopy, and/or the permitted expansion of plant canopy to an area that is within 200 feet of any- original cultivation site (prior to January 1, 2016) located on the parcel. Terms used in this definition shall be the same as those already defined in Chapter 10A.17, including "cultivation site," "expansion," and "plant canopy";
2. Published an updated sensitive species habitat review webpage with updated policy information; and
3. Implemented the contiguous expansion affidavit policy to provide Phase 1 cultivation applications an exemption from completing the Sensitive Species Habitat Questionnaire and from review for compliance with the Exhibit A, Sensitive Species Performance Standards upon the filing an approved contiguous expansion affidavit.

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**Item #: 3a)**

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Upon implementation of the contiguous expansion definition and contiguous expansion affidavit policy several concerns have been identified, including but not limited to:

1. Concerns raised by CDFW that cultivation sites filing a contiguous expansion affidavit would not be reviewed for compliance with the thirteen (13) performance standards identified in Exhibit A, Sensitive Species Performance Standards before County staff issues a permit; and
2. Concerns raised by County staff that the elimination of the review for compliance with the Exhibit A, Sensitive Species Performance Standards before issuance of a permit could result in challenges and possibly the inability of County staff to certify an Appendix G Checklist for those permit holders who had submitted an approved contiguous expansion affidavit during the application review process.

County Staff is seeking direction regarding possible amendments to the Sensitive Species Habitat Review Performance Standards and the Contiguous Expansion Affidavit Policy to ensure that cannabis cultivation applications are reviewed for Exhibit A, Sensitive Species Performance Standards before the issuance of a permit.

**Alternative Action/Motion:**

Provide staff with alternate direction.

**Does This Item Support the General Plan?** N/A

**Supervisory District:** All

**vote requirement:** Majority

**Supplemental Information Available Online At:** N/A

**Fiscal Details:**

**source of funding:** N/A

**budgeted in current f/y:** N/A

**current f/y cost:** N/A **if no, please describe:**

**annual recurring cost:** N/A

**revenue agreement:** N/A

**budget clarification:** N/A

**Agreement/Resolution/Ordinance Approved by County Counsel:** Choose an item.

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**CEO Liaison:** Judy Morris, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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Executed By: Deputy Clerk

Final Status: Item Status

Date: Date Executed

Executed Item Type: item Number:



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

(Rev. 11/15/2021)

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

**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.***

<b>Meets performance standard</b>			
Yes	No	Unknown	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>1. No Notice of Violation from CDFW</b></p> <p><u>Meets performance standard:</u></p> <ul style="list-style-type: none"> <li>No Notice of Violation has been issued by CDFW for the parcel, or</li> <li>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.</li> </ul> <p><u>Does not meet performance standard:</u></p> <ul style="list-style-type: none"> <li>A Notice of Violation has been issued by CDFW and has not been resolved satisfactorily</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>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.</b></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><b>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.</b></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>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:</b></p> <ul style="list-style-type: none"> <li><b>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></li> <li><b>b) If applicant has not obtained one of the above documents: applicant has submitted an LSA Notification to CDFW.</b></li> </ul> <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><b>5. Project meets the following stream and wetland setbacks</b> (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><b>6. For projects with existing or proposed ponds</b></p> <p><b>Bullfrog monitoring and management plan has been submitted. Plan appears feasible and includes sufficient detail.</b></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><b>7. Permanent infrastructure associated with cannabis cultivation is located outside of the 100-year floodplain.</b></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>8. Project shall completely avoid impacts to oak woodlands</b> (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><b>9. Cultivation site is not located within 0.25 mile of a known Northern Spotted Owl activity center</b> or forested habitat contiguous with a known activity center.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>10. For projects using artificial light</b></p> <p><b>Light containment plan has been submitted. Plan appears feasible and includes sufficient detail.</b></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><b>11. For projects using generators and other machinery</b></p> <p><b>Noise containment plan has been submitted. Plan appears feasible and includes sufficient detail.</b></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><b>12. To protect fish and wildlife and comply with the State Water Resources Control Board Cannabis Policy:</b></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). <b>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.</b> This prohibition includes photo- or bio-degradable plastic netting.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>13. No evidence suggests that sensitive natural resources would be impacted by the proposed project</b> (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"/>	<b>Most recent aerial imagery available</b> (Google Earth, Bing maps, NAIP imagery, etc.).  Imagery source: _____  Date of Imagery: _____
			<a href="#">BIOS/California Natural Diversity Database</a> Minimum recommended data sets:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>▪ California Natural Diversity Database (CNDDDB) – 9 quad search</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>▪ Unprocessed Data from CNDDDB Online Field Survey Form</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>▪ Northern spotted owl observations</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>▪ California Streams</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>▪ USFWS National Wetlands Inventory</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>▪ NFHL 1% Annual Chance Flood (100 Year Flood)</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>▪ Vegetation - Mendocino Cypress and Related Vegetation</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">USFWS IPaC</a>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">USGS soils maps</a>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">CNPS Rare Plant Inventory</a>

**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"> <li>• 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"> <li>○ 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.</li> </ul> </li> </ul> <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**

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



# Mendocino County Board of Supervisors Agenda Summary

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**Item #:** 3b)

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**To:** Board of Supervisors

**From:** Cannabis

**Meeting Date:** March 2, 2022

**Department Contact:** Kristin Nevedal

**Phone:** 707-234-6680

**Department Contact:** William Riley

**Phone:** 707-234-6680

**Item Type:** Regular Agenda

**Time Allocated for Item:** 30 minutes

**Agenda Title:**

Discussion and Possible Action Including Adoption of a Resolution Authorizing the County of Mendocino Cannabis Program Director to Develop, Update, Amend and Implement the Mendocino County Local Jurisdiction Assistance Grant Program - Direct Grant Policy Manual, as Approved by County Counsel and Within the Extent Permitted by State Law  
(Sponsor: Cannabis)

**Recommended Action/Motion:**

Adopt Resolution authorizing the County Cannabis Director to develop, update, amend and implement the Mendocino County Local Jurisdiction Assistance Grant Program - Direct Grant Policy Manual, as approved by County Counsel and within the extent permitted by state law; and authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

On November 9, 2021, the Mendocino County Board of Supervisors gave approval of the Cannabis Program for submission of the Local Jurisdiction Assistance Grant Program, and authorized the Cannabis Program Manager, or Department Head, to execute the grant agreement with the Department of Cannabis Control on behalf of the County of Mendocino, should the grant be awarded.

**Summary of Request:**

The County of Mendocino Cannabis Program requests that the Board of Supervisors adopt a Resolution providing the Cannabis Director with the authority to develop and amend the Mendocino County Local Jurisdiction Assistance Grant Program - Direct Grant Policy Manual and implement any changes necessary in an effort to expedite the direct grant to the extent allowed by State law, with the guidance of County Counsel. Providing this authority to the Cannabis Program Director will help to streamline and expedite the development and implementation of the Local Jurisdiction Assistance Grant Program - Direct Grant Program and increase applicant access to the Local Jurisdiction Assistance Grant Program - Direct Grant Program.

**Alternative Action/Motion:**

Provide staff with alternate direction.

**Does This Item Support the General Plan?** N/A

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**Item #: 3b)**

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**Supervisory District:** All

**vote requirement:** Majority

**Supplemental Information Available Online At:** N/A

**Fiscal Details:**

**source of funding:** N/A

**current f/y cost:** N/A

**annual recurring cost:** N/A

**budget clarification:** N/A

**budgeted in current f/y:** N/A

**if no, please describe:**

**revenue agreement:** N/A

**Agreement/Resolution/Ordinance Approved by County Counsel:** N/A

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**CEO Liaison:** Judy Morris, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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**Executed By:** Deputy Clerk

**Date:** Date Executed

**Final Status:**Item Status

**Executed Item Type:** item **Number:**

**RESOLUTION NO. 22-**

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE COUNTY CANNABIS PROGRAM DIRECTOR TO DEVELOP, UPDATE, AMEND AND IMPLEMENT THE MENDOCINO COUNTY LOCAL JURISDICTION ASSISTANCE PROGRAM – DIRECT GRANT MANUAL TO THE EXTENT PERMITTED BY THE AWARDED LOCAL JURISDICTION ASSISTANCE PROGRAM APPLICATION AND GUIDANCE ISSUED BY THE CALIFORNIA DEPARTMENT OF CANNABIS CONTROL**

WHEREAS, the members of the California Legislature have recognized the need for local jurisdiction assistance funding; and

WHEREAS, funding has been provided to the California Department of Cannabis Control to provide grant funds to local governments under the Local Jurisdiction Assistance Grant Program; and

WHEREAS, on November 9, 2021, the Mendocino County Board of Supervisors gave approval of the Cannabis Program for submission of the Local Jurisdiction Assistance Grant Program, and authorized the Cannabis Program Manager, or Department Head, to execute the grant agreement with the California Department of Cannabis Control on behalf of the County of Mendocino, should the grant be awarded; and

WHEREAS, on December 24, 2021, the California Department of Cannabis Control awarded the County of Mendocino \$17,586,406.62 in Local Jurisdiction Assistance Grant funding, of which \$10,473,468.00 may be used by the County to establish a Direct Grant program to assist qualified commercial cannabis businesses with obtaining State annual licenses;

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors:

1. Authorizes the Cannabis Program Director to develop, amend, update and implement the policy manual for the Local Jurisdiction Assistance Grant Program – Direct Grant Program, to the extent permitted by the scope approved in the Local Jurisdiction Assistance Grant Program award and guidance issued by the California Department of Cannabis Control. The Local Jurisdiction Assistance Grant Program – Direct Grant Policy Manual and any amendments thereto shall be published on the Cannabis Program’s website and filed with the Clerk of the Board of Supervisors, and shall be effective upon such publication and filing.

The foregoing Resolution introduced by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:  
NOES:  
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
TED WILLIAMS, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section

Deputy

25103, delivery of this document has been made.

*APPROVED AS TO FORM:*  
CHRISTIAN M. CURTIS  
County Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

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Deputy



# Mendocino County Board of Supervisors Agenda Summary

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**Item #:** 3C)

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**To:** Board of Supervisors

**From:** Cannabis

**Meeting Date:** March 2, 2022

**Department Contact:** Kristin Nevedal

**Phone:** 707-234-6680

**Department Contact:** William Riley

**Phone:** 707-234-6680

**Item Type:** Regular Agenda

**Time Allocated for Item:** 30 minutes

**Agenda Title:**

Discussion and Possible Action Including Approval of Departmental Name Change from Mendocino County Cannabis Program to Mendocino County Cannabis Department  
(Sponsor: Cannabis)

**Recommended Action/Motion:**

Approve departmental name change from Mendocino County Cannabis Program to Mendocino County Cannabis Department.

**Previous Board/Board Committee Actions:**

N/A

**Summary of Request:**

On May 4, 2017, upon implementation of chapter 10.17, the County of Mendocino Cannabis Program was established within the Department of Agriculture. The Cannabis Program was later moved to Planning and Building Services. In April 2021, the Cannabis Program was moved out of Planning and Building Services and in October 2021, transitioned into a Department.

Department staff is seeking approval to change the department's name from the County of Mendocino Cannabis Program to the County of Mendocino Cannabis Department.

**Alternative Action/Motion:**

Provide staff with alternative guidance.

**Does This Item Support the General Plan?** N/A

**Supervisory District:** All

**vote requirement:** Majority

**Supplemental Information Available Online At:** N/A

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**Item #: 3c)**

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**Fiscal Details:**

**source of funding:** N/A

**current f/y cost:** N/A

**annual recurring cost:** N/A

**budget clarification:** N/A

**budgeted in current f/y:** N/A

**if no, please describe:**

**revenue agreement:** N/A

**Agreement/Resolution/Ordinance Approved by County Counsel:** N/A

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**CEO Liaison:** Judy Morris, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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**Executed By:** Deputy Clerk

**Date:** Date Executed

**Final Status:**Item Status

**Executed Item Type:** item **Number:**



# Mendocino County Board of Supervisors Agenda Summary

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**Item #:** 4a)

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**To:** Board of Supervisors

**From:** Supervisor Haschak

**Meeting Date:** March 2, 2022

**Department Contact:** Supervisor Haschak

**Phone:** 463-4441

**Item Type:** Regular Agenda

**Time Allocated for Item:** 1 Hour

**Agenda Title:**

Discussion and Possible Action Including Direction for County Counsel to Work with Mendocino Cannabis Program Staff in Adopting Changes as Needed to Section 10A.17.080 and 10A.17.090 and/or Tax Ordinance Chapter 6.32 for the Purpose of Extending Non-Cultivation and Stay of Permit for Cannabis Cultivators (Sponsor: Supervisor Haschak)

**Recommended Action/Motion:**

Direct County Counsel to work with Mendocino Cannabis Program staff to adopt changes as needed to Section 10A.17.080 and 10A.17.090 and/or Tax Ordinance Chapter 6.32 for the purpose of extending non-cultivation and stay of permit for cannabis cultivators.

**Previous Board/Board Committee Actions:**

The Board of Supervisors adopted the Cannabis Ordinance known as Chapter 10A.17 in 2017, and Tax Ordinance Chapter 6.32 on August 2, 2016.

**Summary of Request:**

The current ordinance only allows for non-cultivation in 1 out of every 5 years and does not allow any ability to sell product from previous harvests or maintain genetic material. The cannabis industry is experiencing a dramatic loss in market value resulting in cultivators desiring to not cultivate until there is a change in the market conditions. The current drought also forces many cultivators to not cultivate. This urgency ordinance would allow cultivators to not cultivate while attempting to sell unsold product and maintain their genetic plant material.

**Alternative Action/Motion:**

Provide alternative direction.

**Does This Item Support the General Plan?** Choose an item.

**Supervisory District:** All

**vote requirement:** Majority

**Supplemental Information Available Online At:** N/A

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**Item #: 4a)**

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**Fiscal Details:**

**source of funding:** N/A

**current f/y cost:** N/A

**annual recurring cost:** N/A

**budget clarification:** N/A

**budgeted in current f/y:** N/A

**if no, please describe:**

**revenue agreement:** N/A

**Agreement/Resolution/Ordinance Approved by County Counsel:** N/A

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**CEO Liaison:** Judy Morris, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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**Executed By:** Deputy Clerk

**Date:** Date Executed

**Final Status:**Item Status

**Executed Item Type:** item **Number:**



# Mendocino County Board of Supervisors Agenda Summary

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**Item #:** 4b)

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**To:** Board of Supervisors

**From:** Supervisor Haschak and Supervisor McGourty

**Meeting Date:** March 2, 2022

**Department Contact:** Supervisor Haschak

**Phone:** 463-4441

**Department Contact:** Supervisor McGourty

**Phone:** 463-4441

**Item Type:** Regular Agenda

**Time Allocated for Item:** 1 Hour

**Agenda Title:**

Discussion and Possible Action Including Direction to Staff to Create an Appeal Process for Cannabis Application Denials and Return to the Board of Supervisors before May 1, 2022  
(Sponsors: Supervisor Haschak and Supervisor McGourty)

**Recommended Action/Motion:**

Direct staff to create an appeal process for cannabis application denials, and return to the Board of Supervisors before May 1, 2022.

**Previous Board/Board Committee Actions:**

Adoption of Chapter 10A.17.

**Summary of Request:**

The vast majority of the cannabis applications going into the portal which closed on November 2 have been marked as having at least one requirement incomplete. The portal will re-open for a 30 day period. The cannabis program is only giving these re-submitted applications one review. If it is deemed incomplete after that review, the application will be denied. In these hundreds of cases, there will certainly be a sizable number that feel that they have done everything possible to complete the application in the portal yet issues around technology, standards and guidelines that have been misunderstood or mistakenly reviewed, reliance on third party consultants or agencies have caused the application to be deemed incomplete. Complete applications may also be denied for non-compliance with Chapter 10A.17.

There will be those who are denied and feel that they have a reason that they should not be denied. Some will seek a legal remedy if not given the chance to have an appeal process. The creation of an appeal process will provide an opportunity for review of the reasons for denial of an application.

The cannabis ad hoc recommends that the MCP work with County Counsel in developing an appeal process for these cases. The cannabis ad hoc would like direction to be given by the Board of Supervisors on two particular points: (1) whether a fee should be charged for full cost recovery of the cost of the appeal, and (2) should cultivation be permitted to continue while the appeal is being processed.

**Alternative Action/Motion:**

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**Item #: 4b)**

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Provide alternative direction to staff.

**Does This Item Support the General Plan?** Yes

**Supervisory District:** All

**vote requirement:** Majority

**Supplemental Information Available Online At:** N/A

**Fiscal Details:**

**source of funding:** n/a

**current f/y cost:** n/a

**annual recurring cost:** n/a    **revenue agreement:**

N/A

**budget clarification:** n/a

**budgeted in current f/y:** N/A

**if no, please describe:**

**Agreement/Resolution/Ordinance Approved by County Counsel:** N/A

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**CEO Liaison:** Judy Morris, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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Executed By: Deputy Clerk

Date: Date Executed

Final Status: Item Status

Executed Item Type: item    Number: