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DISTRICT 4  
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DISTRICT 5



DARCIE ANTLE  
CHIEF EXECUTIVE OFFICER  
CLERK OF THE BOARD

CHRISTIAN M. CURTIS  
COUNTY COUNSEL

**MENDOCINO COUNTY**  
**BOARD OF SUPERVISORS AGENDA**  
**SPECIAL MEETING**  
**May 22, 2023 - 1:30 PM**

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Meeting Location(s): 501 Low Gap Road, Room 1070, Ukiah, CA. 95482 (Board Chambers)  
778 S. Franklin Street, Fort Bragg, CA. 95437 (Seaside Conference Room)

Supervisors McGourty, Mulheren, and Haschak will be meeting in person at the Board of Supervisors Chambers in Ukiah. Supervisors Gjerde and Williams will be meeting in person at the Seaside Conference Room in Fort Bragg.

Zoom Link: <https://mendocinocounty.zoom.us/j/89334471431>

Zoom Phone Number (if joining via telephone): 1 669 900 9128 ; Zoom Webinar ID: 893 3447 1431

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.

**1. OPEN SESSION (PLEDGE OF ALLEGIANCE AND ROLL CALL 1:30 P.M.)**

*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.*

**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 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*

**3. REGULAR CALENDAR**

**3a) Discussion and Possible Action Including Approval of the Cannabis Department's Request to File a Local Jurisdiction Assistance Grants Program (LJAGP) Budget and Scope of Work Amendment (Sponsor: Cannabis)**

*Recommended Action:*

*Approve the Cannabis Department's request to file a local Jurisdiction Assistance Grants Program (LJAGP) budget and scope of work amendment.*

**Attachments:** [Staff Memo - LJAG Amendment FINAL - JB II](#)

[LJAG Scope of Work - JB](#)

[LJAG Revised Budget - JB](#)

[05-19-23 REVISED LJAG Scope of Work](#)

- 3b) **Discussion and Possible Action Including Approval of Agreement with Ascent Environmental, Inc., for up to \$5,000,000 in Environmental Planning Services from the Effective Date of the Agreement through December 31, 2024**

**(Sponsor: Cannabis)**

Recommended Action:

*Approve agreement with Ascent Environmental, Inc., for up to \$5,000,000 in environmental planning services from the effective date of the agreement through December 31, 2024; and authorize Chair to sign same.*

Attachments: [Agreement 23-074](#)  
[Exception to Bidding Request](#)

- 3c) **Discussion and Possible Action Including (1) Adoption of Resolution Adopting an Addendum to the Previously Adopted Mitigated Negative Declaration for Amendments to Mendocino County Code Chapters 10A.17 and 20.242 to Streamline Cannabis Cultivation Permitting Processes and Approving an Amended Mitigation Monitoring and Reporting Program; and (2) Adoption of an Urgency Ordinance Amending Chapter 10A.17 - Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 - Cannabis Cultivation Sites to Streamline Cannabis Cultivation Permitting Processes (Sponsors: County Counsel and Cannabis)**

Recommended Action:

*Adopt (1) resolution adopting an addendum to the previously adopted mitigated negative declaration for amendments to Mendocino County Code Chapters 10A.17 and 20.242 to streamline cannabis cultivation permitting processes and approving an amended mitigation monitoring and reporting program; (2) adopt urgency ordinance amending Chapter 10A.17 - Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 - Cannabis Cultivation Sites to streamline cannabis cultivation permitting processes; and authorize Chair to sign same.*

Attachments: [Cannabis Streamlining - Ordinance - Redline and Highlight](#)  
[Cannabis Streamlining - Ordinance](#)  
[Cannabis Streamlining - CEQA Resolution Addendum and Amended MMRP](#)  
[Cannabis Streamlining - Amended MMRP - redline](#)  
[Ordinance Summary - Cannabis Streamlining](#)

#### **4. MODIFICATIONS TO AGENDA**

*Items added to the agenda subsequent to agenda publication, up to 72 hours in advance of the meeting, pursuant to Government Code section 54954.*

#### **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.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:** May 22, 2023

**Department Contact:** John Burkes

**Phone:** 707-234-6680

**Item Type:** Regular Agenda

**Time Allocated for Item:** 1 Hour

**Agenda Title:**

Discussion and Possible Action Including Approval of the Cannabis Department's Request to File a Local Jurisdiction Assistance Grants Program (LJAGP) Budget and Scope of Work Amendment (Sponsor: Cannabis)

**Recommended Action/Motion:**

Approve the Cannabis Department's request to file a local Jurisdiction Assistance Grants Program (LJAGP) budget and scope of work amendment.

**Previous Board/Board Committee Actions:**

On October 5, 2021, the Board of Supervisors directed staff to prepare an application for up to \$18,084,837.00 in Local Jurisdiction Assistance Grant Program (LJAGP) funding, and to bring the completed application back to the Board of Supervisors for review and approval at the October 26, 2021, Board of Supervisor's meeting.

On November 9, 2021, the board approved the submission of the Local Jurisdiction Assistance Grant Program application; and authorized the Cannabis Program Manager, or Department Head, to execute the grant agreement on behalf of the County of Mendocino should the grant be awarded.

**Summary of Request:**

County of Mendocino Cannabis Department staff requests that the Board of Supervisors authorize the Cannabis Department Director to file the Local Jurisdiction Assistance Grants Program (LJAGP) budget and scope of work amendment referenced above.

The proposed budget amendment would provide funding for the following expenses: a portion of the salaries of all currently allocated staff providing direct technical assistance and indirect administrative assistance with administering the LJAGP, increased contract planning services and related support, expenses associated with the implementation of Accela, maintaining TRAKiT licenses, field and remote inspection technology, a direct grant program, and contracting services to perform an Environmental Impact Report.

**Alternative Action/Motion:**

Provide alternate direction.

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

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**Item #: 3a)**

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**Strategic Plan Priority Designation:** An Effective County Government

**Supervisorial District:** All

**vote requirement:** Majority

**Supplemental Information Available Online At:**

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

**Fiscal Details:**

**source of funding:** Local Jurisdiction Assistance Grant    **budgeted in current f/y:** Yes

**current f/y cost:** \$942,248.37

**if no, please describe:**

**annual recurring cost:** N/A

**revenue agreement:** No

**budget clarification:** N/A

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

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**CEO Liaison:** Cherie Johnson, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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Executed By: Atlas Pearson, Senior Deputy Clerk

Final Status: **Approved**

Date: May 22, 2023





**COUNTY OF MENDOCINO  
CANNABIS DEPARTMENT**

125 EAST COMMERCIAL ST  
WILLITS CALIFORNIA · 95490

PHONE: 707-234-6680

[cannabisprogram@mendocinocounty.org](mailto:cannabisprogram@mendocinocounty.org)  
<https://www.mendocinocounty.org/departments/cannabis-department>

DATE: May 22, 2023  
TO: Honorable Board of Supervisors  
FROM: The Cannabis Department  
RE: Local Jurisdiction Assistance Grant Amendment Request

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**MEMORANDUM**

**BACKGROUND**

The Local Jurisdiction Assistance Grant Program (“LJAGP”) was proposed by Governor Newsom in the 2021-2022 budget and passed by the Legislature providing funding to local jurisdictions to aid in transitioning the high number of provisional cannabis licenses into annual licenses. On September 14, 2021, the Department of Cannabis Control (“DCC”) released draft LJAGP guidelines and announced that eligible jurisdictions could submit applications from October 8, 2021 to November 15, 2021.

On October 5, 2021, the Board of Supervisors (“Board”) directed staff to prepare an application for up to \$18,084,837 in LJAGP funding, and to bring the completed application back to the Board for review and approval at the October 26, 2021 Board meeting.

On November 9, 2021, the Board approved the submission of the Local Jurisdiction Assistance Grant Program application; and authorized the Cannabis Program Manager, or Department Head, to execute the grant agreement on behalf of the County of Mendocino should the grant be awarded.

The awarded LJAGP budget, totaling \$17,586,406.62, is broken into four (4) primary expense categories that include:

- A. Direct Technical Assistance Costs – Personnel, includes expenses related to personnel that will provide direct technical assistance to the intent of the grant program. Personnel refers to full-time County staff.
- B. Direct Technical Assistance Costs – Other, includes expenses related to the direct support of the grant program, such as contract planning services.
- C. Indirect/Administrative – Personnel, includes expenses related to personnel that will provide indirect/administrative assistance to the intent of the grant program.
- D. Indirect/Administrative – Other, includes expenses related to the indirect/administrative support of the grant program.

On March 14, 2023, the Board directed staff to prepare an environmental document and ordinance to remove or streamline the requirements for issuance of local permits for cannabis cultivation while retaining all substantive legal restrictions and environmental protection measures for state licensed operators. In a letter that accompanied the Board agenda item, the DCC stated;

*“The Department is prepared to collaboratively engage with the County to address longstanding challenges confronting the County’s legacy operators and California’s legal market. This includes assessing inefficiencies under existing procedures for compliance with the California*

## Local Jurisdiction Assistance Grant Amendment Request

*Environmental Quality Act (CEQA), and identifying a way by which the Department could (with the County's assistance) lead revitalized efforts to ensure timely compliance with CEQA for provisional license holders. Likewise, streamlining local permit decisions will provide greater clarity, sooner, to support enforcement of state and local law."*

### REVISED BUDGET / SCOPE OF WORK

The revised budget would provide funding for the following expenses: a portion of the salaries of all currently allocated staff providing direct technical assistance and indirect administrative assistance with administering the LJAGP, increased contract planning services and related support, expenses associated with the implementation of Accela, maintaining TRAKiT licenses, field and remote inspection technology, a direct grant program, and and contract services for the preparation of an Environmental Impact Report.

The revised scope of work would incorporate the expenses above as action items with their respective intended outcomes, to then be implemented by the Department. These action items are designed to streamline the efforts of the Department and partner agencies, convert provisional State licenses into annual State licenses, and provide much needed assistance to cultivators in our community.

### RECOMMENDATION

Approval of the Cannabis Department's request to file a local Jurisdiction Assistance Grants Program (LJAGP) budget and scope of work amendment with the Department of Cannabis Control.





# County of Mendocino Local Jurisdiction Assistance Grant Program Scope of Work

## Executive Summary

The County of Mendocino Cannabis Department (“MCD”) issues local authorization via a local regulatory structure that will operate in conformance with State licensing requirements for commercial cultivation and nursery operations of cannabis in the unincorporated area of the County. ~~permits all aspects of the commercial cannabis supply chain~~ The Mendocino Cannabis Cultivation Regulation (“MCCR”) is comprised of two complimentary chapters of the Mendocino County Code of Ordinances (“MCC”). The Mendocino Cannabis Cultivation Ordinance is found in MCC Sec. 10A.17<sup>1</sup> and the Cannabis Cultivation Sites chapter found in the Mendocino County Zoning Code under MCC Ch. 20.242<sup>2</sup>. ~~permitting of commercial cannabis businesses is regulated by two separate ordinances. The Mendocino Commercial Cannabis Regulations (MCCR) is implemented by the Mendocino Cannabis Program Department (Program) and~~

The Mendocino County Treasurer Tax Collector (“TTC”) issues a revocable, limited-term grant of permission to operate a cannabis processing, manufacturing, testing, retailing/dispensing, distributing, and/ or microbusiness within the County via issuance of a Cannabis Facility Business License (“CFBL”). The governing Code Section for CFBL’s can be found in MCC Ch. 6.36<sup>3</sup>.

Through the CFBL application process, the Mendocino County Planning and Building Services Department (“PBS”) regulates the processing, manufacturing, testing, dispensing, retailing, and distributing of cannabis within the unincorporated areas of Mendocino County. The Cannabis Facilities Code (“CFC”) ~~the Facilities Ordinance implemented by the Mendocino Planning and Building Services Department. The MCCR established a permitting pathway for cultivation and nursery operations. The Facilities Ordinance~~ established a permitting pathway for all non-cultivation aspects of the supply chain and can be found in MCC Sec. 20.243<sup>4</sup>.

This amended grant application will outline how the grant funds will be used going forward to support both the MCCR and the CFC in transitioning state provisional licenses to annual licenses. The primary objective is to aid Mendocino cultivators with provisional licenses in completing California Environmental Quality Act (“CEQA”) compliance requirements necessary to achieve annual licensure with a secondary objective of expeditiously reviewing provisional licensee local requirements. With these objectives in mind, MCD will use the remaining balance of funds for ~~This grant application covers~~

<sup>1</sup>[https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT10AAG\\_C\\_H10A.17MECACUOR](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT10AAG_C_H10A.17MECACUOR)

<sup>2</sup>[https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT20ZOOR\\_DIVIMECOZOCO\\_CH20.242CACUSI](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20ZOOR_DIVIMECOZOCO_CH20.242CACUSI)

<sup>3</sup>[https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT6BULIRE\\_CH6.36CAFABU](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT6BULIRE_CH6.36CAFABU)

<sup>4</sup>[https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT20ZOOR\\_DIVIMECOZOCO\\_CH20.243CAFA](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20ZOOR_DIVIMECOZOCO_CH20.243CAFA)

~~the programs run by both departments and intends to make the~~ direct grant opportunities included herein available to all commercial cannabis applicants and permit holders operating within the unincorporated area of Mendocino County. These grant opportunities will further support the transition of provisional licenses (including equity licensees) to annual licenses by supporting the environmental compliance required to obtain an annual license, such as preparation of CEQA documents and implementation of mitigation measures. ~~The Program~~

~~Additionally, since the Program regulates cultivation and nursery operators, which represents the vast majority of provisional license holders in the County, the needs statement, and goals statement primarily include the needs of the Program.~~

Finally, it is the intention of the County to transfer the regulatory and CFBL application and permitting responsibilities of PBS to MCD ~~the MCP (“Program”)~~ in Q3 or Q4 of the ~~2021/2022~~ 2024-2025 fiscal year.

~~On April 4, 2017, the Board of Supervisors adopted two ordinances regulating commercial cannabis cultivation in the unincorporated areas of the County of Mendocino. Chapter 10A.17 is known and may be cited as the Mendocino Cannabis Cultivation Ordinance (“MCCO”).~~

~~Chapter 20.242 of the County Code, titled Cannabis Cultivation Sites, is complementary to the MCCO and together the chapters may be cited as the Mendocino Cannabis Cultivation Regulations (“MCCR”).~~

## Program Description

To address the environmental impacts associated with commercial cannabis cultivation in the County of Mendocino, a CEQA compliant initial study was prepared for the MCCR. Based on the recommendations of the initial study, the Mendocino County Board of Supervisors (“BOS”) adopted a Mitigated Negative Declaration<sup>5</sup> (“MND”) on March 21, 2017.

On March 14, 2023, the BOS directed staff to prepare a new environmental document and ordinance revision to streamline the requirement for issuance of a local permit for cannabis cultivation while retaining all substantive legal restrictions and environmental protection measures for state licensed operators. The new environmental document will be an Environmental Impact Report (“EIR”) and shall supplement the MND.

The revised, or “streamlined”, ordinance will move the permit-based regulatory structure for cultivation and nursery operations into a Mendocino County Cannabis Cultivation Business License (“CCBL”) which will be issued to persons cultivating cannabis in the unincorporated area of Mendocino County pursuant to the regulations in MCCR.

The primary objective of the MCCR is to allow the commercial cultivation of cannabis in locations that are consistent with the intent of the base zoning district, and to help ensure that its cultivation and related activities will not create adverse impacts to the public health, safety, and welfare of the residents of the County. ~~The MCCR applies only to those Persons who obtained an annual permit or are in the application process for an annual permit during the Phase One and Two Permit Phase.~~

~~The Mendocino County Cannabis Program (“Program”) was originally administered by the Agricultural Commissioner and was moved to Planning and Building Services (PBS) in 2019. In April 2021, the Program was moved from PBS to its own building and transitioned into a stand-alone Department.~~

### PERMIT TYPES

~~The MCCR permits the commercial cultivation of flowering cannabis plants as well as nursery and seed production. The square footage of a cultivation area that is dedicated solely to the propagation of starts,~~

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<sup>5</sup><https://www.mendocinocounty.org/government/cannabis-cultivation/ceqa-information-cannabis>

is not included when measuring the cumulative total square footage allowed under a given Permit and must not constitute any new disturbance.

The MCCR, Permits the following “Types” of cultivation.

- Type C, Small Outdoor: up to 2,500 square feet
- Type C-A, Small Indoor: up to 2,500 square feet
- Type C-B, Small Mixed Light: up to 2,500 square feet
- Type 1, Medium Outdoor: 2,501 – 5,000 square feet
- Type 1A, Small Indoor: 2,501 – 5,000 square feet
- Type 1B, Small Mixed Light: 2,301 – 5,000 square feet
- Type 2, Large Outdoor: 5,001 – 10,000 square feet
- Type 2A, Large Indoor: 5,001 – 10,000 square feet
- Type 2B, Large Mixed Light: 5,0001 – 10,000 square feet
- Type N, Nursery

More information about the permit types, can be found in the attachments, MCCR Permit Types, page 4.

## PHASE ONE PERMITS

Phase One Permits are ministerial permits and were originally issued by the Agricultural Commissioner. Only persons able to show proof of prior cultivation were allowed to apply for a Phase One Permit.

“Proof of Prior”, or “Proof of Prior Cultivation” means proof of cultivation prior to January 1, 2016. Applications for Phase One Permits were accepted during the following periods:

- May 4, 2017, to December 31, 2018, and
- April 1, 2019, to October 4, 2019.

Applicants with proof of prior cultivation at locations not eligible for a Phase One Permit pursuant to the MCCR, were allowed to apply for a Phase One Permit on a Relocation Site. Additionally, Phase One applicants are allowed to expand the scale of the original cultivation site described in the proof of prior cultivation to the maximum square footage allowed on that property, this includes the ability to add a nursery.

## PHASE TWO PERMITS

Phase Two Permits are ministerial permits and were originally issued by the Agricultural Commissioner. Phase Two Permits do NOT require proof of prior cultivation. The application period for Phase Two Permit applications opened on January 1, 2018, and may still be applied for. Phase Two Permits are available for Type C-A Small Indoor, Type 1A Medium Indoor, and 2A Large Indoor as well as Type C-B Small Mixed Light, 1B Medium Mixed Light, and 2B Large Mixed Light so long as the mixed-light cultivation occurs in a greenhouse equipped with filtered ventilation systems. Cultivation in a hoop house is prohibited. Phase Two Permits are limited to industrially zoned parcels.

## PERMIT LIMITATIONS

Permit Density. A person may apply for and obtain a maximum of two (2) Permits at any given time. Permit shall be granted at a maximum density of one (1) Permit per legal parcel; provided, however, that:

- A Person may obtain two (2) separate Permits for different permit types on a single legal parcel if the total square footage of the two (2) permits does not exceed the largest maximum square footage permitted on a parcel for the relevant zoning district. A person who applies for and obtains a Type 4 Permit in combination with any other Permit, shall not exceed a total square footage of twenty two (22,000) square feet per legal parcel, of which not more than ten thousand (10,000) square feet may be grown to maturity and entered into the Track and Trace system for commercial use. Plants may be grown to maturity by a Type 4 Permit holder for seed

production or genetic expression where the mature flowers are destroyed and not used for commercial purposes.

- A Person may apply for one (1) Permit of a single size (e.g., Type C, Type 1, or Type 2) that may include any combination of all three (3) cultivation types (e.g., indoor, outdoor, mixed-light).
- A Person may obtain one (1) Permit for multiple legal parcels, as long as the parcels are contiguous and under the same ownership. Should the Person sell any of the parcels subject to the Permit, subsequent permits shall be required to modify the cultivation site to adhere to required setbacks.

## GENERATORS

Indoor and mixed-light cultivation of cannabis shall not rely on a generator as a primary source of power. If no grid power source is available and there is not an alternative power source supporting both any required legal dwelling unit and the indoor or mixed-light permit operations, a generator may be used only under the following conditions:

- The permittee shall install an alternative power source that will meet at least on-half (1/2) of the combined power requirements by the expiration date four (4) years from the date of the initial application for a permit pursuant to the MCCR, and
- It will be a condition of the renewal of a permit at the end of such four (4) year period that the cultivator commit, in writing, to expand their alternative power source to fully meet the combined needs of the cultivation operations and may require a legal dwelling unit within two years.

## INSPECTIONS

All applicants shall be subject to and shall facilitate an initial on-site pre-permit inspection and all Permittees shall be subject to and facilitate at least one (1) annual on-site compliance inspection (Type 4 Permits shall be subject to two (2) on-site compliance inspections annually, which shall serve as the inspection required to be performed prior to any renewal of the Permit, with additional inspections as required by the MCCR or as deemed necessary by the Program. All inspections will be scheduled with at least twenty-four (24) hours advance notice to the applicant or Permittee, and shall be conducted during regular business hours. Cancellation of scheduled inspections without the notice of the Program Director shall result in the Permittee being invoiced for the actual travel time and mileage incurred by the Program.

## PROHIBITION ON TREE REMOVAL

Removal of any commercial tree species as defined by Title 14 California Code of Regulations 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing a cannabis cultivation site is prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to address safety or disease concerns.

## PHASE ONE AND PHASE TWO APPLICATION REQUIREMENTS

The following application and permitting requirements apply to locally authorized Phase One and Phase Two commercial cannabis cultivators and nursery operators located within the unincorporated area of the County. More information about application requirements can be found in the attachments, Phase One and Phase Two Application Requirements, page 3.

## GENERAL SITE INFORMATION

Required for all Permits:

- Applicant Information including name, mailing address, phone number, and email.
- Cultivation Site Information including AG\_Number (file number is assigned upon application acceptance), APN, and site address,
- Project specific information including a Cultivation Permit Application, Cultivation & Operations Plan, Structures List, Site Plan, Employee List with Government Issued IDs and MCSO Live Scans, Valid Sellers Permit, and Department of Cannabis Control State License.

Required if applicable-

- ~~Agent Consent Form,~~
- ~~Property Owner Consent Form, and~~
- ~~Business Formation Documents,~~

## Environmental Compliance

### Cultivation and Nursery Operations (CCBL)

MCD staff review applicable environmental documentation, which may include:

*Phase One*<sup>6</sup> *CCBL's* – Required documents and measures for all Phase One CCBL's ~~Relocation Permits~~ that are requesting to relocate the cultivation site:

- Relocation Worksheet,
- Relocation Remediation Plan,
- Relocation Remediation Evidence, and
- Relocation Water Availability Analysis.

*Phase Two CCBL's* – Required document: ~~Permits~~.

- Indoor Industrial Cultivation Questionnaire

### ~~Environmental Compliance Documentation~~—

*All CCBL's* – Required documents and measures if applicable to the project: ~~Permits~~.

- EnviroStor / Cortese List review,
- California Department of Fish and Wildlife (“CDFW”) Lake and Streambed Alteration Agreement,
- State Water Resources Control Board - ~~General Order~~,
  - Permit, license or registration, and the annual filing of a statement of diversion and use of surface water from a stream, river, underground stream, or other watercourse pursuant to Water Code Section 5101,
  - General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009- 0009-DWQ (clearing, grading and disturbances),
- North Coast Regional Water Quality Control Board (“NCRWQCB”) -
  - Establish and maintain enrollment in Tier 1, 2 or 3 with NCRWQCB Order No. 2015-0023,
  - CWA Section 401 water quality certification (for activities that involve construction and other work in Waters of the United States, that are not otherwise exempt or excluded, including streams and wetlands),
- Army Corps of Engineers -
  - Clean Water Act (CWA) Section 404 permit,
- Generator Management -
  - Leak prevention containment structure description within the cultivation and Operations plan,
  - Generator Maintenance Plan,
  - Generator Noise Analysis,
- ~~Verification of~~
- Legal Water Source Verification –

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<sup>6</sup>[https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT10AAG\\_C\\_H10A.17MECACUOR\\_S10A.17.080PEPHRESPEAPH](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT10AAG_C_H10A.17MECACUOR_S10A.17.080PEPHRESPEAPH)

- Watershed assessment (If using surface water in Phase III) consist of an established "In Stream Flow Policy" as prepared by the State Water Resources Control Board Division of Water Rights or an equivalent document approved by that agency.
- Small Irrigation Use Registration, ~~(if applicable),~~
- Appropriative Water Right, ~~(if applicable),~~
- Will Serve Letter, ~~(if applicable),~~
- Well Completion Report, ~~(if applicable),~~
- Well Permit, ~~(if applicable),~~
- Pond Permit, ~~(if applicable)~~
- Mendocino County Air Quality Management District ("MCAQMD") –
  - Questionnaire<sup>7\*</sup>,
  - Filtered ventilation system permit, and
- Sensitive Species Habitat Review<sup>8</sup> ("SSHR")

## SECTION 15168 REVIEW (APPENDIX G CHECKLIST)

~~The Section 15168 Review is known and may be cited as the Appendix G Checklist... The purpose of the checklist is to show that the proposed cultivation site fits within the parameters of the MCCR. Phase One and Phase Two annual permit holders are required to complete the Appendix G Checklist and to submit the completed document, along with supporting materials, to the Program for review and certification. Phase One and Phase Two applicants who have not yet been issued an annual permit are NOT eligible to submit Appendix G Checklist materials.~~

~~Annual permit holders must also have completed both the Sensitive Species Habitat Review and the MCAQMD Questionnaire referral processes, as required by the MCCR, and must have a valid State cultivation license or verification from the licensing authority that an application for an annual license is pending review, to be eligible to submit the Appendix G Checklist.~~

~~There are multiple application requirements identified above that are relevant to the Appendix G Checklist. These materials and any associated referral response from outside agencies, should be considered when preparing the Appendix G Checklist, and included in the supporting materials.~~

### Non-Cultivation Cannabis Facilities (CFBL)

All non-cultivation cannabis facilities in the County of Mendocino require, at minimum, issuance of a CFBL. These facilities are not required by the local jurisdiction to go through an environmental review because it is a ministerial process and is exempt from the requirements of the CEQA pursuant to Public Resource Code Section 21080(b)(1). Additionally, ministerial actions, such as the review and approval of a cannabis facilities business license, are considered a Statutory Exemption under California Code of Regulations Section 15268(b).

~~The issuance of local permits for commercial non-cultivation cannabis activities are guided and regulated by Mendocino County Code Sections 6.36 and 20.243 which cover business and tax regulations and land use regulations, respectively. The commercial non-cultivation cannabis activities permitted in Mendocino County include the following State types and may be referred to wholly as "cannabis facilities":~~

- Processing
- Type 6: Manufacturing Level 1
- Type 7: Manufacturing Level 2
- Type 8: Testing Laboratories

<sup>7</sup><https://www.mendocinocounty.org/home/showpublisheddocument/54679/63806024742760000>

<sup>8</sup><https://www.mendocinocounty.org/government/cannabis-cultivation/sensitive-species-habitat-review>

- ~~Type 10: Retailer~~
- ~~Type 11: Distributor~~
- ~~Type 12: Microbusiness~~
- ~~Type N: Infused~~
- ~~Type S: Shared Use Facility~~
- ~~Type P: Packaging and Labeling~~

~~It should be noted that Type S licenses are permitted in Mendocino County as a sub-type of Manufacturing Level 1; Type N licenses are permitted in Mendocino County as a sub-type of Manufacturing Level 1; Type P licenses are permitted in Mendocino County as Processing.~~

~~An applicant would submit a completed Cannabis Facilities Business License (“CFBL”) Application to the Mendocino County Treasurer-Tax Collector’s Office (“TTC”) and pay all associated fees related to that application. The application contains forms from various local agencies that review the proposed project to determine if the proposed is consistent with that agency’s code, regulations, and requirements. The forms of the application that are required for submittal for a CFBL include:~~

- ~~Cannabis Facilities Business License Application cover page~~
- ~~Distribution Questionnaire~~
- ~~Business License Building Review Questionnaire~~
- ~~Cannabis Facilities Business License Planning Questionnaire~~
- ~~Environmental Health Questionnaire~~
- ~~Air Quality Permit Checklist~~
- ~~Request for Live Scan Service~~
- ~~Acknowledgment of State License Requirement~~
- ~~Property Owner Consent Form (if applicable)~~

~~The application is scanned and added to the license tracking software known as “TRAKiT” for recording keep and project reviewing purposes.~~

The CFBL application is ~~then~~ reviewed by PBS and the Mendocino County Public Health Division of Environmental Health to ensure compliance with all land use, zoning, building code, and environmental health regulations.

Simultaneously, the TTC communicates with the Mendocino County Air Quality Management District to determine if additional action is required after a review of the applicant submitted ~~the~~ Air Quality Permit Checklist. ~~completed by the applicant, indicates that action by said agency is required.~~

During the review, the Planning Division determines if any additional permits are required beyond the CFBL. If a discretionary Land Use Permit (Administrative Permit, Minor Use Permit, Major Use Permit) is required, the CFBL is placed on hold and the discretionary Land Use Permit must be obtained. ~~and it is~~ During this process, ~~that~~ the CEQA compliance measures are identified. ~~completed.~~ Should no discretionary permit be required, the Planning Division awaits approvals from all three local division agencies. Once all approved, the Planning Division informs the TTC that the application is approved and ready for issuance.

## ~~MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT (MCAQMD) QUESTIONNAIRE & REFERRAL~~

~~The MCCR requires Program staff to consult with the Mendocino County Air Quality Management District (MCAQD) prior to issuance of a Permit to determine if a permit or other approval by the MCAQMD is necessary. Applicants are required to complete the Questionnaire developed by the MCAQMD to provide a list of objective criteria that allows Program staff to determine if a referral to MCAQMD is necessary for the project.~~

~~The Questionnaire assesses the following criteria:~~

- ~~Diesel engines 50 HP or greater, or multiple engines that total 90 HP or greater,~~

- Non diesel engines 200 HP or greater,
- Generator use including type and HP,
- Drying equipment with exhaust stack and type,
- Gasoline fuel storage tank of 500 gallons or greater
- Boiler/Water heating equipment (individually or cumulatively greater than 5000,000 Btu/hr),
- Grading greater than 1 acre of soil disturbance or road construction/maintenance of 1 mile or more,
- Any process that may generate fumes, dust, smoke, or strong odors,
- Open storage, processing and/or mixing of soil or soil amendments (>500 square feet)
- Composting on-site and size, and
- Open outdoor burning.

The completed Questionnaire is submitted to Program staff, who conducts the initial review. If the applicant answers yes to any of the above questions the form is sent to the Mendocino County Air Quality Management District for referral. Agency responses are considered during the application review and are relevant to the Appendix G Checklist, Section III. Air Quality.

There are an unidentified number of annual permits that were issued by the Agricultural Commissioner that have not yet undergone the MCAQMD referral process. For this reason, all renewal applications are reviewed by staff to ensure this environmental review has been completed. If a renewal applicant has not conducted this referral the applicant is required to do so during the annual permit renewal process.

For more information on the MCAQMD Questionnaire please see attachments page 8.

### SENSITIVE SPECIES HABITAT REVIEW (SSHR)

The MCCR requires that, before the issuance of a cannabis cultivation permit, a cultivation site must be reviewed for sensitive species habitat. This requirement was added to the MCCR pursuant to the Mitigation Measure BIO-1 of the initial study and mitigated negative declaration prepared and adopted for the MCCR permit program. The MCCR also provides that the County shall develop a policy to define an objective set of criteria regarding sensitive species habitat to check applications against and determine if a formal referral to the California Department of Fish and Wildlife (CDFW) is required.

The policy for review and referral was developed after the MCCR permit program was moved from the Agricultural Commissioner, to Planning and Building Services and finalized in 2020.

Because the final policy was developed several years after the implementation of the MCCR, an unknown number of permits were issued without undergoing a sensitive species habitat review. These permits are required to be reviewed during the annual renewal process.

Furthermore the discussion of Mitigation Measure BIO-1 in the initial study provides additional context for the mitigation measure, stating that the mitigation measure is applicable in Phase One of the permit program to “non-contiguous expansion” and relocated sites. Limiting the application of this mitigation measure to non-contiguous expansion of existing cultivation sites and relocated cultivation sites is appropriate given the CEQA concept of the baseline environmental setting. The environmental review of a proposed project must identify the physical environmental conditions as they existed before the project, in order to study what impacts the project will have on those conditions.

For the County’s cannabis cultivation permit program, this would necessarily include those cultivation sites existing prior to the program’s adoptions. Areas contiguous to the existing cultivation sites are more likely to have already been impacted by the existing use of the original cultivation site. Non-contiguous expansion and relocated cultivation sites would more likely mean development of areas not previously affected by an existing cultivation site, and where additional review for sensitive species habitat is appropriate. The initial study did not define either “contiguous” or “non-contiguous”. The County has defined the term “contiguous



expansion” to provide additional clarity to the sensitive species habitat review policy provided for by the MCCR.

More information about Sensitive Species Habitat Review including the Contiguous Expansion Affidavit process and the SSHR Questionnaire process, can be found on the County’s website: <https://www.mendocinocounty.org/government/cannabis-cultivation/sensitive-species-habitat-review>

The SSHR Questionnaire can be found on page 12, and internal review checklist, referred to as Exhibit A, can be found in the attachments on page 15, of the attachments document.

## CONTIGUOUS EXPANSION DEFINITION AND RATIONALE

“Contiguous expansion” means 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 the MCCR, including “cultivation site,” “expansion,” and “plant canopy.”

The distance of two hundred (200) feet was selected because this distance is also used as the buffer area between new residential development and resource zoned parcels, including agricultural parcels. While buffer areas protect one use from another, it can conversely be stated that one or both of the uses affect the area within the buffer. In the context of expansion of a cultivation site, the County is presuming that activities relating to the existing cultivation site have had an impact within two hundred (200) feet of the site. However, note that this definition does not exempt contiguous expansion areas from the other requirements of the MCCR.

## SENSITIVE SPECIES HABITAT QUESTIONNAIRE

Applications that are not eligible to file a Contiguous Expansion Affidavit must submit a completed Sensitive Species Habitat Review Questionnaire (“Questionnaire”). Staff must review the Questionnaire for compliance with the Sensitive Species Performance Standards. If staff determines that one or more performance standards are not met, or one or more performance standards are unknown, the application must be referred to CDFW for final determination before a Permit may be issued pursuant to the MCCR.

Applications subject to referral will not be issued a permit until the referral is completed and a determination has been made that the project will result in less than significant impacts to sensitive species habitat. Additional application materials, biological studies, or reports, and/or inspections may be required during the referral process.

## SENSITIVE SPECIES HABITAT PERFORMANCE STANDARDS

No Notice of Violation (NOV) from CDFW. Staff must review application materials in an effort to determine if the property where the project is located has been issued a NOV from CDFW. If the property has received a NOV from CDFW, staff must consider whether CDFW has provided written verification that verifies the violations has been resolved, or that the violation is in the process of being resolved satisfactorily. Staff must also consider whether issuing the cultivation permit would not risk further impact to public trust resources.

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. Staff knowledgeable about the most common types of FGC violations on cannabis cultivation sites are required to make this assessment based on information in the cannabis application and reference to other site information (e.g., aerial imagery). The 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).

~~Project footprint has not expanded and is not proposed for expansion. Staff must review the cannabis application and reference to other site information (e.g., aerial imagery) to verify that none of the following has occurred beyond what existed on January 1, 2016:~~

- ~~• Grading,~~
- ~~• tree removal, and/or~~
- ~~• vegetation removal~~
- ~~• For projects located on a property with a surface water source, known stream crossings, or other activities subject to Fish and Game Code (FGC) Section 1602. Staff must verify that either:~~
- ~~• The applicant has obtained a final LSAA, verification that an LSAA is not needed, or a valid "operation of law" letter, OR~~
- ~~• If the applicant has not obtained one of the above documents, that the applicants has submitted an LSAA notification.~~

~~If the applicant has not provided a final LSAA, Program staff must verify that a final LSAA, verification that an LSAA is not needed, or a valid operation of law letter has been executed before a Permit may be renewed.~~

~~Project meets the following Streamside Management Area (SMA) standards. Staff must verify that all cultivation areas and structures related to the project are a minimum of one hundred (150) feet from any perennial stream and/or wetlands, and a minimum of 50 feet from intermittent streams. SMAs are measured from the outer edge of the riparian vegetation or top of bank, whichever is greater to the nearest point of the cultivation site or related structure. Staff should verify that all SMAs are identified. Compliance inspections should verify that SMAs are maintained as no-disturbance buffers.~~

~~For projects with existing or proposed ponds. Staff must verify that the applicant has submitted an adequate Bullfrog Monitoring and Management Plan. The plan must be feasible and include sufficient detail. Projects proposing new ponds, or where a pond has been constructed within the past five years, should be referred to CDFW.~~

~~Permanent infrastructure associated with cannabis cultivation is located outside of the 100-year floodplain. Staff must review the project in reference to available information (e.g., aerial imagery) to verify that any permanent infrastructure associated with the project is located outside the 100-year floodplain.~~

~~Project shall completely avoid impacts to oak woodlands (genus Quercus) and provide an adequate protection buffer between oak woodlands and project activities. Staff must review the cannabis application and reference to other site information (e.g., aerial imagery) to verify that the project has not conducted tree removal.~~

~~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. Staff must review the cannabis application and reference to other site information (e.g., aerial imagery) to verify that the cultivation site is not located within 0.25 miles of a known Northern Spotted Owl activity center or forested habitat contiguous with a known activity center.~~

~~For projects using artificial light. Staff must review the cannabis application to identify the use of artificial lighting, including but not limited to supplemental lighting, and security lighting. For projects using any type of artificial lighting the applicant must submit an Artificial Light Management Plan. Staff must review any Artificial Light Management Plan submitted to verify the Plan is:~~

- ~~• Feasible, and~~
- ~~• Include sufficient detail to verify that the project will protect wildlife, and~~
- ~~• That any lights used for the indoor or mixed light cultivation of cannabis will be fully contained within structures, and~~
- ~~• That security lighting is shielded to fully contain any light or glare.~~

For projects using generators and other machinery a noise containment plan has been submitted and approved. Staff must review the cannabis application to identify the use generators or other combustion engine related machinery. If project uses generators and/or combustion engine machinery the applicant must submit a Noise Containment Plan. Staff must review any Noise Containment Plan submitted to verify the Plan is:

- Feasible, and
- Includes sufficient detail showing that the machinery used will not exceed 50 decibels when measured from 100 feet, and
- Includes sufficient detail on containment structures.

To protect fish and wildlife and comply with the State Water Resources Control Board Cannabis Policy. Staff must review the cannabis application to verify that the project will 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 are prohibited from using 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. Any site inspection conducted should verify that compliance with this performance standard is maintained.

No evidence suggests that sensitive natural resources would be impacted by the proposed project. Staff is required to make this assessment based on scoping using the California Native Diversity Data Base (CNDDDB) and other recommended resources, biological assessment or survey reports, or observation of the site.

## PHASE ONE RELOCATIONS RELOCATION WORKSHEET

Relocations were allowed for a specified period of time pursuant to the MCCR and focused on providing Persons with proof of prior cultivation that occurred, or was occurring, on properties otherwise ineligible to apply for Phase One the ability to relocate to an environmentally superior location on an eligible property.

## RELOCATION REMEDIATION PLAN

All Phase One applications for relocation are required to submit a Remediation Plan to the Program for the relocation application to be accepted for consideration. Applicants are required to remediate the original cultivation site pursuant to the accepted Remediation Plan.

## RELOCATION REMEDIATION EVIDENCE

The County shall not issue an annual permit to a relocated site without first verifying that the applicant has provided conclusive evidence the Remediation Plan has been fulfilled.

## WATER AVAILABILITY ANALYSIS (WAA)

A Water Availability Analysis (WAA) is required for relocations to a parcel that is outside the Agricultural zoning district, that are not served by a mutual water company, municipal or private utility, or similar community provider as the sole water source. The County is currently finalizing a formal policy and previously submitted WAAs will be reviewed for adequacy. The WAA was developed as part of the mitigations and performance standards of the initial study and mitigated negative declaration.

## MENDOCINO COUNTY CANNABIS CULTIVATION PERMIT CEQA GUIDELINES SECTION 15168 REVIEW (APPENDIX G CHECKLIST)

Once an annual permit is issued, the permit holder is responsible for completing the Appendix G Checklist and submitting the required materials to the Program for review and certification. The Appendix G Checklist must include a Project Description that is in conformance with the California Department of Food and Agriculture (CDFA) Memorandum dated May 29, 2019, titled "CEQA Practice Recommendations from CDFA for Cannabis Licensing — Project Description Content — Version 2".

~~Program staff must review the Appendix G Checklist and the supplemental material provided to verify the following, before certification may be granted:~~

- ~~• That the information is consistent with the annual permit documentation on file with the Program,~~
- ~~• That the information verifies compliance with the MCCR, and~~
- ~~• That the information provided verifies that the Project will result in less than significant impacts as identified in the initial study and mitigated negative declaration.~~

~~More information about the Appendix G Checklist including the Appendix G Checklist Template, can be found on the County's website:~~

~~<https://www.mendocinocounty.org/government/cannabis-cultivation/ceqa-information-cannabis>~~

### **Administrative Permits**

Cannabis facilities that require an Administrative Permit, in addition to the CFBL, undergo an environmental review after the referral period to Responsible Agencies for comment, and prior to the writing of a project staff report reviewed by the Zoning Administrator. During the environmental review process, the project planner ~~analyses~~ analyzes the proposed cannabis facility to determine what level of environmental review is appropriate for the project. This review entails determining if the project can be considered Categorical Exempt from the requirements of CEQA or if an Initial Study needs to be conducted. If a project is found to fall under a Categorical Exemption, the project planner prepares a Notice of Exemption and files the document with the Mendocino County Clerk. Common exemptions for cannabis facilities include, but are not limited to, Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction), Class 3 (New Construction or Conversion of Small Structures), and Class 11 (Accessory Structures).

If a cannabis facility cannot be considered under a Categorical Exemption, the project planner completes an initial study for the proposed project. Information to conduct the Initial Study includes the submitted application materials, additional surveys, internal Department mapping information, and other sources such as the General Plan or items found during project planner research. Additional survey may be required depending on the level of impacts the proposed project may incur. The initial study helps to determine if a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report ("EIR") is to be prepared. If an Initial Study determines a Negative Declaration or Mitigated Negative Declaration can be adopted, then a Notice of Determination ("NOD") is prepared. The filing of the NOD occurs after any action taken by the appropriate hearing body (Zoning Administrator) and includes the California Department of Fish & Wildlife filing fee.

### **Minor Use Permits**

Cannabis facilities that require a Minor Use Permit, in addition to the CFBL, undergo an environmental review after the referral period to Responsible Agencies for comment, and prior to the writing of a project staff report and public hearing with the Zoning Administrator. During the environmental review process, the project planner ~~analyses~~ analyzes the proposed cannabis facility to determine what level of environmental review is appropriate for the project. This review entails determining if the project can be considered Categorical Exempt from the requirements of CEQA or if an Initial Study needs to be conducted. If a project is found to fall under a Categorical Exemption, the project planner prepares a Notice of Exemption and files the document with the Mendocino County Clerk. Common exemptions for cannabis facilities include, but are not limited to, Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction), Class 3 (New Construction or Conversion of Small Structures), and Class 11 (Accessory Structures).

If a cannabis facility cannot be considered under a Categorical Exemption, the project planner completes an initial study for the proposed project. Information to conduct the Initial Study includes the submitted application materials, additional surveys, internal Department mapping information, and other sources such as the General Plan or items found during project planner research. Additional survey

may be required depending on the level of impacts the proposed project may incur. The initial study helps to determine if a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report (“EIR”) is to be prepared. If an Initial Study determines a Negative Declaration or Mitigated Negative Declaration can be adopted, then a Notice of Determination (“NOD”) is prepared. The filing of the NOD occurs after any action taken by the appropriate hearing body (Zoning Administrator) and includes the California Department of Fish & Wildlife filing fee.

### **Major Use Permits**

Cannabis facilities that require a Major Use Permit, in addition to the CFBL, undergo an environmental review after the referral period to Responsible Agencies for comment, and prior to the writing of a project staff report and public hearing with the Planning Commission. During the environmental review process, the project planner ~~analyzes~~ analyzes the proposed cannabis facility to determine what level of environmental review is appropriate for the project. This review entails determining if the project can be considered Categorical Exempt from the requirements of CEQA or if an Initial Study needs to be conducted. If a project is found to fall under a Categorical Exemption, the project planner prepares a Notice of Exemption and files the document with the Mendocino County Clerk. Common exemptions for cannabis facilities include, but are not limited to, Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction), Class 3 (New Construction or Conversion of Small Structures), and Class 11 (Accessory Structures).

If a cannabis facility cannot be considered under a Categorical Exemption, the project planner completes an initial study for the proposed project. Information to conduct the Initial Study includes the submitted application materials, additional surveys, internal Department mapping information, and other sources such as the General Plan or items found during project planner research. Additional survey may be required depending on the level of impacts the proposed project may incur. The initial study helps to determine if a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report (“EIR”) is to be prepared. If an Initial Study determines a Negative Declaration or Mitigated Negative Declaration can be adopted, then a Notice of Determination (“NOD”) is prepared. The filing of the NOD occurs after any action taken by the appropriate hearing body (Planning Commission) and includes the California Department of Fish & Wildlife filing fee.

## **CCBL’s In compliance (Cannabis Cultivation and Nursery Operations)**

Phase One ~~permit~~ CCBL applications and annual ~~permits~~ CCBL’s issued pursuant to the MCCR are considered “in compliance” and locally authorized if the following ~~Program~~ MCD status has been applied and compliance requirements are met.

### Annual CCBL’s ~~Permit~~

An annual ~~permit~~ CCBL is considered “in compliance” and eligible for local authorization if the following compliance criteria are met, and the annual ~~permit~~ CCBL has one of the assigned MCD ~~following~~ statuses.

*Compliance Criteria* - All annual ~~permits~~ CCBL’s with the status noted below must also meet the following criteria for local authorization to be granted.

*Issued Status* - The Annual ~~Permit~~ CCBL is issued, is valid, and not otherwise expired.

*Notice of Non-Cultivation Status (“NCS”)* - Annual ~~Permit~~ CCBL holders are eligible to submit a NCS instead of a renewal application not more than once in a five-year period. The NCS is valid for no more than 12-months. ~~Program~~ MCD staff may provide local authorization to ensure the ~~permit~~ CCBL Holder is not subject to revocation of a state license during the temporary closure.

*Renewal Incomplete* - The annual ~~permit~~ CCBL is valid, and a renewal application is under review.

## Phase One CCBL Applications

A Phase One CCBL application is considered “in compliance” and eligible for local authorization if the following compliance criteria are met, and the application has the MCD status “Under Review”.

*Compliance Criteria* - All Phase One CCBL application with the status noted below must also meet the following criteria for local authorization to be granted.

- The application is complete, as determined by MCD, ~~the Program~~, and Under Review by ~~Program~~ MCD staff,
- The local authorization request is for the same APN(s) associated with the application,
- The local authorization request is for the same physical address associated with the application, and
- The local authorization request is appropriate for the cultivation type(s) associated with the application.

*Under Review* - the status provided to Phase One CCBL applications that have been determined by ~~Program~~ MCD staff to be complete enough to warrant review.

*Notice of Application Stay (“NAS”)* - Phase One CCBL applicants are eligible to submit a NAS which is a statement of non-cultivation that may last for no more than 12- months. ~~Program~~ MCD staff may provide local authorization to ensure the applicant is not subject to revocation of a state license during the temporary closure.

## CCBL’s Compliance Underway

Phase One ~~Permit~~ CCBL applications and annual ~~permits~~ CCBL’s issued pursuant to the MCCR are considered “compliance under way” and not currently locally authorized if one of the following ~~Program~~ MCD statuses has been applied.

### Annual CCBL’s ~~Permits~~

*Renewal Hold* - The Annual ~~Permit~~ CCBL has been assigned the status of Renewal Hold by ~~Program~~ MCD staff. Renewal Hold status may be placed on an annual permit for the following reasons:

- The ~~permit~~ CCBL expired while the renewal application was under review and MCD staff believes the renewal will be completed within 30 days: or
- ~~Program~~ MCD staff identified, during review of the renewal application, one or more compliance issue(s) that must be resolved before the annual ~~permit~~ CCBL renewal may be approved, and ~~Program~~ MCD staff has reason to believe the compliance issue(s) may be resolved within a timeframe determined by staff.
- The ~~permit~~ CCBL Holder received a potentially disqualifying Notice of Violation that requires referral to an outside agency for determination.

### Phase One CCBL Applications

*Hold* - The Phase One CCBL application has been assigned the status of Hold by ~~Program~~ MCD staff. Hold status may be placed on a Phase One CCBL application for the following reasons:

- The Phase One CCBL application has been identified by ~~Program~~ MCD staff as out of compliance due to an issue that can be remedied during a specified amount of time, or
- ~~Program~~ MCD staff identified, during the application review one or more compliance issue that must be resolved before the application review and ~~Program~~ MCD staff has reason to believe the compliance issue(s) may be resolved within a timeframe determined by staff, or
- The applicant received a potentially disqualifying Notice of Violation that requires referral to an outside agency for determination.

## CCBL's Not in Compliance

There are a number of statuses that may appear in MCD's ~~the County's~~ weekly workbook, shared with the State, that indicate that the CCBL application or ~~permit~~ CCBL is "Not in Compliance". These statuses are as follows.

*Denial* - This status is used for initial and renewal applications and indicates that the application has been denied.

*Canceled* - This status is used for initial applications and annual ~~permits~~ CCBL's when the applicant or ~~permit~~ CCBL Holder is deceased rendering the application or ~~permit~~ CCBL no longer valid.

*Revoked* - This status is used for annual ~~permits~~ CCBL's only and indicates that the County has revoked the annual CCBL. ~~permit~~. In this instance the annual ~~permit~~ CCBL ceases to exist, and there is no opportunity to reinstate the CCBL. ~~permit~~.

*Expired* - This status is used for annual ~~permits~~ CCBL's that have expired and were not renewed. Failure to renew an annual ~~permit~~ CCBL within 30-days of the expiration date permanently expires the annual CCBL. ~~permit~~.

*Sunset Void* - This status may be used for an application or an annual CCBL ~~permit~~. Sunset void means that the location where the applicant or ~~permit~~ CCBL Holder was operating is no longer eligible for the commercial cannabis activity.

*Void* - This status is generally used when ~~Program~~ MCD staff has started an application in error, or to close the origin site associated with a relocation. There was also a brief period of time when MCD ~~Program~~ staff assigned a new numbering system to annual renewals. When this numbering system was discontinued the status on the discontinued ~~permit~~ CCBL numbers was changed to void. There is no way to delete an established application / ~~permit~~ CCBL number out of the County's tracking system so ~~permit~~ CCBL numbering errors are categorized as void.

## CFBL's In Compliance (Non-Cultivation Cannabis Operations)

Cannabis facilities that are considered to be "in compliance" have met all the requirements of the local jurisdiction review and have been issued a CFBL by the TTC. The requirements for the local jurisdiction review includes approvals from PBS, including the Planning Division and Building Division, MCAQMD, and the Division of Environmental Health. Each agency conducts a review of the proposed cannabis facility to ensure compliance with their respective program objectives and responsibilities. The TTC considers a cannabis facility "In Compliance" once all applicable local reviewing agencies have approved their component of the proposed project, and a CFBL is issued indicating local authorization.

## CFBL's Compliance Under Way

Cannabis Facilities that are considered to be "Compliance Under Way" have submitted a complete CFBL Application to TTC. The application has been referred to the appropriate County agencies through the permit tracking software known as "TRAKiT" and have made substantial progress towards compliance, which is typically considered approval by two (2) out of the three (3) local division agencies on TRAKiT (Planning Division, Building Division, and Environmental Health Division). The determination of whether a proposed project has made substantial progress towards compliance is at the discretion of PBS though State processes also help to inform PBS determinations.

Note: TRAKiT is the primary permit software used by the County of Mendocino. Accela implementation will be limited to MCD as of now.

## CFBL's Not in Compliance

Cannabis Facilities that are considered to be “Not in Compliance” are those which have submitted a CFBL Application to TTC. The reason for the proposed project to be considered “Not in Compliance” may include:

- Incomplete application,
- No approval by any local division agency (Planning Division, Building Division, and Environmental Health Division); still “Under Review”, or
- No substantial progress towards compliance (limited approval by local division agencies); still “Under Review”.

Included in the status of “Not in Compliance” are any and all cannabis facilities that operate within the unincorporated areas of the Mendocino County without a CFBL having been submitted to the TTC.

## Statement of Needs

MCD Needs (in priority order):

1. Programmatic Environmental Impact Report
  - To effectively transition provisional license holders to annual license holders, MCD needs the fastest and broadest level environmental review.
2. Accela Software with TRAKiT as support
  - MCD's current software platform, TRAKiT, does not provide all the functions necessary to efficiently manage all the application and CCBL documentation.
3. Additional staff resources
  - MCD is limited in the number of staff and hiring has proven to be challenging. There is a backlog of application and renewal review that must be completed.
4. Technological Upgrades
  - MCD has identified a number of technological upgrades that would greatly expedite our review and analysis efforts.

~~The County of Mendocino implemented the MCCR on May 4, 2017, as a ministerial permitting program administered by the Agricultural Commissioner. The County has a large population of legacy cultivators who had operated prior to January 1, 2016. The Phase One cultivation application process was implemented to allow cultivators that could show they had been cultivating prior to January 1, 2016 to apply for an annual permit and continue cultivating while their application was under review by the Agricultural Commissioner. The first MCCR annual cultivation permits were issued in early 2018.~~

~~In November 2018, the three State licensing authorities released Emergency Regulations pursuant to the Medical and Adult Use Cannabis Regulation Safety Act (MAUCRSA), and over the course of the next year, implemented permanent regulations that required commercial cannabis businesses to undergo site-specific CEQA analysis to qualify for a State-issued annual license. The responsibility for conducting the site-specific CEQA analysis was placed on the local jurisdiction, or the individual applicant. This meant that all MCCR applications and issued annual permits would need to undergo site-specific CEQA analysis, despite the fact that the MCCR, under which all existing applications were submitted and in some cases completed, included no provisions for such an analysis.~~

~~Ministerial permits are Categorically Exempt from CEQA—from the County's perspective, CEQA had been satisfied with the completion of the Programmatic Mitigated Negative~~



Declaration (SCH#2016112028) for the MCCR. Attempting to retrofit the existing regulations to meet the State's bar for site-specific review required significant land-use permitting expertise, and so the County chose to move the MCCR program to the Planning and Building Services (PBS) Department, which regularly processes discretionary permits and is experienced in conducting site-specific CEQA analysis. Additionally, the initial implementation of the program under the Agricultural Commissioner had not included a number of environmental review requirements set forth by the MCCR and the mitigated negative declaration, and an unknown number of annual permits were issued without undergoing these environmental reviews.

In 2019, the MCCR program was formally moved to PBS, and at the direction of the Board of Supervisors, staff began developing the required environmental review policies, digitizing the paper application files transferred from the Agricultural Commissioner, negotiating a site-specific CEQA review policy with the State, and developing a new ordinance that would issue discretionary permits to commercial cannabis cultivation and nursery operations. Bringing existing applications and issued permits up to the current standard has resulted in significant confusion on the part of cultivators and local consultants and the appearance of "moving goalposts." In 2020, with the onset of the COVID-19 pandemic, site inspections ceased, County offices closed to the public, and the County's annual inspection and compliance program was put on hold.

Under the leadership of PBS, Program staff was directed to begin reviewing the approximately 880 Phase One applications for completeness and permit issuance. Applicants with incomplete applications were issued a 30-day Corrections Letter requesting that the application be completed. Complete applications were moved into the processing queue and annual permits began being issued again in early 2021. The 30-day Corrections Letter project was challenged by mediocre applicant response rates, and the volume of files required to complete an application proved hard to manage via email — for both the program and the applicants. The Board of Supervisors directed Program staff to develop an electronic application Portal and establish a limited timeline for applicants with incomplete applications to submit complete applications electronically.

The high volume of Phase One applications and annual permits in need of review posed challenges to staffing resources and facilities space within PBS. In the spring of 2021, the Board of Supervisors amended the Cannabis Manager position, appointed new leadership, and established the Cannabis Program Department, outside the aegis of PBS. In June 2021, the Board of Supervisors adopted Chapter 22.18 amending the MCCR, increasing the amount of cultivation allowed on a legal parcel, and establishing a discretionary permitting system in alignment with State regulatory requirements.

During the development and adoption of Chapter 22.18, members of the public expressed concerns about the potential impact of cannabis cultivation on natural resources especially water resources during such extreme drought conditions. Members of the public and the cannabis cultivation community requested that the County commit to conducting an Initial Study and Programmatic Environmental Impact Report to analyze the cumulative impacts of cannabis cultivation before adopting the new ordinance. These expressed concerns led

members of the public to file a referendum to repeal Chapter 22.18, and in September 2021, the Board of Supervisors voluntarily rescinded the ordinance.

On July 15, the department updated the annual permit renewal policies to encourage compliance with the MCCR and State regulatory requirements. The department issued 80 Courtesy Notices to expired permit holders, giving them 60 days to complete the renewal application process or be subject to denial. The lack of an automated tracking system has hindered the ability for the department to notify applicants 30 or 60 days before their annual permit is set to expire. The under-developed permit tracking system used by the County had resulted in manual tracking of annual permit renewal dates leaving renewals up to the permit holder to pursue.

<b>Year the Permit Expired</b>	<b>Number of Expired Permits</b>
<b>2018</b>	16
<b>2019</b>	45
<b>2020</b>	16
<b>2021</b>	80

Staff broke the renewal program in half, and issued 77 Courtesy Notices to annual permit holders that had expired in 2018, 2019, and 2020. By September 1, 2021, the department has received responses from all of the expired annual permit holders, had renewed 56 permits, put 12 on hold subject to a correction timeline, had denied 1 application, had 1 application withdrawn, and had expired 8 applications for failure to complete the renewal process. Due to staffing shortages, notifications for those annual permits that expired in 2021, will not go out until the Reapplication Portal Program wraps up.

On August 2, 2021, the Department launched the electronic Reapplication Portal System providing 688 Phase One and Two applicants with incomplete applications 90-days to submit a complete application or be subject to denial. On November 2, the department closed the Reapplication Portal System after receiving 1,022 application submissions, accounting for 554 individual permit applications. As of November 7, department staff still had 359 portal submissions to review for completeness, which is expected to take four to five weeks of staff time. More portal statistics can be found in the attachments, page 23.

The misalignment of regulations between the County and the State and the resulting years of delayed implementation of the MCCR has left applicants, annual permit holders, and the County in the very challenging position of having a lot of work to do in a very short time.

Changing standards for project documentation has resulted in significant applicant confusion regarding what materials are required when and why. Furthermore, long-term staffing issues, management turnover, and underdeveloped technologies have limited department permit processing efficiencies and ability to assist applicants and permits holders with MCCR compliance.

#### Non-Cultivation Cannabis Facilities

~~Many of the challenges facing Mendocino County Cannabis Facilities applicants are related to CEQA compliance at the state level. Particularly, the ability for Cannabis Facility applicant to comply with CEQA under the State's application process prevents many from obtaining as Mendocino County considered most facilities to be exempt from CEQA under Public Resource Code Section 21080(b).~~

### Equity Program

Staffing limitations, management turnover, and underdeveloped systems and technologies, coupled with the COVID-19 pandemic has hindered the implementation timeline for the local equity program. The original eligibility criteria established by the Board of Supervisors set the income thresholds at “extremely ~~and~~ low” to “very low” which disqualified the vast majority of those persons with applications and permits from being eligible for the equity program.

Applicants that were able to meet the ~~very low to extremely low~~ “extremely low” to “very low” income thresholds reported that they generally do not have a business entity, do not have access to business banking, and run all permit / license related operational and compliance expenses through their personal bank accounts. Furthermore, many of these applicants have reported that they are receiving various benefits from the government and fear that receiving equity grant funds will make them ineligible for benefits in the future.

Additionally, the initial criteria for direct grants and technical assistance did not allow equity applicants to use direct grant funds for bookkeeping, accounting, tax filing fees, legal fees associated with business development, or pay for consultants to assist with application development and site-specific CEQA review. This left many of the early applicants challenged with finding meaningful and affordable ways to use the funds.

In July 2021 the Board of Supervisors increased the income threshold to moderate and eligibility applications doubled. The Board also amended the direct grant program by increasing the direct grant amount from a \$10,000 maximum funding award to a \$50,000 to be awarded in 2 tranches of up to \$25,000 each. And in October the Board again amended the Equity Program to include the following:

- removed the income threshold
- increased the individual tranches to a maximum of \$50,000
- expanded the direct grant criteria to include the following:
  - Small business support services offering technical assistance or professional services including but not limited to consultants providing technical assistance with CEQA analysis ~~and Appendix G development~~, biological studies, bookkeeping, accounting, legal assistance with entity development, meeting insurance requirements, and required surety bond expense.
  - Assistance securing business locations prior to or during the application process. This could include rent and/or lease assistance to support those who need to relocate.
  - Assistance in required trainings such as Cal Osha.

~~The department has recently started to approve direct grant application and has issued several fee waivers. However, the direct grant applications received to date have included sizable mitigation projects that require considerable review to ensure project compliance and feasibility. Such projects can only be conducted during ‘work season’ which typically is open from mid-June through end of September. The ‘work season’ timelines coupled with the State’s February deadline to award funds has posed significant challenges to both the County and the eligible applicant.~~

## Goals and Intended Outcomes

Streamlining ordinance changes proposed are intended to assist the Cannabis Department in processing applications, eliminate duplicative reviews that are conducted at the state level, and remove the county track in trace that was never developed. Additional changes include changing the current

“permit” title to a Cannabis Cultivation Business License or “CCBL”. These changes are reflective of the departments continued efforts to streamline application review and renewals. For changes, see attached ordinance changes that will go before the board for adoption

**1. Programmatic EIR & other CEQA documents**

To aid the streamlining and combined efforts of the State and County in transitioning provisional licenses to annual licenses in Mendocino County, the County will secure a CEQA contractor to complete a programmatic EIR covering State licensing of cannabis cultivation in Mendocino County, for and under the direction of the DCC.

In addition, the County’s contractor will prepare site-specific environmental documents (which may include, but not limited to, notices of exemption, negative declarations or mitigated negative declarations, or addenda), for annual cultivation licenses in Mendocino County.

Budget Items: F5 – Services: CEQA Contract

Action	Intended Outcome
<p>The County contracts with a provider to perform a Programmatic EIR and site-specific environmental review documents.</p>	<p>By approximately July 2024, the County will have the programmatic EIR in place to be used by both the DCC and the County for the purposes of environmental review associated with commercial cannabis cultivation locations within the County.</p> <p>In the interim, the county will continue to process select CCBL’s with the intention of transitioning as many provisional licenses to annual licenses while the EIR is being conducted utilizing Appendix G’s under the current review process. The MCD will review the CEQA documentation once the renewals are processed for issuance within the department.</p> <p>The County will ensure that its efforts are not duplicated in CCBL processing while the EIR is being completed by ensuring that contract planners and MCD staff share information with the EIR contractor via SharePoint secure folders.</p>

**2. Staff Resources**

MCD has determined that bolstering short term staff resources to help eliminate the backlog of CCBL applications, and CCBL renewals would be the most efficient means to gain stability.

Budget Items: A1 – A13: Cannabis Program staff  
 F6 – Services: LACO contract  
 C1 – C9: County Administration staff  
 B1 – B20: 4-Leaf Contract Planners (See Contract Attached)

Action	Intended Outcome
The county will have program staff and County Administration Staff to implement LJAG goals	Program oversight, CCBL reviews, CCBL issuance, and CCBL compliance
4Leaf	Short term staffing resources in the form of 20 4-Leaf contract planners will help with the processing of the large volume of CCBL backlog.
LACO	To ensure County staff and 4-Leaf contract planners perform consistent reviews, the County will contract with LACO to create training materials to support planner and staff efforts. As a part of this effort, LACO will create an onboarding and training system to assist with continued development of the short-term staffing solution.

### 3. Informational Technology

The following Information Technology solutions and upgrades will support license processing and compliance.

- Budget Items: D14 – Information Technology Systems: TRAKiT Service  
D15 – Field Inspection Technology – Devices & Services  
D19 – Information Technology Systems: Planet Imagery  
D20 – Information Technology Systems: Land Vision Aerial Imagery  
D23 – Supplies: GIS Equipment  
D24 – Information Technology Systems: DocuSign  
F1 – Services: Accela (See Contract Attached)  
F2 – Services: Avero-Accela Implementation

Action	Intended outcome
Accela (Software & System integration)	Purchase of Accela Software to accept, maintain, and execute all CCBL needs.  Avero – Contract services to integrate Accela software into County System.
Field Inspection Technology	For iPads, or SurfacePro type devices. Will also include required software and upgrades, wireless support, and GPS capabilities. With this equipment, the County will be able to enter information while in the field.
Secure Planet Imagery	The implementation of this technology will enhance staff's ability to conduct environmental review.  By reviewing Planet Imagery, the County will be able to reduce staff time for site inspections and environmental impact, while increasing County efficiency and consistency of its remote site reviews.

Secure Land Vision Aerial Imagery	<p>This subscription would be used to work in conjunction with the Planet technology. Land Vision provides a higher resolution image than the Planet technology and parcel data information not offered by Planet. While Land Vision does not offer the volume of images, on as regular a basis, or the ability to order images of a given area on a specified date in the future like Planet does, the high-resolution imagery that Land Vision offers will provide staff with the ability to verify conditions discovered with the Planet technology and be better prepared for site inspections.</p> <p>By reviewing Land Vision Imagery, the County will be able to reduce staff time for site inspections and environmental impact, while increasing County efficiency and consistency of its remote site reviews.</p>
Purchase workstation for Cartographer + GIS Licenses(s)	Purchase of workstation plus professional licenses
Information Technology Systems: DocuSign	<p>Under the current Program, the County cannot issue a permit without scheduling an in-person appointment with the applicant so that the permit and accompanying documents can be signed and executed. Integrating DocuSign software into the online Portal Application system will reduce the need for in-person appointments and reduce Program staff hours associated with permit issuance.</p>

#### 4. Goal: Direct Grant Programs

Provisional license holders, including equity licensees, may be eligible for direct grant assistance, to be administered by the Mendocino Cannabis Department to support environmental compliance required to obtain an annual license.

<b>Action</b>	<b>Intended Outcome</b>
Develop a direct grant program	<p>The MCD will develop a grant program that provides direct assistance to support provisional licensees' (including participants in the County's Equity program) in transitioning from provisional to annual licensure (e.g., support for environmental remediation/mitigation, as necessary to complete environmental review under CEQA and satisfy related local-authorization requirements).</p>

**Goal:** Complete the Portal Reapplication Program. The Portal Reapplication Program was put into place in an effort to obtain up to date and complete applicants from Phase One and Phase Two cultivators. It is imperative that the department obtain complete applications in order to proceed with the environmental and compliance review necessary to determine if a permit should be issued or denied. The goal is to use MCP staff to complete the review of the initial portal application submissions. The MCP intends to use contractors to conduct the re-review and assessment of incomplete Portal applications for issuance of a denial or a corrections letter. Those applicants issued a corrections letter will be able to submit updated application materials via the Portal, over a 30-day window. The MCP plans to utilize contract staff to review any corrections submitted to the Portal, provide notification, and issue complete or denial notices. The department is currently so backlogged with incomplete applications and the Portal Reapplication Program that it is currently unable to process complete applications, process renewals, process appendix G submissions, and provide other necessary services to applicants and permit holders. By using contractors to finish the Portal Reapplication Program, MCP staff will be able to attend to complete applications, renewal applications, appendix G submissions, and other necessary work.

Action	Intended Outcome
Complete the initial review of the 359 portal submissions still outstanding. (November & December 2021)	Review these applications for completeness. If the application is complete the application will be assigned to a planner for environmental and compliance review, and permit issuance or denial.
Re-review of Incomplete Portal Submissions for Issuance of a Denial letter or a 30-day Correction Letter. (January and/or February 2022)	Onboard a small team of consultants to assist with re-reviewing incomplete Portal submissions, issue denial and 30-day corrections letters.
30-Correction Letter Program (February and/or March 2022)	Utilize contractors to review corrections submitted to the portal, determine which applications are complete, or will be denied. The contractors will also be responsible for drafting and issuing any denial notices.

**Goal:** TRAKiT Data Management Program: TRAKiT is the County's application and permit tracking software. It is used by multiple County departments including Planning and Building Services, the Cannabis Program Department, the Treasurer Tax Collector's Office, among others. The TRAKiT application and permit tracking software system was designed to help government agencies with the application and permitting of land use permits and provides the

County with a single platform that allows the above mentioned departments visibility on application processing, permit issuance, payments due and submitted, and the payment or balance due of local cannabis business taxes. TRAKiT is used by the Cannabis Program Department and Planning and Building Services to initiate and track applications in progress; to track permit approval, issuance, and renewal; to track application and permit status' which are exported weekly and sent to the DCC; and as a central repository for application and permit related files and compliance materials. TRAKiT does provide a way to input, track, and 'export' data if that data is captured in specific fields such as Custom Screens or the Permit Information fields (which is incredibly limited and cannot be changed to meet an individual department's needs). The Custom Screens feature in TRAKiT was last updated in 2020 and does not include fields that allow the department the ability to independently track and export important information such as: the square footage under cultivation, assigned planner, primary and secondary APNs, CDFW LSAA status or permit type, Water Board NOA and annual monitoring report information, CEQA progress and status, equity eligibility, or if multiple types of cannabis activities are occurring on the parcel. The Permit Metrics sheet provided for this grant application was developed by exporting a 'weekly workbook' (which is what we send to the DCC for local authorization verification), then three planners and one staff assistant manually opened each file in permit file in TRAKiT and manually entered the data requested by the state into the Permit Metrics sheet. This initial Permit Metrics sheet took staff just under 70 hours to complete. This is simply one example of the current challenges the department faces when it comes to adequately tracking the status, progress, and compliance of our cannabis applications and permits. Not only is the current status of TRAKiT not adequate for the purposes of LJAGP quarterly reporting, it also does not provide the department with the oversight necessary to track our applicants' compliance progress. This results in an undue burden to staff vastly increasing the time it takes to process an application or permit renewal, and reducing the ability to ensure ongoing compliance—both environmental and regulatory. In order to establish an efficient application processing system and compliance monitoring program, Custom Screens needs to be updated to ensure that a comprehensive snapshot of the compliance requirements for each permit can be easily exported and made readily available to each staff person engaged in the review of the application. To achieve this, we need to significantly build out the Custom Screens feature to include data fields for all required materials (as identified on the application checklist in the Attachments doc). We intend use department staff time to identify the necessary new fields and to identify which expiration dates to track. We also intend to track, at minimum: canopy square footage, additional APNs, and relevant equity and LJAGP information. We will work with the County's TRAKiT consultants, Client First, who will conduct the development of Custom Screens in the TRAKiT platform.



Action	Intended Outcome
<p>TRAKiT Custom Screens Update (January 2022)</p>	<p>Updates will be made to TRAKiT's Custom Screens for both the Mendocino Cannabis Program, and the Planning and Building Services Facilities Program. The updated Custom Screens will allow both departments the ability to track and export the information required to produce quarterly reports for the LJAG program, and provide the ability for the departments to track local and state compliance requirements including but not limited to CEQA progress, DFW LSAA permits, SWRCB permits, water sources, power sources, canopy area, cannabis activities occurring on each parcel, DCC license type(s) and expiration dates, etc. Currently department staff must manually open and read each application or permit holder's attached files to gather this important information.</p>
<p>TRAKiT Data Management (January / February 2022)</p>	<p>The Program will engage at least one contract planner tech and/or planner assistant to populate Custom Screens for all applications deemed complete via the Portal. This will reduce the time needed by the Program or contract planner assigned to conduct the environmental</p>

	<p>and compliance review of these applications. The Custom Screen update for Phase One and Two applications deemed complete and not subject to the Portal, and for issued annual permits, will be conducted by the planner assigned to conduct the environmental and compliance review. Planner tech and/or planner assistant level contractors might also be used to complete the data updates to Custom Screens for those not in the Portal. This is dependent upon the Program's environmental and compliance review needs, overall workload, and the ability to stay on schedule with the time lines projected in this application.</p>
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**Goal:** Phase One & Phase Two Application Review (January 1, 2022 – December 31, 2022): Upon completion of the Portal Reapplication Program, all Phase One and Phase Two applications will have undergone initial review and will be assigned to either a staff or contract planner for environmental and compliance review, and permit issuance or denial. The MCP intends to have the assigned staff or contract planner draft the Appendix G Checklist during the environmental and compliance review. The Program believes that taking over the drafting of the Appendix G Checklist will expedite applicant's ability to qualify for a State issued annual license.

<b>Action</b>	<b>Intended Outcome</b>
Environmental & Compliance Review	The assigned staff or contract planner, will conduct the environmental and compliance review, conduct any required agency referrals, and draft the Appendix G Checklist. The Program intends to expedite these review by using both Program staff and contract planners to conduct these reviews. The Program currently hopes to delegate approx. 30% of these reviews to contractors which is based on an analysis of zoning where

	<p>applicants are located and the assumption that cultivation sites located on Agricultural, Rural Residential, and Industrial zoned parcels are likely less complicated to review. Adjusting the Appendix G Checklist development to have the Program draft all Appendix G Checklists going forward will streamline this process tremendously and ensure that the Program doesn't receive high volumes of Appendix G Checklist submittals in Q3 and Q4 of the 2022/2023 Fiscal Year.</p>
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<p>Site Inspection and Report Preparation</p>	<p>All Phase One and Phase Two applicants must undergo at least one site inspection before a permit may be issued.</p> <p>Additional site inspections may be necessary to complete the Sensitive Species Habitat Review process. There are an unidentified number of applications that have not been subject to initial inspection. The Program intends to use Program planners to conduct all site inspections necessary to complete the processing of Phase One and Phase Two applications. The use of Program staff for site inspections provides not only a great training opportunity for newly hired planners, but will also keep these site inspection time lines on track as each inspection can be conducted by a seasoned planner with knowledge of the County's geography, and road conditions. Additionally, using Program planners for site inspections keeps the cost to a minimum as these inspectors can use</p>
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	the Program's fleet vehicles, equipment, and in some instances have been onsite previously.
Integrating Docusign software	Currently, the Program cannot issue a permit without scheduling an in person appointment with the applicant so that the permit and accompanying documents can be signed and executed.
	To reduce the need for in person appointments and reduce Program staff hours associated with permit issuance, the Program proposes the integration Docusign software into the online Portal Application system, and TRAKIT application/permit tracking systems. The implementation of Docusign will greatly reduce the amount of time necessary to issue a permit.

**Goal:** Annual Permit Renewal Application Processing Program Development: Annual permits are valid for a period of 12-months. It is the responsibility of the applicant to renew the permit within 30-days of the expiration date, or the permit may be extinguished by the Program. The Program proposes the following renewal program development to help streamline renewal: an automated 60-, and 30-day expiration notification system; an online Portal application system for renewal application processing; enhanced data tracking and management of application and permit specifics; and the Program taking on the responsibility of drafting Appendix G Checklist during the Renewal Application review. The Program believes that the notification system will ensure timely permit renewals. The built out Custom Screens feature referenced in Phase One and Phase Two application reviews, when filled in, should help to streamline renewal application processing. Additionally, relying on the Program to draft any necessary Appendix G Checklists during the renewal application review should streamline the Appendix G process for applicants, and reduce the time necessary for staff and applicants to complete this CEQA document. The updated renewal application program, when fully automated, will ensure transition of all permit holders from email submissions to using the Portal to submit and track application and permit materials.

Action	Intended Outcome
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<p>Automated 60-, and 30-day renewal notification system. (December 2021-/ January 2022)</p>	<p>The Program currently tracks the expiration date of annual permits by running an export report out of TRAKiT, then filtering status and expiration dates, to identify expired or expiring permits. The export that includes renewal permit expiration dates does not include the applicant or applicant agent contact information. To create a 60- or 30-day renewal notification list, staff must merge data from the two exports, which is very time consuming. Renewal applications are also subject to site inspection. The notification system will notify both the permit holder and the Program about the upcoming need for renewal. The Program intends to draft Phase One and Phase Two Appendix G Checklists during renewal application reviews. To expedite this process the Program will use the same formula referenced in Phase One and Phase Two application review, to assign approximately 30 percent of renewal application review and Appendix G Checklist drafting to planner consultants.</p>
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<p><del>Development of an online Renewal Application Portal System</del></p>	<p><del>Currently renewal materials may only be submitted via email, and with exception in paper form. Program staff and applicants often struggle with file management via email. Applicants often submit application materials in a series of emails, sometimes over an extended period of time. The notification system will prompt the renewal applicant to use the Portal system to submit the application materials. The Renewal Portal system will provide a secure online application, payment, and permit tracking system.</del></p> <p><del>Partial applications will not be eligible for payment and submission. Upon payment and submission, the application files are time stamped and exported to a shared folder for initial review. Once the application has been deemed complete and ready for environmental and compliance review, Custom Screens are updated and the application automatically uploads to TRAKiT. Docusign will be built into the system allowing the applicant to sign important compliance documents, and the renewed permit, eliminating the need for the applicant to schedule an in person appointment. Executed permits will be sent via certified mail the permit holder reducing both staff and applicant time.</del></p>
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<p>Completing Environmental Review &amp; the Appendix G Checklist</p>	<p>The Program currently requires renewal applicants who were issued permits before environmental reviews were implemented to complete the SSHR and AQMD questionnaires AFTER the annual permit has been renewed. This system draws out the review timeline significantly and due to the lack of TRAKiT development, and the timing of requiring these materials for erroneously issued permits, these requirements often go unfulfilled until the next renewal period as staff moves onto the next application while waiting for the permit holder to provide these important documents. By increasing the data tracking capabilities of TRAKiT, automating the notification and application system, and requiring these environmental reviews be completed before a permit may be renewed, staff will be more efficient at conducting the environmental review necessary to correct early permits issued without first undergoing all of the required environmental reviews. Additionally, these reviews are crucial components of the Appendix G Checklist. The Program proposes drafting outstanding Appendix G Checklists during the review for permit renewal. This is intended to streamline the Appendix G Checklist process for both the Program and the applicant. Adjusting the Appendix G Checklist development to have the Program draft all Appendix G Checklists going forward will streamline this process tremendously and ensure that the Program doesn't receive high volumes of Appendix G Checklist submittals in Q3 and Q4 of the 2022/2023 Fiscal Year.</p>
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**Goal: Appendix G Checklist Development & Certification:** Currently it is the responsibility of the permit holder to develop the Appendix G Checklist document and then submit it to the County for review and Certification. This process has proven quit challenging for Program staff as Appendix G Checklists are often submitted that do not reflect the scope of the permit issued by the County, or are treated as a development permit and include project development not included in the permit issued by the County. The amount of time Program staff spends correcting and sending suggestions to applicants and agents requesting changes is significant and in many cases exceeds the amount of time it would take staff to simply have drafted the Checklist to begin with. The Program is additionally concerned that, based on track record over time, permit holders will wait until Q3 and Q4 of the 2022/2023 Fiscal Year to submit a completed Appendix G Checklist which would create a new backlog of materials, which may hinder the Program's ability to conduct the reviews in a timely manner and jeopardize permit holders ability to qualify for provisional license renewals after June 30, 2023.

Action	Intended Outcome
Direct Program staff to draft the Appendix G checklist materials during initial application review, and/or renewal application review.	Simplify, streamline, and reduce the time and expense associated with completing an Appendix G checklist. The current system of requiring the applicant to develop the Appendix G Checklist after the annual permit is issued, is time consuming for the applicant and Program, and is unnecessarily expensive for both parties. Since implementing the Appendix G Checklist program, the Program has experienced a wide variety in Appendix G submissions. Often the Appendix G materials submitted by permit holders and their consultants are incomplete, fail to describe the details of the permit issued, and often include future development and information that may not be included in the Appendix G Checklist. Upon receiving an Appendix G Checklist, staff must conduct an initial administrative review to ensure the materials provided qualify for review before assigning the submission to staff for review and certification. Program staff have experienced challenges trying to get applicants and their consultants to



	<p>conduct the amendments necessary to complete the checklist so that staff can certify it. Often it appears as though the permit holder and/or their consultant does not have access to the full application packet with the details necessary to</p> <p>complete the project's review. This increases the time associated with development, processing, and certification of the Appendix G Checklist. The Program recommends that staff develop the Appendix G Checklist DURING application review to eliminate these challenges and reduce the time</p> <p>and expense associated with this process.</p>
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**Goal: Compliance Monitoring & Site Inspection:** Establish a robust compliance monitoring program and reinstate regular site inspections. The Program is currently engaged in recruiting full time Planner I/II employees with the intention of bolstering application reviews, and developing an efficient and effective site inspection and compliance program. Additionally, the Program would like to transition from paper reports that are handwritten to electronic reports entered on iPads or similar devices. Making these reports digital would vastly reduce the time associated with report preparation and records management, automatically timestamp the information, and allow it to be shared with the applicant during, or immediately following, the site inspection.

<b>Action</b>	<b>Intended Outcome</b>
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<p>Enhanced Online Application Portal System (December 2021 – February 2022)</p>	<p>While the Reapplication Portal System and Renewal Portal Systems will primarily streamline, organize, and automate both application processes, the updated version of both application platforms will also provide Program staff the ability to notify applicants directly from the Portal system. This new feature, will attach, file, and maintain communications between Program staff and the applicant or permit holder. Docusign will be built into the Portal platform allowing applicants, permit holders, and staff to electronically execute permits, compliance agreements, site inspection reports, and notices of non-compliance. The next iteration of the Portal, will allow Program staff to open the Portal, and ‘activate’ upload requirements specific to the applicant/ permit holder simplifying, streamlining, and timestamping compliance and inspection document submission, and automating Corrective Action timelines.</p>
<p>Implement electronic site inspection technology.</p>	<p>In 2019, after the program was moved to PBS, County staff worked with the Client First team, and consultants to digitize the site inspection checklists and to streamline site inspection report development.</p> <p>Paper checklists were made into electronic fillable forms with writable fields for the inspector’s comments. The forms were designed to be used in the field on</p>

	<p>electronic tablets, automatically capturing and attaching to the checklist all photos that are taken during the site inspection as well as field notes. The system is designed to integrate DocuSign which would allow the field inspector to electronically transmit the signed checklist to the applicant or permit holder before leaving the site. The technology will timestamp that communication, and electronically save the materials from that inspection. The ability to electronically save the site inspection checklist and information gathered during the inspection will reduce staff hours associated with the file upload and management necessary to draft the final inspection report. The upgraded Portal system will provide the field inspector with the platform necessary to share the final inspection report with the applicant or permit holder and as necessary open the application or permit Portal to require additional materials or corrective actions from the applicant/permit holder, on an established timeline.</p>
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**Goal:** Satellite & Aerial Imagery Services: Execute satellite imagery contracts with Planet and Land Vision. These tools are crucial to the implementation of the tree clearing prohibition, monitoring development, managing complaints about program participants, preparing for site inspections, and drafting Appendix G Checklists.

Action	Intended Outcome
<p>Execute contract with Planet satellite imagery provider. The contract would include a subscription to archived images of the County, as well as on demand imagery services.</p>	<p>The implementation of this technology will enhance staff's ability to conduct environmental review; monitor and enforce the tree clearing prohibition established by the MCCR and mitigated negative declaration; monitor grading and development activities; view the location and project prior to site inspection; and chronological project development to support the drafting of Appendix G Checklists. Aspects of the MCCR and mitigated negative declaration have not been fully implemented, such as the tree clearing prohibition, which requires an application that has conducted vegetation and/or tree removal to disclose when the</p>

	<p>removal occurred and what species of flora where removed. Due to delays in the implementation of the MCCR and the lack of access to timestamped imagery, Program staff and applicants have found it challenging to identify the scale, location, and timeline of vegetation and tree removal. While staff has access to CDFW's BIOS system and the County's GIS systems, neither of these systems offers more than 1 image, every two years making it challenging to determine development timelines, and conduct required environmental reviews.</p> <p>Additionally, the lack of imagery creates challenges for staff trying to verify what constitutes 'existing' development, verses new development during the Appendix G Checklist review. This will also be</p>
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	<p>challenging for staff when the Program takes over drafting Appendix G Checklists and believes that using a combination of these technologies will streamline the environmental review, Appendix G</p> <p>Checklist development, and preparations for site inspections.</p>
<p>Execute Land Vision Contract. This service would provide high resolution imagery of parcels located within the political boundaries of Mendocino County.</p>	<p>This subscription would be used to supplement the Planet technology. Land Vision provides a higher resolution image than the Planet technology and parcel data information not offered by Planet.</p> <p>While Land Vision does not offer the volume of images, on as regular a basis, or the ability to order images of a given area on a specified date in the future like Planet does, the high resolution imagery that Land Vision offers will provide staff with the ability to verify conditions discovered with the Planet technology</p> <p>and be better prepared for site inspections.</p>
<p>GIS Station &amp; Cartographer Planner</p>	<p>The Program would like to establish a GIS work station and hire a cartographer planner to work with the County's GIS coordinator to integrate the Planet and Land Vision subscriptions into the County's GIS platform. This would provide County staff and the public with the additional mapping and timestamped imagery tools</p>

	<p>necessary to facilitate timely application review, compliance monitoring, and application material development. The cartographer planner would also assist in preparing maps for application review and SSHR, allow the Program to offer mapping services to applicants as appropriate, and prepare the Program to take over from PBS any secondary discretionary permits that may be required before a commercial cannabis permit may be issued. The intended outcome is to streamline the review process, provide enhanced services to applicants, the public and permit holders, and to reduce processing time by internalizing all necessary permitting within the Program.</p>
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**Goal:** Power Score: The Power Score was developed by UC Berkeley, the Resource Innovation Institute (RII), and New Frontier Data as a tool for the cannabis industry and government that tracks energy use and calculates greenhouse gas emissions, and tracks water use and calculates water efficiency. The Power Score tool sorts the data collection by cultivation type and includes production rates. The Power Score will provide the Program with the data collection necessary to implement the MCCR and MND requirement that generators be phased out as a primary power source and replaced with renewable energy options, and to meaningfully assess Water Availability Analysis which are required for all relocated cultivation sites.

<b>Action</b>	<b>Intended Outcome</b>
Implement the data verified version of the Power Score.	The data verified version of the Power Score, provides users with the technology

	<p>platform and verification services necessary to calculate, retain, and benchmark greenhouse gas emission data, and water use efficiency data. The data will be beneficial to applicants and permit holders who are required to transition from generator use to renewal energy, and to those required to report greenhouse gas emissions to the State.</p> <p>The water efficiency portion of the power score will provide the applicant and County with verified water source usage, and production rate analysis. The power score (water score) budget includes develop time to allow for customization to meet the County's needs. Time has also been set aside to integrate access to the power/water score into the Portal application system, allowing permit holders the ability to enter the information from within the County's secure Portal platform. The user fee for the power/water score platform includes services provided by RII to conduct data entry into the system based on documentation provided by the applicant/permit holder which will vastly reduce the applicant/permit holder's workload to engage with the platform and provides for third party verification of the data entered into the system. The compiled data will benefit the County, permit holders and the public by providing baseline environmental data relevant to cumulative environmental review for cannabis cultivation in the County, data to assist with Appendix G Checklist drafting, assistance with ensuring applicants have adequately reduced generator use, assistance</p>
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	with analyzing Water Availability Analysis, and the ability to gage the impact of mitigation projects funded with LJAGP direct grant dollars.
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**Goal:** Cost Recovery Program for Environmental Review Conducted by Contributing Agencies: This need, goal and outcome was developed with the Department of Fish and Wildlife in mind. However, there may also be a need for cost recovery from other contributing agencies such as Environmental Health (EH), Planning and Building Services (PBS), and Mendocino County Air Quality Management District (MCAQMD). Each of these agencies may be involved in application review depending on the environmental circumstances of the project under review.

<b>Action</b>	<b>Intended Outcome</b>
Cover unknown costs accrued by the County to refer Phase One and Phase Two applications to the California Department of Fish and Wildlife to conduct Sensitive Species Habitat Reviews (SSHR)	The MCCR and MND requires that the Program refer Phase One and Phase Two applications that fail to meet one or more performance standards to CDFW for review. This process is outlined in the Program Description. The County's agreement with CDFW provides that the agency may bill the County for the costs associated with conducting these environmental reviews. The County implemented this agreement with CDFW in March 2021 and to date, has not been billed by the agency. A cost estimate was not available at the time of preparing this application. Additionally, because the cost is unknown, the County has not been able to establish a fee for the SSHR, which would ensure that cost recovery occurs. Meanwhile, CDFW has hired new staff solely for the purposes of meeting the high volume of SSHR referrals anticipated as the County expedites the processing of Phase One and Phase Two applicants.



<p>Cover unknown costs accrued by the Program when referring ground water sources, and Water Availability Analysis to the EH for additional review.</p>	<p>The Portal Reapplication process identified that applicants have frequently engaged in drilling new wells, often without permits. Wells are eligible to be permitted after they are drilled. In instances where the applicant cannot produce both a well completion log/report and a permit for the well, the Program must refer the well to EH for further review before the well can be considered a legal water source. Each review has an estimated cost of \$182.00</p>
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**Goal:** Direct Grant Programs: Provisional license holders may be eligible for the following direct grant assistance programs, to be administered by the Mendocino Cannabis Program.

<b>Action</b>	<b>Intended Outcome</b>
<p>Fee Waiver Program</p>	<p>This fee waiver program is intended to provide applicants and permit holders with the ability to use LJAG program funding to pay for local permitting fees directly</p>

	<p>related to CEQA compliance. Such fee may include but are not limited to:</p> <ul style="list-style-type: none"> <li>● <del>Appendix G Processing Fee</del></li> <li>● <del>Special Inspection Fees if the applicant or permit holder also holds a DCC provisional license, and one or more additional inspections are necessary to complete environmental and performance standard review.</del></li> <li>● <del>Grading permits for approved water conservation projects, LSAA work orders, CalFire work orders, or other CEQA related projects as approved by the Program.</del></li> <li>● <del>Demolition permits for the purpose of removing structures to meet less than significant impact criteria.</del></li> <li>● <del>Other permits directly related to meeting CEQA requirements as approved by the Program.</del></li> </ul>
<p><del>Assistance with meeting CEQA requirements</del></p>	<p><del>Direct grants will be made available to assist provisional license holders with meeting local CEQA requirements. These funds may be used for, but not limited to, the following activities:</del></p> <ul style="list-style-type: none"> <li>● <del>Hiring consultant(s) and other professionals necessary to complete any studies necessary to prepare the required CEQA document for that application.</del></li> <li>● <del>Biological surveys</del></li> <li>● <del>Archeological &amp; Cultural Surveys</del></li> <li>● <del>Traffic Studies,</del></li> <li>● <del>Air Quality and Greenhouse Gas Emission studies,</del></li> </ul>

<p>Improving Air Quality and Reducing Greenhouse Gas Emissions</p>	<p>Direct Grant funds will be available to assist applicants with projects that improve air quality and reduce greenhouse gas emissions by eliminating the use of combustion engines. Engines eligible for</p> <ul style="list-style-type: none"> <li>• transition to renewal resources include: Generators</li> <li>• Water pumps</li> <li>• Other upon approval</li> </ul>
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<p>Remediation and Relocation to an Environmentally Superior Location.</p>	<p>This program proposes allocating direct grant funding to applicants that need assistance covering the cost associated with moving cultivation operations to an environmentally superior location. An example of this might be moving a cultivation site to a location outside of a streamside management area.</p>
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<p>Hydrology and Water Quality Direct Grant Funding</p>	<p>Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement</p> <ul style="list-style-type: none"> <li>● Notification expenses</li> <li>● Technical support for notification preparation</li> <li>● Lake and Streambed Alteration Agreement projects</li> </ul> <p>State Water Resource Control Board (SWRCB), General Order &amp; Clean Water Act (401 Permits)</p> <ul style="list-style-type: none"> <li>● Filing fees</li> <li>● Reporting and monitoring fees</li> <li>● Water meters and installation</li> <li>● Technical assistance North Coast Regional Water Quality Control Board (NCRWQCB)</li> <li>● Water Resource Protection Plan compliance projects</li> <li>● Technical Assistance Hydrology</li> <li>● Connectivity studies</li> <li>● Groundwater availability studies</li> <li>● Technical Assistance Water Conservation</li> <li>● Rainwater Catchment Infrastructure</li> <li>● Fee deferrals for permitting water infrastructure</li> <li>● Forbearance tanks—surface water diversions</li> </ul>
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On October 26, 2021, the Program MCD put two urgency deadlines in place to ensure that eligible applicants, requesting funding during 2021, can be processed in time to issue the award before January 1, 2022. The first urgency deadline is for eligibility applications which were due no later than November 7, 2021, and the second is for direct grant, fee waiver, and technical assistance applications which must be submitted by December 7, 2021 to be awarded this year.

The November 7, 2021 urgency deadline has caused a spike in eligibility applications bringing the number of eligibility applications from 73 as of October 26, 2021, to 130 on November 8, 2021. Prior to the implementation of the urgency deadlines, there was a 96 percent approval rate for equity eligibility applications. If this high rate of approvals continues, the Program MCD feels it is likely that the equity fund could be drawn down to zero quickly.

With this in mind, the Program MCD intends to review each equity direct grant application and fee waiver proposal to determine if components of the application would be better funded by the LJAGP funds so as to preserve the equity program's ability to provide awards to an increased number of equity applicants for use on direct grant and fee waiver components NOT eligible for funding under the LJAGP. Reviewing with this sort of prioritization in mind, will provide equity applicants with increasingly diverse grant funding opportunities which will enhance equity applicant's ability to obtain annual licensure.

BUDGET FORM

Jurisdiction Name:	Mendocino County
Total Grant Amount Requested:	\$ 17,586,406.62

A. Direct Technical Assistance Costs - Personnel

Personnel that will provide direct technical assistance to support the intent of the grant program. Include the cost of salary and benefits for time spent working on the grant by the employees of the jurisdiction.

	Personnel Classification	Role in Grant Program	Annual Salary & Benefits	FY 21-22 Percentage of Time	FY 21-22 Total	FY 22-23 Percentage of Time	FY 22-23 Total	FY 23-24 Percentage of Time	FY 23-24 Total	FY 24-25 Percentage of Time	FY 24-25 Total	TOTAL
<b>Example</b>	<b>Local Planner / Position</b>	<b>Reviews CEQA documentation provided by applicants.</b>	<b>\$150,000.00</b>	<b>0.50</b>	<b>\$75,000.00</b>	<b>0.75</b>	<b>\$112,500.00</b>	<b>1.00</b>	<b>\$150,000.00</b>	<b>1.00</b>	<b>\$150,000.00</b>	<b>\$487,500.00</b>
A1	Program Director	Permit review	\$193,693.70	0.00	\$0.00	0.29	\$56,562.40	0.23	\$43,581.08	0.30	\$58,108.11	\$158,251.59
A2	Program Manager	Permit review	\$158,438.97	0.00	\$0.00	0.00	\$0.00	0.25	\$39,609.74	0.25	\$39,609.74	\$79,219.49
A3	Chief Planner	Permit review	\$158,137.27	0.00	\$0.00	0.18	\$28,026.37	0.20	\$31,627.45	0.20	\$31,627.45	\$91,281.28
A5	Planner III	Permit review	\$122,759.72	0.00	\$0.00	0.79	\$100,944.64	0.80	\$102,207.78	0.80	\$102,207.78	\$305,360.19
A6	Planner III	Permit review	\$127,175.67	0.00	\$0.00	0.61	\$77,879.11	0.80	\$101,740.54	0.80	\$101,740.54	\$281,360.18
A7	Planner III	Permit review	\$113,737.47	0.00	\$0.00	0.73	\$82,543.37	0.80	\$90,989.98	0.80	\$90,989.98	\$264,523.32
A8	Planner III	Permit review	\$102,932.23	0.00	\$0.00	0.73	\$74,721.20	0.80	\$82,345.78	0.80	\$82,345.78	\$239,412.77
A9	Planner III	Permit review	\$99,961.67	0.00	\$0.00	0.70	\$70,405.45	0.80	\$79,969.34	0.80	\$79,969.34	\$230,344.12
A13	Cartographer Planner	Permit review & permit compliance	\$126,567.18	0.00	\$0.00	0.80	\$101,580.37	0.80	\$101,253.74	0.80	\$101,253.74	\$304,087.86
				FY 21-22 Total	\$0.00	FY 22-23 Total	\$592,662.91	FY 23-24 Total	\$673,325.43	FY 24-25 Total	\$687,852.46	\$1,953,840.80
											Direct Technical Assistance Costs - Personnel	\$1,953,840.80

B. Direct Technical Assistance Costs - Other

Items that provide direct benefits to the intent of the grant program.

Cost Category / Service or Vendor (if known)	Description	Annual Cost	FY 21-22 Percentage of Costs	FY 21-22 Total	FY 22-23 Percentage of Costs	FY 22-23 Total	FY 23-24 Percentage of Costs	FY 23-24 Total	FY 24-25 Percentage of Costs	FY 24-25 Total	TOTAL	
<b>Example</b>	<b>Contractual / Environment Consultants</b>	<b>Professional Services</b>	<b>\$500,000.00</b>	<b>1.00</b>	<b>\$500,000.00</b>	<b>0.50</b>	<b>\$250,000.00</b>	<b>0.50</b>	<b>\$250,000.00</b>	<b>0.50</b>	<b>\$250,000.00</b>	<b>\$1,250,000.00</b>
B1	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.20	\$46,090.00	0.80	\$183,040.00	0.20	\$45,760.00	\$274,890.00
B2	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.20	\$46,090.00	0.80	\$183,040.00	0.20	\$45,760.00	\$274,890.00
B3	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.20	\$46,090.00	0.80	\$183,040.00	0.20	\$45,760.00	\$274,890.00
B4	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.20	\$46,090.00	0.80	\$183,040.00	0.20	\$45,760.00	\$274,890.00
B5	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.20	\$46,090.00	0.80	\$183,040.00	0.20	\$45,760.00	\$274,890.00
B6	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.20	\$46,090.00	0.80	\$183,040.00	0.20	\$45,760.00	\$274,890.00
B7	Contractual Senior Planner	Permit Review	\$312,000.00	0.00	\$0.00	0.20	\$62,550.00	0.80	\$249,600.00	0.20	\$62,400.00	\$374,650.00
B8	Contractual Planning Technician	Permit Review	\$203,840.00	0.00	\$0.00	0.20	\$41,062.00	0.60	\$122,304.00	0.00	\$0.00	\$163,366.00
B9	Contractual Planning Technician	Permit Review	\$203,840.00	0.00	\$0.00	0.20	\$41,062.00	0.60	\$122,304.00	0.00	\$0.00	\$163,366.00
B10	Contractual Principal Planner/Manager	Permit Review	\$374,400.00	0.00	\$0.00	0.20	\$75,420.00	0.80	\$299,520.00	0.20	\$74,880.00	\$449,820.00
B11	Contractual Principal Planner/Manager	Permit Review	\$374,400.00	0.00	\$0.00	0.20	\$75,420.00	0.25	\$93,600.00	0.00	\$0.00	\$169,020.00
B12	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.15	\$46,090.00	0.25	\$57,200.00	0.00	\$0.00	\$103,290.00
B13	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.15	\$46,090.00	0.25	\$57,200.00	0.00	\$0.00	\$103,290.00
B14	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.15	\$46,090.00	0.25	\$57,200.00	0.00	\$0.00	\$103,290.00
B15	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.15	\$46,090.00	0.25	\$57,200.00	0.00	\$0.00	\$103,290.00
B16	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.15	\$46,090.00	0.25	\$57,200.00	0.00	\$0.00	\$103,290.00
B17	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.15	\$46,090.00	0.25	\$57,200.00	0.00	\$0.00	\$103,290.00
B18	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.10	\$46,090.00	0.25	\$57,200.00	0.00	\$0.00	\$103,290.00
B19	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.10	\$46,090.00	0.25	\$57,200.00	0.00	\$0.00	\$103,290.00
B20	Contractual Associate Planner	Permit Review	\$228,800.00	0.00	\$0.00	0.10	\$46,090.00	0.25	\$57,200.00	0.00	\$0.00	\$103,290.00
				FY 21-22 Total	\$0.00	FY 22-23 Total	\$987,164.00	FY 23-24 Total	\$2,500,368.00	FY 24-25 Total	\$274,560.00	\$3,762,092.00
											Direct Technical Assistance Costs - Other	\$3,762,092.00

C. Indirect/Administrative - Personnel

To provide or fund administrative assistance to support the intent of the grant program. Cost of salary and wages for time spent supporting the work of the grant.

Personnel Classification	Role in Grant Program	Annual Salary & Benefits	FY 21-22 Percentage of Time	FY 21-22 Total	FY 22-23 Percentage of Time	FY 22-23 Total	FY 23-24 Percentage of Time	FY 23-24 Total	FY 24-25 Percentage of Time	FY 24-25 Total	TOTAL	
<b>Example</b>	<b>Accounting Analyst</b>	<b>To track expenditures associated with the grant.</b>	<b>\$89,000.00</b>	<b>0.25</b>	<b>\$22,250.00</b>	<b>0.25</b>	<b>\$22,250.00</b>	<b>0.25</b>	<b>\$22,250.00</b>	<b>0.25</b>	<b>\$22,250.00</b>	<b>\$89,000.00</b>
C1	Program Director	General Oversight and Direct Grant Policy	\$193,693.70	0.00	\$0.00	0.07	\$13,197.89	0.08	\$14,527.03	0.10	\$19,369.37	\$47,094.29
C2	Program Manager	General Oversight and Direct Grant Policy	\$158,438.97	0.00	\$0.00	0.00	\$0.00	0.15	\$23,765.85	0.15	\$23,765.85	\$47,531.69
C3	Program Administrator	General Oversight and Direct Grant Policy	\$138,087.36	0.00	\$0.00	0.12	\$16,715.98	0.20	\$27,617.47	0.20	\$27,617.47	\$71,950.92
C4	Chief Planner	Direct Grant Application Review	\$158,137.27	0.00	\$0.00	0.08	\$12,739.26	0.15	\$23,720.59	0.15	\$23,720.59	\$60,180.44
C5	Office Services Supervisor	Execution of Direct Grant Program	\$93,527.39	0.00	\$0.00	0.00	\$0.00	0.15	\$12,529.11	0.15	\$12,529.11	\$25,058.22
C6	Department Analyst	Expenditure Tracking	\$104,374.05	0.00	\$0.00	0.09	\$9,886.49	0.15	\$15,656.11	0.15	\$15,656.11	\$41,198.71
C7	Admin Asst	Grant Application Underwriting	\$75,733.69	0.00	\$0.00	0.04	\$3,028.45	0.10	\$7,573.37	0.10	\$7,573.37	\$18,175.19
C8	Admin Asst	Grant Application Underwriting	\$75,733.69	0.00	\$0.00	0.00	\$0.00	0.05	\$3,786.68	0.05	\$3,786.68	\$10,601.82
C9	Senior Applications Developer Analyst	Internal IT Support	\$145,762.00	0.00	\$0.00	0.50	\$72,881.00	0.25	\$36,440.50	0.10	\$14,576.20	\$123,897.70
				FY 21-22 Total	\$0.00	FY 22-23 Total	\$131,477.52	FY 23-24 Total	\$165,616.71	FY 24-25 Total	\$148,594.75	\$445,689.97
											Indirect/Administrative Costs - Personnel	\$445,689.97

D. Indirect/Administrative - Other

Items that provide administrative or indirect support to the intent of the grant program.

Cost Category / Service or Vendor (if known)	Description	Annual Cost	FY 21-22 Percentage of Costs	FY 21-22 Total	FY 22-23 Percentage of Costs	FY 22-23 Total	FY 23-24 Percentage of Costs	FY 23-24 Total	FY 24-25 Percentage of Costs	FY 24-25 Total	TOTAL	
<b>EX</b>	<b>Facilities / Headquarters</b>	<b>Costs associated with office space for direct technical assistance staff.</b>	<b>\$1,250,000.00</b>	<b>0.02</b>	<b>\$18,750.00</b>	<b>0.02</b>	<b>\$25,000.00</b>	<b>0.02</b>	<b>\$25,000.00</b>	<b>0.01</b>	<b>\$12,500.00</b>	<b>\$81,250.00</b>

D3	Contract - Professional Services	Client First: Project Manage the API plugin of the Power Score into the County's electronic application portal system, build out the public facing data entry system, and API data transfer from the portal system to the TRAKIT permit tracking platform.	\$2,352.50	0.00	\$0.00	1.00	\$2,352.50	0.00	\$0.00	0.00	\$0.00	\$2,352.50			
D11	Contract - Professional Services	TRAKIT Administrative Support	\$745.00	0.00	\$0.00	1.00	\$745.00	0.00	\$0.00	0.00	\$0.00	\$745.00			
D14	Informational Technology	TRAKIT software licenses will be retained by MCD for the purposes of verifying other Department's permit status, including but not limited to: Planning and Building Services Department and Environmental Health. Both of which may impact the environmental analysis associated with CCBL applications and CCBL's.	\$60,000.00	0.00	\$0.00	0.17	\$10,000.00	0.17	\$10,000.00	0.17	\$10,000.00	\$30,000.00			
D15	Field Inspection Technology	Field Inspection Technology (iPad, Screen Protectors, iPad cases, Apple Pencil, and associated wireless services)	\$7,421.30	0.00	\$0.00	0.00	\$0.00	3.02	\$22,421.30	0.34	\$2,500.00	\$24,921.30			
D19	Contract - Professional Services	Planet: Satellite Imagery	\$351,240.00	0.00	\$0.00	0.50	\$175,620.00	1.00	\$351,240.00	1.00	\$351,240.00	\$378,100.00			
D20	Contract - Professional Services	Land Vision: Aerial Imagery	\$39,400.00	0.00	\$0.00	0.00	\$0.00	0.25	\$10,000.00	0.25	\$10,000.00	\$20,000.00			
D23	Equipment + Contract Professional services	GIS Equipment: Workstation for cartographer planner + annual GIS Licenses	\$92,030.70	0.00	\$0.00	0.08	\$7,000.00	0.18	\$16,500.00	0.18	\$16,500.00	\$40,000.00			
D24	Informational Technology	DocuSign: All permits and compliance affidavits must be signed in person to be executed. DocuSign will allow for the streamlining of permit issuance and gathering of compliance affidavit signatures.	\$41,159.33	0.00	\$0.00	0.23	\$9,516.00	0.23	\$9,516.00	0.23	\$9,516.00	\$28,548.00			
D25	Direct Grant Program	Direct grant assistance programs, to be administered by the Mendocino Cannabis Program.	\$4,806,744.18	0.00	\$0.00	0.00	\$0.00	1.00	\$4,806,744.18	0.00	\$0.00	\$4,806,744.18			
			FY 21-22 Total		\$0.00	FY 22-23 Total		\$205,233.50	FY 23-24 Total		\$5,226,421.48	FY 24-25 Total		\$399,756.00	\$5,831,410.98
											Indirect/Administrative Costs - Other		\$5,831,410.98		

**E. TOTALS**

Direct Technical Assistance Costs - TOTAL (Sections A+B)	\$5,715,932.80
Indirect/Administrative Costs - TOTAL (Sections C+D)	\$6,277,099.95
<b>GRAND TOTAL (Sections A+B+C+D)</b>	<b>\$11,993,032.75</b>

**F. ITEMS NOT IN ORIGINAL BUDGET**

Items that provide administrative or indirect support to the intent of the grant program.

Cost Category / Service or Vendor (if known)	Description	Annual Cost	FY 21-22 Percentage of Costs	FY 21-22 Total	FY 22-23 Percentage of Costs	FY 22-23 Total	FY 23-24 Percentage of Costs	FY 23-24 Total	FY 24-25 Percentage of Costs	FY 24-25 Total	TOTAL	
F1	Contract - Professional Services	Accela	0.00	\$0.00	0.76	\$347,748.93	0.24	\$107,624.94	0.00	\$0.00	\$455,373.87	
F2	Contract - Professional Services	Accela Implementation - Avero	0.00	\$0.00	1.00	\$100,000.00	0.00	\$0.00	0.00	\$0.00	\$100,000.00	
F5	Contract - Professional Services	CEQA Contract - Programmatic EIR & Other CEQA documents	0.00	\$0.00	0.25	\$1,250,000.00	0.75	\$3,750,000.00	0.00	\$0.00	\$5,000,000.00	
F6	Contract - Professional Services	Contract - LACO Consulting	0.00	\$0.00	0.90	\$18,000.00	1.00	\$20,000.00	0.00	\$0.00	\$38,000.00	
											Not in Original Budget Indirect/Administrative Costs - Other	\$5,593,373.87
											Direct Technical Assistance Costs - TOTAL (Sections A+B)	\$5,715,932.80
											Indirect/Administrative Costs - TOTAL (Sections C+D)	\$6,277,099.95
											<b>GRAND TOTAL (Sections A+B+C+D+E)</b>	<b>\$17,586,406.62</b>
											\$0.00	



# County of Mendocino Local Jurisdiction Assistance Grant Program **Scope of Work**

## Executive Summary

The County of Mendocino Cannabis Department (“MCD”) issues local authorization via a local regulatory structure that will operate in conformance with State licensing requirements for commercial cultivation and nursery operations of cannabis in the unincorporated area of the County. The Mendocino Cannabis Cultivation Regulation (“MCCR”) is comprised of two complimentary chapters of the Mendocino County Code of Ordinances (“MCC”). The Mendocino Cannabis Cultivation Ordinance is found in MCC Sec. 10A.17<sup>1</sup> and the Cannabis Cultivation Sites chapter found in the Mendocino County Zoning Code under MCC Ch. 20.242<sup>2</sup>.

The Mendocino County Treasurer Tax Collector (“TTC”) issues a revocable, limited-term grant of permission to operate a cannabis processing, manufacturing, testing, retailing/dispensing, distributing, and/ or microbusiness within the County via issuance of a Cannabis Facility Business License (“CFBL”). The governing Code Section for CFBL’s can be found in MCC Ch. 6.36<sup>3</sup>.

Through the CFBL application process, the Mendocino County Planning and Building Services Department (“PBS”) regulates the processing, manufacturing, testing, dispensing, retailing, and distributing of cannabis within the unincorporated areas of Mendocino County. The Cannabis Facilities Code (“CFC”) established a permitting pathway for all non-cultivation aspects of the supply chain and can be found in MCC Sec. 20.243<sup>4</sup>.

This amended grant application will outline how the grant funds will be used going forward to support both the MCCR and the CFC in transitioning state provisional licenses to annual licenses. The primary objective is to aid Mendocino cultivators with provisional licenses in completing California Environmental Quality Act (“CEQA”) compliance requirements necessary to achieve annual licensure with a secondary objective of expeditiously reviewing provisional licensee local requirements. With these objectives in mind, MCD will use the remaining balance of funds for direct grant opportunities included herein available to all commercial cannabis applicants and permit holders operating within the unincorporated area of Mendocino County. These grant opportunities will further support the transition of provisional licenses (including equity licensees) to annual licenses by supporting the environmental

<sup>1</sup>[https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT10AAG\\_C\\_H10A.17MECACUOR](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT10AAG_C_H10A.17MECACUOR)

<sup>2</sup>[https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT20ZOOR\\_DIVIMECOZOCO\\_CH20.242CACUSI](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20ZOOR_DIVIMECOZOCO_CH20.242CACUSI)

<sup>3</sup>[https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT6BULIRE\\_CH6.36CAFABU](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT6BULIRE_CH6.36CAFABU)

<sup>4</sup>[https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT20ZOOR\\_DIVIMECOZOCO\\_CH20.243CAFA](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20ZOOR_DIVIMECOZOCO_CH20.243CAFA)



compliance required to obtain an annual license, such as preparation of CEQA documents and implementation of mitigation measures.

Finally, it is the intention of the County to transfer the regulatory and CFBL application and permitting responsibilities of PBS to MCD in Q3 or Q4 of the 2024-2025 fiscal year.

## Program Description

To address the environmental impacts associated with commercial cannabis cultivation in the County of Mendocino, a CEQA compliant initial study was prepared for the MCCR. Based on the recommendations of the initial study, the Mendocino County Board of Supervisors (“BOS”) adopted a Mitigated Negative Declaration<sup>5</sup> (“MND”) on March 21, 2017.

On March 14, 2023, the BOS directed staff to prepare a new environmental document and ordinance revision to streamline the requirement for issuance of a local permit for cannabis cultivation while retaining all substantive legal restrictions and environmental protection measures for state licensed operators. The new environmental document will be an Environmental Impact Report (“EIR”) and shall supplement the MND.

The revised, or “streamlined”, ordinance will move the permit-based regulatory structure for cultivation and nursery operations into a Mendocino County Cannabis Cultivation Business License (“CCBL”) which will be issued to persons cultivating cannabis in the unincorporated area of Mendocino County pursuant to the regulations in MCCR.

The primary objective of the MCCR is to allow the commercial cultivation of cannabis in locations that are consistent with the intent of the base zoning district, and to help ensure that its cultivation and related activities will not create adverse impacts to the public health, safety, and welfare of the residents of the County.

## Environmental Compliance

### Cultivation and Nursery Operations (CCBL)

MCD staff review applicable environmental documentation, which may include:

*Phase One*<sup>6</sup> *CCBL’s* – Required documents and measures for all Phase One CCBL’s that are requesting to relocate the cultivation site:

- Relocation Worksheet,
- Relocation Remediation Plan,
- Relocation Remediation Evidence, and
- Relocation Water Availability Analysis.

*Phase Two CCBL’s* – Required document:

- Indoor Industrial Cultivation Questionnaire

*All CCBL’s* – Required documents and measures if applicable to the project:

- EnviroStor / Cortese List review,
- California Department of Fish and Wildlife (“CDFW”) Lake and Streambed Alteration Agreement,
- State Water Resources Control Board -

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<sup>5</sup><https://www.mendocinocounty.org/government/cannabis-cultivation/ceqa-information-cannabis>

<sup>6</sup>[https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT10AAG\\_C110A.17MECACUOR\\_S10A.17.080PEPHRESPEAPH](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT10AAG_C110A.17MECACUOR_S10A.17.080PEPHRESPEAPH)

- Permit, license or registration, and the annual filing of a statement of diversion and use of surface water from a stream, river, underground stream, or other watercourse pursuant to Water Code Section 5101,
- General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009- 0009-DWQ (clearing, grading and disturbances),
- North Coast Regional Water Quality Control Board (“NCRWQCB”) -
  - Establish and maintain enrollment in Tier 1, 2 or 3 with NCRWQCB Order No. 2015-0023,
  - CWA Section 401 water quality certification (for activities that involve construction and other work in Waters of the United States, that are not otherwise exempt or excluded, including streams and wetlands),
- Army Corps of Engineers -
  - Clean Water Act (CWA) Section 404 permit,
- Generator Management -
  - Leak prevention containment structure description within the cultivation and Operations plan,
  - Generator Maintenance Plan,
  - Generator Noise Analysis,
- Legal Water Source Verification –
  - Watershed assessment (If using surface water in Phase III) consist of an established "In Stream Flow Policy" as prepared by the State Water Resources Control Board Division of Water Rights or an equivalent document approved by that agency.
  - Small Irrigation Use Registration,
  - Appropriative Water Right,
  - Will Serve Letter,
  - Well Completion Report,
  - Well Permit,
  - Pond Permit,
- Mendocino County Air Quality Management District (“MCAQMD”) –
  - Questionnaire<sup>7\*</sup>,
  - Filtered ventilation system permit, and
- Sensitive Species Habitat Review<sup>8</sup> (“SSHR”)

#### Non-Cultivation Cannabis Facilities (CFBL)

All non-cultivation cannabis facilities in the County of Mendocino require, at minimum, issuance of a CFBL. These facilities are not required by the local jurisdiction to go through an environmental review because it is a ministerial process and is exempt from the requirements of the CEQA pursuant to Public Resource Code Section 21080(b)(1). Additionally, ministerial actions, such as the review and approval of a cannabis facilities business license, are considered a Statutory Exemption under California Code of Regulations Section 15268(b).

The CFBL application is reviewed by PBS and the Mendocino County Public Health Division of Environmental Health to ensure compliance with all land use, zoning, building code, and environmental health regulations.

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<sup>7</sup><https://www.mendocinocounty.org/home/showpublisheddocument/54679/638060247427600000>

<sup>8</sup><https://www.mendocinocounty.org/government/cannabis-cultivation/sensitive-species-habitat-review>

Simultaneously, the TTC communicates with the Mendocino County Air Quality Management District to determine if additional action is required after a review of the applicant submitted Air Quality Permit Checklist.

During the review, the Planning Division determines if any additional permits are required beyond the CFBL. If a discretionary Land Use Permit (Administrative Permit, Minor Use Permit, Major Use Permit) is required, the CFBL is placed on hold and the discretionary Land Use Permit must be obtained. During this process, the CEQA compliance measures are identified. Should no discretionary permit be required, the Planning Division awaits approvals from all three local division agencies. Once all approved, the Planning Division informs the TTC that the application is approved and ready for issuance.

### ***Administrative Permits***

Cannabis facilities that require an Administrative Permit, in addition to the CFBL, undergo an environmental review after the referral period to Responsible Agencies for comment, and prior to the writing of a project staff report reviewed by the Zoning Administrator. During the environmental review process, the project planner analyzes the proposed cannabis facility to determine what level of environmental review is appropriate for the project. This review entails determining if the project can be considered Categorical Exempt from the requirements of CEQA or if an Initial Study needs to be conducted. If a project is found to fall under a Categorical Exemption, the project planner prepares a Notice of Exemption and files the document with the Mendocino County Clerk. Common exemptions for cannabis facilities include, but are not limited to, Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction), Class 3 (New Construction or Conversion of Small Structures), and Class 11 (Accessory Structures).

If a cannabis facility cannot be considered under a Categorical Exemption, the project planner completes an initial study for the proposed project. Information to conduct the Initial Study includes the submitted application materials, additional surveys, internal Department mapping information, and other sources such as the General Plan or items found during project planner research. Additional survey may be required depending on the level of impacts the proposed project may incur. The initial study helps to determine if a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report (“EIR”) is to be prepared. If an Initial Study determines a Negative Declaration or Mitigated Negative Declaration can be adopted, then a Notice of Determination (“NOD”) is prepared. The filing of the NOD occurs after any action taken by the appropriate hearing body (Zoning Administrator) and includes the California Department of Fish & Wildlife filing fee.

### ***Minor Use Permits***

Cannabis facilities that require a Minor Use Permit, in addition to the CFBL, undergo an environmental review after the referral period to Responsible Agencies for comment, and prior to the writing of a project staff report and public hearing with the Zoning Administrator. During the environmental review process, the project planner analyzes the proposed cannabis facility to determine what level of environmental review is appropriate for the project. This review entails determining if the project can be considered Categorical Exempt from the requirements of CEQA or if an Initial Study needs to be conducted. If a project is found to fall under a Categorical Exemption, the project planner prepares a Notice of Exemption and files the document with the Mendocino County Clerk. Common exemptions for cannabis facilities include, but are not limited to, Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction), Class 3 (New Construction or Conversion of Small Structures), and Class 11 (Accessory Structures).

If a cannabis facility cannot be considered under a Categorical Exemption, the project planner completes an initial study for the proposed project. Information to conduct the Initial Study includes the submitted application materials, additional surveys, internal Department mapping information, and other sources such as the General Plan or items found during project planner research. Additional survey

may be required depending on the level of impacts the proposed project may incur. The initial study helps to determine if a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report (“EIR”) is to be prepared. If an Initial Study determines a Negative Declaration or Mitigated Negative Declaration can be adopted, then a Notice of Determination (“NOD”) is prepared. The filing of the NOD occurs after any action taken by the appropriate hearing body (Zoning Administrator) and includes the California Department of Fish & Wildlife filing fee.

### **Major Use Permits**

Cannabis facilities that require a Major Use Permit, in addition to the CFBL, undergo an environmental review after the referral period to Responsible Agencies for comment, and prior to the writing of a project staff report and public hearing with the Planning Commission. During the environmental review process, the project planner analyzes the proposed cannabis facility to determine what level of environmental review is appropriate for the project. This review entails determining if the project can be considered Categorical Exempt from the requirements of CEQA or if an Initial Study needs to be conducted. If a project is found to fall under a Categorical Exemption, the project planner prepares a Notice of Exemption and files the document with the Mendocino County Clerk. Common exemptions for cannabis facilities include, but are not limited to, Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction), Class 3 (New Construction or Conversion of Small Structures), and Class 11 (Accessory Structures).

If a cannabis facility cannot be considered under a Categorical Exemption, the project planner completes an initial study for the proposed project. Information to conduct the Initial Study includes the submitted application materials, additional surveys, internal Department mapping information, and other sources such as the General Plan or items found during project planner research. Additional survey may be required depending on the level of impacts the proposed project may incur. The initial study helps to determine if a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report (“EIR”) is to be prepared. If an Initial Study determines a Negative Declaration or Mitigated Negative Declaration can be adopted, then a Notice of Determination (“NOD”) is prepared. The filing of the NOD occurs after any action taken by the appropriate hearing body (Planning Commission) and includes the California Department of Fish & Wildlife filing fee.

## **CCBL’s In compliance (Cannabis Cultivation and Nursery Operations)**

Phase One CCBL applications and annual CCBL’s issued pursuant to the MCCR are considered “in compliance” and locally authorized if the following MCD status has been applied and compliance requirements are met.

### **Annual CCBL’s**

An annual CCBL is considered “in compliance” and eligible for local authorization if the following compliance criteria are met, and the annual CCBL has one of the assigned MCD statuses.

**Compliance Criteria** - All annual CCBL’s with the status noted below must also meet the following criteria for local authorization to be granted.

**Issued Status** - The Annual CCBL is issued, is valid, and not otherwise expired.

**Notice of Non-Cultivation Status (“NCS”)** - Annual CCBL holders are eligible to submit a NCS instead of a renewal application not more than once in a five-year period. The NCS is valid for no more than 12-months. MCD staff may provide local authorization to ensure the CCBL Holder is not subject to revocation of a state license during the temporary closure.

**Renewal Incomplete** - The annual CCBL is valid, and a renewal application is under review.

## Phase One CCBL Applications

A Phase One CCBL application is considered “in compliance” and eligible for local authorization if the following compliance criteria are met, and the application has the MCD status “Under Review”.

*Compliance Criteria* - All Phase One CCBL application with the status noted below must also meet the following criteria for local authorization to be granted.

- The application is complete, as determined by MCD, and Under Review by MCD staff,
- The local authorization request is for the same APN(s) associated with the application,
- The local authorization request is for the same physical address associated with the application, and
- The local authorization request is appropriate for the cultivation type(s) associated with the application.

*Under Review* - the status provided to Phase One CCBL applications that have been determined by MCD staff to be complete enough to warrant review.

*Notice of Application Stay (“NAS”)* - Phase One CCBL applicants are eligible to submit a NAS which is a statement of non-cultivation that may last for no more than 12- months. MCD staff may provide local authorization to ensure the applicant is not subject to revocation of a state license during the temporary closure.

## CCBL’s Compliance Underway

Phase One CCBL applications and annual CCBL’s issued pursuant to the MCCR are considered “compliance under way” and not currently locally authorized if one of the following MCD statuses has been applied.

### Annual CCBL’s

*Renewal Hold* - The Annual CCBL has been assigned the status of Renewal Hold by MCD staff. Renewal Hold status may be placed on an annual permit for the following reasons:

- The CCBL expired while the renewal application was under review and MCD staff believes the renewal will be completed within 30 days: or
- MCD staff identified, during review of the renewal application, one or more compliance issue(s) that must be resolved before the annual CCBL renewal may be approved, and MCD staff has reason to believe the compliance issue(s) may be resolved within a timeframe determined by staff.
- The CCBL Holder received a potentially disqualifying Notice of Violation that requires referral to an outside agency for determination.

### Phase One CCBL Applications

*Hold* - The Phase One CCBL application has been assigned the status of Hold by MCD staff. Hold status may be placed on a Phase One CCBL application for the following reasons:

- The Phase One CCBL application has been identified by MCD staff as out of compliance due to an issue that can be remedied during a specified amount of time, or
- MCD staff identified, during the application review one or more compliance issue that must be resolved before the application review and MCD staff has reason to believe the compliance issue(s) may be resolved within a timeframe determined by staff, or
- The applicant received a potentially disqualifying Notice of Violation that requires referral to an outside agency for determination.

## CCBL's Not in Compliance

There are a number of statuses that may appear in MCD's weekly workbook, shared with the State, that indicate that the CCBL application or CCBL is "Not in Compliance". These statuses are as follows.

*Denial* - This status is used for initial and renewal applications and indicates that the application has been denied.

*Canceled* - This status is used for initial applications and annual CCBL's when the applicant or CCBL Holder is deceased rendering the application or CCBL no longer valid.

*Revoked* - This status is used for annual CCBL's only and indicates that the County has revoked the annual CCBL. In this instance the annual CCBL ceases to exist, and there is no opportunity to reinstate the CCBL.

*Expired* - This status is used for annual CCBL's that have expired and were not renewed. Failure to renew an annual CCBL within 30-days of the expiration date permanently expires the annual CCBL.

*Sunset Void* - This status may be used for an application or an annual CCBL. Sunset void means that the location where the applicant or CCBL Holder was operating is no longer eligible for the commercial cannabis activity.

*Void* - This status is generally used when MCD staff has started an application in error, or to close the origin site associated with a relocation. There was also a brief period of time when MCD staff assigned a new numbering system to annual renewals. When this numbering system was discontinued the status on the discontinued CCBL numbers was changed to void. There is no way to delete an established application / CCBL number out of the County's tracking system so CCBL numbering errors are categorized as void.

## CFBL's In Compliance (Non-Cultivation Cannabis Operations)

Cannabis facilities that are considered to be "in compliance" have met all the requirements of the local jurisdiction review and have been issued a CFBL by the TTC. The requirements for the local jurisdiction review includes approvals from PBS, including the Planning Division and Building Division, MCAQMD, and the Division of Environmental Health. Each agency conducts a review of the proposed cannabis facility to ensure compliance with their respective program objectives and responsibilities. The TTC considers a cannabis facility "In Compliance" once all applicable local reviewing agencies have approved their component of the proposed project, and a CFBL is issued indicating local authorization.

## CFBL's Compliance Under Way

Cannabis Facilities that are considered to be "Compliance Under Way" have submitted a complete CFBL Application to TTC. The application has been referred to the appropriate County agencies through the permit tracking software known as "TRAKiT" and have made substantial progress towards compliance, which is typically considered approval by two (2) out of the three (3) local division agencies on TRAKiT (Planning Division, Building Division, and Environmental Health Division). The determination of whether a proposed project has made substantial progress towards compliance is at the discretion of PBS though State processes also help to inform PBS determinations.

Note: TRAKiT is the primary permit software used by the County of Mendocino. Accela implementation will be limited to MCD as of now.

## CFBL's Not in Compliance

Cannabis Facilities that are considered to be “Not in Compliance” are those which have submitted a CFBL Application to TTC. The reason for the proposed project to be considered “Not in Compliance” may include:

- Incomplete application,
- No approval by any local division agency (Planning Division, Building Division, and Environmental Health Division); still “Under Review”, or
- No substantial progress towards compliance (limited approval by local division agencies); still “Under Review”.

Included in the status of “Not in Compliance” are any and all cannabis facilities that operate within the unincorporated areas of the Mendocino County without a CFBL having been submitted to the TTC.

## Statement of Needs

MCD Needs:

1. Programmatic Environmental Impact Report
  - To effectively transition provisional license holders to annual license holders, MCD needs the fastest and broadest level environmental review.
2. Additional staff resources
  - MCD is limited in the number of staff and hiring has proven to be challenging. There is a backlog of application and renewal review that must be completed.
3. Technological Upgrades
  - MCD has identified a number of technological upgrades that would greatly expedite our review and analysis efforts.
4. Direct Grant Program
  - Provisional license holders, including equity licensees, may be eligible for direct grant assistance, to be administered by the Mendocino Cannabis Department to support environmental compliance required to obtain an annual license.

### Equity Program

Staffing limitations, management turnover, and underdeveloped systems and technologies, coupled with the COVID-19 pandemic has hindered the implementation timeline for the local equity program. The original eligibility criteria established by the Board of Supervisors set the income thresholds at “extremely low” to “very low” which disqualified the vast majority of those persons with applications and permits from being eligible for the equity program.

Applicants that were able to meet the “extremely low” to “very low” income thresholds reported that they generally do not have a business entity, do not have access to business banking, and run all permit / license related operational and compliance expenses through their personal bank accounts. Furthermore, many of these applicants have reported that they are receiving various benefits from the government and fear that receiving equity grant funds will make them ineligible for benefits in the future.

Additionally, the initial criteria for direct grants and technical assistance did not allow equity applicants to use direct grant funds for bookkeeping, accounting, tax filing fees, legal fees associated with business development, or pay for consultants to assist with application development and site-specific CEQA review. This left many of the early applicants challenged with finding meaningful and affordable ways to use the funds.

In July 2021 the Board of Supervisors increased the income threshold to moderate and eligibility applications doubled. The Board also amended the direct grant program by increasing the direct grant

amount from a \$10,000 maximum funding award to a \$50,000 to be awarded in 2 tranches of up to \$25,000 each. And in October the Board again amended the Equity Program to include the following:

- removed the income threshold
- increased the individual tranches to a maximum of \$50,000
- expanded the direct grant criteria to include the following:
  - Small business support services offering technical assistance or professional services including but not limited to consultants providing technical assistance with CEQA analysis, biological studies, bookkeeping, accounting, legal assistance with entity development, meeting insurance requirements, and required surety bond expense.
  - Assistance securing business locations prior to or during the application process. This could include rent and/or lease assistance to support those who need to relocate.
  - Assistance in required trainings such as Cal Osha.

## Goals and Intended Outcomes

Streamlining ordinance changes proposed are intended to assist the Cannabis Department in processing applications, eliminate duplicative reviews that are conducted at the state level, and remove the county track in trace that was never developed. Additional changes include changing the current “permit” title to a Cannabis Cultivation Business License or “CCBL”. These changes are reflective of the departments continued efforts to streamline application review and renewals. For changes, see attached ordinance changes that will go before the board for adoption

### 1. Programmatic EIR & other CEQA documents

To aid the streamlining and combined efforts of the State and County in transitioning provisional licenses to annual licenses in Mendocino County, the County will secure a CEQA contractor to complete a programmatic EIR covering State licensing of cannabis cultivation in Mendocino County, for and under the direction of the DCC.

In addition, the County’s contractor will prepare site-specific environmental documents (which may include, but not limited to, notices of exemption, negative declarations or mitigated negative declarations, or addenda), for annual cultivation licenses in Mendocino County.

Budget Items: F5 – Services: CEQA Contract

Action	Intended Outcome
<p>The County contracts with a provider to perform a Programmatic EIR and site-specific environmental review documents.</p>	<p>By approximately July 2024, the County will have the programmatic EIR in place to be used by both the DCC and the County for the purposes of environmental review associated with commercial cannabis cultivation locations within the County.</p> <p>In the interim, the county will continue to process select CCBL’s with the intention of transitioning as many provisional licenses to annual licenses while the EIR is being conducted utilizing Appendix G’s under the current review process. The MCD will review the CEQA documentation once the renewals are processed for issuance within the department.</p>



	The County will ensure that its efforts are not duplicated in CCBL processing while the EIR is being completed by ensuring that contract planners and MCD staff share information with the EIR contractor via SharePoint secure folders.
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## 2. Staff Resources

MCD has determined that bolstering short term staff resources to help eliminate the backlog of CCBL applications, and CCBL renewals would be the most efficient means to gain stability.

Budget Items: A1 – A13: Cannabis Program staff  
 F6 – Services: LACO contract  
 C1 – C9: County Administration staff  
 B1 – B20: 4-Leaf Contract Planners (See Contract Attached)

Action	Intended Outcome
The county will have program staff and County Administration Staff to implement LJAG goals	Program oversight, CCBL reviews, CCBL issuance, and CCBL compliance
4Leaf	Short term staffing resources in the form of 20 4-Leaf contract planners will help with the processing of the large volume of CCBL backlog.
LACO	To ensure County staff and 4-Leaf contract planners perform consistent reviews, the County will contract with LACO to create training materials to support planner and staff efforts. As a part of this effort, LACO will create an onboarding and training system to assist with continued development of the short-term staffing solution.

## 3. Informational Technology

The following Information Technology solutions and upgrades will support license processing and compliance.

Budget Items: D14 – Information Technology Systems: TRAKiT Service  
 D15 – Field Inspection Technology – Devices & Services  
 D19 – Information Technology Systems: Planet Imagery  
 D20 – Information Technology Systems: Land Vision Aerial Imagery  
 D23 – Supplies: GIS Equipment  
 D24 – Information Technology Systems: DocuSign  
 F1 – Services: Accela (See Contract Attached)  
 F2 – Services: Avero-Accela Implementation

Action	Intended outcome
Accela (Software & System integration)	<p>Purchase of Accela Software to accept, maintain, and execute all CCBL needs.</p> <p>Avero – Contract services to integrate Accela software into County System.</p>
Field Inspection Technology	<p>For iPads, or SurfacePro type devices. Will also include required software and upgrades, wireless support, and GPS capabilities. With this equipment, the County will be able to enter information while in the field.</p>
Secure Planet Imagery	<p>The implementation of this technology will enhance staff's ability to conduct environmental review.</p> <p>By reviewing Planet Imagery, the County will be able to reduce staff time for site inspections and environmental impact, while increasing County efficiency and consistency of its remote site reviews.</p>
Secure Land Vision Aerial Imagery	<p>This subscription would be used to work in conjunction with the Planet technology. Land Vision provides a higher resolution image than the Planet technology and parcel data information not offered by Planet. While Land Vision does not offer the volume of images, on a regular a basis, or the ability to order images of a given area on a specified date in the future like Planet does, the high-resolution imagery that Land Vision offers will provide staff with the ability to verify conditions discovered with the Planet technology and be better prepared for site inspections.</p> <p>By reviewing Land Vision Imagery, the County will be able to reduce staff time for site inspections and environmental impact, while increasing County efficiency and consistency of its remote site reviews.</p>
Purchase workstation for Cartographer + GIS Licenses(s)	<p>Purchase of workstation plus professional licenses</p>
Information Technology Systems: DocuSign	<p>Under the current Program, the County cannot issue a permit without scheduling an in-person appointment with the applicant so that the permit and accompanying documents can be signed and executed. Integrating DocuSign software into the online Portal Application system will reduce the need for in-person appointments and reduce Program staff hours associated with permit issuance.</p>

#### 4. Goal: Direct Grant Programs

Provisional license holders, including equity licensees, may be eligible for direct grant assistance, to be administered by the Mendocino Cannabis Department to support environmental compliance required to obtain an annual license.

<b>Action</b>	<b>Intended Outcome</b>
Develop a direct grant program	The MCD will develop a grant program that provides direct assistance to support provisional licensees' (including participants in the County's Equity program) in transitioning from provisional to annual licensure (e.g., support for environmental remediation/mitigation, as necessary to complete environmental review under CEQA and satisfy related local-authorization requirements).



# 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:** May 22, 2023

**Department Contact:** Steve Dunicliff

**Phone:** 707-463-4441

**Item Type:** Regular Agenda

**Time Allocated for Item:** 30 Minutes

**Agenda Title:**

Discussion and Possible Action Including Approval of Agreement with Ascent Environmental, Inc., for up to \$5,000,000 in Environmental Planning Services from the Effective Date of the Agreement through December 31, 2024  
(Sponsor: Cannabis)

**Recommended Action/Motion:**

Approve agreement with Ascent Environmental, Inc., for up to \$5,000,000 in environmental planning services from the effective date of the agreement through December 31, 2024; and authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

At the March 14, 2023, Board of Supervisors meeting, the Board directed County Counsel to draft an ordinance that would streamline the cannabis permitting process while maintaining all existing environmental protection measures. At the same time, the Board directed the Executive Office and County Counsel to work with the Department of Cannabis Control (“DCC”) to develop a pathway for applicants to obtain an annual state license.

**Summary of Request:**

After meeting with DCC, the state has agreed to perform site-specific environmental review as part of its licensing process, removing an administrative burden that has historically been borne by the County. DCC plans to utilize a programmatic environmental impact report (“EIR”) to study state licensing of cannabis cultivation in Mendocino County. This EIR can then be used as the basis to generate site specific environmental documents for individual license applications and provide a pathway to annual licensure.

To facilitate this plan, DCC requested that the County use existing grant funding to develop the requisite environmental documents within the states current deadline. This would help ensure the development of adequate environmental review while removing a burden that would otherwise fall to the applicant in the form of fees or consultant work. This is consistent with the grant’s purposes, but it will require an amendment to the grant agreement.

Ascent has been identified as the appropriate vendor for these services pursuant to the attached exception to bid. Their prior work in neighboring counties is being used as the model for this approach, and they have developed a specialized expertise specific to this proposal. They also have the necessary capacity to perform the work on a short timetable and are acceptable to DCC.

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**Item #: 3b)**

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**Alternative Action/Motion:**

Do not approve agreement; provide direction to staff.

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

**Strategic Plan Priority Designation:** An Effective County Government

**Supervisorial District:** All

**vote requirement:** Majority

**Supplemental Information Available Online At:** n/a

**Fiscal Details:**

**source of funding:** Local Jurisdiction Assistance Grant

**current f/y cost:** \$1,250,000.00

**annual recurring cost:** N/A

**budget clarification:** N/A

**budgeted in current f/y:** Yes

**if no, please describe:**

**revenue agreement:** N/A

**Agreement/Resolution/Ordinance Approved by County Counsel:** No

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**CEO Liaison:** Executive Office

**CEO Review:** Choose an item.

**CEO Comments:**

**FOR COB USE ONLY**

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Executed By: Atlas Pearson, Senior Deputy Clerk

Date: May 22, 2023

Final Status: **Approved**

Executed Item Type: Agreement Number: 23-074



**COUNTY OF MENDOCINO  
STANDARD SERVICES AGREEMENT**

This Agreement is by and between the COUNTY OF MENDOCINO, hereinafter referred to as the "COUNTY", and ASCENT ENVIRONMENTAL, INC., a California Corporation, hereinafter referred to as the "CONTRACTOR".

**WITNESSETH**

WHEREAS, pursuant to Government Code Section 31000, COUNTY may retain independent contractors to perform special services to or for COUNTY or any department thereof; and,

WHEREAS, COUNTY desires to obtain CONTRACTOR for its environmental planning services; and,

WHEREAS, CONTRACTOR is willing to provide such services on the terms and conditions set forth in this AGREEMENT and is willing to provide same to COUNTY.

NOW, THEREFORE it is agreed that COUNTY does hereby retain CONTRACTOR to provide the services described in Exhibit "A", and CONTRACTOR accepts such engagement, on the General Terms and Conditions hereinafter specified in this Agreement, the Additional Provisions attached hereto, and the following described exhibits, all of which are incorporated into this Agreement by this reference:

- Exhibit A Definition of Services
- Exhibit B Payment Terms
- Exhibit C Insurance Requirements
- Exhibit D Mendocino County ePayables Information

The term of this Agreement shall be from the date this Agreement becomes fully executed by all parties (the "Effective Date"), and shall continue through December 31, 2024.

The compensation payable to CONTRACTOR hereunder shall not exceed FIVE MILLION DOLLARS (\$5,000,000.00) for the term of this Agreement.

IN WITNESS WHEREOF

DEPARTMENT FISCAL REVIEW:

[Signature] 05/18/2023  
DEPARTMENT HEAD DATE

Budgeted:  Yes  No

Budget Unit: WOLJA21

Line Item: 862189

Grant:  Yes  No

Grant No.: G21-017

CONTRACTOR/COMPANY NAME:

By: [Signature] 5/18/23

NAME AND ADDRESS OF CONTRACTOR:

Ascent Environmental, Inc.

455 Capitol Mall, Suite 300

Sacramento, CA 95814

COUNTY OF MENDOCINO

By: [Signature]  
GLENN McGOURTY, Chair  
BOARD OF SUPERVISORS

Date: 05/22/2023

ATTEST:

DARCIE ANTLE, Clerk of said Board

By: [Signature]  
Deputy 05/22/2023

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

DARCIE ANTLE, Clerk of said Board

By: [Signature]  
Deputy 05/22/2023

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

COUNTY COUNSEL REVIEW:

APPROVED AS TO FORM:

CHRISTIAN M. CURTIS,  
County Counsel

By: [Signature]  
Deputy

Date: 05/18/2023

INSURANCE REVIEW:

By: [Signature]  
Risk Management

Date: 05/18/2023

EXECUTIVE OFFICE/FISCAL REVIEW:

By: [Signature]  
Deputy CEO or Designee

Date: 05/18/2023

Signatory Authority: \$0-25,000 Department; \$25,001- 50,000 Purchasing Agent; \$50,001+ Board of Supervisors  
Exception to Bid Process Required/Completed  \_\_\_\_\_  
Mendocino County Business License: Valid   
Exempt Pursuant to MCC Section: \_\_\_\_\_

## GENERAL TERMS AND CONDITIONS

1. **INDEPENDENT CONTRACTOR:** No relationship of employer and employee is created by this Agreement; it being understood and agreed that CONTRACTOR is an Independent Contractor. CONTRACTOR is not the agent or employee of the COUNTY in any capacity whatsoever, and COUNTY shall not be liable for any acts or omissions by CONTRACTOR nor for any obligations or liabilities incurred by CONTRACTOR.

CONTRACTOR shall have no claim under this Agreement or otherwise, for seniority, vacation time, vacation pay, sick leave, personal time off, overtime, health insurance medical care, hospital care, retirement benefits, social security, disability, Workers' Compensation, or unemployment insurance benefits, civil service protection, or employee benefits of any kind.

CONTRACTOR shall be solely liable for and obligated to pay directly all applicable payroll taxes (including federal and state income taxes) or contributions for unemployment insurance or old age pensions or annuities which are imposed by any governmental entity in connection with the labor used or which are measured by wages, salaries or other remuneration paid to its officers, agents or employees and agrees to indemnify and hold County harmless from any and all liability which COUNTY may incur because of CONTRACTOR's failure to pay such amounts.

In carrying out the work contemplated herein, CONTRACTOR shall comply with all applicable federal and state workers' compensation and liability laws and regulations with respect to the officers, agents and/or employees conducting and participating in the work; and agrees that such officers, agents, and/or employees will be considered as Independent Contractors and shall not be treated or considered in any way as officers, agents and/or employees of COUNTY.

CONTRACTOR does, by this Agreement, agree to perform his/her said work and functions at all times in strict accordance with all applicable federal, state and County laws, including but not limited to prevailing wage laws, ordinances, regulations, titles, departmental procedures and currently approved methods and practices in his/her field and that the sole interest of COUNTY is to ensure that said service shall be performed and rendered in accordance with the provisions of Paragraph 35 herein.

Notwithstanding the foregoing, if the COUNTY determines that pursuant to state and federal law CONTRACTOR is an employee for purposes of income tax withholding, COUNTY may upon two (2) week's written notice to CONTRACTOR, withhold from payments to CONTRACTOR hereunder federal and state income taxes and pay said sums to the federal and state governments.



2. **INDEMNIFICATION:** To the furthest extent permitted by law (including without limitation California Civil Code sections 2782 and 2782.8, if applicable), Contractor shall assume the defense of, indemnify, and hold harmless the COUNTY, its officers, agents, and employees, from and against any and all claims, demands, damages, costs, liabilities, and losses whatsoever alleged to be occurring or resulting in connection with the CONTRACTOR'S performance or its obligations under this AGREEMENT, but only to the extent actually caused by the negligence or willful misconduct of CONTRACTOR, unless arising out of the sole negligence or willful misconduct of COUNTY. "CONTRACTOR'S performance" includes CONTRACTOR'S action or inaction and the action or inaction of CONTRACTOR'S officers, employees, agents and subcontractors. CONTRACTOR'S indemnification under this section shall extend to the State of California Department of Cannabis Control ("DCC") and its officers, agents and employees.
3. **INSURANCE AND BOND:** CONTRACTOR shall at all times during the term of the Agreement with the COUNTY maintain in force those insurance policies and bonds as designated in the attached Exhibit C, and will comply with all those requirements as stated therein.
4. **WORKERS' COMPENSATION:** CONTRACTOR shall provide Workers' Compensation insurance, as applicable, at CONTRACTOR's own cost and expense and further, neither the CONTRACTOR nor its carrier shall be entitled to recover from COUNTY any costs, settlements, or expenses of Workers' Compensation claims arising out of this Agreement.

CONTRACTOR affirms that s/he is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for the Workers' Compensation or to undertake self-insurance in accordance with the provisions of the Code and CONTRACTOR further assures that s/he will comply with such provisions before commencing the performance of work under this Agreement. CONTRACTOR shall furnish to COUNTY certificate(s) of insurance evidencing Worker's Compensation Insurance coverage to cover its employees, and CONTRACTOR shall require all subcontractors similarly to provide Workers' Compensation Insurance as required by the Labor Code of the State of California for all of subcontractors' employees.

5. **CONFORMITY WITH LAW AND SAFETY:**
  - a. In performing services under this Agreement, CONTRACTOR shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal, and local governing bodies, having jurisdiction over the scope of services, including all applicable provisions of the California Occupational Safety and Health Act. CONTRACTOR shall indemnify and hold COUNTY harmless from any and all liability, fines, penalties and consequences from

any of CONTRACTOR's failures to comply with such laws, ordinances, codes and regulations.

- b. Accidents: If a death, serious personal injury or substantial property damage occurs in connection with CONTRACTOR's performance of this Agreement, CONTRACTOR shall immediately notify Mendocino County Risk Manager's Office by telephone. CONTRACTOR shall promptly submit to COUNTY a written report, in such form as may be required by COUNTY of all accidents which occur in connection with this Agreement. This report must include the following information: (1) name and address of the injured or deceased person(s); (2) name and address of CONTRACTOR's sub-contractor, if any; (3) name and address of CONTRACTOR's liability insurance carrier; and (4) a detailed description of the accident and whether any of COUNTY's equipment, tools, material, or staff were involved.
  - c. CONTRACTOR further agrees to take all reasonable steps to preserve all physical evidence and information which may be relevant to the circumstances surrounding a potential claim, while maintaining public safety, and to grant to the COUNTY the opportunity to review and inspect such evidence, including the scene of the accident.
6. PAYMENT: For services performed in accordance with this Agreement, payment shall be made to CONTRACTOR as provided in Exhibit "B" hereto as funding permits.

If COUNTY over pays CONTRACTOR for any reason, CONTRACTOR agrees to return the amount of such overpayment to COUNTY, or at COUNTY's option, permit COUNTY to offset the amount of such overpayment against future payments owed to CONTRACTOR under this Agreement or any other agreement.

In the event CONTRACTOR claims or receives payment from COUNTY for a service, reimbursement for which is later disallowed by COUNTY, State of California or the United States Government, the CONTRACTOR shall promptly refund the disallowance amount to COUNTY upon request, or at its option COUNTY may offset the amount disallowed from any payment due or that becomes due to CONTRACTOR under this Agreement or any other agreement.

All invoices, receipts, or other requests for payment under this contract must be submitted by CONTRACTOR to COUNTY in a timely manner and consistent with the terms specified in Exhibit B. In no event shall COUNTY be obligated to pay any request for payment for which a written request for payment and all required documentation was first received more than six (6) months after this Agreement has terminated, or beyond such other time limit as may be set forth in Exhibit B.

7. TAXES: Payment of all applicable federal, state, and local taxes shall be the sole responsibility of the CONTRACTOR.
8. OWNERSHIP OF DOCUMENTS: CONTRACTOR hereby assigns the COUNTY and its assignees all copyright and other use rights in any and all proposals, plans, specification, designs, drawings, sketches, renderings, models, reports and related documents (including computerized or electronic copies) respecting in any way the subject matter of this Agreement, whether prepared by the COUNTY, the CONTRACTOR, the CONTRACTOR's subcontractors or third parties at the request of the CONTRACTOR (collectively, "Documents and Materials"). This explicitly includes the electronic copies of all above stated documentation.

CONTRACTOR shall be permitted to retain copies, including reproducible copies and computerized copies, of said Documents and Materials. CONTRACTOR agrees to take such further steps as may be reasonably requested by COUNTY to implement the aforesaid assignment. If for any reason said assignment is not effective, CONTRACTOR hereby grants the COUNTY and any assignee of the COUNTY an express royalty – free license to retain and use said Documents and Materials. The COUNTY's rights under this paragraph shall apply regardless of the degree of completion of the Documents and Materials and whether or not CONTRACTOR's services as set forth in Exhibit "A" of this Agreement have been fully performed or paid for.

The COUNTY's rights under this Paragraph 8 shall not extend to any computer software used to create such Documents and Materials.

9. CONFLICT OF INTEREST: The CONTRACTOR covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of services required under this Agreement.
10. NOTICES: All notices, requests, demands, or other communications under this Agreement shall be in writing. Notices shall be given for all purposes as follows:

Personal delivery: When personally delivered to the recipient, notices are effective on delivery.

First Class Mail: When mailed first class to the last address of the recipient known to the party giving notice, notice is effective three (3) mail delivery days after deposit in a United States Postal Service office or mailbox. Certified Mail: When mailed certified mail, return receipt requested, notice is effective on receipt, if delivery is confirmed by a return receipt.

Overnight Delivery: When delivered by overnight delivery (Federal Express/Airborne/United Parcel Service/DHL WorldWide Express) with charges

prepaid or charged to the sender's account, notice is effective on delivery, if delivery is confirmed by the delivery service.

Facsimile transmission: When sent by facsimile to the facsimile number of the recipient known to the party giving notice, notice is effective on receipt, provided that, (a) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery, or (b) the receiving party delivers a written confirmation of receipt. Any notice given facsimile shall be deemed received on the next business day if it is received after 5:00 p.m. (recipient's time) or on a non-business day.

Addresses for purpose of giving notice are as follows:

To COUNTY: COUNTY OF MENDOCINO  
125 East Commercial Street, Suite 230  
Willits, CA 95490  
Attn: Director

To CONTRACTOR: Ascent Environmental, Inc.  
455 Capitol Mall, Suite 300  
Sacramento, CA 95814  
ATTN: Patrick Angell

Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger, or overnight delivery service.

Any party may change its address or facsimile number by giving the other party notice of the change in any manner permitted by this Agreement.

11. USE OF COUNTY PROPERTY: CONTRACTOR shall not use County property (including equipment, instruments and supplies) or personnel for any purpose other than in the performance of his/her obligations under this Agreement.
12. EQUAL EMPLOYMENT OPPORTUNITY PRACTICES PROVISIONS: CONTRACTOR certifies that it will comply with all Federal, State, and local laws, rules and regulations pertaining to nondiscrimination in employment.
  - a. CONTRACTOR shall, in all solicitations or advertisements for applicants for employment placed as a result of this Agreement, state that it is an "Equal Opportunity Employer" or that all qualified applicants will receive consideration for employment without regard to their race, creed, color, pregnancy, disability, sex, sexual orientation, gender identity, ancestry, national origin, age, religion, Veteran's status, political affiliation, or any other factor prohibited by law.

- b. CONTRACTOR shall, if requested to so do by the COUNTY, certify that it has not, in the performance of this Agreement, engaged in any unlawful discrimination.
  - c. If requested to do so by the COUNTY, CONTRACTOR shall provide the COUNTY with access to copies of all of its records pertaining or relating to its employment practices, except to the extent such records or portions of such records are confidential or privileged under State or Federal law.
  - d. Nothing contained in this Agreement shall be construed in any manner so as to require or permit any act which is prohibited by law.
  - e. The CONTRACTOR shall include the provisions set forth in this paragraph in each of its subcontracts.
13. DRUG-FREE WORKPLACE: CONTRACTOR and CONTRACTOR's employees shall comply with the COUNTY's policy of maintaining a drug-free workplace. Neither CONTRACTOR nor CONTRACTOR's employees shall unlawfully manufacture, distribute, dispense, possess or use controlled substances, as defined in 21 U.S. Code § 812, including, but not limited to, marijuana, heroin, cocaine, and amphetamines, at any COUNTY facility or work site. If CONTRACTOR or any employee of CONTRACTOR is convicted or pleads *nolo contendere* to a criminal drug statute violation occurring at a County facility or work site, the CONTRACTOR, within five days thereafter, shall notify the head of the County department/agency for which the contract services are performed. Violation of this provision shall constitute a material breach of this Agreement.
14. ENERGY CONSERVATION: CONTRACTOR agrees to comply with the mandatory standards and policies relating to energy efficiency in the State of California Energy Conservation Plan, (Title 24, California Administrative Code).
15. COMPLIANCE WITH LICENSING REQUIREMENTS: CONTRACTOR shall comply with all necessary licensing requirements and shall obtain appropriate licenses. To the extent required by law, CONTRACTOR shall display licenses in a location that is reasonably conspicuous. Upon COUNTY's request, CONTRACTOR shall file copies of same with the County Executive Office.
- CONTRACTOR represents and warrants to COUNTY that CONTRACTOR and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions.
16. AUDITS; ACCESS TO RECORDS: The CONTRACTOR shall make available to the COUNTY, its authorized agents, officers, or employees, for examination any and all ledgers, books of accounts, invoices, vouchers, cancelled checks, and

other records or documents evidencing or relating to the expenditures and disbursements charged to the COUNTY, and shall furnish to the COUNTY, within sixty (60) days after examination, its authorized agents, officers or employees such other evidence or information as the COUNTY may require with regard to any such expenditure or disbursement charged by the CONTRACTOR.

The CONTRACTOR shall maintain full and adequate records in accordance with County requirements to show the actual costs incurred by the CONTRACTOR in the performance of this Agreement. If such books and records are not kept and maintained by CONTRACTOR within the County of Mendocino, California, CONTRACTOR shall, upon request of the COUNTY, make such books and records available to the COUNTY for inspection at a location within County or CONTRACTOR shall pay to the COUNTY the reasonable, and necessary costs incurred by the COUNTY in inspecting CONTRACTOR's books and records, including, but not limited to, travel, lodging and subsistence costs. CONTRACTOR shall provide such assistance as may be reasonably required in the course of such inspection. The COUNTY further reserves the right to examine and reexamine said books, records and data during the four (4) year period following termination of this Agreement or completion of all work hereunder, as evidenced in writing by the COUNTY, and the CONTRACTOR shall in no event dispose of, destroy, alter, or mutilate said books, records, accounts, and data in any manner whatsoever for four (4) years after the COUNTY makes the final or last payment or within four (4) years after any pending issues between the COUNTY and CONTRACTOR with respect to this Agreement are closed, whichever is later.

17. **DOCUMENTS AND MATERIALS:** CONTRACTOR shall maintain and make available to COUNTY for its inspection and use during the term of this Agreement, all Documents and Materials, as defined in Paragraph 8 of this Agreement. CONTRACTOR's obligations under the preceding sentence shall continue for four (4) years following termination or expiration of this Agreement or the completion of all work hereunder (as evidenced in writing by COUNTY), and CONTRACTOR shall in no event dispose of, destroy, alter or mutilate said Documents and Materials, for four (4) years following the COUNTY's last payment to CONTRACTOR under this Agreement.
18. **TIME OF ESSENCE:** Time is of the essence in respect to all provisions of this Agreement that specify a time for performance; provided, however, that the foregoing shall not be construed to limit or deprive a party of the benefits of any grace or use period allowed in this Agreement.
19. **TERMINATION:** The COUNTY has and reserves the right to suspend, terminate or abandon the execution of any work by the CONTRACTOR without cause at any time upon giving to the CONTRACTOR notice. Such notice shall be in writing and may be issued by any county officer authorized to execute or amend the contract, the County Chief Executive Officer, or any other person designated by the County Board of Supervisors. In the event that the COUNTY should

abandon, terminate or suspend the CONTRACTOR's work, the CONTRACTOR shall be entitled to payment for services provided hereunder prior to the effective date of said suspension, termination or abandonment. Said payment shall be computed in accordance with Exhibit B hereto, provided that the maximum amount payable to CONTRACTOR for its environmental planning services shall not exceed \$5,000,000.00 payment for services provided hereunder prior to the effective date of said suspension, termination or abandonment or lack of funding.

20. NON APPROPRIATION: If COUNTY should not appropriate or otherwise make available funds sufficient to purchase, lease, operate or maintain the products set forth in this Agreement, or other means of performing the same functions of such products, COUNTY may unilaterally terminate this Agreement only upon thirty (30) days written notice to CONTRACTOR. Upon termination, COUNTY shall remit payment for all products and services delivered to COUNTY and all expenses incurred by CONTRACTOR prior to CONTRACTOR'S receipt of the termination notice.
21. CHOICE OF LAW: This Agreement, and any dispute arising from the relationship between the parties to this Agreement, shall be governed by the laws of the State of California, excluding any laws that direct the application of another jurisdiction's laws.
22. VENUE: All lawsuits relating to this contract must be filed in Mendocino County Superior Court, Mendocino County, California.
23. WAIVER: No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right or remedy. No waiver of any breach, failure, right or remedy shall be deemed a waiver of any other breach, failure, right or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.
24. ADVERTISING OR PUBLICITY: CONTRACTOR shall not use the name of County, its officers, directors, employees or agents, in advertising or publicity releases or otherwise without securing the prior written consent of COUNTY in each instance.
25. ENTIRE AGREEMENT: This Agreement, including all attachments, exhibits, and any other documents specifically incorporated into this Agreement, shall constitute the entire agreement between COUNTY and CONTRACTOR relating to the subject matter of this Agreement. As used herein, Agreement refers to and includes any documents incorporated herein by reference and any exhibits or attachments. This Agreement supersedes and merges all previous understandings, and all other agreements, written or oral, between the parties and sets forth the entire understanding of the parties regarding the subject matter thereof. This Agreement may not be modified except by a written document

signed by both parties. In the event of a conflict between the body of this Agreement and any of the Exhibits, the provisions in the body of this Agreement shall control.

26. HEADINGS: Herein are for convenience of reference only and shall in no way affect interpretation of this Agreement.
27. MODIFICATION OF AGREEMENT: This Agreement may be supplemented, amended or modified only by the mutual agreement of the parties. No supplement, amendment or modification of this Agreement shall be binding unless it is in writing and signed by authorized representatives of both parties.
28. ASSURANCE OF PERFORMANCE: If at any time the COUNTY has good objective cause to believe CONTRACTOR may not be adequately performing its obligations under this Agreement or that CONTRACTOR may fail to complete the Services as required by this Agreement, COUNTY may request from CONTRACTOR prompt written assurances of performance and a written plan acceptable to COUNTY, to correct the observed deficiencies in CONTRACTOR's performance. CONTRACTOR shall provide such written assurances and written plan within thirty (30) calendar days of its receipt of COUNTY's request and shall thereafter diligently commence and fully perform such written plan. CONTRACTOR acknowledges and agrees that any failure to provide such written assurances and written plan within the required time is a material breach under this Agreement.
29. SUBCONTRACTING/ASSIGNMENT: CONTRACTOR shall not subcontract, assign or delegate any portion of this Agreement or any duties or obligations hereunder without the COUNTY's prior written approval. COUNTY may assign this Agreement to the State of California, Department of Cannabis Control, without the CONTRACTOR's written approval.
  - a. Neither party shall, on the basis of this Agreement, contract on behalf of or in the name of the other party. Any agreement that violates this Section shall confer no rights on any party and shall be null and void.
  - b. Only the department head or his or her designee shall have the authority to approve subcontractor(s).
  - c. CONTRACTOR shall remain fully responsible for compliance by its subcontractors with all the terms of this Agreement, regardless of the terms of any agreement between CONTRACTOR and its subcontractors.
30. SURVIVAL: The obligations of this Agreement, which by their nature would continue beyond the termination on expiration of the Agreement, including without limitation, the obligations regarding Indemnification (Paragraph 2),



Ownership of Documents (Paragraph 8), and Conflict of Interest (Paragraph 9), shall survive termination or expiration for two (2) years.

31. SEVERABILITY: If a court of competent jurisdiction holds any provision of this Agreement to be illegal, unenforceable, or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them, will not be affected, unless an essential purpose of this Agreement would be defeated by the loss of the illegal, unenforceable, or invalid provision.
32. INTELLECTUAL PROPERTY WARRANTY: CONTRACTOR warrants and represents that it has secured all rights and licenses necessary for any and all materials, services, processes, software, or hardware ("CONTRACTOR PRODUCTS") to be provided by CONTRACTOR in the performance of this AGREEMENT, including but not limited to any copyright, trademark, patent, trade secret, or right of publicity rights. CONTRACTOR hereby grants to COUNTY, or represents that it has secured from third parties, an irrevocable license (or sublicense) to reproduce, distribute, perform, display, prepare derivative works, make, use, sell, import, use in commerce, or otherwise utilize CONTRACTOR PRODUCTS to the extent reasonably necessary to use the CONTRACTOR PRODUCTS in the manner contemplated by this agreement.

CONTRACTOR further warrants and represents that it knows of no allegations, claims, or threatened claims that the CONTRACTOR PRODUCTS provided to COUNTY under this Agreement infringe any patent, copyright, trademark or other proprietary right. In the event that any third party asserts a claim of infringement against the COUNTY relating to a CONTRACTOR PRODUCT, CONTRACTOR shall indemnify and defend the COUNTY pursuant to Paragraph 2 of this AGREEMENT.

In the case of any such claim of infringement, CONTRACTOR shall either, at its option, (1) procure for COUNTY the right to continue using the CONTRACTOR Products; or (2) replace or modify the CONTRACTOR Products so that that they become non-infringing, but equivalent in functionality and performance.

33. ELECTRONIC COPIES:

The parties agree that an electronic copy, including facsimile copy, email, or scanned copy of the executed Agreement, shall be deemed, and shall have the same legal force and effect as, an original document.

34. COOPERATION WITH COUNTY AND DCC

Contractor shall cooperate with County and County staff and DCC and DCC staff in the performance of all work hereunder.

35. PERFORMANCE STANDARD

Contractor shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in Contractor's profession. County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable Federal, State, and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release. If County determines that any of Contractor's work is not in accordance with such level of competency and standard of care, County, in its sole discretion, shall have the right to do any or all of the following: (a) require Contractor to meet with County to review the quality of the work and resolve matters of concern; (b) require Contractor to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of paragraph 19 (Termination) or (d) pursue any and all other remedies at law or in equity.

36. ATTORNEYS' FEES

In any action to enforce or interpret the terms of this agreement, including but not limited to any action for declaratory relief, each party shall be solely responsible for and bear its own attorneys' fees, regardless of which party prevails.

37. DEPARTMENT OF CANNABIS CONTROL; THIRD PARTY BENEFICIARY

The State of California Department of Cannabis Control shall be a third party beneficiary of this Agreement and is entitled to the rights and benefits hereunder and may enforce the provisions hereof as if it were a party hereto.

In addition to other references to DCC in this Agreement, all references to COUNTY and COUNTY's authorized agents, officers, or employees in the following paragraphs shall be interpreted to include DCC and DCC's authorized agents, officers or employees, so as to provide the DCC with the same rights and abilities as COUNTY: Ownership of Documents (Paragraph 8), Audits; Access to Records (Paragraph 16); Documents and Materials (Paragraph 17); Advertising and Publicity (Paragraph 24); Assurance of Performance (Paragraph 28); Subcontracting/Assignment (Paragraph 29); Intellectual Property Warranty (Paragraph 32); and Performance Standard (Paragraph 35).

[END OF GENERAL TERMS AND CONDITIONS]

## **EXHIBIT A**

### **DEFINITION OF SERVICES**

CONTRACTOR shall provide the following services:

CONTRACTOR will prepare a programmatic environmental impact report covering State of California Department of Cannabis Control (“DCC”) licensing of cannabis cultivation in Mendocino County, for and under the direction of DCC, to be completed on or before July 1, 2024. The deadline for completion may be extended with the written consent of DCC to a date no later than December 31, 2024.

CONTRACTOR will prepare site-specific environmental documents (which may include, but need not be limited to, notices of exemption, negative declarations or mitigated negative declarations, or addenda), for any and all annual cultivation licenses to be issued by DCC, or that DCC is considering whether to issue, to current provisional licensees in Mendocino County. The preparation of these site-specific environmental documents (including, but not limited to, the selection of the appropriate document type or types) will be done for and under the direction of DCC. Site-specific environmental documents shall be completed no later than December 31, 2024.

[END OF DEFINITION OF SERVICES]

## EXHIBIT B

### PAYMENT TERMS

CONTRACTOR will submit invoices to COUNTY on a monthly basis requesting payment for services rendered in the prior month. Invoices will include summary reports identifying dates and hours worked and the services/deliverables rendered, and shall be in accordance with the CONTRACTOR fee schedule stated below.

**2023 Rate Schedule - (effective until March 1, 2024)**

After March 1, 2024, budget augmentations and contract amendments will be calculated using updated billing rates, unless precluded by contract terms.

Labor Classification	Billing Rate
Principal, Director	\$225 to \$375
Senior Environmental Manager, Senior Planner/Scientist/Biologist	\$175 to \$250
Environmental Manager, Project Planner/Scientist/Biologist	\$145 to \$200
Staff Planner, Environmental Planner, Staff Scientist/Staff Biologist	\$105 to \$175
Graphics/GIS	\$115 to \$150
Document Production/Word Processor/Administrative Assistant	\$95 to \$145
Project Assistant	\$75 to \$125
Direct Costs	Rates
Reproduction: 8½" by 11"	\$0.07/page (black and white); \$0.26/page (color)
Reproduction: 11" by 17"	\$0.14/page B&W; \$0.52/page color
Reproduction: Plotter	\$5/square foot
Reproduction: CDs	\$10/disc
Automobile Mileage (IRS rate in effect)	\$0.585
Noise Meter	\$100/half day, \$150/day, \$200/day plus overnight, \$500/week
GPS Unit	\$100/half day, \$150/day, \$200/day plus overnight, \$500/week
Bat Detector (Echo Meter Touch for iOS)	\$50/full day, \$200/week
Bat Detector (Song Meter SM4Bat FS)	\$125/full day, \$500/week
Spotting Scope	\$50/day, \$200/week
Lodging and/or Per Diem	Government rates or as negotiated
Other Direct Costs	As incurred
Subcontractors	As incurred*

\*A project-support management cost of 10 percent will be applied to subcontractor costs.

**Lump-Sum Price.** Work is authorized based on a lump sum price. Monthly invoices will be issued based on the percentage of progress toward completion of the work.

**Price Allocation to Tasks or Staff.** If the proposed cost presentation allocates funding to specific tasks or staff, Ascent may reallocate budget during the course of work, as long as the total contract price is not exceeded.

[END OF PAYMENT TERMS]

## EXHIBIT C

### INSURANCE REQUIREMENTS

Insurance coverage in a minimum amount set forth herein shall not be construed to relieve CONTRACTOR for liability in excess of such coverage, nor shall it preclude COUNTY from taking such other action as is available to it under any other provisions of this Agreement or otherwise in law. Insurance requirements shall be in addition to, and not in lieu of, Contractor's indemnity obligations under Paragraph 2 of this Agreement.

CONTRACTOR shall obtain and maintain insurance coverage as follows:

- a. Combined single limit bodily injury liability and property damage liability - \$1,000,000 each occurrence.
- b. Vehicle / Bodily Injury combined single limit vehicle bodily injury and property damage liability - \$500,000 each occurrence.

CONTRACTOR shall furnish to COUNTY certificates of insurance evidencing the minimum levels described above.

[END OF INSURANCE REQUIREMENTS]

## EXHIBIT D

### MENDOCINO COUNTY EPAYABLES INFORMATION

The County of Mendocino is currently making credit card payments to all of our vendors and suppliers who qualify. To qualify, vendors need to currently accept credit card payments. To achieve this more efficient form of payment, the County has partnered with Bank of America and their ePayables credit card program. This electronic initiative will yield many benefits to its participants:

- Expedited receipt of cash – electronic credit card payments provide cash flow benefits by eliminating mail and paper check float
- Elimination of check processing costs
- Remittance data transmitted with payment for more efficient back-end reconciliation
- No collection costs associated with lost or misplaced checks
- Reduced exposure to check fraud
- More efficient handling of exception items
- Fits with existing accounting software – requires no purchase of software, no modifications to existing accounts receivable system and no change to bank accounts.
- Going green with paperless electronic credit card payments help conserve the environment by eliminating printing and mailing of paper checks.

For information regarding the payment process, please email [Auditorap@mendocinocounty.org](mailto:Auditorap@mendocinocounty.org).

Additional information regarding the Bank of America Program is also available at:

[http://corp.bankofamerica.com/business/ci/landing/epayables-vendors?cm\\_mmc=sb-general-\\_vanity-\\_sg01vn000r\\_epayablesvendors-\\_na](http://corp.bankofamerica.com/business/ci/landing/epayables-vendors?cm_mmc=sb-general-_vanity-_sg01vn000r_epayablesvendors-_na)



**COUNTY OF MENDOCINO**  
**General Services Agency**  
 Central Services Division

EB No. **23-146**

JANELLE RAU  
 GENERAL SERVICES AGENCY  
 DIRECTOR/DELEGATED  
 PURCHASING AGENT

**EXCEPTION TO COMPETITIVE BIDDING PROCESS**

**SOLE/SINGLE SOURCE PURCHASING, AND DISCLOSURE STATEMENT**

<b>Request Date:</b>	May 15, 2023	
<b>Requesting Department:</b>	Cannabis	
<b>Contact Name:</b>	John Burkes	
<b>Contact No.</b>	Email: burkesj@mendocinocounty.org	Phone: 707-234-6345
<b>Prior Sole Source Reference No.(s), if any:</b>	<u>N/A</u>	
<b>Description of purchase or service:</b>	Comprehensive Cannabis Program Update - Environmental Impact Report	
<b>Requested Vendor:</b>	Ascent Environmental, Inc.	
<b>Estimated Total Cost:</b> <i>(Attach all written quotations)</i>	\$5,000,000.00	

**OVERVIEW**

State and local laws subject Mendocino County to competitive bidding rules. Requests for goods and/or services from a specific vendor or limited to a specific brand, where substitutes to the recommended vendor or brand are unacceptable, must be accompanied by a written justification (carefully documented on an 'Exception to Bidding' form) explaining the circumstances that make alternatives unacceptable. The employee signing the justification must disclose in writing whether or not he/she has a potential or actual conflict of interest. County employees who have a business relationship with or financial interest in the recommended vendor must disclose the conflict of interest. Any employee with an actual or potential conflict of interest may not participate in the purchase decision.

Employees signing the justification must disclose in writing whether or not he/she has a potential or actual conflict of interest. County employees who have a business relationship with or financial interest in the recommended vendor must disclose the conflict of interest. Any employee with an actual or potential conflict of interest may not participate in the purchase decision.

The Chief Executive Officer/Purchasing Agent or authorized designee will determine whether the justification is appropriate. Requests for exception must be supported by factual statements that will pass an audit.

**Goods:** Departments must also note that the County must comply with competitive bidding on purchases of goods in the amount \$10,000 or more. This competitive bidding process is conducted solely by the General Services Agency/Central Services Division.

**Services:** Departments shall obtain competitive bids for personal and professional services contracts over \$25,000. If a department holds a contract between \$10,000 and \$25,000 for up to three years, said department shall obtain competitive bids for that contract before beginning the fourth year of said contract.

**INSTRUCTIONS:**

- Complete all relevant information and sections within the form.
- Provide full explanations, complete descriptions, and/or list all relevant reasons as requested.
- Sign and date the form.
- Improperly completed, and/or unsigned forms may be returned to the sender.
- Upload completed form to Cobblestone and route for additional approvals.

- County Counsel will forward to the Executive Office. The Executive Office will forward to General Services Agency (for service-related requests, submit prior to the initiation of the contract process; for the acquisition of goods/commodities, submit prior to the submission of a requisition).
- Reference Mendocino County Policy No. 1 and General Services Agency's Competitive Procurement Guidelines.

### Exception to Bidding Substantiation/Documentation

#### 1. Select one of the following:

- Sole/single source procurement.** Sole Source is defined as a product or service which is practicably available only from one source. A single source is a source specifically selected amongst others, if any, due to specific reasons, i.e. replacement parts, compatibility, quality, service, support, etc.
- Proprietary procurement.** A proprietary procurement restricts the product to that of one manufacturer. In such cases, the consideration of proposed equals is excluded. Competition may be obtained among the distributors which carry the specific product.

#### 2. Please check all applicable categories below and provide additional information where indicated to support the type of exception indicated in No. 1 above.

- The requested product is an integral repair part or accessory compatible with existing equipment.  
Existing Equipment: \_\_\_\_\_  
Manufacturer/Model Number: \_\_\_\_\_  
Age: \_\_\_\_\_  
Current Estimated Value: \_\_\_\_\_
- The requested product has unique design/performance specifications or quality requirements that are not available in comparable products.
- The County has standardized the requested product or service and the use of another brand/model would require considerable time and funding to evaluate.
- The requested product or service is one with which I (and/or my staff) have specialized training and/or extensive expertise. Retraining would incur substantial cost in time and/or funding.
- The requested product is used or demonstration equipment available at a lower-than-new cost.
- Repair/Maintenance service is available only from manufacturer or designated service representative.
- Upgrade to or enhancement of existing software is available only from manufacturer.
- Service proposed by vendor is unique; therefore, competitive bids are not available or applicable.
- Other factors (provide detailed explanation and substantiation in No. 3 below).

#### 3. Provide a detailed explanation and pertinent documentation for each category checked in item 2 above. Attach additional sheets if necessary:

Due to Mendocino County Cannabis regulations ("MCCR") being adopted prior to the current State regulations, there has been misalignment in the requirements and responsibilities between the County and state agencies in performing environmental review of cannabis cultivation permits pursuant to the California Environmental Quality Act (CEQA). The MCCR is a largely ministerial program where site specific CEQA review is not required. The County prepared and adopted a programmatic Mitigated Negative Declaration to cover CEQA requirements for all applicants. The State adopted a discretionary license program where site specific review is required and has required a site specific CEQA document to be prepared for each applicant at the local level, which has created a bottleneck in local permitting. The State is willing to take on the responsibility of preparing site specific review for each of the State's cannabis cultivation license applications in Mendocino County, but only following the preparation of a programmatic environmental impact report (EIR) for Mendocino County. A programmatic EIR will replace the need for site-specific CEQA review by the County and will allow for processing of annual licenses with the Department of Cannabis Control. This will assist the County in streamlining the Cannabis Department's workload and better enable the County's cannabis cultivators to obtain State licenses.



It is intended for the County to retain and pay for the consultant to prepare the programmatic EIR. This is because the County has been awarded grant funding from the Department of Cannabis Control's Local Jurisdiction Assistance Grant Program, which funding can be used to assist with preparation of environmental documents. The programmatic EIR must be complete within approximately 12-18 months in order to meet certain State deadlines. This is an aggressive timeline for completion of an EIR, so time is of the essence in retaining a consultant.

The County is proposing to contract with Ascent Environmental to prepare the programmatic EIR for the State. Ascent Environmental is an environmental consulting firm that has prepared programmatic EIR's for both Humboldt and Trinity Counties related to cannabis regulation, and was recently selected by Sonoma County for a cannabis program programmatic EIR. DCC's approach to developing an utilizing a programmatic EIR follows a model previously developed in neighboring counties and involves building off of the specific knowledge and expertise, and work product already developed by Ascent Environmental in the course of that work. Ascent Environmental's experience in working on cannabis environmental documents in Northern California gives it knowledge and expertise of the industry and the region that no other firm will have, and makes it the most suited for the short timeline required to meet the December 2024 deadline for a completed EIR.

In County staff's analysis of the many surrounding County's competitive processing and resulting contracts, it was determined that Ascent's in-house team of environmental, California Environmental Quality Act (CEQA), technical, and outreach experts will provide Mendocino County a legally defensive EIR alongside an economic analysis.

4. **Was an evaluation of other equipment, products, or services performed?**  Yes  No  
*If yes, please provide all supporting documentation, including copies of any quotes obtained, and an explanation below.*

County staff reviewed various comparison solicitations and contract awards throughout the State (Sonoma Program, San Diego, Calaveras, Humboldt, Trinity, and Yolo Counties). Ascent was found to be the preferred bidder in several County competitive processes due to their strong emphasis on environmental review streamlining of future cannabis applications and demonstrated experience conducting similar environmental reviews for other California county cannabis land use ordinances. Additionally, County staff reviewed several resulting contract awards and determined that Ascent's cost proposal was reasonable and within market standards.

5. **List below the name of each individual who was involved in the evaluation, if conducted, and in making the recommendation to procure this product or service. Attach additional information, if necessary. Each individual must submit a completed and signed Disclosure Statement (attached).**

Elora Babbini

\_\_\_\_\_  
 \_\_\_\_\_

6. I certify that the above information is accurate to the best of my knowledge, and a signed copy of this document will be kept on file and available for audit in my department.

[Signature] / 5/15/23  
Signature / Date

JOHN BURKES  
Printed Name

Department [Signature]  
Department Head Signature / Date

Title  
Tom Hallman  
Printed Name

COUNTY COUNSEL/EXECUTIVE OFFICE/GENERAL SERVICES REVIEW

[Signature] / 05/18/2023  
County Counsel Approval / Date

[Signature] / 05/18/2023  
Executive Office Approval / Date

[Signature] / 05/18/2023  
Purchasing Agent Approval / Date

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DISCLOSURE STATEMENT TO ACCOMPANY  
REQUEST FOR EXCEPTION TO COMPETITIVE BIDDING PROCESS**

**Each individual involved in evaluating and/or in making a recommendation to purchase must complete, sign, and submit a Disclosure Statement with the applicable Purchase Requisition.** Filing an annual statement of economic interest does not exempt an employee from this requirement. (Attach additional information if necessary.)

1. Please list any income or gifts you received from this company during the past 12 months:

none

2. Please list any financial interests (stocks, shares, investments, etc.) you have in this company:

none

3. Do you have any other type of business relationship with this company?

none

4. To the best of your knowledge, does any member of your departmental staff have a business relationship with this company?

none

5. Do you or any of your near relatives have any financial interest in this company?

none

6. Please provide any additional information you believe should be disclosed at this time:

none

7. I certify that the above information is true:

Elora Babbini

Signature

Elora Babbini

Printed Name

5.15.23

Date

Chief Planner, Cannabis Department

Title



# Mendocino County Board of Supervisors Agenda Summary

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**Item #: 3C)**

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**To: Board of Supervisors**

**From: County Counsel Cannabis**

**Meeting Date: May 22, 2023**

**Department Contact: Christian Curtis**

**Phone: 234-6885**

**Department Contact: Matthew Kiedrowski**

**Phone: 234-6885**

**Item Type: Regular Agenda**

**Time Allocated for Item: 1.5 Hours**

**Agenda Title:**

Discussion and Possible Action Including (1) Adoption of Resolution Adopting an Addendum to the Previously Adopted Mitigated Negative Declaration for Amendments to Mendocino County Code Chapters 10A.17 and 20.242 to Streamline Cannabis Cultivation Permitting Processes and Approving an Amended Mitigation Monitoring and Reporting Program; and (2) Adoption of an Urgency Ordinance Amending Chapter 10A.17 - Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 - Cannabis Cultivation Sites to Streamline Cannabis Cultivation Permitting Processes  
(Sponsors: County Counsel and Cannabis)

**Recommended Action/Motion:**

Adopt (1) resolution adopting an addendum to the previously adopted mitigated negative declaration for amendments to Mendocino County Code Chapters 10A.17 and 20.242 to streamline cannabis cultivation permitting processes and approving an amended mitigation monitoring and reporting program; (2) adopt urgency ordinance amending Chapter 10A.17 - Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 - Cannabis Cultivation Sites to streamline cannabis cultivation permitting processes; and authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

At the March 14th Board of Supervisors meeting, the Board directed County Counsel to prepare a draft ordinance and environmental document removing or streamlining local cannabis permit requirements while maintaining all of the same environmental protection measures. At an April 14th special meeting of the General Government Committee, a draft of the ordinance was reviewed and direction was provided to staff.

**Summary of Request:**

On March 14<sup>th</sup>, the Board of Supervisors directed County Counsel to prepare a draft ordinance streamlining the current cannabis permitting process while maintaining existing environmental protection measures. Because this proposal would remove the County's ability to generate local documentation to satisfy the obligation of the State of California Department of Cannabis Control (DCC) to generate site-specific environmental reviews in connection with its discretionary review process (commonly called an "Appendix G" document), the Board directed County Counsel and the Executive office to meet with DCC to discuss alternative options to allow Mendocino County cultivators a clear and viable pathway to state licensure.

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**Item #: 3c)**

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After meeting with DCC, the State has proposed to provide site-specific environmental reviews in connection with its issuance of discretionary cannabis permits in the form of an addendum to a programmatic EIR. Mendocino and DCC have worked together to amend the scope of the County's LJAGP agreement under which funding will be utilized to generate a programmatic EIR specific to state cannabis licensing in Mendocino, with an eye towards generating suitable addenda for individual permits. The amendment to that document is a separate agenda item today. This approach, which has been utilized by Humboldt County, would allow DCC to generate the environmental documents it needs as part of its discretionary permitting process, while removing the burden on Mendocino County to generate additional paperwork and analysis not required by local regulation.

The proposed ordinance attached is written to streamline local cannabis permitting while maintaining all substantive restrictions on these activities, including environmental protection measures. This approach will reduce the amount of work during the initial review stages while relying more heavily on local enforcement tools to assure compliance. The draft has been updated to reflect input from the industry representatives.

Attached to this agenda item are both a redline and clean version of the draft ordinance. The redline shows all changes being made to Chapters 10A.17 and 20.242, with changes made following the April 14 General Government Committee shown in bold, highlight and redline. These consist of making revisions to certain paragraphs in response to comments made by the Mendocino Cannabis Alliance and the direction of the Committee, revised section references, language added to Section 10A.17.040(K) to reflect the change made by Ordinance No. 4519, adopted on April 11, 2023, and urgency finding language.

An Addendum to the Mitigated Negative Declaration (MND) adopted in 2017 for the County's cannabis cultivation regulations was prepared to analyze potential impacts of the proposed ordinance amendments as compared to the project evaluated in the adopted MND. The conclusion of the analysis presented in the Addendum is that the proposed amendments would not result in any significant effects not discussed in the MND and that no previously examined significant effects would be substantially more severe than those shown in the MND. The Addendum identifies minor revisions to adopted mitigation measures to address changes being made by the proposed amendments and to update certain mitigation measures. The updated mitigation measures are incorporated into an Amended Mitigation Monitoring and Reporting Program (Amended MMRP).

The Addendum to the MND and the Amended MMRP are attached to the CEQA resolution. A separate redline version of the Amended MMRP is included as part of this item.

**Alternative Action/Motion:**

Do not adopt resolution and urgency ordinance; provide direction to staff.

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

**Strategic Plan Priority Designation:** An Effective County Government

**Supervisory District:** All

**vote requirement:** 4/5ths

**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

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

**if no, please describe:**

**revenue agreement:** No

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**Item #: 3c)**

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**budget clarification:** N/A

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes

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**CEO Liaison:** Darcie Antle, CEO

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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Executed By: Atlas Pearson, Senior Deputy Clerk

Final Status: No Action Taken

Date: May 22, 2023



ORDINANCE NO. \_\_\_\_\_

**URGENCY** ORDINANCE AMENDING CHAPTER 10A.17 – MENDOCINO CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 – CANNABIS CULTIVATION SITES TO STREAMLINE CANNABIS CULTIVATION PERMITTING PROCESSES

**WHEREAS, Mendocino County has previously established regulations governing commercial cannabis cultivation businesses operating in Mendocino County, which regulations impose important protections for the benefit of the environment, to avoid incompatible activities on neighboring properties, to prevent public and private nuisance, and to promote public peace, health, safety and welfare; and**

**WHEREAS, prior to the legalization of commercial cannabis in California, Mendocino County had high levels of unregulated cannabis cultivation businesses, a substantial amount of which have since applied for permits and are working to come into compliance with, local regulations; and**

**WHEREAS, the administrative burden of issuing permits under the current local regulation, including reviews and determinations that are duplicative or substantially identical to those performed by other agencies, has contributed to a substantial backlog of local permit applications; and**

**WHEREAS, holders of state provisional cannabis cultivation licenses face imminent statutory deadlines to transition to annual licenses, which they cannot obtain while their local permit applications are still under review; and**

**WHEREAS, without a viable pathway to state and local licensure, a portion of new and existing cultivators are likely to be diverted to the black market, operating in a manner that is inconsistent with the ordinance’s protections for the environment, public peace, health and safety; and**

**WHEREAS, changes to the current local regulatory scheme are urgently needed to preserve the viability of pathways to state and local licensure for operators in Mendocino County, in order to preserve public peace, health and safety.**

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

**Section 1: The above recitals are incorporated herein by this reference.**

**Section 2: Urgency Findings. The Board of Supervisors hereby finds that the adoption of this ordinance is necessary for the immediate preservation of the public peace, health and safety. Changes to the County’s current regulatory system for commercial cannabis cultivation are necessary to preserve the viability of pathways to state and local licensure and to encourage cannabis cultivation in a manner consistent with the County’s protections for the environment.**

**Section 13:** Section 10A.17.010 is hereby amended to read as follows:

**Sec. 10A.17.010 – Title, Purpose and Intent.**

This Chapter is known and may be cited as the Mendocino Cannabis Cultivation Ordinance ("MCCO"). Chapter 20.242 of the Mendocino County Code, titled Cannabis

Cultivation Sites, is complementary to this Chapter and together the chapters may be cited as the Mendocino Cannabis Cultivation Regulation ("MCCR").

It is the purpose and intent of this Chapter, together with complementary regulations found in Chapter 20.242 of the Mendocino County Zoning Code, to regulate the cultivation of cannabis within the unincorporated areas of Mendocino County in a manner that is consistent with State law and which promotes the health, safety, and general welfare of the residents and businesses within those areas by balancing the needs of medical patients and their caregivers for enhanced access to medical cannabis, the needs of neighbors and communities to be protected from public safety and nuisance impacts, and the need to limit harmful environmental impacts that are sometimes associated with cannabis cultivation.

Adoption of this Chapter will protect the public health, safety and welfare of the residents of the County of Mendocino by adopting regulations regarding the cultivation of cannabis by individuals consistent with the provisions of State law and a local permitting regulatory structure that will operate in conformance with State licensing requirements for the commercial cultivation of cannabis, ~~as state licenses become available.~~

All cultivation of cannabis within the County of Mendocino, except for cultivation allowed pursuant to Chapter 9.31, shall comply with the provisions of the MCCR, as well as all applicable state and local laws, regardless of whether the cultivation site existed or occurred prior to the adoption of the MCCR.

Nothing in this Chapter is intended, nor shall it be construed, to:

- 1) Allow persons to engage in conduct that endangers others or causes a public nuisance, or
- 2) Allow any activity relating to the cultivation, distribution or consumption of cannabis that is otherwise illegal under California State law.

Nothing in this Chapter is intended, nor shall it be construed, to exempt the cultivation of cannabis from compliance with all other applicable Mendocino County zoning and land use regulations, as well as other applicable provisions of the County Code, or compliance with any applicable state laws.

Nothing in this Chapter is intended, nor shall it be construed, to confer the right to create or maintain a public nuisance in the course of cultivating cannabis plants.

Nothing in this Chapter is intended, nor shall it be construed, to exempt the cultivation of cannabis, as defined herein, from any and all applicable local and state construction, grading, electrical, plumbing, land use, water rights, waste water discharge, streambed alteration, or any other environmental, building or land use standards or permitting requirements.

Nothing in this Chapter is intended, nor shall it be construed, to preclude a landlord or property owner from limiting or prohibiting the cultivation of cannabis.

All persons operating facilities and conducting activities associated with the cultivation of cannabis, as defined in this Chapter, are subject to possible federal prosecution, regardless of the protections provided by state or local law.

From and after the effective date of the ordinance adopting this change May 23, 2023, all applications previously received by the County for a "permit" pursuant to



previous iterations of this Chapter shall be deemed to be applications for a “CCBL.” and all permits previously issued pursuant to previous iterations of this Chapter shall each be considered a “CCBL” and eligible for renewal as a CCBL as provided herein.

**Section 24:** Section 10A.17.020 is hereby amended to read as follows:

**Sec. 10A.17.020 – Definitions.**

As used herein the following definitions shall apply:

"A-license" means a state license issued under the State of California Medicinal and Adult-Use Cannabis Regulatory Safety Act (MAUCRSA), or subsequent legislation, for cannabis or cannabis products that are intended for adults twenty-one (21) years of age and over and who do not possess physician's recommendations.

"A-licensee" means any person holding a license under the MAUCRSA, or subsequent legislation, for cannabis or cannabis products that are intended for adults twenty-one (21) years of age and over and who do not possess physician's recommendations.

"Attorney General's Guidelines" means the document titled "Guidelines for the Security and Non-diversion of Marijuana Grown for Medical Use issued by the California State Attorney General in August 2008.

"Baseline date" means August 26, 2016, which is the date the Initial Study under the California Environmental Quality Act for the MCCR was initiated.

"Cannabis" means all parts of the plant *Cannabis sativa*, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the State of California Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this section, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the State of California Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

“Cannabis Cultivation Business License” or “CCBL” means a business license issued to persons cultivating cannabis engaged in the cultivation of cannabis in Mendocino County pursuant to this Chapter

“CCBL Holder” means a person issued a CCBL to cultivate cannabis engage in the cultivation of cannabis in Mendocino County pursuant to this chapter.

"Cannabis product" has the same meaning as in Health and Safety Code section 11018.1.

"Clone" means a portion of a stem that is cut from a parent plant and induced to form roots by chemical, mechanical, or environmental manipulation.

"Cultivation cycle" means each individual cycle where cannabis plants are grown to maturity from seeds, clones or nursery starts.

"Cultivation of cannabis" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming or processing of cannabis.

"Cultivation site" means one (1) or more locations or facilities on one (1) legal parcel (or one (1) or more legal parcels if specifically allowed for by this Chapter 10A.17) subject to a single approved Permit-CCBL for the cultivation of cannabis where cannabis is planted, grown, harvested, dried, cured, graded, trimmed, or processed, or that does all or any combination of those activities. One (1) or more areas of cannabis cultivation may exist on the legal parcel used for that purpose.

"Department" means the Mendocino County Cannabis Department or the authorized representatives thereof, or such other department, division, or representative as designated by the Board of Supervisors.

"Disturbance" means areas of land where natural plant growth has been removed whether by physical, animal, or chemical means, or natural grade has been modified for any purpose. Land disturbance includes all activities whatsoever associated with developing or modifying land for cannabis cultivation related activities or access. Land disturbance activities include, but are not limited to, construction of roads, buildings, or water storage areas; excavation; grading; and site clearing. Disturbed land includes cultivation areas and storage areas where soil or soil amendments (e.g., potting soil, compost, or biosolids) are located. Areas where plant material has been removed for the purpose of wildfire suppression are not considered disturbed.

"Dwelling unit" means a legal residential structure providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen.

"Expansion" means an increase in the size of Plant Canopy above the area cultivated as of the Baseline Date.

"Flowering" means that a cannabis plant has formed a mass of pistils measuring greater than one-half ( $\frac{1}{2}$ ) inch wide at its widest point.

"Greenhouse" means a completely enclosed structure whose structural members are made of pre-formed, rigid construction materials. The walls, roof, and ends are typically covered using a transparent material, often glass, that is fixed in place, and which allows solar radiation to penetrate the surface and affect the growing environment of the plants inside.

"Hoop House" means a structure with structural members are made of flexible and somewhat rigid construction materials, typically PVC pipe or similar material. The ends may be covered or left open and the material covering the structural members is readily removable and is typically removed and re-affixed frequently.

"Identification card" shall have the same definition as California Health and Safety Code section 11362.5 et seq., and as may be amended.

"Immature plant" or "immature" means a cannabis plant which has a first true leaf measuring greater than one-half inch long from base to tip (if started from seed) or a mass of roots measuring greater than one-half inch wide at its widest point (if vegetatively propagated), but which is not flowering.

"Indoor cultivation" or "indoors" means within a fully enclosed and secure structure that complies with the California Building Code, as adopted by the County of Mendocino, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one (1) or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two (2) inches by four (4) inches or thicker studs overlain with three-eighths ( $\frac{3}{8}$ ) inches or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Legal parcel" or "Parcel" means a lot of real property which was created pursuant to the Subdivision Map Act or for which an application for subdivision was on file with the Department of Planning and Building Services prior to January 1, 2016, or for which a certificate of compliance was recognized and recorded prior to January 1, 2016; provided, however, for real property within industrial zoning districts, subdivisions or certificates of compliance may be recognized and recorded after January 1, 2016.

"License" means a state license issued under the MAUCRSA, or subsequent legislation, and includes both an A-license and an M-license.

"Licensee" means a person issued a state license under the MAUCRSA, or subsequent legislation, to engage in commercial cannabis activity, regardless of whether the license held is an A-license or an M-license.

"M-license" means a state license issued under the MAUCRSA, or subsequent legislation, for commercial cannabis activity involving medicinal cannabis.

"M-licensee" means any person holding a license under the MAUCRSA, or subsequent legislation, for commercial cannabis activity involving medicinal cannabis.

"Mature plant" or "mature" means a cannabis plant that is flowering.

"Mixed light cultivation" or "mixed light" means the use of both natural and artificial or supplemental lighting sources during the growing cycle to cultivate cannabis. Included in this definition is the process of solely manipulating natural light to cultivate cannabis.

"Nursery" means all activities associated with producing clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

"Outdoor cultivation" or "outdoors" means any cultivation site that uses no artificial or supplemental lighting to cultivate cannabis. Use of supplemental lighting to maintain vegetative starts or immature plants prior to transplanting outdoors shall be considered consistent with this definition.

"Park" means an area of land used for community recreation owned or operated by a public entity or a private area of land recognized as a neighborhood park utilized by youth. State or Federal designated parks and forestlands as recognized within the Mendocino County General Plan are not included within this definition.

~~"Permit" means a permit to cultivate cannabis in Mendocino County pursuant to this Chapter.~~

~~"Permittee" means a Person issued a permit to cultivate cannabis in Mendocino County pursuant this Chapter.~~

"Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

"Person with an identification card" means an individual who is a qualified patient who has applied for and obtained a valid identification card pursuant to Article 2.5 of Chapter 6 of Division 10 of the California Health and Safety Code (Section 11362.7 et seq.).

"Plant canopy" or "square footage" or "total square footage of plant canopy" or "cultivation area" means the cumulative total of square footage occupied by growing cannabis plants as calculated by the Department but does not include aisles or other open areas outside the canopy area of growing cannabis plants.

"Primary caregiver" means the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, as defined in Health and Safety Code section 11362.7(d).

"Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling, for purposes of this Chapter.

"Process," "processing," and "processes" means all activities associated with the drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis products.

"Publicly traveled private road" means a private roadway easement or access easement which serves, or has the potential to serve, more than four (4) lots or parcels. Such easement shall be considered a street as defined in Mendocino County Code section 20.008.052(26).

"Qualified patient" or "Patient" means a person who is entitled to the protections of section 11362.5 of the Health and Safety Code, but who does not have an identification card issued pursuant to Article 2.5 of Chapter 6 of Division 10 of the Health and Safety Code (Section 11362.7 et seq.).

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed child day care or preschool facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

"Sheriff" or "Sheriff's Office" means the Sheriff's Office of the County of Mendocino or the authorized representatives thereof.

"Track and Trace" means a monitoring system providing traceability throughout the production and distribution lifecycle of permitted cannabis utilizing a unique identifier

pursuant to section 11362.777 of the Health and Safety Code to assist government with enforcing regulations and preventing the illegal diversion of cannabis.

"Unique identifier" or "Unique ID" means individual, non-repeating identification issued to a permittee and attached to the base of each cannabis plant permitted at a cultivation site during the cultivation period or otherwise utilized in connection with an approved Track and Trace system.

"Youth-oriented facility" means an elementary school, middle school, high school, public park, or any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. Youth-oriented facility shall include "day care center," as defined in Section 1596.76 of the California Health and Safety Code, as that section may be modified or superseded, and shall include "youth center" as defined in Section 11353.1 of the Health and Safety Code, as that section may be modified or superseded.

**Section 35:** Section 10A.17.030 is hereby amended to read as follows:

**Sec. 10A.17.030 – ~~Cultivation Permit~~CCBL Required; Exemptions.**

- (A) Except as provided for by this Section, cultivation of cannabis shall be allowed only following the issuance of a ~~Permit-CCBL~~ pursuant to the provisions of this Chapter, and the review of a permit pursuant to the provisions of Chapter 20.242 of the Mendocino County Zoning Code. Chapter 20.242 authorizes the cultivation of cannabis only in specifically enumerated zoning districts, as determined by permit type, subject either to a zoning clearance, administrative permit or minor use permit.
- (B) Qualified patients, persons with an identification card or primary caregivers cultivating cannabis are exempt from the ~~permit-CCBL and other permit~~ requirements of paragraph (A) of this Section, subject to the following requirements:
  - (1) Intentionally Omitted.
  - (2) Compliance with the provisions of Section 10A.17.040.
  - (3) Any and all cannabis cultivated by a qualified patient or person with an identification card shall be for the sole and exclusive use by the patient only; such cannabis may not be provided, donated, sold or distributed to any other person. A maximum of one hundred (100) square feet of medical cannabis may be cultivated on a legal parcel by a qualified patient or patients.
  - (4) Any and all cannabis cultivated by a primary caregiver shall be for the sole and exclusive use of up to a maximum of two (2) patients which have provided written designation to the primary caregiver to provide those services; the primary caregiver may not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Health and Safety Code section 11362.765. A maximum of one hundred (100) square feet of cultivation area of medical cannabis may be cultivated by a primary caregiver for each patient they are cultivating for. A maximum total of two hundred (200) square feet may be cultivated on a

legal parcel by a primary caregiver or caregivers. Primary caregivers cultivating more than one hundred (100) square feet shall be required to register with the Department on an annual basis.

- (5) Persons eligible to cultivate cannabis under this paragraph (B) may also cultivate cannabis for adult use, but any such cannabis plants must be contained within the square footage allowed in this paragraph (B).
- (C) Individuals desiring to cultivate cannabis for adult use are exempt from the CCBL and other permit requirements of paragraph (A) of this section, subject to compliance with the following requirements:
- (1) Compliance with the provisions of Section 10A.17.040.
  - (2) Cultivation of cannabis must occur in or on the grounds of a private residence or accessory structure, may be within one (1) or more cultivation sites, and contain no more than six (6) cannabis plants with a total plant canopy not to exceed one hundred (100) square feet.
  - (3) Cultivation of adult use cannabis under this paragraph (C) on legal parcels where medical cannabis plants are being cultivated pursuant to Chapter 9.31 shall not be used to increase the total number of cannabis plants that may be cultivated on the legal parcel, but up to six (6) of the total allowed number of twenty-five (25) plants may be set aside as personal cultivation of adult use cannabis.
  - (4) Cultivation of adult use cannabis under this paragraph (C) on legal parcels where cannabis plants are being cultivated under a Permit-CCBL issued pursuant to this Chapter 10A.17 is allowed, provided that the person or persons cultivating the adult use cannabis reside on the legal parcel, the adult use cannabis plants do not exceed one hundred (100) square feet of total plant canopy, and the adult use cannabis plants shall be identified on the site plan required pursuant to section 10A.17.090.
  - (5) Cultivation of adult use cannabis under this paragraph (C) on any legal parcel less than ten (10) acres in size shall only be allowed indoors.

**Section 46:** Section 10A.17.040 is hereby amended to read as follows:

**Sec. 10A.17.040 – General Limitations on Cultivation of Cannabis.**

The following limitations shall apply to all cultivation of cannabis in Mendocino County, including but not limited to cultivation pursuant to a Permit-CCBL issued under this Chapter or an exemption provided for in Section 10A.17.030. Cultivation of cannabis shall also be subject to all applicable restrictions of Mendocino County Code Chapter 20.242.

- (A) The cultivation of cannabis in Mendocino County, in any amount or quantity by any entity, shall not be allowed in the following areas:
- (1) Within one thousand (1,000) feet of a youth-oriented facility, a school, or a park as defined herein that is in existence at the time a Permit-CCBL is initially applied for.

- (2) Outdoors or using mixed light within one hundred (100) feet of any occupied legal residential structure located on a separate legal parcel; provided, however, that on January 1, 2020, this setback shall be increased to two hundred (200) feet for all ~~Permit-CCBL~~ applications but shall not apply to renewals of ~~Permits-CCBL's~~ originally issued before that date.
  - (3) Outdoors or using mixed light in a mobile home park as defined in Health and Safety Code Section 18214.1 within one hundred (100) feet of an occupied mobile home that is under separate ownership.
  - (4) Intentionally omitted.
  - (5) Outdoors or using mixed light within fifty (50) feet from any adjoining legal parcel under separate ownership or access easement (whichever is most restrictive); provided, however, that on January 1, 2020, this setback shall be increased to one hundred (100) feet for all ~~Permit-CCBL~~ applications but shall not apply to renewals of ~~Permits-CCBL's~~ originally issued before that date.
  - (6) Any indoor cultivation sites that comply with paragraph (A)(1) shall also be subject to the following:
    - (a) Indoor cultivation sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located.
    - (b) The cultivation of cannabis within an accessory structure shall be allowed subject to the development requirements of the zoning district in which it is located and to requirements of Chapter 20.164—Accessory Use Regulations except, notwithstanding Section 20.164.010: (a) the cultivation of cannabis in an accessory structure is not permitted prior to the construction of the legal dwelling unit on the parcel, if a legal dwelling unit is required by this Chapter, and (b) cultivation of cannabis shall only be allowed on the same parcel as the dwelling unit, if required.
    - (c) Indoor cultivation sites for individuals desiring to cultivate cannabis for adult use pursuant to section 10A.17.030(C) shall also be subject to the following limitation: cultivation sites located within a private residence that is a rental unit, as that term is defined by County Code section 20.008.050, shall not be located in any indoor space other than a garage or accessory structure.
- (B) The distance between the listed uses in the above paragraph (A)(1) and cannabis that is being cultivated shall be measured in a straight line from the nearest point of the fence required in section 10A.17.040(H), or if the cannabis is cultivated indoors, from the nearest exterior wall of the building in which the cannabis is cultivated to the nearest point of the exterior wall of the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs or to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation, whichever is closest. The distance in paragraphs (A)(2) and (A)(3) to any residential structure shall be measured from the fence required in

section 10A.17.040(H) to the nearest exterior wall of the residential structure. The distance in paragraph (A)(5) shall be measured from the fence required in section 10A.17.040(H) to the boundary line of a legal parcel or access easement.

Applicants may seek a reduction in the setback described in paragraphs (A)(1) and (A)(5) upon issuance of an administrative permit pursuant to Chapter 20.242. See also sections 20.242.060(D) and 20.118.040(D), (E) and (F) for further exceptions to setback regulations.

- (C) The outdoor, indoor or mixed light cultivation of cannabis shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.
- (D) The indoor or mixed-light cultivation of cannabis shall rely on the electrical grid or some form of alternative energy source. The indoor or mixed-light cultivation cannabis shall not rely on a generator as a primary source of power.
- (E) 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. Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed.
- (F) All activities associated with the cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.
- (G) All cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, or river. The activities associated with the cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.
- (H) All cannabis grown in Mendocino County (excluding indoor growing) must be within a secure fence of at least six (6) feet in height that fully encloses the garden area. The fence must include a lockable gate that is locked at all times when a qualified patient, caregiver or permittee-CCBL Holder (or their agent) is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.
- (I) All buildings where cannabis is cultivated or stored shall be properly secured to prevent unauthorized entry.
- (J) Persons cultivating cannabis pursuant to either section 10A.17.030, paragraphs (B) or (C) shall also comply with the provisions of section 10A.17.110, paragraphs (N) and (O), 10A.17.070, paragraph (Q), and section 10A.17.090, paragraph (E)(3).
- (K) Prohibition on Tree Removal. Removal of any commercial tree species as defined by Title 14 California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the



removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing a cannabis cultivation site is prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to address safety or disease concerns. **For purposes of this Section 10A.17.040(K), "for the purpose of developing a cultivation site" shall mean the alteration, grading, removal, or other development of land to create, or expand, a cultivation site, as that term is defined in Section 10A.17.020.**

**Section 57:** Section 10A.17.050 is hereby amended to read as follows:

**Sec. 10A.17.050 – Reserved.**

**Section 68:** Section 10A.17.060 is hereby amended to read as follows:

**Sec. 10A.17.060 – Permit CCBL Types.**

The ~~cultivation Permits~~CCBL's that may be applied for under this Chapter are for the production of flowering cannabis plants and for nursery and seed production, as defined in section 10A.17.020. A ~~Permittee~~CCBL Holder producing flowering cannabis plants may maintain an area scaled appropriately for their operation where they may propagate their own immature plants (starts) through cloning, seed germination or tissue culture. Starts produced in this manner shall be for the exclusive and personal use of the ~~permittee~~CCBL Holder only and the sale, trade, barter, etc. of such starts is prohibited. The square footage of cultivation area dedicated to propagation of starts shall not be included in measuring the cumulative total square footage allowed under a given ~~Permit~~CCBL and must not constitute any new disturbance, as defined by this chapter.

The following ~~cannabis cultivation Permit~~CCBL types may be applied for and granted provided the applicant and the legal parcel (or legal parcels, subject to section 10A.17.070(D)(3)) that contains the cultivation site are determined to be in compliance with all applicable conditions of this Chapter and Mendocino County Code Chapter 20.242; all ~~Permit~~CCBL types shall be applied for stating whether the applicant will be applying for an A-License or an M-License, or a stated combination thereof.

- (1) "Type C" for small outdoor cultivation using no artificial lighting not to exceed a maximum of two thousand five hundred (2,500) square feet of total plant canopy.
- (2) "Type C-A" for small indoor cultivation using exclusively artificial lighting not to exceed a maximum two thousand five hundred (2,500) square feet of total plant canopy within a structure or structures.
- (3) "Type C-B" for small mixed light cultivation (using a combination of natural and supplemental artificial lighting) not to exceed a maximum of two thousand five hundred (2,500) square feet of total plant canopy, all or a portion of which may be within a structure or structures during a cultivation cycle.
- (4) "Type 1" for medium outdoor cultivation using no artificial lighting of two thousand five hundred one (2,501) to a maximum of five thousand (5,000) square feet of total plant canopy on one legal parcel not less than five (5) acres in size.
- (5) "Type 1A" for medium indoor cultivation using exclusively artificial lighting of two thousand five hundred one (2,501) to a maximum of five thousand (5,000) square feet of total plant canopy within a structure or structures.

- (6) "Type 1B" for medium mixed light cultivation (using a combination of natural and supplemental artificial lighting) of two thousand five hundred one (2,501) to a maximum of five thousand (5,000) square feet of total plant canopy, all or a portion of which may be within a structure or structures during a cultivation cycle, on one (1) legal parcel not less than five (5) acres in size.
- (7) "Type 2" for large outdoor cultivation using no artificial lighting of five thousand one (5,001) to a maximum of 10,000 square feet of total plant canopy on one legal parcel not less than ten (10) acres in size.
- (8) "Type 2A" for large indoor cultivation using exclusively artificial lighting of five thousand one (5,001) to ten thousand (10,000) square feet of total plant canopy on one legal parcel.
- (9) "Type 2B" for mixed light cultivation (using a combination of natural and supplemental artificial lighting) of five thousand one (5,001) to a maximum of ten thousand (10,000) square feet of total plant canopy, all or a portion of which may be within a structure or structures during a cultivation cycle, on one (1) legal parcel not less than ten (10) acres in size.
- (10) "Type 4" for the cultivation of cannabis nursery stock and/or seed production which shall not exceed a maximum of twenty-two thousand (22,000) square feet of total plant canopy on one (1) legal parcel. Seed production activities, if any, shall be described in the application for a Type 4 ~~Permit~~CCBL. The legal parcel shall not be less than five (5) acres in size, provided, however, that legal parcels in industrial zoning districts are not subject to this parcel size restriction. Any on-site sales of nursery products which were produced on and occur on a parcel within the Timberland Production, Rangeland or Forestland zoning districts shall be limited to ~~permitted cultivators~~CCBL Holders only.

**Section 79:** Section 10A.17.070 is hereby amended to read as follows:

**Sec. 10A.17.070 – Requirements for All ~~Permits~~CCBL's.**

Unless specifically exempted, in addition to compliance with all other requirements of this Chapter, all ~~Permits~~CCBL's CCBL Holder's shall comply with the ~~following~~ requirements of this Section:

- (A) Zoning Districts. Cultivation of cannabis shall only be permitted on legal parcels that comply with the applicable zoning districts and parcel sizes as provided in Chapter 20.242.
- (B) Indoor Cultivation ~~Permits~~CCBL's. The use or conversion of habitable space (i.e., kitchen, bedrooms, bathrooms, living room or hallways) in any structure shall not be allowed for the indoor cultivation of cannabis.
- (C) Cultivation of cannabis is not permitted within any required parking space.
- (D) ~~Permit~~CCBL Density. A Person may apply for and obtain a maximum of two (2) ~~Permits~~CCBL's listed in section 10A.17.060 at any given time, ~~with a~~ ~~Permits shall be granted at a~~ maximum density of one (1) ~~Permit~~CCBL per legal parcel; provided, however, that:

- (1) A Person may obtain two (2) separate ~~Permits-CCBL's~~ of different ~~Permit CCBL~~ types on a single legal parcel if the total square footage of the two (2) ~~Permits-CCBL's~~ does not exceed the largest maximum square footage ~~permitted-authorized~~ on a parcel for the relevant zoning district. A Person who applies for and obtains a Type 4 ~~Permit-CCBL~~ in combination with any other ~~Permit-CCBL~~, shall not exceed a total square footage of twenty-two thousand (22,000) square feet per legal parcel, of which not more than ten thousand (10,000) square feet may be grown to maturity ~~and entered into the Track and Trace system for commercial use~~. Plants may be grown to maturity by a Type 4 ~~Permit holder-CCBL Holder~~ for seed production or genetic expression, where the mature flowers are destroyed, and not used for commercial purposes, shall not require a separate ~~cultivation permit-CCBL~~.
  - (2) A Person may apply for one (1) ~~Permit-CCBL~~ of a single size (e.g. Type C, Type 1 or Type 2) that may include any combination of all three (3) cultivation types (e.g. indoor, outdoor, mixed-light), but if any cultivation would require the issuance of a permit pursuant to Chapter 20.242, the entire ~~Permit-CCBL~~ shall be subject to review under Chapter 20.242.
  - (3) A Person may obtain one (1) ~~Permit-CCBL~~ for multiple legal parcels, so long as the parcels are contiguous and under the same ownership. Should the Person sell any of the parcels subject to the ~~Permit-CCBL~~, subsequent ~~permits-CCBL's~~ shall be required to modify the cultivation site to adhere to required setbacks.
- (E) Dwelling Unit Requirement. Legal parcels with a cultivation site are also required to have a dwelling unit; provided, however, that this requirement shall not apply to legal parcels within the following zoning districts: Upland Residential (U-R), Agricultural (A-G), Rangeland (R-L), Forest Land (F-L), Timberland Production (TPZ), Limited Industrial (1-1), General Industrial (1-2) Pinoleville Industrial (P-1). In addition, legal conforming parcels in Rural Residential, lot size ten (10) acres (R-R:L-10), shall also be exempt from the dwelling unit requirement of this paragraph, upon issuance of an administrative permit pursuant to Chapter 20.242.
- (F) Generators. The indoor or mixed-light cultivation of cannabis shall not rely on a generator as a primary source of power.
- (1) If no grid power source is available and there is not an alternative power source supporting both any required legal dwelling unit and the indoor or mixed-light ~~permit-CCBL~~ operations, a generator may be used only under the following conditions: (1) the ~~permittee-CCBL Holder~~ shall install an alternative power source that will meet at least one-half (½) of the combined power requirements by the expiration of four (4) years from the date of initial application for a ~~permit-CCBL~~ pursuant to this Chapter and (2) it will be a condition of the renewal of a ~~permit-CCBL~~ at the end of such four (4) year period that the cultivator commit, in writing, to expand their alternative power source to fully meet the combined needs of the cultivation operations and any required legal dwelling unit within two years. If a generator is being used pursuant to the conditions set forth in this paragraph, CCBL Holder shall have conducted an analysis of the noise levels produced by the generator at full operational speed, showing compliance with Mendocino County General Plan Policies

**DE100, 101 and 103. This analysis shall be performed by an accredited acoustical engineer or using some other mechanism or device as provided for on a list to be prepared and published by the Department, and such analysis shall show compliance with Mendocino County General Plan Policies DE100, 101 and 103.** All generators shall be, at a minimum, equipped with the manufacturer's specified muffler; if compliance with Policies DE100, 101 and 103 requires additional measures, the generator shall be equipped with such measures, which may include a hospital-grade muffler and/or a structure to enclose the generator designed for sound suppression. See also section 10A.17.090 regarding application requirements related to generators.

(2) If a generator is used to support any aspect of a cultivation operation with a CCBL, (excluding the conditions set forth in paragraph (1) above), it shall be as a secondary or back-up power source. The use of the generator shall only be allowed when the primary alternative power source is unable to provide its normal output and generate sufficient power to meet the needs of the cultivation operation and the legal dwelling unit. The Owner's Manual and/or Operation Manual (or operational fact sheet) providing the operational characteristics and maintenance schedule for the generator shall be on-site and available for review.

(3) Any electrical wiring associated with the generator shall be of sufficient capacity and installed in such a way as to provide for the minimum installation and safety standards for the electrical service provided by that generator.

(4) See also section 10A.17.090 regarding application requirements related to generators.

(G) Permittees-CCBL Holders shall be required to enroll in and comply with all requirements of any Track and Trace system as designated by the County to track the production and distribution of cannabis. Permittees shall obtain and use unique identifiers from an approved source, maintain them in a readable state, comply with all data entry requirements, and pay all required Track and Trace fees established by the State of California. Non-compliance with Track and Trace requirements shall constitute a violation of the terms of the Permitthis Chapter.

(H) CCBL Holders shall comply with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, including obtaining and complying with any applicable and approved permit, license or registration, and the annual filing of a statement of diversion and use of surface water from a stream, river, underground stream, or other watercourse pursuant to Water Code Section 5101.

(I) North Coast Regional Water Quality Control Board (NCRWQCB).

(1) CCBL Holders shall establish and maintain enrollment in Tier 1, 2 or 3 with NCRWQCB Order No. 2015-0023, if applicable, or any superseding or substantially equivalent rule that may be subsequently adopted by the NCRWQCB, the County of Mendocino or other responsible agency, or shall obtain proof of exemption from said Order.

- (2) For cultivation areas for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required, the site shall comply with the standard conditions set forth in that Order, as well as the applicable "Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects" as presented in Appendix B of the Order, or any superseding or substantially equivalent rule that may be subsequently adopted by the NCRWQCB, the County of Mendocino or other responsible agency.
- ~~(J) CCBL Holders shall have obtained a Streambed Alteration Permit from the California Department of Fish and Wildlife (CDFW) for any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, and shall comply with said Permit. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, the CCBL Holder shall have notified the California Department of Fish and Wildlife (CDFW) pursuant to section 1602 of the Fish and Game Code and shall obtain all relevant approvals or authorizations as may be required by CDFW prior to commencing cultivation.~~
- ~~(K) CCBL Holders shall have obtained a federal Clean Water Act (CWA) Section 404 permit obtained from the Army Corps of Engineers and a CWA Section 401 water quality certification from the NCRWQCB for activities that involve construction and other work in Waters of the United States, that are not otherwise exempt or excluded, including streams and wetlands. For cultivation sites that involve construction or other work in waters of the United States that are not otherwise exempt or excluded, including streams and wetlands, CCBL Holders shall obtain a Clean Water Act (CWA) Section 404 permit from the Army Corps of Engineers and a CWA Section 401 water quality certification from the NCRWQCB prior to commencing such construction, unless otherwise allowed by the relevant agencies.~~
- ~~(L) CCBL Holders shall have obtained coverage under the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ for For projects that disturb one (1) or more acres of soil or projects that disturb less than one (1) acre but that are part of a larger common plan of development that in total disturbs one or more acres, CCBL Holders shall obtain coverage as required under the State Water Resources Control Board (SWRCB) General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ, or any superseding, substantially equivalent or additional rule applicable to such activities that may be subsequently adopted by the SWRCB or other responsible agency. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.~~
- ~~(M) CCBL Holders shall have obtainedobtain as required a current, valid license, or licenses, issued by the Department of Cannabis Control pursuant to Division 10 of the California Business and Professions Code and its implementing~~

regulations. CCBL Holders shall comply with all requirements of State law and regulations pertaining to the cultivation of cannabis.

- (N) Maintain the applicable "Defensible Space" protocols and distances, as established by the California Department of Forestry and Fire Protection around structures located on the legal parcel.
- (O) All weighing and measuring devices shall be type approved by the California Department of Food and Agriculture, Division of Measurement Standards and issued either a California Type Evaluation Program (CTEP) Certificate of Approval (COA) or a National Type Evaluation Program (NTEP) Certificate of Conformance (CC) before commercial use. All weighing and measuring devices shall be registered and inspected by the Agricultural Commissioner in accordance with Mendocino County Code Chapter 10A.16.
- (P) All buildings, including greenhouses, used for the cultivation of cannabis pursuant to an "artificial light" permit (generally Type C-A, Type 1-A, Type 2-A and Nursery as applicable), shall be equipped with filtered ventilation systems, permitted by the Mendocino County Air Quality Management District (MCAQMD) which rely on Activated Carbon Filtration, Negative Ion Generation, Ozone Generation or other odor control mechanism demonstrated to be effective in reducing cannabis odors.
- (Q) Any use of pesticide products shall be consistent with State law and regulations enforced by the California Department of Pesticide Regulation and the Agricultural Commissioner's Office. All agricultural use pesticides and concentrated fertilizers, amendments, and similar materials shall be stored in a locked, hard-faced enclosure to prevent unauthorized entry by humans, to exclude large animals that may be attracted by odors, and to ensure that they will not enter or be released into surface or ground waters.
- (R) Fuel shall be stored and handled in compliance with applicable state and local laws and regulations and in such a way that no spillage occurs.
- (S) Cultivation shall be located as shown on the site plan submitted to the Department.
- (T) Cultivation shall comply with all provisions of this Chapter and any conditions that may apply as a result of an administrative or conditional use permit approved pursuant to Chapter 20.242, and any written remediation plan required by Section 10A.17.080(B)(3).
- (U) CCBL Holders shall **have obtainedobtain as may be required** all approvals and permits required by the Mendocino County Air Quality Management District (MCAQMD) pursuant to state and federal laws, MCAQMD regulations, adopted air quality plans, MCAQMD policies and other applicable statutes.
- (V) CCBL Holders shall **have obtainedobtain as may be required** clearance from the California Department of Forestry and Fire Protection (CalFire) related to compliance with the requirements of Public Resources Code Section 4290 and any implementing regulations.
- (W) CCBL Holders are prohibited from engaging in the cultivation of cannabis on portions of property where tree species listed in paragraph (K) of Section

10A.17.040 have been unlawfully removed; provided, however, for cultivation sites created prior to May 4, 2017, where such trees were unlawfully removed, a CCBL Holder may cultivate cannabis on such portions of property when the CCBL Holder has evidence that the environmental impacts of the tree removal have been mitigated to the extent feasible or otherwise resolved, as required by the resource protection agencies including CalFire, the NCRWQCB and CDFW.

- (X) Fees: An application fee shall be paid at the time an application is submitted to the Department for initial review. A Permit-CCBL fee shall be paid prior to issuance of any Permit-CCBL. Once a Permit-CCBL is issued, the Permittee CCBL Holder may renew the Permit-CCBL upon submission of a renewal application and payment of a renewal fee. No Permit-CCBL shall issue without payment of the required fees.
- (1) Fees prescribed by this Chapter shall be set by the Mendocino County Board of Supervisors in accordance with all applicable laws and regulations and the County's Master Fee Policies. Any fee prescribed by this Chapter shall be paid to the County Treasurer/Tax Collector and is non-refundable. A receipt for payment of the required fee shall be provided to the Department prior to the initial review and issuance or annual renewal of any application, permit-CCBL or other program described herein where a fee has been established, including for required inspections.
- (Y) Inspections by Department. All applicants shall be subject to and shall facilitate an initial on-site pre-permit-CCBL inspection and ~~all Permittees shall be subject to and facilitate at least one (1) annual on-site compliance inspection (Type 4 Permits shall be subject to two (2) on-site compliance inspections annually), which shall serve as the inspection required to be performed prior to any renewal of the Permit, with additional and additional~~ inspections as required by this Chapter or as deemed necessary by the Department. All inspections will be scheduled with at least twenty-four (24) hours advance notice to the applicant or Permittee-CCBL Holder, and shall be conducted during regular business hours. Cancellation of scheduled inspections without notice to the Department shall result in the Permittee-CCBL Holder being invoiced for the actual travel time and mileage incurred by the Department in accordance with the published current fee schedule.
- (1) ~~All site inspections conducted prior to issuance of a Permit for any indoor or mixed-light cultivation Permit~~ may include a representative from the Department of Planning and Building Services.
- (2) Any documents or approvals required to have been obtained by this Chapter for issuance of a CCBL shall be available for review during any inspection.
- (3) Any guard dog(s) or guard animals kept at the cultivation site shall be restrained to a fixed point or contained in some manner to facilitate the inspections performed by any entity performing an inspection as required by this Chapter. Animals considered family pets will be kept on a leash at all times and under control when any entity is performing a required inspection.
- (J) ~~Intentionally Omitted.~~

(ZK) Assignment of PermitsCCBL. A permittee may assign a PermitCCBL to another person subject to the following provisions:

- (1) Submission of the following to the Department:
  - (a) An application fee as set by resolution of the Board of Supervisors;
  - (b) A completed application form as provided by the department, **and the submission of information or documents pursuant to Section 10A.17.090 relating to the assignee, including, but not limited to, the Live Scan criminal history inquiry process outlined in Section 10A.17.090(M);**
  - (c) A copy of the existing PermitCCBL showing that it has not expired;
  - (d) Either:
    - (i) The existing Permittee's CCBL Holder's request to assign all rights and responsibilities of the PermitCCBL to the assignee; or
    - (ii) In the event of the death or incapacitation of the existing PermitteeCCBL Holder, evidence of such death or incapacitation;
  - (e) Evidence that assignee's legal interest in the real property involved allows for assignee's use of the PermitCCBL; and
  - (f) An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the PermitCCBL and all applicable laws and regulations.
- (2) The assignment shall be effective upon the department's written approval of the documentation submitted, ~~notice that the assignee does not have a criminal history that includes any of the conditions listed in Section 10A.17.090(M), and the assigned PermitCCBL shall be granted subject to the terms and conditions of the original PermitCCBL.~~
- (3) ~~PermitsCCBL's~~ issued on parcels subject to the Sunset Provision of Section 10A.17.080(B)(2) shall not be assignable pursuant to this Section 10A.17.070(~~KZ~~); provided, however, that ~~permitsCCBL's~~ issued on parcels located within a "CA" Cannabis Accommodation Combining District are assignable.

**Section 810:** Section 10A.17.080 is hereby amended to read as follows:

**Sec. 10A.17.080 – PermitCCBL Phases and Requirements Specific to each Phase.**

Unless specifically exempted, in addition to compliance with all other requirements of this Chapter, all PermitsCCBL's shall comply with the following requirements:



- (A) Permits-CCBL's under the MCCO will be issued in the following three (3) phases:
- (1) Phase One: Following the effective date of the MCCO, Permits-CCBL's will only be issued to applicants who provide to the Department pursuant to paragraph (B)(1) of this section proof of cultivation at a cultivation site prior to January 1, 2016 ("proof of prior cultivation"), and who comply with all other applicable conditions of this Chapter and Chapter 20.242. Applications for Permits-CCBL's during Phase One shall only be accepted until December 31, 2018, and from Monday, April 1, 2019, until Friday, October 4, 2019. Applicants able to provide proof of prior cultivation may apply for a Permit-CCBL on a relocation site pursuant to paragraph (B)(3) of this section.
  - (2) Phase Two: Starting January 1, 2018, the Department will begin accepting applications for Type C-A, 1A and Type 2A Permits-CCBL's for indoor cultivation, and Type C-B, 1B and 2B Permits-CCBL's for mixed-light cultivation, which mixed-light cultivation must occur in a greenhouse equipped with filtered ventilation systems as described in paragraph (MP) of section 10A.17.070440 and may not occur in a hoop house, in the following zoning districts, subject to compliance with all other applicable conditions of this Chapter and Chapter 20.242: Limited Industrial (I-1), General Industrial (I-2), and Pinoleville Industrial (P-1). Proof of cultivation prior to January 1, 2016, is not required. '
  - (3) Phase Three: Starting April 1, 2021, the Department will begin accepting Permit-CCBL applications from any applicant in conformance with the conditions of this Chapter and Chapter 20.242. Proof of cultivation prior to January 1, 2016, is not required.
- (B) Requirements specific to Phase One PermitsCCBL's.
- (1) Proof of Prior Cultivation. Persons applying for a Permit-CCBL during Phase One shall be required to provide to the Department evidence that they were cultivating cannabis on the cultivation site prior to January 1, 2016, which cultivation site shall have been, or could have been, in compliance with the setback requirements of paragraph (A) of section 10A.17.040. Evidence shall include:
    - (a) Photographs of any cultivation activities that existed on the legal parcel prior to January 1, 2016, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.
    - (b) Photographs of any cultivation activities that currently exist on the legal parcel, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.

- (c) At least one (1) additional document demonstrating cultivation on the legal parcel prior to January 1, 2016, which evidence may be used to substitute for evidence pursuant to clause (a). The Department shall prepare a list of the types of documentation that will be accepted to meet this requirement, and may accept other similarly reliable documentary evidence showing that cannabis was cultivated prior to January 1, 2016.
  - (d) Proof of prior cultivation shall be assigned to the applicant relative to their prior cultivation site.
  - (e) Persons who participated in a permit program pursuant to the County's Chapter 9.31 in previous years may present evidence of such participation and payment of all required fees in order to provide proof of prior cultivation.
- (2) Zoning Districts; Exceptions. Existing cultivation sites not located in zoning districts where Chapter 20.242 specifically allows cultivation may be issued a Type C, Type C-A, or Type C-B Permit-CCBL, subject to the following requirements, in addition to all other applicable requirements of this Chapter:
- (a) The zoning district is one where a dwelling unit is a principally permitted use and a dwelling unit is present.
  - (b) Sunset Provision for Residential Districts. Cultivation sites on legal parcels located in the Single-Family Residential (R-1), Two-Family Residential (R-2), Multiple-Family Residential (R-3), Suburban Residential (S-R), Rural Community (R-C), and Rural Residential (lot sizes one (1) acre, two (2) acres and five (5) acres [legal non-conforming parcels to minimum zoning size][R-R: L-1, R- R:L-2, and R-R:L-5 {legal non-conforming to minimum zoning size}]), as well as cultivation sites in any other zoning district where a dwelling unit is a principally permitted use and the legal parcel is less than two (2) acres in size, are subject to the following requirements:
    - (i) There is an occupied dwelling unit on the legal parcel with the cultivation site.
    - (ii) A Permit-CCBL may be renewed and valid only until three (3) years following the effective date of the ordinance adopting this Chapter and any permits issued shall be void not later than three (3) years following said effective date; provided, however, that indoor cultivation sites (Types C-A, 1A or 2A) within two (2) miles of the Coastal Zone Boundary which, as of May 14, 2019, have been issued a Permit-CCBL (and issued any permit pursuant to Chapter 20.242) or have applied for a Permit-CCBL and are under Permit-CCBL review (and applied for and are under review for any permit pursuant to Chapter 20.242), may be issued and/or renew a Permit-CCBL until June 30, 2022, subject to the modification of the existing administrative or use permit for the indoor cultivation site.

The provisions of this subsection, however, shall not apply in areas designated as "CA" Cannabis Accommodation Combining District, nor shall they apply to parcels zoned Rural Residential (lot size five (5) acres [R-R:L-5]) that are between 3.5 and 4.99 acres and have been issued an administrative permit pursuant to Section 20.242.070(C).

- (c) Cultivation sites on legal parcels located in the Rural Residential zoning district, lot size five (5) acres (conforming parcels of five (5) acres or more only)(R-R:L-5), are subject to the following additional requirement that there is an occupied dwelling unit on the legal parcel with the cultivation site.
  - (d) If a Permit CCBL is granted pursuant to this paragraph (B)(2) in these zoning districts, any future revocation or lapse in renewal of such Permit CCBL shall extinguish the ability of any person to obtain a Permit CCBL for such cultivation site.
- (3) Relocation. Persons able to show proof of prior cultivation pursuant to paragraph (B)(1) above may apply for a Permit CCBL not on the site previously cultivated (the "origin site") but on a different legal parcel (the "destination site"), subject to the following requirements:
- (a) Persons may apply to relocate their cultivation site pursuant to this paragraph (B)(3) until three (3) years after the effective date of the ordinance adopting this Chapter, or until May 4, 2020.
  - (b) The location and operation of the proposed cultivation site on the destination parcel complies with all requirements and development standards that apply to a new cultivation site as of January 1, 2020, pursuant to this Chapter and Chapter 20.242; provided, however:
    - (i) An existing cultivation site shall not be transferred to a legal parcel located within the Forestland or Timber Production Zone zoning districts.
    - (ii) An origin site may relocate to a destination site in the Rangeland zoning district, so long as the destination site has an existing cultivation site and no new cultivation sites would be established.
  - (c) The origin site shall be restored. The application for a Permit CCBL on a destination site shall be accompanied by a restoration plan that is consistent with the standard conditions and best management practices listed in the North Coast Regional Water Quality Control Board Order No. 2015-0023, and which shall include the following:
    - (i) Remove or repurpose buildings, greenhouses, fences, irrigation equipment, water intakes, pumps, storage tanks and other materials brought to the origin site for the purpose of cannabis cultivation;

- (ii) Remove illegal dams, ponds or other in-stream water storage to restore natural stream flows, unless such features will continue in use;
  - (iii) Remove or compost agricultural wastes;
  - (iv) Remove trash and other debris; and
  - (v) Revegetate cleared areas with native plants typical of nearby natural areas, including groundcover, shrubs and trees.
- (d) Unless the destination site is within the Agricultural zoning district, the application shall include either a water availability analysis pursuant to paragraph (C)(1)(b) below or a will serve letter pursuant to paragraph (C)(1)(c) below.
- (e) Prior to the issuance of the Permit-CCBL to cultivate cannabis at the destination parcel, the applicant shall provide the Department with an agreement, on a form approved by the Department and County Counsel, providing that the applicant releases any right to continue or resume cultivation of cannabis on the origin parcel.
- (f) If a person is granted a Permit-CCBL for a destination site, any claims of proof of prior cultivation on the origin site shall be effectively transferred to the destination site, and the ability to claim proof of prior cultivation at the origin site shall be extinguished.
- (g) There shall be a two (2) acre minimum parcel size for all Type C, Type C-A or Type C-B PermitsCCBL's.
- (4) Multiple Permits-CCBL's may be applied for and granted on a single legal parcel that is owned by multiple persons. Each owner may individually apply for a Permit-CCBL to cultivate cannabis, provided that each owner must provide proof of prior cultivation pursuant to paragraph (B)(1) above. Each owner shall be limited to a Type C, Type C-A or Type C-B PermitCCBL, unless that owner was previously enrolled in a permit program pursuant to the County's Chapter 9.31, or unless the cumulative total square footage of plant canopy applied for by all owners does not exceed the maximum square footage permitted on a parcel for the relevant zoning district.
- (5) Persons eligible to apply for a Permit-CCBL during Phase One may apply for a different and/or larger Permit-CCBL type in subsequent years, subject to all requirements of this Chapter.
- (6) If a Permit-CCBL is granted pursuant to this paragraph (B), any future revocation or lapse in renewal of such Permit-CCBL shall extinguish the ability of any person to obtain a Permit-CCBL for such cultivation site, unless otherwise allowed by this Chapter 10A.17; provided, however, that not more than once in a five-year period, a Permittee-CCBL Holder may file with the Department, on a form prescribed by the Department, a

Notice of Non-Cultivation instead of an application to renew the Permit-CCBL, and the Permittee's-CCBL Holder's ability to obtain a Permit-CCBL for such cultivation site will not be extinguished.

- (C) Requirements specific to Phase Three Permits-CCBL's.
- (1) Watershed Assessment. All Permit-CCBL applications, except for legal parcels located in the Agricultural (A-G) zoning district, shall demonstrate there is adequate water to serve the cultivation site.
- (a) If surface water (or groundwater influenced by surface water) will be used, applicants may demonstrate that there is adequate water by providing (i) a watershed assessment that establishes there is sufficient watershed supply to serve the proposed cultivation site and existing uses within the watershed, and (ii) a water right exists to serve the cultivation site. A watershed assessment shall consist of an established "In Stream Flow Policy" as prepared by the State Water Resources Control Board Division of Water Rights or an equivalent document approved by that agency.
- (b) If groundwater not influenced by surface water will be used, the applicant may demonstrate that there is adequate water by providing a water availability analysis which will address the adequacy of the proposed water supply, the direct effects on adjacent and surrounding water users, and possible cumulative adverse impacts of the development on the water supply within the watershed and show there is a sustained yield to support the proposed level of use.
- (c) If water will be provided by a mutual water company, municipal or private utility or similar community provider, the applicant may demonstrate that there is adequate water by providing a will serve letter from the proposed provider.

**Section 911:** Section 10A.17.081 is hereby amended to read as follows:

**Sec. 10A.17.081 – Application Deadline for Parcels in "CA" Cannabis Accommodation Combining Districts.**

Notwithstanding the provisions of paragraph (A)(1) of section 10A.17.080, Phase One Permits-CCBL's may be issued for cultivation sites within a "CA" Cannabis Accommodation Combining District so long as applications for such sites are submitted to the County within one hundred eighty (180) days of the effective date of the ordinance that establishes the applicable CA district.

**Section 1012:** Section 10A.17.090 is hereby amended to read as follows:

**Sec. 10A.17.090 – ~~Cultivation-Permit-CCBL~~ Application and Zoning Review.**

Any person or entity that wishes to engage in the cultivation of cannabis shall submit an application for a Permit-CCBL to the Department. Applications for Permits-CCBL's shall be made upon such forms and accompanied by such plans and documents as may be prescribed by the Department. The application shall be reviewed by the Department and other agencies as described herein and renewed annually. 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.

Following the submission of an application for a Phase One Permit CCBL, an applicant may file with the Department, on a form prescribed by the Department, a Notice of Application Stay for the purpose of preventing the denial of an application for a Phase One Permit CCBL based on inactivity by the applicant for up to a one (1) year period. An applicant may only file a Notice of Application Stay one (1) time. Nothing in this paragraph is intended to prevent the County or the applicant the ability to continue processing or perfecting the application. During the time period of this Application Stay, the applicant shall be prohibited from cultivating cannabis in excess of the limitations of paragraph (B) or (C) of section 10A.17.030 and shall allow the County to make and shall pay the reasonable costs for an inspection of the applicant's cultivation site (and origin site if the application involves a relocation) to confirm compliance with this paragraph; violation of this prohibition shall be a violation of County Code, subject to administrative penalties, and shall be cause for immediate denial of the permit application. Any denial of an application may be followed by nuisance abatement procedures. During the time period of the Application Stay, the applicant shall remain subject to all code enforcement provisions as identified in section 10A.17.100.

The Department shall refer each application to the Department of Planning and Building Services for a determination pursuant to Chapter 20.242 as to what type of clearance or permit is required. No application for a Permit CCBL shall be approved without clearance or final permit approval as required by Chapter 20.242.

~~The Department shall consult with the Mendocino County Air Quality Management District (MCAQMD) prior to the issuance of the Permit to determine if a permit or other approval by the MCAQMD is necessary. The applicant shall obtain all approvals and permits required by the MCAQMD pursuant to state and federal laws, MCAQMD regulations, adopted air quality plans, MCAQMD policies and other applicable statutes prior to the issuance of a Permit. The required consultation with MCAQMD may be eliminated if MCAQMD authorizes County to determine when a permit or other approval by the District is necessary based on an objective set of criteria developed by MCAQMD for such purposes.~~

Applicants for a Permit CCBL shall provide the following information on, or as an attachment to, the application:

- (A) The name, business and residential address, and phone number(s) of the applicant.
- (B) If the applicant is not the record title owner of the legal parcel, written consent from the owner allowing the cultivation of cannabis on their property by the applicant with original signature of the record title owner.
- ~~(C) Written evidence that each person applying for the permit and any other person who will be engaged in the cultivation of cannabis is at least twenty-one (21) years of age.~~
- ~~(DC)~~ Site plan showing the entire legal parcel configuration with Assessor's Parcel Number(s), acreage, site address, including the location of:
  - (1) Easements (access and utility and all roadways public and private);

- (2) Streams, springs, ponds and other surface water features, including the location of any flood plain or floodways;
  - (3) The location and area of the cultivation site on the legal parcel, with dimensions of the area for cultivation of cannabis and showing that all setbacks required by section 10A.17.040 are being met;
  - (4) All areas of ground disturbance or surface water disturbance associated with cultivation of cannabis activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features;
  - (5) All structures, which shall be clearly labeled; and
  - (6) All septic systems, leach fields and water wells.
- (~~ED~~) Applications submitted for any Permit CCBL during Phase One shall include proof of prior cultivation pursuant to section 10A.17.080
- (~~FE~~) A cultivation and operations plan which includes elements that meet or exceed the minimum legal standards for the following: water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides and other regulated products to be used on the legal parcel. ~~Any fuel, fertilizer, pesticides, or other substance toxic to wildlife, children, or pets, must be stored in a secured and locked structure or device.~~ The plan will also provide a description of cultivation activities including, but not limited to, permit type, cultivation area, soil/media importation and management, the approximate date(s) of all cannabis cultivation activities that have been conducted on the legal parcel prior to the effective date of this ordinance, and schedule of activities during each month of the growing and harvesting season. The cultivation and operations plan shall also include the following:
- (1) For all indoor cultivation facilities, identify the source of electrical power and plan for compliance with applicable Building Codes.
  - (2) If a generator is proposed to support any aspect of the cultivation site or related operations, the cultivation and operations plan shall identify any containment structure and dimensions necessary to contain any leak or spill that may develop or occur as a result of relying on any generator for backup power generation. The plan shall also include a maintenance plan for the generator, detailing how spent oil, used oil filters, expired batteries and other hazardous wastes generated from the operation of the generator will be handled, including fuel storage and delivery systems.
  - (3) Any fuel, fertilizer, pesticides, or other substance toxic to wildlife, children, or pets, must be stored in a secured and locked structure or device.
  - (4) A description of the legal water source for the cultivation site and an irrigation plan and projected water usage for the proposed cultivation activities.

- ~~(5) If water or sewer services to the cultivation site will be provided by a community provider, a will-serve letter from the provider indicating adequate capacity to serve the cultivation site.~~
- ~~(6) A statement describing the proposed security measures for the facility that shall be sufficient to ensure the safety of members and employees and protect the premises from theft.~~
- ~~(7) A statement describing the handling of waste discharge from the grow location of items including, but not limited to nutrients, spent growing media, un-used containers and other associated hardware, supplies, and garbage.~~
- ~~(8) The results of a "Cortese List" database search for sites known to be contaminated with hazardous materials. If the parcel of the cultivation site is listed on the "Cortese List", the cultivation and operations plan shall demonstrate that the cultivation is in compliance with any cleanup and/or abatement order that is established for the site.~~
- ~~(G) Copy of the statement of water diversion, or other permit, license or registration filed with California Water Resources Control Board, Division of Water Rights, if applicable.~~
- ~~(H) An irrigation plan and projected water usage for the proposed cultivation activities, as well as a description of legal water source, if not covered by item (G).~~
- ~~(I) Copy of Notice of Intent and Monitoring Self-Certification and any other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in and compliance with (or proof of exemption from) Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency.~~
- ~~(J) If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, show proof they have notified the California Department of Fish and Wildlife (CDFW) pursuant to section 1602 of the Fish and Game Code and provide a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife.~~
- ~~(K) If the source of water is a well, a copy of the County well permit, if available; applicant shall provide documentation showing the approximate date of installation.~~
- ~~(L) A unique identifying number from a State of California Driver's License or Identification Card for each person applying for the permit and any other person who will be engaged in cultivation of cannabis.~~
- ~~(M) Applicants and every individual engaged in the management of, or employed by, the applicant shall be subject to a criminal history check, which shall include a Live Scan criminal history inquiry. The reasonable costs of a Live Scan criminal history inquiry pursuant to this section shall be the responsibility of the applicant and every individual engaged in the management of, or employed by, the~~



applicant. Live Scan criminal history inquiries completed at a certified and approved Live Scan location shall be transmitted to the Sheriff or District Attorney for review. An application shall be denied if any of the following is determined to be true:

- ~~(1) — The applicant or any individual engaged in the management of, or employed by, the applicant has been convicted of any crime listed in subdivision (b)(4) of California Business and Professions Code section 26057, or any crime that if committed in the State of California would have constituted any of the crimes listed in subdivision (b)(4) of California Business and Professions Code section 26057. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.~~
- ~~(2) — The applicant or any individual engaged in the management of, or employed by, the applicant has one (1) or more felony convictions, occurring prior to January 1, 2018, for violations of California Health and Safety Code section 11358 that involved pled and proven environmental violations, including but not limited to violations of California Fish and Game Code sections 1602, 5650 and 5652.~~
- ~~(3) — The applicant or any individual engaged in the management of, or employed by, the applicant has been convicted of a felony offense, occurring after January 1, 2018, under California Health and Safety Code section 11358, 11359, or 11360, as amended by Proposition 64 § 8.4, effective November 9, 2016, or any crime that if committed in the State of California would have constituted a felony offense under California Health and Safety Code section 11358, 11359, or 11360, as amended by Proposition 64 § 8.4, effective November 9, 2016.~~
- ~~(4) — The applicant or any individual engaged in the management of, or employed by, the applicant has a conviction under section 11366 of the California Health and Safety Code.~~
- ~~(5) — The applicant or any individual engaged in the management of, or employed by, the applicant has a conviction under section 11366.5(b) of the California Health and Safety Code or any felony conviction under section 11366.5(a) of the California Health and Safety Code involving chemical extraction, chemical synthesis or a controlled substance other than marijuana.~~
- ~~(6) — The applicant or any individual engaged in the management of, or employed by, the applicant has a conviction under section 11379.6 of the California Health and Safety Code.~~
- ~~(7) — The applicant or any individual engaged in the management of, or employed by, the applicant is subject to a condition of probation, mandatory supervision, Post Release Community Supervision, parole or any other lawful order which prohibits the possession or cultivation of cannabis.~~
- ~~(N) — A statement describing the proposed security measures for the facility that shall be sufficient to ensure the safety of members and employees and protect the premises from theft.~~

- ~~(O) — If the applicant is organized as a non-profit corporation, the applicant shall set forth the name of the corporation exactly as shown in its Articles of Incorporation, and the names and residence addresses of each of the officers and/or directors. If the applicant is organized as a partnership, the application shall set forth the name and residence address of each of the partners, including the general partner and any limited partners. Copies of the Articles of Incorporation or a statement listing the members of the partnership shall be attached to the application.~~
- ~~(P) — Intentionally Omitted.~~
- ~~(Q) — A copy of a Board of Equalization Seller's Permit if applicant intends to sell directly to qualified patients or primary caregivers.~~
- ~~(**FR**) Written consent for an onsite pre-permit inspections of the legal parcel pursuant to section 10A.17.070 by County officials or other appropriate agency representatives ~~at a prearranged date and time in consultation with the applicant prior to the approval of a permit to cultivate cannabis, and at least once annually thereafter.~~~~
- ~~(S) — For all indoor cultivation facilities, identify the source of electrical power and plan for compliance with applicable Building Codes. Also, provide documentation that addresses the handling of waste discharge from the grow location of items including, but not limited to nutrients, spent growing media, un-used containers and other associated hardware, supplies, and garbage.~~
- ~~(T) — No application shall be approved which identifies or would require the removal of tree species listed in paragraph (l) of Section 10A.17.040 after May 4, 2017, for the purpose of developing a cultivation site. For applications where trees were removed prior to May 4, 2017, applicants shall provide evidence to the Department that no trees were unlawfully removed to develop a cultivation site; such evidence may include, but is not limited to, a less than three-acre conversion exemption or timberland conversion permit issued by the California Department of Forestry and Fire Protection ("CalFire") and trees were removed prior to May 4, 2017. If during review of an application County staff determine that trees were unlawfully removed to develop a cultivation site, the County shall deny the application. Notwithstanding the foregoing, for cultivation sites created prior to May 4, 2017, through prior unauthorized conversion of timberland as defined in Public Resources Code section 4526, a Permit may be approved if the applicant provides evidence that environmental impacts of the tree removal have been mitigated to the extent feasible or otherwise resolved, as required by the resource protection agencies including CalFire, the NCRWQCB and the CDFW. County staff shall defer to the resource protection agencies referenced herein for determinations as to the unlawful removal of trees or unauthorized conversion of timberland or the sufficiency of any required remediation to address the environmental impacts. Nothing herein shall be construed to limit or condition in any way the regulatory or enforcement authority of the resource agencies listed herein.~~
- ~~(U) — If applicable, clearance from CalFire related to compliance with the requirements of Public Resources Code Section 4290 and any implementing regulations.~~

- ~~(V) For activities that involve construction and other work in Waters of the United States, that are not otherwise exempt or excluded, including streams and wetlands, the application shall include a copy of a federal Clean Water Act (CWA) Section 404 permit obtained from the Army Corps of Engineers and a CWA Section 401 water quality certification from the NCRWQCB.~~
- ~~(W) Projects that disturb one (1) or more acres of soil or projects that disturb less than one (1) acre but that are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.~~
- ~~(X) The results of a "Cortese List" database search for sites known to be contaminated with hazardous materials. If the site is listed on the "Cortese List", the application shall include sufficient information to demonstrate that the cultivation is in compliance with any cleanup and/or abatement order that is established for the site.~~
- ~~(Y) If water or sewer services to the cultivation site will be provided by a community provider, a will serve letter from the provider indicating adequate capacity to serve the cultivation site.~~

The Department is authorized to require ~~in the permit application any other information reasonably related to the application including, but not limited to, any~~from an applicant any additional information necessary to discover the truth of the matters set forth in the application.

**Section 1413:** Section 10A.17.100 is hereby amended to read as follows:

**Sec. 10A.17.100 – Permit CCBL Review and Issuance.**

- (A) The Department shall issue a Permit CCBL pursuant to this Chapter only:
  - (1) Following the referral to and clearance or permit approval pursuant to Chapter 20.242; and
  - (2) Following review by qualified County staff to review proposed permit locations and identify where habitat suitable for sensitive species may exist. The County shall consult with the California Department of Fish and Wildlife ("CDFW") to evaluate if there is a possibility for presence or habitat suitable for sensitive species on the parcel with a proposed Permit CCBL location. Upon consultation, CDFW may recommend approval of the proposed development, ask to conduct a site inspection or request additional studies in order to make the determination that no impacts to sensitive species will occur. A cultivator that cannot demonstrate that there will be a less than significant impact to sensitive species will not be issued a Permit CCBL. The County shall develop a policy in consultation with CDFW to define an objective set of criteria that applications can be checked against and when during Phases 1 and 2 a formal referral to CDFW is required to avoid impacts to sensitive species and natural

communities. Following the development of the policy referred to in the previous sentence, consultation with CDFW shall not be required but be performed pursuant to the policy. During Phase 3 all applications will be referred to CDFW; and

- (3) After the Department, and other County and State agency staff, as appropriate, have reviewed the application and performed a pre-~~permit~~ CCBL site inspection to confirm adherence to the requirements established in the MCCO; and
  - (4) Following receipt of evidence of payment of the required permit fee, pursuant to Section 10A.17.070.
- (B) As ~~a condition of approval for any requirement of the issuance of a cultivation permit~~ CCBL, the ~~owner or permittee~~ CCBL Holder shall indemnify and hold harmless the County of Mendocino and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the commercial cultivation of cannabis and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the commercial cultivation of cannabis.
- (C) Discovery of any violation(s) of the Mendocino County Code during the ~~Permit~~ CCBL application process will be treated in a similar manner to violation(s) that are self-reported during an active amnesty program. That is, the discovered violation(s) will still need to be corrected, but any investigative and/or penalty fees associated with an after-the-fact County permit will be waived.
- (1) If the discovered violation(s) are directly related to a Phase One ~~Permit~~ CCBL application, and/or if it is discovered that the ~~Permit-CCBL~~ would authorize a particular use for which a separate County permit is required but has not yet been obtained, the applicant shall be required to agree in writing to a compliance plan prior to issuance of the ~~Permit~~ CCBL. Failure by applicant to agree in writing to a required compliance plan shall be grounds for denial of the ~~Permit~~ CCBL.
    - (a) The compliance plan will identify the violation(s) and may suggest corresponding remedial action(s) that may be taken to correct the violation(s), will identify the required permit(s) based on the uses identified in the ~~Permit-CCBL~~ application, and will include timelines for achieving code compliance for all violations and/or for submitting completed applications for each required permit.
    - (b) In no event will more time be given to correct all violations, and/or submit a complete application for each required permit, than one (1) year after the date of issuance of the ~~Permit~~ CCBL.
    - (c) After the applicant has signed the compliance plan, as presented by the Department in coordination with the appropriate County department(s), the Department may issue a ~~Permit-CCBL~~ restricted as indicated in the compliance plan, so long as no other barrier(s) to such issuance exists. Failure to abide by the compliance plan shall be grounds for ~~Permit-CCBL~~ termination, or non-renewal, pursuant to section 10A.17.140.

- (d) The compliance plan will be the primary mechanism to obtain code compliance from ~~Permit-CCBL~~ applicants with respect to violations directly related to Phase One Permits applications. However, nothing in this section is intended to limit the use of any other applicable code enforcement provision or the ability of any County department with the appropriate authority from enforcing the Mendocino County Code.
  - (2) If the discovered violation(s) are not directly related to a Phase One ~~Permit-CCBL~~ application, such violation(s) will not affect the processing of the Phase One ~~Permit-CCBL~~ application. However, any County department with appropriate enforcement authority with respect to such violation(s) may make use of any applicable code enforcement mechanism as if the violation(s) were discovered as a result of self-reporting during an active amnesty program.
- (D) ~~Permit-CCBL~~ Application Denial.
- (1) The Department may, at any time during the application process, deny an application based on the failure to meet the requirements of this Chapter 10A.17, including, but not limited to, the following:
    - (a) Incomplete application.
    - (b) Failure to provide additional information or documentation within the timeframe prescribed by the Department.
    - (c) Cultivation of cannabis on a legal parcel (beyond what is exempt from a permit requirement pursuant to County Code section 10A.17.030) during an application stay pursuant to County Code section 10A.17.090.
    - (d) Cultivation of cannabis in illegal and/or non-compliant structures.
    - (e) Cultivation of cannabis, or activities related to preparing a cultivation site, that are non-compliant with the requirements of this Chapter 10A.17 or not consistent with the application as submitted, whether such issues are discovered during a pre-permit site inspection or other inspection of the property.
  - (2) If the applicant does not meet the requirements to obtain a ~~permit-CCBL~~ and a ~~permit-CCBL~~ with a compliance plan is not viable, the Department shall deny the ~~permit-CCBL~~ application unless:
    - (a) the applicant immediately files for a Notice of Application Stay pursuant to County Code section 10A.17.090 and corrects the conditions of the property in a manner that would allow for permit issuance no later than the expiration of the Application Stay; or
    - (b) the applicant immediately amends the application in a manner that allows for ~~permit-CCBL~~ issuance.
  - (3) ~~An application permit~~ may be denied based on confirmation that the applicant provided false or misleading information to the County, or any

other agency if such communication was made as part of the process in securing a permit-CCBL under this Chapter 10A.17.

- (4) An application-permit may be denied if the applicant or any agent or employee of the applicant has engaged in or is engaging in activities related to the cultivation of cannabis that endangers the health or safety of people or property.
- (5) This paragraph (D) in no way limits the authority of the Department to deny an application as inherently or explicitly provided by this Chapter 10A.17.
- (6) Following the denial of an application for a Permit-CCBL or a renewal application, the applicant is prohibited from cultivating cannabis on their parcel in excess of the limitations of paragraph (B) or (C) of County Code section 10A.17.030.

~~(E) Track & Trace unique identifiers will only be made available following the issuance of a Permit by the Department. The Permittee will have seventy-two (72) hours to register with the County Track & Trace system. Upon Track & Trace system registration, the system will provide unique identifiers. The unique identifiers shall be affixed to the individual plants within seventy-two (72) hours of being provided to the Permittee.~~

~~(FE) Permits-CCBL's shall remain valid for one (1) year from the date of issuance, subject to any enforcement action or other action that may result in earlier suspension or revocation.~~

**Section 1214:** Section 10A.17.110 is hereby amended to read as follows:

**Sec. 10A.17.110 – Performance Standards Intentionally Omitted.**

~~All Cultivation Permits issued by the Department shall obligate the permittee to comply with the following performance standards:~~

- ~~(A) Cultivation shall be located as shown on the approved application site plan and in compliance with all provisions of this Chapter and any permit issued pursuant to Chapter 20.242.~~
- ~~(B) Once they become available, possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder covering a similar cannabis activity.~~
- ~~(C) A unique identifier for compliance with the County's Track & Trace system shall be affixed to each permitted cannabis plant cultivated in Mendocino County. It shall be the responsibility of the permittee to ensure complete and accurate entry of information into the Track & Trace system within seventy-two (72) hours of the reportable activity occurring.~~
- ~~(D) Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, including obtaining and complying with any applicable and approved permit, license or registration or the annual filing of a statement of diversion and use of surface water from a~~

~~stream, river, underground stream, or other watercourse required by Water Code Section 5104.~~

- ~~(E) If a generator is used to support any aspect of the permitted cultivation operations, (excluding the conditions set forth in section 10A.17.070(F)), it shall be as a secondary or back-up power source. The use of the generator is only allowed when the primary alternative power source is unable to provide its normal output and generate sufficient power to meet the needs of the cultivation operation and the legal dwelling unit. The Owner's Manual and/or Operation Manual (or operational fact sheet) providing the operational characteristics and maintenance schedule for the generator shall be on-site and available for review.~~

~~If a generator is being used pursuant to the conditions set forth in section 10A.17.070(F), the Permit shall be conditioned on the conducting of an analysis of the noise levels produced by the generator at full operational speed, performed by an accredited acoustical engineer, and such analysis shall show compliance with Mendocino County General Plan Policies DE100, 101 and 103. All generators shall be, at a minimum, equipped with the manufacturer's specified muffler; if compliance with Policies DE100, 101 and 103 requires additional measures, the generator shall be equipped with such measures, which may include a hospital-grade muffler and/or a structure to enclose the generator designed for sound suppression.~~

~~Any electrical wiring associated with the generator shall be of sufficient capacity and installed in such a way as to provide for the minimum installation and safety standards for the electrical service provided by that generator.~~

- ~~(F) Establish and maintain enrollment in Tier 1, 2 or 3 with the North Coast Regional Water Quality Control Board (NCRWQB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency.~~
- ~~(G) For cultivation areas for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required, the site shall comply with the standard conditions set forth in that Order, as well as the applicable "Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects" as presented in Appendix B of the Water Board Order.~~
- ~~(H) Maintain the applicable "Defensible Space" protocols and distances, as established by the California Department of Forestry and Fire Protection around structures located on the legal parcel.~~
- ~~(I) Comply with the terms of any applicable Streambed Alteration Permit obtained from the California Department of Fish & Wildlife.~~
- ~~(J) All weighing and measuring devices shall be type approved by the California Department of Food and Agriculture, Division of Measurement Standards and issued either a California Type Evaluation Program (CTEP) Certificate of Approval (COA) or a National Type Evaluation Program (NTEP) Certificate of Conformance (CC) before commercial use. All weighing and measuring devices shall be registered and inspected by the Agricultural Commissioner in accordance with Mendocino County Code Chapter 10A.16.~~

- ~~(K) — Consent to at least one (1) annual on-site compliance inspection by the Department, as more specifically provided for in section 10A.17.070.~~
- ~~(L) — Any guard dog(s) or guard animals kept at the cultivation site shall be restrained to a fixed point or contained in some manner to facilitate the inspections performed by any entity necessitating inspect as required by this Chapter. Animals considered family pets will be kept on a leash at all times and under control when any entity is performing a required inspection.~~
- ~~(M) — All buildings, including greenhouses, used for the cultivation of cannabis pursuant to an "artificial light" permit (generally Type C-A, Type 1-A, Type 2-A and Nursery as applicable), shall be equipped with filtered ventilation systems, permitted by the Mendocino County Air Quality Management District (MCAQMD) which rely on Activated Carbon Filtration, Negative Ion Generation, Ozone Generation or other odor control mechanism demonstrated to be effective in reducing cannabis odors.~~
- ~~(N) — Any use of pesticide products shall be consistent with State law and regulations enforced by the California Department of Pesticide Regulation and the Agricultural Commissioner's Office. All agricultural use pesticides and concentrated fertilizers, amendments, and similar materials shall be stored in a locked, hard-faced enclosure to prevent unauthorized entry by humans, to exclude large animals that may be attracted by odors, and to ensure that they will not enter or be released into surface or ground waters.~~
- ~~(O) — Fuel shall be stored and handled in compliance with applicable state and local laws and regulations and in such a way that no spillage occurs.~~
- ~~(P) — The square footage of cultivation area dedicated to propagation of starts must not constitute any new disturbance, as defined by this chapter.~~
- ~~(Q) — Comply with any conditions that may apply as a result of an administrative or conditional use permit approved pursuant to Chapter 20.242, or with a written remediation plan required by Section 10A.17.080(B)(3).~~

**Section 1315:** Section 10A.17.120 is hereby amended to read as follows:

**Sec. 10A.17.120 – Certifications.**

~~Permittees-CCBL Holders~~ who demonstrate compliance with all of the requirements set forth in this Chapter and the additional guidelines to be established by the Department in a Mendocino Sustainably Farmed Operations Manual will be issued a ~~“~~Certified Mendocino County Grown~~”~~ certificate through the Department. Cannabis labeled with this certification shall be produced following production standards used in the production of crops labeled as organic according to United States~~sd~~ Department of Agriculture, National Organic Program. This certification shall be valid for one (1) year from the date of issuance and shall be renewed annually thereafter following annual inspection(s) of the registered cultivation site and continued compliance with all requirements. An annual fee shall be paid for participation in this certification program, pursuant to the provisions set forth in Section 10A.17.070(~~X~~H)(1).

**Section 1416:** Section 10A.17.126 is hereby amended to read as follows:



**Sec. 10A.17.126 – Procedure to Appeal Denial or Non-Renewal of a ~~Cultivation Permit~~CCBL.**

- (A) Within ~~ten (10)~~ **thirty (30)** days from the date of a Notice of ~~Cultivation Permit~~CCBL Denial or Non-Renewal, any applicant or permittee may appeal the ~~Cultivation Permit~~CCBL Denial or Non-Renewal to the Department. The appeal shall:
- (1) Be submitted in writing, on a form as prescribed by the Department;
  - (2) Specify the grounds upon which the appeal is taken;
  - (3) Contain the name, address, and telephone number of the appellant; and
  - (4) Be accompanied by the payment of an appeal fee in an amount established by Resolution by the Board of Supervisors.
- (B) Upon receipt of the appeal, the Department shall schedule an informal meeting with the appellant to review the Department's action and the grounds for the appeal. The informal meeting shall be scheduled within a reasonable amount of time of the receipt of the appeal. Within ten (10) days of the meeting and following consideration of all materials and discussions presented at the meeting, the appointing authority shall, in writing, either:
- (1) Rescind the ~~Cultivation Permit~~CCBL Denial or Non-Renewal, dismiss the appeal, and reconsider the application in light of the grounds stated in the appeal and the meeting; or
  - (2) Cause the matter to be set for hearing by notifying the Hearing Officer directly or by requesting County Counsel to coordinate with the Hearing Officer. Payment by the appellant of a hearing fee in an amount established by Resolution by the Board of Supervisors shall be payable at this time and prior to setting of the hearing date.
- (C) A hearing before a Hearing Officer shall be set for a date that is not less than ten (10) and not more than thirty (30) days from the date that the Department provides written notice of the setting of hearing pursuant to paragraph (B) above. The Hearing Officer, or the County Counsel in cooperation with the Hearing Officer, shall notify the parties in writing, at least ten (10) days prior to the hearing date, of the date and location of the hearing. It shall be sufficient to provide notice to the appellant by using the address listed in the request for appeal. **The hearing date may be continued by stipulation of the parties or by order of the Hearing Office upon a showing of good cause, including but not limited to the need of the appellant for a reasonable amount of time to prepare.**
- (D) In the case of service by mail of any Notice of Denial or Non-Renewal, or any notice required to be served by this section 10A.17.126 or section 10A.17.128, the time periods provided for in such sections shall be extended by five (5) calendar days if the place of address and the place of mailing is within the State of California, and by ten (10) calendar days if either the place of address or place of mailing is outside the State of California.

**Section 1517:** Section 10A.17.128 is hereby amended to read as follows:

**Sec. 10A.17.128 – Determination by Hearing Officer.**

- (A) At the conclusion of the hearing, and based on the factual evidence before it, the Hearing Officer shall determine:
  - (1) Whether the facts or conditions specified in the ~~Cultivation Permit~~ CCBL Denial or Non-Renewal exist; and
  - (2) Whether those facts or conditions support the determination that the ~~Cultivation Permit~~ CCBL may be denied or non-renewed.
- (B) If the Hearing Officer determines that it is necessary to interpret the meaning of one (1) or more sections or provisions of this Chapter in order to make a determination on the appeal, the Hearing Officer shall request in writing that the Department to provide said interpretation to the Hearing Officer. The Hearing Officer shall rely on that interpretation to make that determination. The Hearing Officer may continue the hearing to a future date to allow the Department to provide said interpretation.
- (C) Withing ten (10) days of the hearing, the Hearing Officer shall personally serve or mail a copy of the written decision to the appellant and the Department. Said decision shall be final. An action or proceeding challenging the Hearing Officer's decision shall be commenced within thirty (30) days from the date the Hearing Officer's decision is served on that party.

**Section 1618:** Section 10A.17.140 is hereby amended to read as follows:

**Sec. 10A.17.140 – Violations and penalties respecting ~~permitted cultivation~~ cultivation pursuant to CCBL.**

- (A) If at any time the Department determines that a law related to a ~~Permit~~ CCBL is being violated, the Department ~~or other appropriate County agency or division~~ may issue a notice of violation or an administrative citation(s) pursuant to Mendocino County Code Chapter 1.08 and notify other interested public agencies or County departments of such violations. After the violation(s) have been cured, the correction must be confirmed. Failure by the ~~Permittee~~ CCBL Holder to schedule a re-inspection with the Department to confirm the correction will result in an unscheduled compliance inspection.
- (B) Inspection Fees. After initial substantiation of a violation related to any law related to a ~~Permit~~ CCBL, inspection fees shall be charged to the ~~Permittee~~ CCBL Holder for any additional compliance inspection undertaken by the Department, beyond those regularly scheduled and enumerated in section 10A.17.070, for the purpose of determining if the cited violations have been cured. All additional inspection fees shall ~~consist of the hourly rate for an inspector from the Department for the travel and inspection time plus the standard IRS mileage rate for travel distance~~ be in accordance with the current published fee schedule. The fees shall be paid pursuant to the provisions set forth in section 10A.17.070(~~XH~~)(1).
- (C) Notice to Terminate ~~Permit~~ CCBL. The Department may issue a Notice to Terminate ~~Permit~~ CCBL by personal service or by first class mail, postage prepaid and return receipt requested. If by mail, service will be deemed complete

five (5) days after mailing. A Notice of Terminate ~~Permit-CCBL~~ may be issued after:

- (1) The Department discovers that the ~~Permittee-CCBL Holder~~ would not have otherwise qualified to obtain a ~~permit-CCBL~~ but for false or misleading information contained in either the ~~Permittee's-CCBL Holder's~~ application or subsequent submittals to the County pertaining to the ~~Permittee's-PermitCCBL Holder's~~ application; or
  - (2) The ~~Permittee-CCBL Holder~~ has engaged in activity related to the ~~Permit CCBL~~ that creates an immediate threat to health or safety, or has allowed such activity to be carried out by one (1) or more of its employees or agents; or
  - (3) The ~~Permittee-CCBL Holder~~ has engaged in activity that is specified in a separate provision of the Mendocino County Code as grounds for ~~Permit CCBL~~ termination, including but not limited to section 10A.17.100; or
  - (4) The Department determines that the ~~Permittee-CCBL Holder~~ is in violation of one (1) or more laws related to the ~~PermitCCBL~~, and that the ~~Permittee-CCBL Holder~~ is unlikely or unable to correct such violation(s). The Department may make a determination that a ~~Permittee-CCBL Holder~~ is unlikely to correct a violation if:
    - (a) The ~~CCBL Holder Permittee~~ has failed to correct any single code violation within ten (10) days of the initial notice, or such other time period otherwise specified in the pertinent notice of violation, administrative citation, or related writing; or
    - (b) The ~~CCBL Holder Permittee~~ has received three (3) or more notices of violation or administrative citations, on separate occasions, within a twelve (12) month period, which may or may not pertain to the same violation, recurring violation, or different violation; or
    - (c) The extent of, severity of, or conditions surrounding one (1) or more violations make it clear that the ~~CCBL Holder Permittee~~ was not acting in good faith to abide by the laws related to the ~~PermitCCBL~~.
- (D) Termination of ~~PermitCCBL~~. After issuance of a Notice to Terminate ~~PermitCCBL~~, the ~~Permit-CCBL~~ shall be terminated upon a final determination after the hearing on the order to show cause affirming the determination to terminate the ~~permit-CCBL~~ in question pursuant to section 10A.17.150. The County shall notify any ~~state~~-license authority, as defined by the MAUCRSA, whenever a ~~Permit-CCBL~~ has been terminated.
- (E) Nothing in this section is intended to limit the applicability of any other code enforcement provision or the ability of any other agency or department from enforcing the Mendocino County Code.

**Section 1719:** Section 10A.17.150 is hereby amended to read as follows:

**Sec. 10A.17.150 – Administrative Order to Show Cause.**

- (A) Issuance of Order to Show Cause. At the same time as issuance of a Notice to Terminate Permit CCL, or as soon as practicable thereafter, the Department shall also issue a notice and order to show cause why the permit CCBL in question should not be terminated. Issuance may be completed by personal delivery, or by first class mail, postage prepaid, sent to the mailing address associated with the Permit CCBL and return receipt requested. The notice and order to show cause shall:
- (1) Identify the permittee CCBL Holder and the permit CCBL in question;
  - (2) Contain a statement describing the violations that caused the issuance of a Notice to Terminate Permit CCBL;
  - (3) Contain a description of the actions required to abate the violations;
  - (4) Notify the permittee CCBL Holder that unless the owner or occupant abates the conditions, a hearing will be held to determine whether there is any good cause why the permit CCBL in question should not be terminated, which will be heard before a Hearing Officer, the director of the Department, or the director's authorized designee within the Department who did not also issue the Notice to Terminate Permit CCBL;
  - (5) Specify the date, time and location of the hearing to be held, or state that the date, time and location of the hearing will be specified in a subsequent notice, which will not be set for a date earlier than five (5) days after personal delivery, or ten (10) days after mailing, of the notice specifying the date, time and location of the hearing;
  - (6) State that the permittee CCBL Holder will be given an opportunity at the hearing to present and elicit testimony and other evidence regarding whether there is any good cause why the permit in question should not be terminated;
  - (7) Contain a statement that, unless the permittee CCBL Holder abates the conditions causing the violations, or shows good cause why the conditions should not be abated, the permit CCBL in question shall be terminated.
- (B) Use of Hearing Officers. Whenever the Department issues an order to show cause why a permit CCBL issued pursuant to this Chapter should not be terminated, the Department is authorized to use the services of a Hearing Officer pursuant to Mendocino County Code Chapter 2.76. Such use of a Hearing Officer shall be made whenever a Hearing Officer is available, and the Department shall coordinate with County Counsel to appoint and maintain at least one (1) Hearing Officer to the extent possible. In the event that a Hearing Officer is unavailable, the duty to hear the appeal shall remain with the director of the Department.
- (C) Hearing Procedure.
- (1) The Hearing Officer shall hold an administrative hearing to determine whether the violations identified in the Notice to Terminate Permit CCBL created a sufficient basis on which to terminate the permit in question.

The hearing shall be held at the date, time and location indicated on the notice to the permitteeCCBL Holder, which shall be no less than five (5) calendar days after personal service, or no less than ten (10) calendar days after mailing of all the notices required by this section.

- (2) Parties may choose to be represented by an attorney; however, formal rules of evidence or procedure shall not apply. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Nonetheless, any failure to make a timely objection to offered evidence constitutes a waiver of the objection. The Hearing Officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.
  - (3) The hearing shall be conducted in the English language. The proponent of any testimony by a witness who does not proficiently speak the English language shall provide an interpreter who has been certified as an interpreter by either the State of California or the County of Mendocino.
  - (4) The person who issued the Notice to Terminate Permit-CCBL shall first describe the acts or conditions constituting the violations identifying in the Notice to Terminate Permit-CCBL and present evidence to demonstrate how the identified violations form a basis for terminating the permit-CCBL in question. Thereafter, the permittee-CCBL Holder shall be given an opportunity at the hearing to present and elicit testimony and other evidence to show good cause why the permit-CCBL should not be terminated.
  - (5) In the event that the permittee-CCBL Holder does not appear and present evidence at the hearing, the Hearing Officer may base his or her decision solely upon the evidence submitted by the person issuing the Notice to Terminate PermitCCBL.
- (D) Determination after Hearing. The Hearing Officer shall consider the evidence presented by the parties, and shall issue a signed, written decision and order that either affirms or reverses the determination to terminate the permit-CCBL in question. Such decision shall be delivered to the permittee-CCBL Holder by personal delivery or by first class mail, postage prepaid, sent to the mailing address associated with the Permit-CCBL and return receipt requested. The decision shall become effective either on the day the decision is personally delivered to the permitteeCCBL Holder, or five (5) days after the decision is mailed to the permitteeCCBL Holder.

**Section 1820:** Section 10A.17.160 is hereby amended to read as follows:

**Sec. 10A.17.160 – Enforcement and Declaration of Public Nuisance.**

- (A) All of the remedies provided for in this Chapter, or elsewhere in the law, shall be cumulative and not exclusive for violations of this Chapter. Violations of this Chapter include, but are not limited to failure to obtain and maintain in good standing any permit-CCBL required by this Chapter, compliance with any required element on which a permit-CCBL was issued pursuant to this Chapter, or any violation of the provisions of this Chapter where a permit-CCBL is not required, such as a violation of section 10A.17.040 when a person is otherwise

exempt pursuant to section 10A.17.030. The County may enforce this Chapter by using any applicable state or county law, including, but not limited to Mendocino County Code Chapters 1.08, 8.75 or 8.76, and may use either the administrative process to achieve code compliance or available civil remedies, such as injunctive relief.

- (B) The cultivation of cannabis with a valid ~~permit-CCBL~~ pursuant to this Chapter shall not be declared a public nuisance under County Code Chapter 8.75 or 8.76. Any cultivation of cannabis in the absence of a ~~permit-CCBL~~ issued pursuant to this Chapter is a public nuisance and may be abated by the County as a public nuisance in accordance with the provisions of either County Code Chapter 8.75 or 8.76 unless such cultivation either: (1) is exempt pursuant to County Code section 10A.17.030 and in compliance with the laws to which the exemption is subject; or (2) is being cultivated by an entity whose application for a Phase One ~~Permit-CCBL~~ pursuant to this Chapter has been submitted, accepted and is currently pending, and who has also submitted a sworn affidavit to the Department on a form prepared by the Department that includes, but is not limited to, an affirmation that they have met the requirements to obtain a ~~permit-CCBL~~ or are actively in the process of fulfilling the requirements, and who also possesses a State temporary or provisional license for the cultivation site applied for at the County level.

**Section 1921:** Section 20.242.040 is hereby amended to read as follows:

**Sec. 20.242.040 – Existing Cannabis Cultivation Sites.**

- (A) Referrals of applications to the Department for review related to existing cultivation sites shall include the ~~Agriculture Commissioner's~~ determination of the Mendocino Cannabis Department that the cultivation site existed prior to January 1, 2016, unless the ~~Agricultural Commissioner~~Mendocino Cannabis Department requests the assistance of the Department in making this determination as part of the referral to the Department.
- (B) Cultivation sites, in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit as required for the zoning district in which the cultivation site is located and as listed in Table 1.

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

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

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

\*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

\*2 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between three and one-half (3.5) and five (5) acres, and that shares at least fifty percent (50%) of its boundaries with parcels five (5) acres in size or larger, may apply for and be granted permit-CCBL types 1, 1-B and 4 following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

\*3 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between seven (7) and ten (10) acres, and that shares at least fifty percent (50%) of its boundaries with parcels ten (10) acres in size or larger, may apply for and be granted permit-CCBL types 2 and 2-B following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

\*4 Existing cultivation sites in the FL and TPZ zoning districts that were previously enrolled in a permit program pursuant to the County's Chapter 9.31 shall be required to obtain a zoning clearance unless the applicant seeks to expand beyond the size previously cultivated under such permit program.

\*5 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

- (C) A reduction in the setback from a legal parcel line required by section 10A.17.040(A)(5) may be allowed following the issuance of an Administrative Permit, approved pursuant to section 20.242.070(C), subject to the following limitations: (1) the approved reduced setback for cultivation not within a structure shall be no less than twenty (20) feet from an adjoining property under separate ownership or an access easement, or (2) for cultivation within a structure, the setback shall be no less than the front, rear, or side yard setback (as applicable) setback for the zoning district in which the property is located. Any reduction of the setback pursuant to this section must comply with the required setback from an occupied legal structure and the reduced setback may not encroach into any corridor preservation setback, pursuant to sections 20.152.015 and 20.152.020.
- (D) An existing cultivation site located in a zoning district not listed in Table 1 of this section may continue, but shall not be expanded or enlarged, subject to the following planning permit and approval requirements.
- (1) Planning Permit Requirements:
- (a) Outdoor Cultivation (pursuant to a MCCO Type C ~~PermitCCBL~~) not exceeding two thousand five hundred (2,500) requires an approved Zoning Clearance.
  - (b) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A ~~PermitCCBL~~) not exceeding five hundred (500) square feet requires an approved Administrative Permit.
  - (c) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A ~~PermitCCBL~~) between five hundred one (501) and two thousand five hundred (2,500) square feet requires an approved Minor Use Permit.
  - (d) Mixed Light Cultivation (pursuant to a MCCO C-B ~~PermitCCBL~~) not exceeding two thousand five hundred (2,500) square feet requires an approved Zoning Clearance.
    - (i) Any future lapse or revocation of the MCCO ~~permit-CCBL~~ will extinguish the permittee's ability to obtain a future permit from the Department to continue or resume an existing cultivation site that is not within a zoning district listed in Table 1 of this section.
- (E) Transferability of Permits. A permittee may assign a permit to another person subject to the following provisions:
- (1) Submission of the following to the ~~Agricultural Commissioner~~Department:
- (a) An application fee as set by resolution of the Board of Supervisors;
  - (b) A completed application form as provided by the department;
  - (c) A copy of the existing permit showing that it has not expired;
  - (d) Either:



- (i) The existing permittee's request to assign all rights and responsibilities of the permit to the assignee; or
  - (ii) In the event of the death or incapacitation of the existing permittee, evidence of such death or incapacitation;
  - (e) Evidence that assignee's legal interest in the real property involved allows for assignee's use of the permit; and
  - (f) An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit and all applicable laws and regulations.
- (2) The assignment shall be effective upon the department's written approval of the documentation submitted, and the assigned permit shall be granted subject to the terms and conditions of the original permit.
  - (3) Permits issued on parcels subject to the Sunset Provision of Section 10A.17.080(B)(2) shall not be assignable pursuant to this Section 20.242.040(E); provided, however, that such permits issued on parcels located within a "CA" Cannabis Accommodation Combining District are assignable.

**Section 2022:** Section 20.242.050 is hereby amended to read as follows:

**Sec. 20.242.050 – New Cannabis Cultivation Sites Located in Industrial Zoning Districts.**

Establishment of a new cannabis cultivation site in the I1 (Light Industrial), I2 (General Industrial), and Pinoleville (PI) zoning districts, for the following MCCO ~~permit~~ CCBL types, may be permitted on or after January 1, 2018, subject to the requirements of Section 20.242.060: Type C-A, 1A and 2A, and Type C-B, 1B and 2B ~~Permits-CCBL's~~ for mixed-light cultivation, which mixed-light cultivation must occur in a greenhouse equipped with filtered ventilation systems as described in paragraph (MP) of Section 10A.17. ~~110070~~

**Section 2123:** Section 20.242.060 is hereby amended to read as follows:

**Sec. 20.242.060 – New Cannabis Cultivation Sites.**

- (A) Except as provided in Section 20.242.050, on or after January 1, 2020, new cannabis cultivation sites may be permitted in accordance with this section.
- (B) All new cannabis cultivation sites shall be consistent with the General Limitations on Cultivation of Cannabis, Section 10A.17.040; provided, however, that an applicant may seek a reduction in the setback requirements as stated in paragraph (D) of this section.
- (C) Cultivation sites, operated in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit, as required for the zoning district in which the cultivation site is located and listed in Table 2.

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

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

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

\*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

\*2 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

- (D) Setback Reduction. A reduction in the setback from a legal parcel line required by Section 10A.17.040 may be allowed with an Administrative Permit, approved according to Section 20.242.070(C), provided that the approved setback reduction is fifty (50) feet or greater from an adjoining property under separate ownership or access easement, whichever is most restrictive and the location of the cannabis cultivation site continues to comply with the required setback from an occupied legal residential structure.

**Section 2224:** Section 20.242.070 is hereby amended to read as follows:

**Sec. 20.242.070 – Planning approval required to cultivate cannabis.**

- (A) Planning Approval Procedure. Each proposed cannabis cultivation site is subject to one (1) of the following planning review processes that correspond to the applicable zoning district and Chapter 10A.17 ~~permit CCBL~~ as specified by Table 1 or Table 2 in this Chapter.

The ~~Agricultural Commissioner's Office~~ Mendocino Cannabis Department shall refer applications for ~~cultivation permits CCBL's~~ pursuant to Chapter 10A.17 to the Department, which shall review the application to determine which of the following processes applies. If the application needs only a Zoning Clearance, the Department will provide a zoning clearance approval to the Mendocino Cannabis Department ~~Agricultural Commissioner's Office~~. If the application requires either an Administrative Permit or a Minor Use Permit, the Department will notify the Mendocino Cannabis Department ~~Agricultural Commissioner's Office~~ and the applicant that planning approval is required.

- (B) Zoning Clearance. The Department shall review the MCCO ~~permit CCBL~~ application to confirm the cannabis cultivation site is allowed in zoning district, subject to the applicable requirements of this chapter, and confirm the legal parcel on which the cultivation site is located. The Department shall additionally provide any information as requested by the Mendocino Cannabis Department ~~Agricultural Commissioner's Office~~ to confirm compliance with any of the provisions of Chapter 10A.17.

- (C) Administrative Permit. In accordance with the Administrative Permit review procedure listed in Chapter 20.192, the Zoning Administrator shall approve, conditionally approve or deny an Administrative Permit for cannabis cultivation sites based on the following special findings.

- (1) The cannabis cultivation site is allowed in the zoning district and it is in compliance with the provisions of Chapter 10A.17.
- (2) There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding fifteen (15) percent, prime soil, oak woodland, and timber resources.
- (3) The cannabis cultivation will avoid or minimize odor and light impact on residential uses.
- (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the

submitted MCCO ~~permit~~ CCBL application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.

- (5) The Administrative Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Administrative Permit shall expire at the end of this period unless it is renewed prior to the end of the 10-year period, or at any time the approved MCCO ~~permit~~ CCBL for the cultivation site expires or is revoked.
- (6) An Administrative Permit may be applied for and granted for an exception to the dwelling unit requirement of Chapter 10A.17 for parcels in the Rural Residential, lot size ten (10) acres (R-R:L-10) zoning district with the additional finding that the applicant shall demonstrate that the cultivation site and any associated infrastructure (roads, buildings, water storage, etc.) does not preclude the development of the parcel with a residence in the future. For parcels that will need on-site sewage disposal systems to be developed, making this finding may require the identification of a primary and reserve leach field to be identified in order to issue the Administrative Permit.
- (7) An Administrative Permit may be applied for and granted for an exception to the one thousand (1,000) foot setback requirement of a cannabis cultivation site as outlined in section 10A.17.040(B). Administrative permits may be approved, conditionally approved or denied for the reduction of the setback provided for in section 10A.17.040(A)(1) based on the findings of 20.242.070(C)(1), (C)(2) and (C)(3) and on the following special findings:
  - (i) That there be special circumstances applicable to the property involved, including size, shape, topography, location or surrounding;
  - (ii) That the granting of such reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and
  - (iii) That the granting of such reduction will not adversely affect the General Plan.
- (8) Applicants eligible for a Phase One ~~Permit~~ CCBL pursuant to Chapter 10A.17 may apply for and be granted an Administrative Permit for an exception to the setback requirement of section 10A.17.040(A)(5) of an outdoor, greenhouse, or mixed light cultivation site to an adjacent legal parcel under separate ownership or access easement. Administrative Permits may be approved, conditionally approved, or denied for the reduction of required setbacks established in section 10A.17.040(A)(5) to no less than twenty (20) feet for cultivation not in a structure or no less

than applicable front, side and rear yard setbacks for cultivation in a structure, based on the findings of section 20.242.070(C)(1), (C)(2), and (C)(3) and on the following special findings:

- (i) That the granting of such reduction will not adversely affect the character, livability, or right to appropriate development of the adjacent property from which the setback reduction is requested; and will not interfere with rights of access or usage for any legal recorded easement; and
- (ii) That the reduced setback maintains setbacks consistent with provisions of sections 10A.17.040(A)(1), (A)(2), (A)(3), and (A)(4), as applicable, unless the applicant obtains a reduction of such setbacks through an Administrative Permit as permitted by this Chapter.

(D) Minor Use Permit. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Minor Use Permit for a cannabis cultivation site based on findings in Section 20.196.020 and the following special findings:

- (1) The proposed cannabis cultivation site is in compliance with the provisions of Chapter 10A.17.
- (2) In cases where there is no other environmentally superior cultivation site located on the same parcel, the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceed fifteen (15) percent, prime soil, oak woodland, and timber resources.
- (3) The proposed cannabis cultivation site will avoid or minimize odor and light impact on residential uses.
- (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO ~~permit-CCBL~~ application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.
- (5) The Use Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Use Permit shall expire at the end of this period unless it is renewed prior to the end of the 10-year period, or at any time the approved MCCO ~~permit-CCBL~~ for the cultivation site expires or is revoked.

**Section 2325: Severability.** If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby

declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 26. Effective Date. This ordinance is an urgency ordinance adopted pursuant to Government Code Section 25123 and shall become effective immediately upon its adoption if adopted by at least four-fifths of the Board of Supervisors.**

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

**WHEREUPON**, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST:      DARCIE ANTLE  
                  Clerk of the Board

\_\_\_\_\_  
GLENN MCGOURTY, Chair  
Mendocino County Board of Supervisors

\_\_\_\_\_  
Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

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

BY:    DARCIE ANTLE  
          Clerk of the Board

\_\_\_\_\_

\_\_\_\_\_  
Deputy

ORDINANCE NO. \_\_\_\_\_

**URGENCY ORDINANCE AMENDING CHAPTER 10A.17 – MENDOCINO CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 – CANNABIS CULTIVATION SITES TO STREAMLINE CANNABIS CULTIVATION PERMITTING PROCESSES**

WHEREAS, Mendocino County has previously established regulations governing commercial cannabis cultivation businesses operating in Mendocino County, which regulations impose important protections for the benefit of the environment, to avoid incompatible activities on neighboring properties, to prevent public and private nuisance, and to promote public peace, health, safety and welfare; and

WHEREAS, prior to the legalization of commercial cannabis in California, Mendocino County had high levels of unregulated cannabis cultivation businesses, a substantial amount of which have since applied for permits and are working to come into compliance with, local regulations; and

WHEREAS, the administrative burden of issuing permits under the current local regulation, including reviews and determinations that are duplicative or substantially identical to those performed by other agencies, has contributed to a substantial backlog of local permit applications; and

WHEREAS, holders of state provisional cannabis cultivation licenses face imminent statutory deadlines to transition to annual licenses, which they cannot obtain while their local permit applications are still under review; and

WHEREAS, without a viable pathway to state and local licensure, a portion of new and existing cultivators are likely to be diverted to the black market, operating in a manner that is inconsistent with the ordinance's protections for the environment, public peace, health and safety; and

WHEREAS, changes to the current local regulatory scheme are urgently needed to preserve the viability of pathways to state and local licensure for operators in Mendocino County, in order to preserve public peace, health and safety.

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

**Section 1:** The above recitals are incorporated herein by this reference.

**Section 2: Urgency Findings.** The Board of Supervisors hereby finds that the adoption of this ordinance is necessary for the immediate preservation of the public peace, health and safety. Changes to the County's current regulatory system for commercial cannabis cultivation are necessary to preserve the viability of pathways to state and local licensure and to encourage cannabis cultivation in a manner consistent with the County's protections for the environment.

**Section 3:** Section 10A.17.010 is hereby amended to read as follows:

**Sec. 10A.17.010 – Title, Purpose and Intent.**

This Chapter is known and may be cited as the Mendocino Cannabis Cultivation Ordinance ("MCCO"). Chapter 20.242 of the Mendocino County Code, titled Cannabis Cultivation Sites, is complementary to this Chapter and together the chapters may be cited as the Mendocino Cannabis Cultivation Regulation ("MCCR").

It is the purpose and intent of this Chapter, together with complementary regulations found in Chapter 20.242 of the Mendocino County Zoning Code, to regulate the cultivation of cannabis within the unincorporated areas of Mendocino County in a manner that is consistent with State law and which promotes the health, safety, and general welfare of the residents and businesses within those areas by balancing the needs of medical patients and their caregivers for enhanced access to medical cannabis, the needs of neighbors and communities to be protected from public safety and nuisance impacts, and the need to limit harmful environmental impacts that are sometimes associated with cannabis cultivation.

Adoption of this Chapter will protect the public health, safety and welfare of the residents of the County of Mendocino by adopting regulations regarding the cultivation of cannabis by individuals consistent with the provisions of State law and a local regulatory structure that will operate in conformance with State licensing requirements for the commercial cultivation of cannabis.

All cultivation of cannabis within the County of Mendocino, except for cultivation allowed pursuant to Chapter 9.31, shall comply with the provisions of the MCCR, as well as all applicable state and local laws, regardless of whether the cultivation site existed or occurred prior to the adoption of the MCCR.

Nothing in this Chapter is intended, nor shall it be construed, to:

- 1) Allow persons to engage in conduct that endangers others or causes a public nuisance, or
- 2) Allow any activity relating to the cultivation, distribution or consumption of cannabis that is otherwise illegal under California State law.

Nothing in this Chapter is intended, nor shall it be construed, to exempt the cultivation of cannabis from compliance with all other applicable Mendocino County zoning and land use regulations, as well as other applicable provisions of the County Code, or compliance with any applicable state laws.

Nothing in this Chapter is intended, nor shall it be construed, to confer the right to create or maintain a public nuisance in the course of cultivating cannabis plants.

Nothing in this Chapter is intended, nor shall it be construed, to exempt the cultivation of cannabis, as defined herein, from any and all applicable local and state construction, grading, electrical, plumbing, land use, water rights, waste water discharge, streambed alteration, or any other environmental, building or land use standards or permitting requirements.

Nothing in this Chapter is intended, nor shall it be construed, to preclude a landlord or property owner from limiting or prohibiting the cultivation of cannabis.

All persons operating facilities and conducting activities associated with the cultivation of cannabis, as defined in this Chapter, are subject to possible federal prosecution, regardless of the protections provided by state or local law.

From and after May 23, 2023, all applications previously received by the County for a "permit" pursuant to previous iterations of this Chapter shall be deemed to be applications for a "CCBL," and all permits previously issued pursuant to previous



iterations of this Chapter shall each be considered a "CCBL" and eligible for renewal as a CCBL as provided herein.

**Section 4:** Section 10A.17.020 is hereby amended to read as follows:

**Sec. 10A.17.020 – Definitions.**

As used herein the following definitions shall apply:

"A-license" means a state license issued under the State of California Medicinal and Adult-Use Cannabis Regulatory Safety Act (MAUCRSA), or subsequent legislation, for cannabis or cannabis products that are intended for adults twenty-one (21) years of age and over and who do not possess physician's recommendations.

"A-licensee" means any person holding a license under the MAUCRSA, or subsequent legislation, for cannabis or cannabis products that are intended for adults twenty-one (21) years of age and over and who do not possess physician's recommendations.

"Attorney General's Guidelines" means the document titled "Guidelines for the Security and Non-diversion of Marijuana Grown for Medical Use issued by the California State Attorney General in August 2008.

"Baseline date" means August 26, 2016, which is the date the Initial Study under the California Environmental Quality Act for the MCCR was initiated.

"Cannabis" means all parts of the plant *Cannabis sativa*, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the State of California Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this section, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the State of California Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

"Cannabis Cultivation Business License" or "CCBL" means a business license issued to persons engaged in the cultivation of cannabis in Mendocino County pursuant to this Chapter

"CCBL Holder" means a person issued a CCBL to engage in the cultivation of cannabis in Mendocino County pursuant to this chapter.

"Cannabis product" has the same meaning as in Health and Safety Code section 11018.1.

"Clone" means a portion of a stem that is cut from a parent plant and induced to form roots by chemical, mechanical, or environmental manipulation.

"Cultivation cycle" means each individual cycle where cannabis plants are grown to maturity from seeds, clones or nursery starts.

"Cultivation of cannabis" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming or processing of cannabis.

"Cultivation site" means one (1) or more locations or facilities on one (1) legal parcel (or one (1) or more legal parcels if specifically allowed for by this Chapter 10A.17) subject to a single approved CCBL for the cultivation of cannabis where cannabis is planted, grown, harvested, dried, cured, graded, trimmed, or processed, or that does all or any combination of those activities. One (1) or more areas of cannabis cultivation may exist on the legal parcel used for that purpose.

"Department" means the Mendocino County Cannabis Department or the authorized representatives thereof, or such other department, division, or representative as designated by the Board of Supervisors.

"Disturbance" means areas of land where natural plant growth has been removed whether by physical, animal, or chemical means, or natural grade has been modified for any purpose. Land disturbance includes all activities whatsoever associated with developing or modifying land for cannabis cultivation related activities or access. Land disturbance activities include, but are not limited to, construction of roads, buildings, or water storage areas; excavation; grading; and site clearing. Disturbed land includes cultivation areas and storage areas where soil or soil amendments (e.g., potting soil, compost, or biosolids) are located. Areas where plant material has been removed for the purpose of wildfire suppression are not considered disturbed.

"Dwelling unit" means a legal residential structure providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen.

"Expansion" means an increase in the size of Plant Canopy above the area cultivated as of the Baseline Date.

"Flowering" means that a cannabis plant has formed a mass of pistils measuring greater than one-half ( $\frac{1}{2}$ ) inch wide at its widest point.

"Greenhouse" means a completely enclosed structure whose structural members are made of pre-formed, rigid construction materials. The walls, roof, and ends are typically covered using a transparent material, often glass, that is fixed in place, and which allows solar radiation to penetrate the surface and affect the growing environment of the plants inside.

"Hoop House" means a structure with structural members are made of flexible and somewhat rigid construction materials, typically PVC pipe or similar material. The ends may be covered or left open and the material covering the structural members is readily removable and is typically removed and re-affixed frequently.

"Identification card" shall have the same definition as California Health and Safety Code section 11362.5 et seq., and as may be amended.

"Immature plant" or "immature" means a cannabis plant which has a first true leaf measuring greater than one-half inch long from base to tip (if started from seed) or a mass of roots measuring greater than one-half inch wide at its widest point (if vegetatively propagated), but which is not flowering.

"Indoor cultivation" or "indoors" means within a fully enclosed and secure structure that complies with the California Building Code, as adopted by the County of Mendocino, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one (1) or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two (2) inches by four (4) inches or thicker studs overlain with three-eighths ( $\frac{3}{8}$ ) inches or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Legal parcel" or "Parcel" means a lot of real property which was created pursuant to the Subdivision Map Act or for which an application for subdivision was on file with the Department of Planning and Building Services prior to January 1, 2016, or for which a certificate of compliance was recognized and recorded prior to January 1, 2016; provided, however, for real property within industrial zoning districts, subdivisions or certificates of compliance may be recognized and recorded after January 1, 2016.

"License" means a state license issued under the MAUCRSA, or subsequent legislation, and includes both an A-license and an M-license.

"Licensee" means a person issued a state license under the MAUCRSA, or subsequent legislation, to engage in commercial cannabis activity, regardless of whether the license held is an A-license or an M-license.

"M-license" means a state license issued under the MAUCRSA, or subsequent legislation, for commercial cannabis activity involving medicinal cannabis.

"M-licensee" means any person holding a license under the MAUCRSA, or subsequent legislation, for commercial cannabis activity involving medicinal cannabis.

"Mature plant" or "mature" means a cannabis plant that is flowering.

"Mixed light cultivation" or "mixed light" means the use of both natural and artificial or supplemental lighting sources during the growing cycle to cultivate cannabis. Included in this definition is the process of solely manipulating natural light to cultivate cannabis.

"Nursery" means all activities associated with producing clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

"Outdoor cultivation" or "outdoors" means any cultivation site that uses no artificial or supplemental lighting to cultivate cannabis. Use of supplemental lighting to maintain vegetative starts or immature plants prior to transplanting outdoors shall be considered consistent with this definition.

"Park" means an area of land used for community recreation owned or operated by a public entity or a private area of land recognized as a neighborhood park utilized by youth. State or Federal designated parks and forestlands as recognized within the Mendocino County General Plan are not included within this definition.

"Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or

any other group or combination acting as a unit and includes the plural as well as the singular number.

"Person with an identification card" means an individual who is a qualified patient who has applied for and obtained a valid identification card pursuant to Article 2.5 of Chapter 6 of Division 10 of the California Health and Safety Code (Section 11362.7 et seq.).

"Plant canopy" or "square footage" or "total square footage of plant canopy" or "cultivation area" means the cumulative total of square footage occupied by growing cannabis plants as calculated by the Department but does not include aisles or other open areas outside the canopy area of growing cannabis plants.

"Primary caregiver" means the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, as defined in Health and Safety Code section 11362.7(d).

"Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling, for purposes of this Chapter.

"Process," "processing," and "processes" means all activities associated with the drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis products.

"Publicly traveled private road" means a private roadway easement or access easement which serves, or has the potential to serve, more than four (4) lots or parcels. Such easement shall be considered a street as defined in Mendocino County Code section 20.008.052(26).

"Qualified patient" or "Patient" means a person who is entitled to the protections of section 11362.5 of the Health and Safety Code, but who does not have an identification card issued pursuant to Article 2.5 of Chapter 6 of Division 10 of the Health and Safety Code (Section 11362.7 et seq.).

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed child day care or preschool facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

"Sheriff" or "Sheriff's Office" means the Sheriff's Office of the County of Mendocino or the authorized representatives thereof.

"Track and Trace" means a monitoring system providing traceability throughout the production and distribution lifecycle of permitted cannabis utilizing a unique identifier pursuant to section 11362.777 of the Health and Safety Code to assist government with enforcing regulations and preventing the illegal diversion of cannabis.

"Unique identifier" or "Unique ID" means individual, non-repeating identification issued to a permittee and attached to the base of each cannabis plant permitted at a

cultivation site during the cultivation period or otherwise utilized in connection with an approved Track and Trace system.

"Youth-oriented facility" means an elementary school, middle school, high school, public park, or any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. Youth-oriented facility shall include "day care center," as defined in Section 1596.76 of the California Health and Safety Code, as that section may be modified or superseded, and shall include "youth center" as defined in Section 11353.1 of the Health and Safety Code, as that section may be modified or superseded.

**Section 5:** Section 10A.17.030 is hereby amended to read as follows:

**Sec. 10A.17.030 – CCBL Required; Exemptions.**

- (A) Except as provided for by this Section, cultivation of cannabis shall be allowed only following the issuance of a CCBL pursuant to the provisions of this Chapter, and the review of a permit pursuant to the provisions of Chapter 20.242 of the Mendocino County Zoning Code. Chapter 20.242 authorizes the cultivation of cannabis only in specifically enumerated zoning districts, as determined by permit type, subject either to a zoning clearance, administrative permit or minor use permit.
- (B) Qualified patients, persons with an identification card or primary caregivers cultivating cannabis are exempt from the CCBL and other permit requirements of paragraph (A) of this Section subject to the following requirements:
  - (1) Intentionally Omitted.
  - (2) Compliance with the provisions of Section 10A.17.040.
  - (3) Any and all cannabis cultivated by a qualified patient or person with an identification card shall be for the sole and exclusive use by the patient only; such cannabis may not be provided, donated, sold or distributed to any other person. A maximum of one hundred (100) square feet of medical cannabis may be cultivated on a legal parcel by a qualified patient or patients.
  - (4) Any and all cannabis cultivated by a primary caregiver shall be for the sole and exclusive use of up to a maximum of two (2) patients which have provided written designation to the primary caregiver to provide those services; the primary caregiver may not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Health and Safety Code section 11362.765. A maximum of one hundred (100) square feet of cultivation area of medical cannabis may be cultivated by a primary caregiver for each patient they are cultivating for. A maximum total of two hundred (200) square feet may be cultivated on a legal parcel by a primary caregiver or caregivers. Primary caregivers cultivating more than one hundred (100) square feet shall be required to register with the Department on an annual basis.

- (5) Persons eligible to cultivate cannabis under this paragraph (B) may also cultivate cannabis for adult use, but any such cannabis plants must be contained within the square footage allowed in this paragraph (B).
- (C) Individuals desiring to cultivate cannabis for adult use are exempt from the CCBL and other permit requirements of paragraph (A) of this section, subject to compliance with the following requirements:
- (1) Compliance with the provisions of Section 10A.17.040.
  - (2) Cultivation of cannabis must occur in or on the grounds of a private residence or accessory structure, may be within one (1) or more cultivation sites, and contain no more than six (6) cannabis plants with a total plant canopy not to exceed one hundred (100) square feet.
  - (3) Cultivation of adult use cannabis under this paragraph (C) on legal parcels where medical cannabis plants are being cultivated pursuant to Chapter 9.31 shall not be used to increase the total number of cannabis plants that may be cultivated on the legal parcel, but up to six (6) of the total allowed number of twenty-five (25) plants may be set aside as personal cultivation of adult use cannabis.
  - (4) Cultivation of adult use cannabis under this paragraph (C) on legal parcels where cannabis plants are being cultivated under a CCBL issued pursuant to this Chapter 10A.17 is allowed, provided that the person or persons cultivating the adult use cannabis reside on the legal parcel, the adult use cannabis plants do not exceed one hundred (100) square feet of total plant canopy, and the adult use cannabis plants shall be identified on the site plan required pursuant to section 10A.17.090.
  - (5) Cultivation of adult use cannabis under this paragraph (C) on any legal parcel less than ten (10) acres in size shall only be allowed indoors.

**Section 6:** Section 10A.17.040 is hereby amended to read as follows:

**Sec. 10A.17.040 – General Limitations on Cultivation of Cannabis.**

The following limitations shall apply to all cultivation of cannabis in Mendocino County, including but not limited to cultivation pursuant to a CCBL issued under this Chapter or an exemption provided for in Section 10A.17.030. Cultivation of cannabis shall also be subject to all applicable restrictions of Mendocino County Code Chapter 20.242.

- (A) The cultivation of cannabis in Mendocino County, in any amount or quantity by any entity, shall not be allowed in the following areas:
- (1) Within one thousand (1,000) feet of a youth-oriented facility, a school, or a park as defined herein that is in existence at the time a CCBL is initially applied for.
  - (2) Outdoors or using mixed light within one hundred (100) feet of any occupied legal residential structure located on a separate legal parcel; provided, however, that on January 1, 2020, this setback shall be

increased to two hundred (200) feet for all CCBL applications but shall not apply to renewals of CCBL's originally issued before that date.

- (3) Outdoors or using mixed light in a mobile home park as defined in Health and Safety Code Section 18214.1 within one hundred (100) feet of an occupied mobile home that is under separate ownership.
  - (4) Intentionally omitted.
  - (5) Outdoors or using mixed light within fifty (50) feet from any adjoining legal parcel under separate ownership or access easement (whichever is most restrictive); provided, however, that on January 1, 2020, this setback shall be increased to one hundred (100) feet for all CCBL applications but shall not apply to renewals of CCBL's originally issued before that date.
  - (6) Any indoor cultivation sites that comply with paragraph (A)(1) shall also be subject to the following:
    - (a) Indoor cultivation sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located.
    - (b) The cultivation of cannabis within an accessory structure shall be allowed subject to the development requirements of the zoning district in which it is located and to requirements of Chapter 20.164—Accessory Use Regulations except, notwithstanding Section 20.164.010: (a) the cultivation of cannabis in an accessory structure is not permitted prior to the construction of the legal dwelling unit on the parcel, if a legal dwelling unit is required by this Chapter, and (b) cultivation of cannabis shall only be allowed on the same parcel as the dwelling unit, if required.
    - (c) Indoor cultivation sites for individuals desiring to cultivate cannabis for adult use pursuant to section 10A.17.030(C) shall also be subject to the following limitation: cultivation sites located within a private residence that is a rental unit, as that term is defined by County Code section 20.008.050, shall not be located in any indoor space other than a garage or accessory structure.
- (B) The distance between the listed uses in the above paragraph (A)(1) and cannabis that is being cultivated shall be measured in a straight line from the nearest point of the fence required in section 10A.17.040(H), or if the cannabis is cultivated indoors, from the nearest exterior wall of the building in which the cannabis is cultivated to the nearest point of the exterior wall of the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs or to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation, whichever is closest. The distance in paragraphs (A)(2) and (A)(3) to any residential structure shall be measured from the fence required in section 10A.17.040(H) to the nearest exterior wall of the residential structure. The distance in paragraph (A)(5) shall be measured from the fence required in section 10A.17.040(H) to the boundary line of a legal parcel or access easement.

Applicants may seek a reduction in the setback described in paragraphs (A)(1) and (A)(5) upon issuance of an administrative permit pursuant to Chapter 20.242. See also sections 20.242.060(D) and 20.118.040(D), (E) and (F) for further exceptions to setback regulations.

- (C) The outdoor, indoor or mixed light cultivation of cannabis shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.
- (D) The indoor or mixed-light cultivation of cannabis shall rely on the electrical grid or some form of alternative energy source. The indoor or mixed-light cultivation cannabis shall not rely on a generator as a primary source of power.
- (E) 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. Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed.
- (F) All activities associated with the cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.
- (G) All cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, or river. The activities associated with the cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.
- (H) All cannabis grown in Mendocino County (excluding indoor growing) must be within a secure fence of at least six (6) feet in height that fully encloses the garden area. The fence must include a lockable gate that is locked at all times when a qualified patient, caregiver or CCBL Holder (or their agent) is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.
- (I) All buildings where cannabis is cultivated or stored shall be properly secured to prevent unauthorized entry.
- (J) Persons cultivating cannabis pursuant to either section 10A.17.030, paragraphs (B) or (C) shall also comply with the provisions of section 10A.17.070, paragraph (Q), and section 10A.17.090, paragraph (E)(3).
- (K) Prohibition on Tree Removal. Removal of any commercial tree species as defined by Title 14 California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing a cannabis cultivation site is prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to address safety or disease concerns. For purposes of this Section 10A.17.040(K), "for the purpose of developing a



cultivation site” shall mean the alteration, grading, removal, or other development of land to create, or expand, a cultivation site, as that term is defined in Section 10A.17.020.

**Section 7:** Section 10A.17.050 is hereby amended to read as follows:

**Sec. 10A.17.050 – Reserved.**

**Section 8:** Section 10A.17.060 is hereby amended to read as follows:

**Sec. 10A.17.060 – CCBL Types.**

The CCBL’s that may be applied for under this Chapter are for the production of flowering cannabis plants and for nursery and seed production, as defined in section 10A.17.020. A CCBL Holder producing flowering cannabis plants may maintain an area scaled appropriately for their operation where they may propagate their own immature plants (starts) through cloning, seed germination or tissue culture. Starts produced in this manner shall be for the exclusive and personal use of the CCBL Holder only and the sale, trade, barter, etc. of such starts is prohibited. The square footage of cultivation area dedicated to propagation of starts shall not be included in measuring the cumulative total square footage allowed under a given CCBL and must not constitute any new disturbance, as defined by this chapter.

The following CCBL types may be applied for and granted provided the applicant and the legal parcel (or legal parcels, subject to section 10A.17.070(D)(3)) that contains the cultivation site are determined to be in compliance with all applicable conditions of this Chapter and Mendocino County Code Chapter 20.242; all CCBL types shall be applied for stating whether the applicant will be applying for an A-License or an M-License, or a stated combination thereof.

- (1) "Type C" for small outdoor cultivation using no artificial lighting not to exceed a maximum of two thousand five hundred (2,500) square feet of total plant canopy.
- (2) "Type C-A" for small indoor cultivation using exclusively artificial lighting not to exceed a maximum two thousand five hundred (2,500) square feet of total plant canopy within a structure or structures.
- (3) "Type C-B" for small mixed light cultivation (using a combination of natural and supplemental artificial lighting) not to exceed a maximum of two thousand five hundred (2,500) square feet of total plant canopy, all or a portion of which may be within a structure or structures during a cultivation cycle.
- (4) "Type 1" for medium outdoor cultivation using no artificial lighting of two thousand five hundred one (2,501) to a maximum of five thousand (5,000) square feet of total plant canopy on one legal parcel not less than five (5) acres in size.
- (5) "Type 1A" for medium indoor cultivation using exclusively artificial lighting of two thousand five hundred one (2,501) to a maximum of five thousand (5,000) square feet of total plant canopy within a structure or structures.
- (6) "Type 1B" for medium mixed light cultivation (using a combination of natural and supplemental artificial lighting) of two thousand five hundred one (2,501) to a maximum of five thousand (5,000) square feet of total plant canopy, all or a

portion of which may be within a structure or structures during a cultivation cycle, on one (1) legal parcel not less than five (5) acres in size.

- (7) "Type 2" for large outdoor cultivation using no artificial lighting of five thousand one (5,001) to a maximum of 10,000 square feet of total plant canopy on one legal parcel not less than ten (10) acres in size.
- (8) "Type 2A" for large indoor cultivation using exclusively artificial lighting of five thousand one (5,001) to ten thousand (10,000) square feet of total plant canopy on one legal parcel.
- (9) "Type 2B" for mixed light cultivation (using a combination of natural and supplemental artificial lighting) of five thousand one (5,001) to a maximum of ten thousand (10,000) square feet of total plant canopy, all or a portion of which may be within a structure or structures during a cultivation cycle, on one (1) legal parcel not less than ten (10) acres in size.
- (10) "Type 4" for the cultivation of cannabis nursery stock and/or seed production which shall not exceed a maximum of twenty-two thousand (22,000) square feet of total plant canopy on one (1) legal parcel. Seed production activities, if any, shall be described in the application for a Type 4 CCBL. The legal parcel shall not be less than five (5) acres in size, provided, however, that legal parcels in industrial zoning districts are not subject to this parcel size restriction. Any on-site sales of nursery products which were produced on and occur on a parcel within the Timberland Production, Rangeland or Forestland zoning districts shall be limited to CCBL Holders only.

**Section 9:** Section 10A.17.070 is hereby amended to read as follows:

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

Unless specifically exempted, in addition to compliance with all other requirements of this Chapter, all CCBL Holder’s shall comply with the requirements of this Section.

- (A) Zoning Districts. Cultivation of cannabis shall only be permitted on legal parcels that comply with the applicable zoning districts and parcel sizes as provided in Chapter 20.242.
- (B) Indoor Cultivation CCBL’s. The use or conversion of habitable space (i.e., kitchen, bedrooms, bathrooms, living room or hallways) in any structure shall not be allowed for the indoor cultivation of cannabis.
- (C) Cultivation of cannabis is not permitted within any required parking space.
- (D) CCBL Density. A Person may apply for and obtain a maximum of two (2) CCBL’s listed in section 10A.17.060 at any given time, with a maximum density of one (1) CCBL per legal parcel; provided, however, that:
  - (1) A Person may obtain two (2) separate CCBL’s of different CCBL types on a single legal parcel if the total square footage of the two (2) CCBL’s does not exceed the largest maximum square footage authorized on a parcel for the relevant zoning district. A Person who applies for and obtains a Type 4 CCBL in combination with any other CCBL, shall not exceed a

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

- (2) A Person may apply for one (1) CCBL of a single size (e.g. Type C, Type 1 or Type 2) that may include any combination of all three (3) cultivation types (e.g. indoor, outdoor, mixed-light), but if any cultivation would require the issuance of a permit pursuant to Chapter 20.242, the entire CCBL shall be subject to review under Chapter 20.242.
  - (3) A Person may obtain one (1) CCBL for multiple legal parcels, so long as the parcels are contiguous and under the same ownership. Should the Person sell any of the parcels subject to the CCBL, subsequent CCBL's shall be required to modify the cultivation site to adhere to required setbacks.
- (E) Dwelling Unit Requirement. Legal parcels with a cultivation site are also required to have a dwelling unit; provided, however, that this requirement shall not apply to legal parcels within the following zoning districts: Upland Residential (U-R), Agricultural (A-G), Rangeland (R-L), Forest Land (F-L), Timberland Production (TPZ), Limited Industrial (1-1), General Industrial (1-2) Pinoleville Industrial (P-1). In addition, legal conforming parcels in Rural Residential, lot size ten (10) acres (R-R:L-10), shall also be exempt from the dwelling unit requirement of this paragraph, upon issuance of an administrative permit pursuant to Chapter 20.242.
- (F) Generators. The indoor or mixed-light cultivation of cannabis shall not rely on a generator as a primary source of power.
- (1) If no grid power source is available and there is not an alternative power source supporting both any required legal dwelling unit and the indoor or mixed-light CCBL operations, a generator may be used only under the following conditions: (1) the CCBL Holder shall install an alternative power source that will meet at least one-half ( $\frac{1}{2}$ ) of the combined power requirements by the expiration of four (4) years from the date of initial application for a CCBL pursuant to this Chapter and (2) it will be a condition of the renewal of a CCBL at the end of such four (4) year period that the cultivator commit, in writing, to expand their alternative power source to fully meet the combined needs of the cultivation operations and any required legal dwelling unit within two years. If a generator is being used pursuant to the conditions set forth in this paragraph, CCBL Holder shall have conducted an analysis of the noise levels produced by the generator at full operational speed, showing compliance with Mendocino County General Plan Policies DE100, 101 and 103. This analysis shall be performed by an accredited acoustical engineer or using some other mechanism or device as provided for on a list to be prepared and published by the Department. All generators shall be, at a minimum, equipped with the manufacturer's specified muffler; if compliance with Policies DE100, 101 and 103 requires additional measures, the generator shall be equipped with such measures, which may include a hospital-

grade muffler and/or a structure to enclose the generator designed for sound suppression.

- (2) If a generator is used to support any aspect of a cultivation operation with a CCBL, (excluding the conditions set forth in paragraph (1) above), it shall be as a secondary or back-up power source. The use of the generator shall only be allowed when the primary alternative power source is unable to provide its normal output and generate sufficient power to meet the needs of the cultivation operation and the legal dwelling unit. The Owner's Manual and/or Operation Manual (or operational fact sheet) providing the operational characteristics and maintenance schedule for the generator shall be on-site and available for review.
  - (3) Any electrical wiring associated with the generator shall be of sufficient capacity and installed in such a way as to provide for the minimum installation and safety standards for the electrical service provided by that generator.
  - (4) See also section 10A.17.090 regarding application requirements related to generators.
- (G) CCBL Holders shall enroll in and comply with all requirements of any Track and Trace system established by the State of California. Non-compliance with Track and Trace requirements shall constitute a violation of the terms of this Chapter.
- (H) CCBL Holders shall comply with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, including obtaining and complying with any applicable and approved permit, license or registration, and the annual filing of a statement of diversion and use of surface water from a stream, river, underground stream, or other watercourse pursuant to Water Code Section 5101.
- (I) North Coast Regional Water Quality Control Board (NCRWQCB).
- (1) CCBL Holders shall establish and maintain enrollment in Tier 1, 2 or 3 with NCRWQCB Order No. 2015-0023, if applicable, or any superseding or substantially equivalent rule that may be subsequently adopted by the NCRWQCB, the County of Mendocino or other responsible agency, or shall obtain proof of exemption from said Order.
  - (2) For cultivation areas for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required, the site shall comply with the standard conditions set forth in that Order, as well as the applicable "Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects" as presented in Appendix B of the Order, or any superseding or substantially equivalent rule that may be subsequently adopted by the NCRWQCB, the County of Mendocino or other responsible agency.
- (J) If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, the CCBL Holder shall have notified the California

Department of Fish and Wildlife (CDFW) pursuant to section 1602 of the Fish and Game Code and shall obtain all relevant approvals or authorizations as may be required by CDFW prior to commencing cultivation.

- (K) For cultivation sites that involve construction or other work in waters of the United States that are not otherwise exempt or excluded, including streams and wetlands, CCBL Holders shall obtain a Clean Water Act (CWA) Section 404 permit from the Army Corps of Engineers and a CWA Section 401 water quality certification from the NCRWQCB prior to commencing such construction, unless otherwise allowed by the relevant agencies.
- (L) For projects that disturb one (1) or more acres of soil or projects that disturb less than one (1) acre but that are part of a larger common plan of development that in total disturbs one or more acres, CCBL Holders shall obtain coverage as required under the State Water Resources Control Board (SWRCB) General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ, or any superseding, substantially equivalent or additional rule applicable to such activities that may be subsequently adopted by the SWRCB or other responsible agency. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.
- (M) CCBL Holders shall obtain as required a license, or licenses, issued by the Department of Cannabis Control pursuant to Division 10 of the California Business and Professions Code and its implementing regulations. CCBL Holders shall comply with all requirements of State law and regulations pertaining to the cultivation of cannabis.
- (N) Maintain the applicable "Defensible Space" protocols and distances, as established by the California Department of Forestry and Fire Protection around structures located on the legal parcel.
- (O) All weighing and measuring devices shall be type approved by the California Department of Food and Agriculture, Division of Measurement Standards and issued either a California Type Evaluation Program (CTEP) Certificate of Approval (COA) or a National Type Evaluation Program (NTEP) Certificate of Conformance (CC) before commercial use. All weighing and measuring devices shall be registered and inspected by the Agricultural Commissioner in accordance with Mendocino County Code Chapter 10A.16.
- (P) All buildings, including greenhouses, used for the cultivation of cannabis pursuant to an "artificial light" permit (generally Type C-A, Type 1-A, Type 2-A and Nursery as applicable), shall be equipped with filtered ventilation systems, permitted by the Mendocino County Air Quality Management District (MCAQMD) which rely on Activated Carbon Filtration, Negative Ion Generation, Ozone Generation or other odor control mechanism demonstrated to be effective in reducing cannabis odors.
- (Q) Any use of pesticide products shall be consistent with State law and regulations enforced by the California Department of Pesticide Regulation and the Agricultural Commissioner's Office. All agricultural use pesticides and concentrated fertilizers, amendments, and similar materials shall be stored in a

locked, hard-faced enclosure to prevent unauthorized entry by humans, to exclude large animals that may be attracted by odors, and to ensure that they will not enter or be released into surface or ground waters.

- (R) Fuel shall be stored and handled in compliance with applicable state and local laws and regulations and in such a way that no spillage occurs.
- (S) Cultivation shall be located as shown on the site plan submitted to the Department.
- (T) Cultivation shall comply with all provisions of this Chapter and any conditions that may apply as a result of an administrative or conditional use permit approved pursuant to Chapter 20.242, and any written remediation plan required by Section 10A.17.080(B)(3).
- (U) CCBL Holders shall obtain as may be required all approvals and permits required by the Mendocino County Air Quality Management District (MCAQMD) pursuant to state and federal laws, MCAQMD regulations, adopted air quality plans, MCAQMD policies and other applicable statutes.
- (V) CCBL Holders shall obtain as may be required clearance from the California Department of Forestry and Fire Protection (CalFire) related to compliance with the requirements of Public Resources Code Section 4290 and any implementing regulations.
- (W) CCBL Holders are prohibited from engaging in the cultivation of cannabis on portions of property where tree species listed in paragraph (K) of Section 10A.17.040 have been unlawfully removed; provided, however, for cultivation sites created prior to May 4, 2017, where such trees were unlawfully removed, a CCBL Holder may cultivate cannabis on such portions of property when the CCBL Holder has evidence that the environmental impacts of the tree removal have been mitigated to the extent feasible or otherwise resolved, as required by the resource protection agencies including CalFire, the NCRWQCB and CDFW.
- (X) Fees: An application fee shall be paid at the time an application is submitted to the Department for initial review. A CCBL fee shall be paid prior to issuance of any CCBL. Once a CCBL is issued, the CCBL Holder may renew the CCBL upon submission of a renewal application and payment of a renewal fee. No CCBL shall issue without payment of the required fees.
  - (1) Fees prescribed by this Chapter shall be set by the Mendocino County Board of Supervisors in accordance with all applicable laws and regulations and the County's fee policies. Any fee prescribed by this Chapter shall be paid to the County Treasurer/Tax Collector and is non-refundable. A receipt for payment of the required fee shall be provided to the Department prior to the initial review and issuance or annual renewal of any application, CCBL or other program described herein where a fee has been established, including for required inspections.
- (Y) Inspections by Department. All applicants shall be subject to and shall facilitate an on-site pre-CCBL inspection and additional inspections as required by this Chapter or as deemed necessary by the Department. All inspections will be scheduled with at least twenty-four (24) hours advance notice to the applicant or CCBL Holder, and shall be conducted during regular business hours.

Cancellation of scheduled inspections without notice to the Department shall result in the CCBL Holder being invoiced in accordance with the published current fee schedule.

- (1) Site inspections may include a representative from the Department of Planning and Building Services.
  - (2) Any documents or approvals required to have been obtained by this Chapter for issuance of a CCBL shall be available for review during any inspection.
  - (3) Any guard dog(s) or guard animals kept at the cultivation site shall be restrained to a fixed point or contained in some manner to facilitate the inspections performed by any entity performing an inspection as required by this Chapter. Animals considered family pets will be kept on a leash at all times and under control when any entity is performing a required inspection.
- (Z) Assignment of CCBL. A permittee may assign a CCBL to another person subject to the following provisions:
- (1) Submission of the following to the Department:
    - (a) An application fee as set by resolution of the Board of Supervisors;
    - (b) A completed application form as provided by the department;
    - (c) A copy of the existing CCBL showing that it has not expired;
    - (d) Either:
      - (i) The existing CCBL Holder's request to assign all rights and responsibilities of the CCBL to the assignee; or
      - (ii) In the event of the death or incapacitation of the existing CCBL Holder, evidence of such death or incapacitation;
    - (e) Evidence that assignee's legal interest in the real property involved allows for assignee's use of the CCBL; and
    - (f) An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the CCBL and all applicable laws and regulations.
  - (2) The assignment shall be effective upon the department's written approval of the documentation submitted, and the assigned CCBL shall be granted subject to the terms and conditions of the original CCBL.
  - (3) CCBL's issued on parcels subject to the Sunset Provision of Section 10A.17.080(B)(2) shall not be assignable pursuant to this Section 10A.17.070(Z); provided, however, that CCBL's issued on parcels located within a "CA" Cannabis Accommodation Combining District are assignable.

**Section 10:** Section 10A.17.080 is hereby amended to read as follows:

**Sec. 10A.17.080 – CCBL Phases and Requirements Specific to each Phase.**

Unless specifically exempted, in addition to compliance with all other requirements of this Chapter, all CCBL's shall comply with the following requirements:

- (A) CCBL's under the MCCO will be issued in the following three (3) phases:
  - (1) Phase One: Following the effective date of the MCCO, CCBL's will only be issued to applicants who provide to the Department pursuant to paragraph (B)(1) of this section proof of cultivation at a cultivation site prior to January 1, 2016 ("proof of prior cultivation"), and who comply with all other applicable conditions of this Chapter and Chapter 20.242. Applications for CCBL's during Phase One shall only be accepted until December 31, 2018, and from Monday, April 1, 2019, until Friday, October 4, 2019. Applicants able to provide proof of prior cultivation may apply for a CCBL on a relocation site pursuant to paragraph (B)(3) of this section.
  - (2) Phase Two: Starting January 1, 2018, the Department will begin accepting applications for Type C-A, 1A and Type 2A CCBL's for indoor cultivation, and Type C-B, 1B and 2B CCBL's for mixed-light cultivation, which mixed-light cultivation must occur in a greenhouse equipped with filtered ventilation systems as described in paragraph (P) of section 10A.17.070 and may not occur in a hoop house, in the following zoning districts, subject to compliance with all other applicable conditions of this Chapter and Chapter 20.242: Limited Industrial (I-1), General Industrial (I-2), and Pinoleville Industrial (P-1). Proof of cultivation prior to January 1, 2016, is not required. '
  - (3) Phase Three: Starting April 1, 2021, the Department will begin accepting CCBL applications from any applicant in conformance with the conditions of this Chapter and Chapter 20.242. Proof of cultivation prior to January 1, 2016, is not required.
- (B) Requirements specific to Phase One CCBL's.
  - (1) Proof of Prior Cultivation. Persons applying for a CCBL during Phase One shall be required to provide to the Department evidence that they were cultivating cannabis on the cultivation site prior to January 1, 2016, which cultivation site shall have been, or could have been, in compliance with the setback requirements of paragraph (A) of section 10A.17.040. Evidence shall include:
    - (a) Photographs of any cultivation activities that existed on the legal parcel prior to January 1, 2016, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.



- (b) Photographs of any cultivation activities that currently exist on the legal parcel, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.
  - (c) At least one (1) additional document demonstrating cultivation on the legal parcel prior to January 1, 2016, which evidence may be used to substitute for evidence pursuant to clause (a). The Department shall prepare a list of the types of documentation that will be accepted to meet this requirement, and may accept other similarly reliable documentary evidence showing that cannabis was cultivated prior to January 1, 2016.
  - (d) Proof of prior cultivation shall be assigned to the applicant relative to their prior cultivation site.
  - (e) Persons who participated in a permit program pursuant to the County's Chapter 9.31 in previous years may present evidence of such participation and payment of all required fees in order to provide proof of prior cultivation.
- (2) Zoning Districts; Exceptions. Existing cultivation sites not located in zoning districts where Chapter 20.242 specifically allows cultivation may be issued a Type C, Type C-A, or Type C-B CCBL, subject to the following requirements, in addition to all other applicable requirements of this Chapter:
- (a) The zoning district is one where a dwelling unit is a principally permitted use and a dwelling unit is present.
  - (b) Sunset Provision for Residential Districts. Cultivation sites on legal parcels located in the Single-Family Residential (R-1), Two-Family Residential (R-2), Multiple-Family Residential (R-3), Suburban Residential (S-R), Rural Community (R-C), and Rural Residential (lot sizes one (1) acre, two (2) acres and five (5) acres [legal non-conforming parcels to minimum zoning size][R-R: L-1, R- R:L-2, and R-R:L-5 {legal non-conforming to minimum zoning size}]), as well as cultivation sites in any other zoning district where a dwelling unit is a principally permitted use and the legal parcel is less than two (2) acres in size, are subject to the following requirements:
    - (i) There is an occupied dwelling unit on the legal parcel with the cultivation site.
    - (ii) A CCBL may be renewed and valid only until three (3) years following the effective date of the ordinance adopting this Chapter and any permits issued shall be void not later than three (3) years following said effective date; provided, however, that indoor cultivation sites (Types C-A, 1A or 2A) within two (2) miles of the Coastal Zone Boundary which, as of May 14, 2019, have been issued a CCBL (and

issued any permit pursuant to Chapter 20.242) or have applied for a CCBL and are under CCBL review (and applied for and are under review for any permit pursuant to Chapter 20.242), may be issued and/or renew a CCBL until June 30, 2022, subject to the modification of the existing administrative or use permit for the indoor cultivation site.

The provisions of this subsection, however, shall not apply in areas designated as "CA" Cannabis Accommodation Combining District, nor shall they apply to parcels zoned Rural Residential (lot size five (5) acres [R-R:L-5]) that are between 3.5 and 4.99 acres and have been issued an administrative permit pursuant to Section 20.242.070(C).

- (c) Cultivation sites on legal parcels located in the Rural Residential zoning district, lot size five (5) acres (conforming parcels of five (5) acres or more only)(R-R:L-5), are subject to the following additional requirement that there is an occupied dwelling unit on the legal parcel with the cultivation site.
  - (d) If a CCBL is granted pursuant to this paragraph (B)(2) in these zoning districts, any future revocation or lapse in renewal of such CCBL shall extinguish the ability of any person to obtain a CCBL for such cultivation site.
- (3) Relocation. Persons able to show proof of prior cultivation pursuant to paragraph (B)(1) above may apply for a CCBL not on the site previously cultivated (the "origin site") but on a different legal parcel (the "destination site"), subject to the following requirements:
- (a) Persons may apply to relocate their cultivation site pursuant to this paragraph (B)(3) until three (3) years after the effective date of the ordinance adopting this Chapter, or until May 4, 2020.
  - (b) The location and operation of the proposed cultivation site on the destination parcel complies with all requirements and development standards that apply to a new cultivation site as of January 1, 2020, pursuant to this Chapter and Chapter 20.242; provided, however:
    - (i) An existing cultivation site shall not be transferred to a legal parcel located within the Forestland or Timber Production Zone zoning districts.
    - (ii) An origin site may relocate to a destination site in the Rangeland zoning district, so long as the destination site has an existing cultivation site and no new cultivation sites would be established.
  - (c) The origin site shall be restored. The application for a CCBL on a destination site shall be accompanied by a restoration plan that is consistent with the standard conditions and best management

practices listed in the North Coast Regional Water Quality Control Board Order No. 2015-0023, and which shall include the following:

- (i) Remove or repurpose buildings, greenhouses, fences, irrigation equipment, water intakes, pumps, storage tanks and other materials brought to the origin site for the purpose of cannabis cultivation;
  - (ii) Remove illegal dams, ponds or other in-stream water storage to restore natural stream flows, unless such features will continue in use;
  - (iii) Remove or compost agricultural wastes;
  - (iv) Remove trash and other debris; and
  - (v) Revegetate cleared areas with native plants typical of nearby natural areas, including groundcover, shrubs and trees.
- (d) Unless the destination site is within the Agricultural zoning district, the application shall include either a water availability analysis pursuant to paragraph (C)(1)(b) below or a will serve letter pursuant to paragraph (C)(1)(c) below.
- (e) Prior to the issuance of the CCBL to cultivate cannabis at the destination parcel, the applicant shall provide the Department with an agreement, on a form approved by the Department and County Counsel, providing that the applicant releases any right to continue or resume cultivation of cannabis on the origin parcel.
- (f) If a person is granted a CCBL for a destination site, any claims of proof of prior cultivation on the origin site shall be effectively transferred to the destination site, and the ability to claim proof of prior cultivation at the origin site shall be extinguished.
- (g) There shall be a two (2) acre minimum parcel size for all Type C, Type C-A or Type C-B CCBL's.
- (4) Multiple CCBL's may be applied for and granted on a single legal parcel that is owned by multiple persons. Each owner may individually apply for a CCBL to cultivate cannabis, provided that each owner must provide proof of prior cultivation pursuant to paragraph (B)(1) above. Each owner shall be limited to a Type C, Type C-A or Type C-B CCBL, unless that owner was previously enrolled in a permit program pursuant to the County's Chapter 9.31, or unless the cumulative total square footage of plant canopy applied for by all owners does not exceed the maximum square footage permitted on a parcel for the relevant zoning district.
- (5) Persons eligible to apply for a CCBL during Phase One may apply for a different and/or larger CCBL type in subsequent years, subject to all requirements of this Chapter.

- (6) If a CCBL is granted pursuant to this paragraph (B), any future revocation or lapse in renewal of such CCBL shall extinguish the ability of any person to obtain a CCBL for such cultivation site, unless otherwise allowed by this Chapter 10A.17; provided, however, that not more than once in a five-year period, a CCBL Holder may file with the Department, on a form prescribed by the Department, a Notice of Non-Cultivation instead of an application to renew the CCBL, and the CCBL Holder's ability to obtain a CCBL for such cultivation site will not be extinguished.
- (C) Requirements specific to Phase Three CCBL's.
- (1) Watershed Assessment. All CCBL applications, except for legal parcels located in the Agricultural (A-G) zoning district, shall demonstrate there is adequate water to serve the cultivation site.
    - (a) If surface water (or groundwater influenced by surface water) will be used, applicants may demonstrate that there is adequate water by providing (i) a watershed assessment that establishes there is sufficient watershed supply to serve the proposed cultivation site and existing uses within the watershed, and (ii) a water right exists to serve the cultivation site. A watershed assessment shall consist of an established "In Stream Flow Policy" as prepared by the State Water Resources Control Board Division of Water Rights or an equivalent document approved by that agency.
    - (b) If groundwater not influenced by surface water will be used, the applicant may demonstrate that there is adequate water by providing a water availability analysis which will address the adequacy of the proposed water supply, the direct effects on adjacent and surrounding water users, and possible cumulative adverse impacts of the development on the water supply within the watershed and show there is a sustained yield to support the proposed level of use.
    - (c) If water will be provided by a mutual water company, municipal or private utility or similar community provider, the applicant may demonstrate that there is adequate water by providing a will serve letter from the proposed provider.

**Section 11:** Section 10A.17.081 is hereby amended to read as follows:

**Sec. 10A.17.081 – Application Deadline for Parcels in "CA" Cannabis Accommodation Combining Districts.**

Notwithstanding the provisions of paragraph (A)(1) of section 10A.17.080, Phase One CCBL's may be issued for cultivation sites within a "CA" Cannabis Accommodation Combining District so long as applications for such sites are submitted to the County within one hundred eighty (180) days of the effective date of the ordinance that establishes the applicable CA district.

**Section 12:** Section 10A.17.090 is hereby amended to read as follows:

**Sec. 10A.17.090 – CCBL Application and Zoning Review.**

Any person or entity that wishes to engage in the cultivation of cannabis shall submit an application for a CCBL to the Department. Applications for CCBL's shall be made upon such forms and accompanied by such plans and documents as may be prescribed by the Department. The application shall be reviewed by the Department and other agencies as described herein and renewed annually. 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.

Following the submission of an application for a Phase One CCBL, an applicant may file with the Department, on a form prescribed by the Department, a Notice of Application Stay for the purpose of preventing the denial of an application for a Phase One CCBL based on inactivity by the applicant for up to a one (1) year period. An applicant may only file a Notice of Application Stay one (1) time. Nothing in this paragraph is intended to prevent the County or the applicant the ability to continue processing or perfecting the application. During the time period of this Application Stay, the applicant shall be prohibited from cultivating cannabis in excess of the limitations of paragraph (B) or (C) of section 10A.17.030 and shall allow the County to make and shall pay the reasonable costs for an inspection of the applicant's cultivation site (and origin site if the application involves a relocation) to confirm compliance with this paragraph; violation of this prohibition shall be a violation of County Code, subject to administrative penalties, and shall be cause for immediate denial of the permit application. Any denial of an application may be followed by nuisance abatement procedures. During the time period of the Application Stay, the applicant shall remain subject to all code enforcement provisions as identified in section 10A.17.100.

The Department shall refer each application to the Department of Planning and Building Services for a determination pursuant to Chapter 20.242 as to what type of clearance or permit is required. No application for a CCBL shall be approved without clearance or final permit approval as required by Chapter 20.242.

Applicants for a CCBL shall provide the following information on, or as an attachment to, the application:

- (A) The name, business and residential address, and phone number(s) of the applicant.
- (B) If the applicant is not the record title owner of the legal parcel, written consent from the owner allowing the cultivation of cannabis on their property by the applicant with original signature of the record title owner.
- (C) Site plan showing the entire legal parcel configuration with Assessor's Parcel Number(s), acreage, site address, including the location of:
  - (1) Easements (access and utility and all roadways public and private);
  - (2) Streams, springs, ponds and other surface water features, including the location of any flood plain or floodways;
  - (3) The location and area of the cultivation site on the legal parcel, with dimensions of the area for cultivation of cannabis and showing that all setbacks required by section 10A.17.040 are being met;

- (4) All areas of ground disturbance or surface water disturbance associated with cultivation of cannabis activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features;
  - (5) All structures, which shall be clearly labeled; and
  - (6) All septic systems, leach fields and water wells.
- (D) Applications submitted for any CCBL during Phase One shall include proof of prior cultivation pursuant to section 10A.17.080
- (E) A cultivation and operations plan which includes elements that meet or exceed the minimum legal standards for the following: water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides and other regulated products to be used on the legal parcel. The plan will also provide a description of cultivation activities including, but not limited to, permit type, cultivation area, soil/media importation and management, the approximate date(s) of all cannabis cultivation activities that have been conducted on the legal parcel prior to the effective date of this ordinance, and schedule of activities during each month of the growing and harvesting season. The cultivation and operations plan shall also include the following:
- (1) For all indoor cultivation facilities, identify the source of electrical power and plan for compliance with applicable Building Codes.
  - (2) If a generator is proposed to support any aspect of the cultivation site or related operations, the cultivation and operations plan shall identify any containment structure and dimensions necessary to contain any leak or spill that may develop or occur as a result of relying on any generator for backup power generation. The plan shall also include a maintenance plan for the generator, detailing how spent oil, used oil filters, expired batteries and other hazardous wastes generated from the operation of the generator will be handled, including fuel storage and delivery systems.
  - (3) Any fuel, fertilizer, pesticides, or other substance toxic to wildlife, children, or pets, must be stored in a secured and locked structure or device.
  - (4) A description of the legal water source for the cultivation site and an irrigation plan and projected water usage for the proposed cultivation activities.
  - (5) If water or sewer services to the cultivation site will be provided by a community provider, a will-serve letter from the provider indicating adequate capacity to serve the cultivation site.
  - (6) A statement describing the proposed security measures for the facility that shall be sufficient to ensure the safety of members and employees and protect the premises from theft.
  - (7) A statement describing the handling of waste discharge from the grow location of items including, but not limited to nutrients, spent growing media, un-used containers and other associated hardware, supplies, and garbage.

- (8) The results of a "Cortese List" database search for sites known to be contaminated with hazardous materials. If the parcel of the cultivation site is listed on the "Cortese List", the cultivation and operations plan shall demonstrate that the cultivation is in compliance with any cleanup and/or abatement order that is established for the site.
- (F) Written consent for onsite inspections of the legal parcel pursuant to section 10A.17.070 by County officials or other appropriate agency representatives.

The Department is authorized to require from an applicant any additional information necessary to discover the truth of the matters set forth in the application.

**Section 13:** Section 10A.17.100 is hereby amended to read as follows:

**Sec. 10A.17.100 – CCBL Review and Issuance.**

- (A) The Department shall issue a CCBL pursuant to this Chapter only:
  - (1) Following the referral to and clearance or permit approval pursuant to Chapter 20.242; and
  - (2) Following review by qualified County staff to review proposed permit locations and identify where habitat suitable for sensitive species may exist. The County shall consult with the California Department of Fish and Wildlife ("CDFW") to evaluate if there is a possibility for presence or habitat suitable for sensitive species on the parcel with a proposed CCBL location. Upon consultation, CDFW may recommend approval of the proposed development, ask to conduct a site inspection or request additional studies in order to make the determination that no impacts to sensitive species will occur. A cultivator that cannot demonstrate that there will be a less than significant impact to sensitive species will not be issued a CCBL. The County shall develop a policy in consultation with CDFW to define an objective set of criteria that applications can be checked against and when during Phases 1 and 2 a formal referral to CDFW is required to avoid impacts to sensitive species and natural communities. Following the development of the policy referred to in the previous sentence, consultation with CDFW shall not be required but be performed pursuant to the policy. During Phase 3 all applications will be referred to CDFW; and
  - (3) After the Department, and other County and State agency staff, as appropriate, have reviewed the application and performed a pre-CCBL site inspection to confirm adherence to the requirements established in the MCCO; and
  - (4) Following receipt of evidence of payment of the required permit fee, pursuant to Section 10A.17.070.
- (B) As requirement of the issuance of a CCBL, the CCBL Holder shall indemnify and hold harmless the County of Mendocino and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the commercial cultivation of cannabis and

for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the commercial cultivation of cannabis.

- (C) Discovery of any violation(s) of the Mendocino County Code during the CCBL application process will be treated in a similar manner to violation(s) that are self-reported during an active amnesty program. That is, the discovered violation(s) will still need to be corrected, but any investigative and/or penalty fees associated with an after-the-fact County permit will be waived.
  - (1) If the discovered violation(s) are directly related to a Phase One CCBL application, and/or if it is discovered that the CCBL would authorize a particular use for which a separate County permit is required but has not yet been obtained, the applicant shall be required to agree in writing to a compliance plan prior to issuance of the CCBL. Failure by applicant to agree in writing to a required compliance plan shall be grounds for denial of the CCBL.
    - (a) The compliance plan will identify the violation(s) and may suggest corresponding remedial action(s) that may be taken to correct the violation(s), will identify the required permit(s) based on the uses identified in the CCBL application, and will include timelines for achieving code compliance for all violations and/or for submitting completed applications for each required permit.
    - (b) In no event will more time be given to correct all violations, and/or submit a complete application for each required permit, than one (1) year after the date of issuance of the CCBL.
    - (c) After the applicant has signed the compliance plan, as presented by the Department in coordination with the appropriate County department(s), the Department may issue a CCBL restricted as indicated in the compliance plan, so long as no other barrier(s) to such issuance exists. Failure to abide by the compliance plan shall be grounds for CCBL termination, or non-renewal, pursuant to section 10A.17.140.
    - (d) The compliance plan will be the primary mechanism to obtain code compliance from CCBL applicants with respect to violations directly related to Phase One Permits applications. However, nothing in this section is intended to limit the use of any other applicable code enforcement provision or the ability of any County department with the appropriate authority from enforcing the Mendocino County Code.
  - (2) If the discovered violation(s) are not directly related to a Phase One CCBL application, such violation(s) will not affect the processing of the Phase One CCBL application. However, any County department with appropriate enforcement authority with respect to such violation(s) may make use of any applicable code enforcement mechanism as if the violation(s) were discovered as a result of self-reporting during an active amnesty program.
- (D) CCBL Application Denial.



- (1) The Department may, at any time during the application process, deny an application based on the failure to meet the requirements of this Chapter 10A.17, including, but not limited to, the following:
  - (a) Incomplete application.
  - (b) Failure to provide additional information or documentation within the timeframe prescribed by the Department.
  - (c) Cultivation of cannabis on a legal parcel (beyond what is exempt from a permit requirement pursuant to County Code section 10A.17.030) during an application stay pursuant to County Code section 10A.17.090.
  - (d) Cultivation of cannabis in illegal and/or non-compliant structures.
  - (e) Cultivation of cannabis, or activities related to preparing a cultivation site, that are non-compliant with the requirements of this Chapter 10A.17 or not consistent with the application as submitted, whether such issues are discovered during a pre-permit site inspection or other inspection of the property.
- (2) If the applicant does not meet the requirements to obtain a CCBL and a CCBL with a compliance plan is not viable, the Department shall deny the CCBL application unless:
  - (a) the applicant immediately files for a Notice of Application Stay pursuant to County Code section 10A.17.090 and corrects the conditions of the property in a manner that would allow for permit issuance no later than the expiration of the Application Stay; or
  - (b) the applicant immediately amends the application in a manner that allows for CCBL issuance.
- (3) An application may be denied based on confirmation that the applicant provided false or misleading information to the County, or any other agency if such communication was made as part of the process in securing a CCBL under this Chapter 10A.17.
- (4) An application may be denied if the applicant or any agent or employee of the applicant has engaged in or is engaging in activities related to the cultivation of cannabis that endangers the health or safety of people or property.
- (5) This paragraph (D) in no way limits the authority of the Department to deny an application as inherently or explicitly provided by this Chapter 10A.17.
- (6) Following the denial of an application for a CCBL or a renewal application, the applicant is prohibited from cultivating cannabis on their parcel in excess of the limitations of paragraph (B) or (C) of County Code section 10A.17.030.

- (E) CCBL's shall remain valid for one (1) year from the date of issuance, subject to any enforcement action or other action that may result in earlier suspension or revocation.

**Section 14:** Section 10A.17.110 is hereby amended to read as follows:

**Sec. 10A.17.110 – Intentionally Omitted.**

**Section 15:** Section 10A.17.120 is hereby amended to read as follows:

**Sec. 10A.17.120 – Certifications.**

CCBL Holders who demonstrate compliance with all of the requirements set forth in this Chapter and the additional guidelines to be established by the Department in a Mendocino Sustainably Farmed Operations Manual will be issued a "Certified Mendocino County Grown" certificate through the Department. Cannabis labeled with this certification shall be produced following production standards used in the production of crops labeled as organic according to United States Department of Agriculture, National Organic Program. This certification shall be valid for one (1) year from the date of issuance and shall be renewed annually thereafter following annual inspection(s) of the registered cultivation site and continued compliance with all requirements. An annual fee shall be paid for participation in this certification program, pursuant to the provisions set forth in Section 10A.17.070(X)(1).

**Section 16:** Section 10A.17.126 is hereby amended to read as follows:

**Sec. 10A.17.126 – Procedure to Appeal Denial or Non-Renewal of a CCBL.**

- (A) Within thirty (30) days from the date of a Notice of CCBL Denial or Non-Renewal, any applicant or permittee may appeal the CCBL Denial or Non-Renewal to the Department. The appeal shall:
  - (1) Be submitted in writing, on a form as prescribed by the Department;
  - (2) Specify the grounds upon which the appeal is taken;
  - (3) Contain the name, address, and telephone number of the appellant; and
  - (4) Be accompanied by the payment of an appeal fee in an amount established by Resolution by the Board of Supervisors.
- (B) Upon receipt of the appeal, the Department shall schedule an informal meeting with the appellant to review the Department's action and the grounds for the appeal. The informal meeting shall be scheduled within a reasonable amount of time of the receipt of the appeal. Within ten (10) days of the meeting and following consideration of all materials and discussions presented at the meeting, the appointing authority shall, in writing, either:
  - (1) Rescind the CCBL Denial or Non-Renewal, dismiss the appeal, and reconsider the application in light of the grounds stated in the appeal and the meeting; or
  - (2) Cause the matter to be set for hearing by notifying the Hearing Officer directly or by requesting County Counsel to coordinate with the Hearing

Officer. Payment by the appellant of a hearing fee in an amount established by Resolution by the Board of Supervisors shall be payable at this time and prior to setting of the hearing date.

- (C) A hearing before a Hearing Officer shall be set for a date that is not less than ten (10) and not more than thirty (30) days from the date that the Department provides written notice of the setting of hearing pursuant to paragraph (B) above. The Hearing Officer, or the County Counsel in cooperation with the Hearing Officer, shall notify the parties in writing, at least ten (10) days prior to the hearing date, of the date and location of the hearing. It shall be sufficient to provide notice to the appellant by using the address listed in the request for appeal. The hearing date may be continued by stipulation of the parties or by order of the Hearing Office upon a showing of good cause, including but not limited to the need of the appellant for a reasonable amount of time to prepare.
- (D) In the case of service by mail of any Notice of Denial or Non-Renewal, or any notice required to be served by this section 10A.17.126 or section 10A.17.128, the time periods provided for in such sections shall be extended by five (5) calendar days if the place of address and the place of mailing is within the State of California, and by ten (10) calendar days if either the place of address or place of mailing is outside the State of California.

**Section 17:** Section 10A.17.128 is hereby amended to read as follows:

**Sec. 10A.17.128 – Determination by Hearing Officer.**

- (A) At the conclusion of the hearing, and based on the factual evidence before it, the Hearing Officer shall determine:
  - (1) Whether the facts or conditions specified in the CCBL Denial or Non-Renewal exist; and
  - (2) Whether those facts or conditions support the determination that the CCBL may be denied or non-renewed.
- (B) If the Hearing Officer determines that it is necessary to interpret the meaning of one (1) or more sections or provisions of this Chapter in order to make a determination on the appeal, the Hearing Officer shall request in writing that the Department to provide said interpretation to the Hearing Officer. The Hearing Officer shall rely on that interpretation to make that determination. The Hearing Officer may continue the hearing to a future date to allow the Department to provide said interpretation.
- (C) Withing ten (10) days of the hearing, the Hearing Officer shall personally serve or mail a copy of the written decision to the appellant and the Department. Said decision shall be final. An action or proceeding challenging the Hearing Officer's decision shall be commenced within thirty (30) days from the date the Hearing Officer's decision is served on that party.

**Section 18:** Section 10A.17.140 is hereby amended to read as follows:

**Sec. 10A.17.140 – Violations and penalties respecting cultivation pursuant to CCBL.**

- (A) If at any time the Department determines that a law related to a CCBL is being violated, the Department or other appropriate County agency or division may issue a notice of violation or an administrative citation(s) pursuant to Mendocino County Code Chapter 1.08 and notify other interested public agencies or County departments of such violations. After the violation(s) have been cured, the correction must be confirmed. Failure by the CCBL Holder to schedule a re-inspection with the Department to confirm the correction will result in an unscheduled compliance inspection.
- (B) **Inspection Fees.** After initial substantiation of a violation related to any law related to a CCBL, inspection fees shall be charged to the CCBL Holder for any additional compliance inspection undertaken by the Department, beyond those regularly scheduled and enumerated in section 10A.17.070, for the purpose of determining if the cited violations have been cured. All additional inspection fees shall be in accordance with the current published fee schedule. The fees shall be paid pursuant to the provisions set forth in section 10A.17.070(X)(1).
- (C) **Notice to Terminate CCBL.** The Department may issue a Notice to Terminate CCBL by personal service or by first class mail, postage prepaid and return receipt requested. If by mail, service will be deemed complete five (5) days after mailing. A Notice of Terminate CCBL may be issued after:
- (1) The Department discovers that the CCBL Holder would not have otherwise qualified to obtain a CCBL but for false or misleading information contained in either the CCBL Holder's application or subsequent submittals to the County pertaining to the CCBL Holder's application; or
  - (2) The CCBL Holder has engaged in activity related to the CCBL that creates an immediate threat to health or safety, or has allowed such activity to be carried out by one (1) or more of its employees or agents; or
  - (3) The CCBL Holder has engaged in activity that is specified in a separate provision of the Mendocino County Code as grounds for CCBL termination, including but not limited to section 10A.17.100; or
  - (4) The Department determines that the CCBL Holder is in violation of one (1) or more laws related to the CCBL, and that the CCBL Holder is unlikely or unable to correct such violation(s). The Department may make a determination that a CCBL Holder is unlikely to correct a violation if:
    - (a) The CCBL Holder has failed to correct any single code violation within ten (10) days of the initial notice, or such other time period otherwise specified in the pertinent notice of violation, administrative citation, or related writing; or
    - (b) The CCBL Holder has received three (3) or more notices of violation or administrative citations, on separate occasions, within a twelve (12) month period, which may or may not pertain to the same violation, recurring violation, or different violation; or
    - (c) The extent of, severity of, or conditions surrounding one (1) or more violations make it clear that the CCBL Holder was not acting in good faith to abide by the laws related to the CCBL.

- (D) Termination of CCBL. After issuance of a Notice to Terminate CCBL, the CCBL shall be terminated upon a final determination after the hearing on the order to show cause affirming the determination to terminate the CCBL in question pursuant to section 10A.17.150. The County shall notify any license authority, as defined by the MAUCRSA, whenever a CCBL has been terminated.
- (E) Nothing in this section is intended to limit the applicability of any other code enforcement provision or the ability of any other agency or department from enforcing the Mendocino County Code.

**Section 19:** Section 10A.17.150 is hereby amended to read as follows:

**Sec. 10A.17.150 – Administrative Order to Show Cause.**

- (A) Issuance of Order to Show Cause. At the same time as issuance of a Notice to Terminate CCL, or as soon as practicable thereafter, the Department shall also issue a notice and order to show cause why the CCBL in question should not be terminated. Issuance may be completed by personal delivery, or by first class mail, postage prepaid, sent to the mailing address associated with the CCBL and return receipt requested. The notice and order to show cause shall:
  - (1) Identify the CCBL Holder and the CCBL in question;
  - (2) Contain a statement describing the violations that caused the issuance of a Notice to Terminate CCBL;
  - (3) Contain a description of the actions required to abate the violations;
  - (4) Notify the CCBL Holder that unless the owner or occupant abates the conditions, a hearing will be held to determine whether there is any good cause why the CCBL in question should not be terminated, which will be heard before a Hearing Officer, the director of the Department, or the director's authorized designee within the Department who did not also issue the Notice to Terminate CCBL;
  - (5) Specify the date, time and location of the hearing to be held, or state that the date, time and location of the hearing will be specified in a subsequent notice, which will not be set for a date earlier than five (5) days after personal delivery, or ten (10) days after mailing, of the notice specifying the date, time and location of the hearing;
  - (6) State that the CCBL Holder will be given an opportunity at the hearing to present and elicit testimony and other evidence regarding whether there is any good cause why the permit in question should not be terminated;
  - (7) Contain a statement that, unless the CCBL Holder abates the conditions causing the violations, or shows good cause why the conditions should not be abated, the CCBL in question shall be terminated.
- (B) Use of Hearing Officers. Whenever the Department issues an order to show cause why a CCBL issued pursuant to this Chapter should not be terminated, the Department is authorized to use the services of a Hearing Officer pursuant to Mendocino County Code Chapter 2.76. Such use of a Hearing Officer shall be

made whenever a Hearing Officer is available, and the Department shall coordinate with County Counsel to appoint and maintain at least one (1) Hearing Officer to the extent possible. In the event that a Hearing Officer is unavailable, the duty to hear the appeal shall remain with the director of the Department.

(C) Hearing Procedure.

- (1) The Hearing Officer shall hold an administrative hearing to determine whether the violations identified in the Notice to Terminate CCBL created a sufficient basis on which to terminate the permit in question. The hearing shall be held at the date, time and location indicated on the notice to the CCBL Holder, which shall be no less than five (5) calendar days after personal service, or no less than ten (10) calendar days after mailing of all the notices required by this section.
- (2) Parties may choose to be represented by an attorney; however, formal rules of evidence or procedure shall not apply. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Nonetheless, any failure to make a timely objection to offered evidence constitutes a waiver of the objection. The Hearing Officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.
- (3) The hearing shall be conducted in the English language. The proponent of any testimony by a witness who does not proficiently speak the English language shall provide an interpreter who has been certified as an interpreter by either the State of California or the County of Mendocino.
- (4) The person who issued the Notice to Terminate CCBL shall first describe the acts or conditions constituting the violations identifying in the Notice to Terminate CCBL and present evidence to demonstrate how the identified violations form a basis for terminating the CCBL in question. Thereafter, the CCBL Holder shall be given an opportunity at the hearing to present and elicit testimony and other evidence to show good cause why the CCBL should not be terminated.
- (5) In the event that the CCBL Holder does not appear and present evidence at the hearing, the Hearing Officer may base his or her decision solely upon the evidence submitted by the person issuing the Notice to Terminate CCBL.

- (D) Determination after Hearing. The Hearing Officer shall consider the evidence presented by the parties, and shall issue a signed, written decision and order that either affirms or reverses the determination to terminate the CCBL in question. Such decision shall be delivered to the CCBL Holder by personal delivery or by first class mail, postage prepaid, sent to the mailing address associated with the CCBL and return receipt requested. The decision shall become effective either on the day the decision is personally delivered to the CCBL Holder, or five (5) days after the decision is mailed to the CCBL Holder.

**Section 20:** Section 10A.17.160 is hereby amended to read as follows:

**Sec. 10A.17.160 – Enforcement and Declaration of Public Nuisance.**

- (A) All of the remedies provided for in this Chapter, or elsewhere in the law, shall be cumulative and not exclusive for violations of this Chapter. Violations of this Chapter include, but are not limited to failure to obtain and maintain in good standing any CCBL required by this Chapter, compliance with any required element on which a CCBL was issued pursuant to this Chapter, or any violation of the provisions of this Chapter where a CCBL is not required, such as a violation of section 10A.17.040 when a person is otherwise exempt pursuant to section 10A.17.030. The County may enforce this Chapter by using any applicable state or county law, including, but not limited to Mendocino County Code Chapters 1.08, 8.75 or 8.76, and may use either the administrative process to achieve code compliance or available civil remedies, such as injunctive relief.
- (B) The cultivation of cannabis with a valid CCBL pursuant to this Chapter shall not be declared a public nuisance under County Code Chapter 8.75 or 8.76. Any cultivation of cannabis in the absence of a CCBL issued pursuant to this Chapter is a public nuisance and may be abated by the County as a public nuisance in accordance with the provisions of either County Code Chapter 8.75 or 8.76 unless such cultivation either: (1) is exempt pursuant to County Code section 10A.17.030 and in compliance with the laws to which the exemption is subject; or (2) is being cultivated by an entity whose application for a Phase One CCBL pursuant to this Chapter has been submitted, accepted and is currently pending, and who has also submitted a sworn affidavit to the Department on a form prepared by the Department that includes, but is not limited to, an affirmation that they have met the requirements to obtain a CCBL or are actively in the process of fulfilling the requirements, and who also possesses a State temporary or provisional license for the cultivation site applied for at the County level.

**Section 21:** Section 20.242.040 is hereby amended to read as follows:

**Sec. 20.242.040 – Existing Cannabis Cultivation Sites.**

- (A) Referrals of applications to the Department for review related to existing cultivation sites shall include the determination of the Mendocino Cannabis Department that the cultivation site existed prior to January 1, 2016, unless the Mendocino Cannabis Department requests the assistance of the Department in making this determination as part of the referral to the Department.
- (B) Cultivation sites, in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit as required for the zoning district in which the cultivation site is located and as listed in Table 1.

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

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

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

\*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

\*2 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between three and one-half (3.5) and five (5) acres, and that shares at least fifty percent (50%) of its boundaries with parcels five (5) acres in size or larger, may apply for and be granted CCBL types 1, 1-B and 4 following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

\*3 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between seven (7) and ten (10) acres, and that shares at least fifty percent (50%) of its boundaries with parcels ten (10) acres in size or larger, may apply for and be granted CCBL types 2 and 2-B following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

\*4 Existing cultivation sites in the FL and TPZ zoning districts that were previously enrolled in a permit program pursuant to the County's Chapter 9.31 shall be required to obtain a zoning clearance unless the applicant seeks to expand beyond the size previously cultivated under such permit program.

\*5 Parcels in Industrial zoning districts are not subject to a minimum parcel area.



- (C) A reduction in the setback from a legal parcel line required by section 10A.17.040(A)(5) may be allowed following the issuance of an Administrative Permit, approved pursuant to section 20.242.070(C), subject to the following limitations: (1) the approved reduced setback for cultivation not within a structure shall be no less than twenty (20) feet from an adjoining property under separate ownership or an access easement, or (2) for cultivation within a structure, the setback shall be no less than the front, rear, or side yard setback (as applicable) setback for the zoning district in which the property is located. Any reduction of the setback pursuant to this section must comply with the required setback from an occupied legal structure and the reduced setback may not encroach into any corridor preservation setback, pursuant to sections 20.152.015 and 20.152.020.
  
- (D) An existing cultivation site located in a zoning district not listed in Table 1 of this section may continue, but shall not be expanded or enlarged, subject to the following planning permit and approval requirements.
  - (1) Planning Permit Requirements:
    - (a) Outdoor Cultivation (pursuant to a MCCO Type C CCBL) not exceeding two thousand five hundred (2,500) requires an approved Zoning Clearance.
    - (b) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A CCBL) not exceeding five hundred (500) square feet requires an approved Administrative Permit.
    - (c) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A CCBL) between five hundred one (501) and two thousand five hundred (2,500) square feet requires an approved Minor Use Permit.
    - (d) Mixed Light Cultivation (pursuant to a MCCO C-B CCBL) not exceeding two thousand five hundred (2,500) square feet requires an approved Zoning Clearance.
      - (i) Any future lapse or revocation of the MCCO CCBL will extinguish the permittee's ability to obtain a future permit from the Department to continue or resume an existing cultivation site that is not within a zoning district listed in Table 1 of this section.
  
- (E) Transferability of Permits. A permittee may assign a permit to another person subject to the following provisions:
  - (1) Submission of the following to the Department:
    - (a) An application fee as set by resolution of the Board of Supervisors;
    - (b) A completed application form as provided by the department;
    - (c) A copy of the existing permit showing that it has not expired;
    - (d) Either:

- (i) The existing permittee's request to assign all rights and responsibilities of the permit to the assignee; or
  - (ii) In the event of the death or incapacitation of the existing permittee, evidence of such death or incapacitation;
  - (e) Evidence that assignee's legal interest in the real property involved allows for assignee's use of the permit; and
  - (f) An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit and all applicable laws and regulations.
- (2) The assignment shall be effective upon the department's written approval of the documentation submitted, and the assigned permit shall be granted subject to the terms and conditions of the original permit.
  - (3) Permits issued on parcels subject to the Sunset Provision of Section 10A.17.080(B)(2) shall not be assignable pursuant to this Section 20.242.040(E); provided, however, that such permits issued on parcels located within a "CA" Cannabis Accommodation Combining District are assignable.

**Section 22:** Section 20.242.050 is hereby amended to read as follows:

**Sec. 20.242.050 – New Cannabis Cultivation Sites Located in Industrial Zoning Districts.**

Establishment of a new cannabis cultivation site in the I1 (Light Industrial), I2 (General Industrial), and Pinoleville (PI) zoning districts, for the following MCCO CCBL types, may be permitted on or after January 1, 2018, subject to the requirements of Section 20.242.060: Type C-A, 1A and 2A, and Type C-B, 1B and 2B CCBL's for mixed-light cultivation, which mixed-light cultivation must occur in a greenhouse equipped with filtered ventilation systems as described in paragraph (P) of Section 10A.17.070 and may not occur in a hoop house.

**Section 23:** Section 20.242.060 is hereby amended to read as follows:

**Sec. 20.242.060 – New Cannabis Cultivation Sites.**

- (A) Except as provided in Section 20.242.050, on or after January 1, 2020, new cannabis cultivation sites may be permitted in accordance with this section.
- (B) All new cannabis cultivation sites shall be consistent with the General Limitations on Cultivation of Cannabis, Section 10A.17.040; provided, however, that an applicant may seek a reduction in the setback requirements as stated in paragraph (D) of this section.
- (C) Cultivation sites, operated in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit, as required for the zoning district in which the cultivation site is located and listed in Table 2.

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

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

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

\*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

\*2 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

- (D) Setback Reduction. A reduction in the setback from a legal parcel line required by Section 10A.17.040 may be allowed with an Administrative Permit, approved according to Section 20.242.070(C), provided that the approved setback reduction is fifty (50) feet or greater from an adjoining property under separate ownership or access easement, whichever is most restrictive and the location of the cannabis cultivation site continues to comply with the required setback from an occupied legal residential structure.

**Section 24:** Section 20.242.070 is hereby amended to read as follows:

**Sec. 20.242.070 – Planning approval required to cultivate cannabis.**

- (A) Planning Approval Procedure. Each proposed cannabis cultivation site is subject to one (1) of the following planning review processes that correspond to the applicable zoning district and Chapter 10A.17 CCBL as specified by Table 1 or Table 2 in this Chapter.

The Mendocino Cannabis Department shall refer applications for CCBL's pursuant to Chapter 10A.17 to the Department, which shall review the application to determine which of the following processes applies. If the application needs only a Zoning Clearance, the Department will provide a zoning clearance approval to the Mendocino Cannabis Department. If the application requires either an Administrative Permit or a Minor Use Permit, the Department will notify the Mendocino Cannabis Department and the applicant that planning approval is required.

- (B) Zoning Clearance. The Department shall review the MCCO CCBL application to confirm the cannabis cultivation site is allowed in zoning district, subject to the applicable requirements of this chapter, and confirm the legal parcel on which the cultivation site is located. The Department shall additionally provide any information as requested by the Mendocino Cannabis Department to confirm compliance with any of the provisions of Chapter 10A.17.

- (C) Administrative Permit. In accordance with the Administrative Permit review procedure listed in Chapter 20.192, the Zoning Administrator shall approve, conditionally approve or deny an Administrative Permit for cannabis cultivation sites based on the following special findings.

- (1) The cannabis cultivation site is allowed in the zoning district and it is in compliance with the provisions of Chapter 10A.17.
- (2) There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding fifteen (15) percent, prime soil, oak woodland, and timber resources.
- (3) The cannabis cultivation will avoid or minimize odor and light impact on residential uses.
- (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO CCBL application contains evidence that demonstrates:
  - (1) there is adequate water supply in the watershed and water rights to

serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.

- (5) The Administrative Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Administrative Permit shall expire at the end of this period unless it is renewed prior to the end of the 10-year period, or at any time the approved MCCO CCBL for the cultivation site expires or is revoked.
- (6) An Administrative Permit may be applied for and granted for an exception to the dwelling unit requirement of Chapter 10A.17 for parcels in the Rural Residential, lot size ten (10) acres (R-R:L-10) zoning district with the additional finding that the applicant shall demonstrate that the cultivation site and any associated infrastructure (roads, buildings, water storage, etc.) does not preclude the development of the parcel with a residence in the future. For parcels that will need on-site sewage disposal systems to be developed, making this finding may require the identification of a primary and reserve leach field to be identified in order to issue the Administrative Permit.
- (7) An Administrative Permit may be applied for and granted for an exception to the one thousand (1,000) foot setback requirement of a cannabis cultivation site as outlined in section 10A.17.040(B). Administrative permits may be approved, conditionally approved or denied for the reduction of the setback provided for in section 10A.17.040(A)(1) based on the findings of 20.242.070(C)(1), (C)(2) and (C)(3) and on the following special findings:
  - (i) That there be special circumstances applicable to the property involved, including size, shape, topography, location or surrounding;
  - (ii) That the granting of such reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and
  - (iii) That the granting of such reduction will not adversely affect the General Plan.
- (8) Applicants eligible for a Phase One CCBL pursuant to Chapter 10A.17 may apply for and be granted an Administrative Permit for an exception to the setback requirement of section 10A.17.040(A)(5) of an outdoor, greenhouse, or mixed light cultivation site to an adjacent legal parcel under separate ownership or access easement. Administrative Permits may be approved, conditionally approved, or denied for the reduction of required setbacks established in section 10A.17.040(A)(5) to no less than twenty (20) feet for cultivation not in a structure or no less than applicable front, side and rear yard setbacks for cultivation in a structure, based on

the findings of section 20.242.070(C)(1), (C)(2), and (C)(3) and on the following special findings:

- (i) That the granting of such reduction will not adversely affect the character, livability, or right to appropriate development of the adjacent property from which the setback reduction is requested; and will not interfere with rights of access or usage for any legal recorded easement; and
- (ii) That the reduced setback maintains setbacks consistent with provisions of sections 10A.17.040(A)(1), (A)(2), (A)(3), and (A)(4), as applicable, unless the applicant obtains a reduction of such setbacks through an Administrative Permit as permitted by this Chapter.

(D) Minor Use Permit. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Minor Use Permit for a cannabis cultivation site based on findings in Section 20.196.020 and the following special findings:

- (1) The proposed cannabis cultivation site is in compliance with the provisions of Chapter 10A.17.
- (2) In cases where there is no other environmentally superior cultivation site located on the same parcel, the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceed fifteen (15) percent, prime soil, oak woodland, and timber resources.
- (3) The proposed cannabis cultivation site will avoid or minimize odor and light impact on residential uses.
- (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO CCBL application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.
- (5) The Use Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Use Permit shall expire at the end of this period unless it is renewed prior to the end of the 10-year period, or at any time the approved MCCO CCBL for the cultivation site expires or is revoked.

**Section 25: Severability.** If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and

phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 26. Effective Date.** This ordinance is an urgency ordinance adopted pursuant to Government Code Section 25123 and shall become effective immediately upon its adoption if adopted by at least four-fifths of the Board of Supervisors.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

**WHEREUPON**, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: DARCIE ANTLE  
Clerk of the Board

\_\_\_\_\_  
GLENN MCGOURTY, Chair  
Mendocino County Board of Supervisors

\_\_\_\_\_  
Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

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

BY: DARCIE ANTLE  
Clerk of the Board

\_\_\_\_\_  
Deputy

**RESOLUTION NO. 23-**

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING AN ADDENDUM TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR AMENDMENTS TO MENDOCINO COUNTY CODE CHAPTERS 10A.17 AND 20.242 TO STREAMLINE CANNABIS CULTIVATION PROCESSES AND APPROVING AN AMENDED MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, on April 4, 2017, the Board of Supervisors adopted Ordinance Number 4381, adding Chapters 10A.17 and 20.242 to the Mendocino County Code, referred to as the Medical Cannabis Cultivation Regulation, which was subsequently renamed the Mendocino Cannabis Cultivation Regulation (Project); and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; CEQA) and the CEQA Guidelines (Title 14 California Code of Regulations section 15000 *et seq.*) an Initial Study was prepared, which determined that the Project will not have a significant effect on the environment with the implementation of mitigation measures, which supported the adoption of a Mitigated Negative Declaration (MND); and

WHEREAS, by Resolution Number 17-042, adopted on March 21, 2017, following a public review period as required by CEQA and the CEQA Guidelines, the Mendocino County Board of Supervisors adopted an MND for the Project; and

WHEREAS, Section 15164 of the CEQA Guidelines provides that an addendum to a previously adopted MND may be prepared if only minor technical changes or additions to the project are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent environmental impact report or MND have occurred; and

WHEREAS, following the adoption of the MND and receiving applications for medical cannabis cultivation, the Board of Supervisors adopted amendments to Chapters 10A.17 and 20.242 of the Mendocino County Code, by Ordinance Nos. 4381, 4392, 4405, 4408, 4411, 4413, 4420, 4422, 4438, 4463 and 4519, for all of which the Board of Supervisors adopted addenda pursuant to CEQA; and

WHEREAS, the Board of Supervisors is desirous of making additional certain changes to Chapters 10A.17 and 20.242 of the Mendocino County Code, as more specified in the agenda summary and ordinance accompanying this resolution; and

WHEREAS, an addendum to the MND for the Project (Addendum) related to the changes proposed to be made to Chapter 10A.17 has been prepared, which is attached hereto as Attachment A and incorporated herein by this reference, and an amended Mitigation Monitoring and Reporting Program (Amended MMRP) has been prepared based on minor modifications to mitigation measures as discussed in the Addendum, which is attached hereto as Attachment B and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors, based on the whole record before it, hereby makes the following findings:

1. The above recitals are true and correct and incorporated herein by this reference.
2. The Addendum to the previously adopted MND was prepared and reviewed in



compliance with CEQA and the CEQA Guidelines.

3. The Board of Supervisors has independently reviewed, analyzed and considered the previously adopted MND, the Addendum, the agenda summary and all attachments thereto, as well as all written documentation and public comments thereto.
4. The information and analysis contained in the MND and the Addendum reflects the County's independent judgment as to the environmental consequences of the Project.
5. That, based on the evidence submitted and as demonstrated by the analysis included in the MND and the Addendum, none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental negative declaration or environmental impact report have occurred, specifically:
  - a. The proposed amendments to Chapters 10A.17 and 20.242 would not result in any substantial changes from what was previously analyzed in the MND and would not involve new significant impacts or result in a substantial increase in the severity of previously identified impacts. The proposed amendments do not constitute a substantial change in the project.
  - b. There have been no substantial changes in the circumstances of the Project as considered in the MND.
  - c. The consistency of the proposed amendments with the environmental resource analysis of the MND is summarized in Section 6.0 of the Addendum. As discussed, the proposed amendments would not result in any new significant effects not discussed in the MND.
  - d. Based on the analysis presented in the Addendum, no supplemental environmental review is required for the proposed amendments to the Project in accordance with Public Resources Code section 21166 and CEQA Guidelines Sections 15162 and 15164.
  - e. To the extent that modified mitigation measures are identified in the Addendum, the County is incorporating those modifications to mitigation measures into the Amended MMRP.

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby approves and adopts the Addendum to the previously adopted Mitigated Negative Declaration for the Mendocino Cannabis Cultivation Regulation (Attachment A) and the amended Mitigation Monitoring and Reporting Program (Attachment B) and directs the Mendocino County Department of Planning and Building Services to attach the Addendum to the MND.

BE IT FURTHER RESOLVED that the Clerk of the Board is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Ukiah, California 95482.

The foregoing Resolution introduced by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:

NOES:  
ABSENT:

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

ATTEST: DARCIE ANTLE  
Clerk of the Board

\_\_\_\_\_  
Deputy

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

\_\_\_\_\_

\_\_\_\_\_  
GLENN MCGOURTY, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: DARCIE ANTLE  
Clerk of the Board

\_\_\_\_\_  
Deputy

## **ADDENDUM TO MITIGATED NEGATIVE DECLARATION**

The County of Mendocino, California, does hereby prepare, declare and publish this Addendum to an adopted Mitigated Negative Declaration (MND) for the following described project:

**PROJECT NAME:** Amendments to Mendocino Cannabis Cultivation Regulation (MCCR), Chapters 10A.17 and 20.242 of the Mendocino County Code

**SCH NO.:** 2016112028

This Addendum to the adopted MND evaluates a proposal to modify the MCCR to streamline local cannabis cultivation permitting. In particular, many of the requirements presently part of the permit review process, as well as performance standards that apply following issuance of a permit, are being consolidated into the existing section regarding requirements for all permits. This is intended to streamline review of permit applications while maintaining environmental protection measures that were built into the ordinance as well as those added as mitigation measures by the MND. Certain requirements of the ordinance are also being deleted, largely due to the requirements being duplicative to those required for a license issued by the State.

The County of Mendocino has reviewed the proposed modifications to the MCCR and, on the basis of the whole record before it, has determined that there is no substantial evidence that the amendments to the MCCR, as identified in the attached Addendum, would have a significant effect on the environment beyond that which was evaluated in the adopted MND. A supplemental or subsequent EIR is not required pursuant to the California Environmental Quality Act of 1970 (Section 21000, et seq., Public Resources Code of the State of California).

The Addendum to the MND has been prepared pursuant to Title 14, Sections 15162 and 15164 of the California Code of Regulations. It may be reviewed at the offices of the Mendocino Cannabis Department, 125 East Commercial Street, Suite 230, Willits, California 95490, or on the County's website at:

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

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# **Addendum to Mitigated Negative Declaration for Mendocino Cannabis Cultivation Regulation**

SCH No. 2016112028

## **Mendocino County**

Mendocino Cannabis Department  
125 East Commercial St., Ste. 230  
Willits, CA 95490  
(707) 234-6680

May 2023

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Exhibits: Exhibit A – Ordinance Change Table

Attachment A

## **Streamlining Amendments to Mendocino Cannabis Cultivation Regulation Addendum to the Mitigated Negative Declaration SCH No. 2016112028**

### **1. PROJECT NAME**

Streamlining amendments to the Mendocino Cannabis Cultivation Regulation (“MCCR”), Chapters 10A.17 and 20.242 of the Mendocino County Code.

### **2. PROJECT LOCATION AND ZONING**

The MCCR applies throughout unincorporated areas of Mendocino County, exclusive of areas within the Coastal Zone. It establishes ten (10) permit types for the cultivation of cannabis. Mendocino County Zoning Ordinance Sections 20.242.040, 20.242.050 and 20.242.060 establish the appropriate locations for each permit type. The following zoning districts are identified as appropriate locations for one or more of the ten permit types:

- 1) RR5 (Rural Residential - 5 acre minimum);
- 2) RR10 (Rural Residential-10 acre minimum);
- 3) AG (Agriculture);
- 4) UR (Upland Residential);
- 5) RL (Rangeland);
- 6) FL (Forest Land);
- 7) TPZ (Timberland Production Zone);
- 8) I1 (Limited Industrial);
- 9) I2 (General Industrial); and
- 10) P-I (Pinoleville Industrial).

No new cultivation operations (established after April 1, 2021) are permitted in the FL, RL and TPZ Districts. The proposed amendments to the MCCR would not change the zones in which cultivation is permitted and would not change the types of permits offered beyond referring to them as Cannabis Cultivation Business Licenses (“CCBL’s”).

### **4. PROJECT DISCUSSION**

#### **4.1 Background**

On March 21, 2017, the Board of Supervisors adopted Resolution No. 17-042, adopting a Mitigated Negative Declaration (“MND”) for Ordinance No. 4381, which added Chapter 10A.17 and 20.242 (then known as the “Medical Cannabis Cultivation Regulations”) to the Mendocino County Code. The MCCR established a largely ministerial permitting process for the issuance of cannabis cultivation permits pursuant to Chapter 10A.17, with some exceptions or locations only eligible for a permit following the issuance of an administrative or use permit pursuant to Chapter 20.242 of the Zoning Code.

Since the adoption of the MCCR and the MND, the County has approved multiple modifications to the MCCR for minor changes, including one change that renamed the project title to the Mendocino Cannabis



Cultivation Regulations, when the project was broadened to encompass both medical and adult-use cannabis cultivation. Previous modifications have had separate addenda filed under the previous and current title.

#### 4.2 Proposed Amendments to MCCR

This Addendum to the adopted MND evaluates a proposal to modify the MCCR to streamline local cannabis cultivation permitting. The MCCR was initially drafted prior to the establishment of any other cannabis permitting program, including that of the State of California. As such, the MCCR was written as if it were the last permit necessary prior to a person being able to cultivate cannabis. This is no longer the case, especially following the adoption of the State's discretionary cannabis cultivation regulatory program which requires compliance with local ordinances prior to issuance (Business and Professions Code Section 26055).

The MCCR currently requires the submission of many separate documents to the Mendocino Cannabis Department ("MCD") as part of the application for a Permit, many of which show only that the applicant is conforming with legal requirements of other state or federal agencies that the applicant would be required to follow whether or not the MCCR listed the submission of documentation. For example, work in or near a streambed may require a lake and streambed alteration agreement from the California Department of Fish and Wildlife ("CDFW") whether or not a Permit or CCBL is involved. These approvals from other governmental agencies are not subject to County review or approval.

The proposed amendments would remove the submission of these documents to MCD as part of the application (Section 10A.17.090) and place them in the existing ordinance section (Section 10A.17.070) which states the requirements for all cannabis cultivation permits. This reduces the amount of paperwork submitted to and reviewed by MCD as part of an application while retaining the overall requirement of the ordinance for compliance with relevant statutes and regulations. The environmental protective measure of requiring these approvals to be obtained is not lessened by removing the submission of paperwork to MCD. In addition, Section 10A.17.070 is also amended to more clearly provide that cultivation of cannabis may not commence until all requirements have been complied with. This is to clarify that approvals from many agencies may be required before a person can commence cultivating cannabis, even if a CCBL is issued, and cultivating without having all approvals in place would be a violation of the MCCR as well as the separate rules of the other governmental agency.

The amendments to the MCCR (the "Amendments") can be broken down into three categories:

1. Nomenclature changes, in particular changes related from MCD issuing Permits to issuing Cannabis Cultivation Business Licenses or "CCBL's".
2. Consolidation and modification of the Performance Standards section (Section 10A.17.110) and the Application and Zoning Review section (Section 10A.17.090), with requirements moving into the Requirements for All CCBL's section (Section 10A.17.070).
3. Deletion of certain requirements that are administrative in nature or otherwise duplicative of requirements in State law.

Attached as Exhibit A to this Addendum is a matrix of ordinance paragraphs affected by the proposed amendments, showing where certain paragraphs have moved or whether they have been deleted in their entirety.

### 4.3 Administrative Changes Are Not A Project

This Addendum to the adopted MND evaluates a proposal to modify the MCCR to streamline local cannabis cultivation permitting. As noted in the previous section, certain requirements that are administrative in nature or duplicative of State law are being deleted; this would include criminal history background reviews, which are now being performed by the State as part of its permit program. Otherwise, requirements of the existing MCCR are being removed from the application review process and consolidated into the Requirements for All CCBL's section. The purpose of the Amendments is to streamline the permit process but not eliminate any of the environmental protection measures.

The California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; "CEQA") and its implementing Guidelines (14 Cal. Code Regs. 15000 *et seq.*; "CEQA Guidelines") apply to a project. The term "project" is defined in CEQA Guidelines Section 15378, and specifically excludes "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment."

The changes being proposed by the Amendments are administrative in nature and are not a project as defined by Section 15678. Cannabis cultivators remain subject to the environmental protective measures of the MCCR, which are being consolidated and modified in minor ways that do not lessen the requirement for compliance. Nevertheless, this Addendum reviews the changes proposed by the Amendments pursuant to CEQA Guidelines Section 15162.

## 5. APPROACH TO CEQA ANALYSIS

In the case of a modification to a project for which an MND has been approved (as is the case with the proposed Amendments), CEQA and the CEQA Guidelines require the lead agency to determine whether a supplemental or subsequent MND or environmental impact report ("EIR") is required. This requirement is codified in Public Resources Code section 21166 and also stated in CEQA Guidelines Section 15162. Section 15162 provides guidance in this process by requiring an examination of whether, since the certification of the MND and approval of the project, changes in the project or conditions have been made to such an extent that the proposal may result in substantial changes in physical conditions that are considered significant under CEQA. If so, the County would be required to prepare a subsequent or supplemental environmental review document. If only minor technical changes or additions are necessary, or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, an addendum may be prepared. The addendum should include a brief explanation of the decision not to prepare a subsequent or supplemental environmental document, supported by substantial evidence, and the lead agency's required findings on the project.

This Addendum examines the proposed Amendments in accordance with Section 15162. The evaluation concludes that the conditions set forth in Section 15162 are not present, and that an Addendum to the MND is the appropriate CEQA document pursuant to CEQA Guidelines Section 15164.

Each of the following standards, as set forth in Section 15162(a), are addressed in this Addendum.

- 1) Are substantial changes proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?
- 2) Have substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?

- 3) Is there new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, that shows any of the following:
- (a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (b) Significant effects previously examined will be substantially more severe than shown in the previous EIR (or negative declaration);
  - (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to CEQA, this Addendum evaluates the proposed Amendments to determine whether circumstances are present that could require a supplemental environmental document. Based on the Addendum, County staff recommends that: (a) the potential impacts of the Amendments are within the scope of those analyzed in the MND; (b) only minor revisions are required for the MND, and (c) as such, the MND provides a sufficient and adequate analysis of the potential environmental impacts of the Amendments.

### 5.1 "Substantial Changes in the Project" Standard

Pursuant to Section 15162(a)(1) of the CEQA Guidelines, this section presents a discussion of whether substantial changes are proposed which will require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The Amendments are not altering the zones in which cannabis cultivation may occur or the size of the cultivation sites that may be developed in the County. Ordinance requirements discussed in the MND remain requirements of the ordinance, with many (but not all) being modified to reflect being moved to different sections of the ordinance. As will be reviewed in more detail in the remainder of the Addendum for each environmental factor, the primary change being made by the Amendments is in shifting requirements out of the permit review process but keeping them as required elements of obtaining a CCBL from the County. This will streamline application review but still provide for enforcement mechanisms where it is determined that a CCBL Holder has not complied with the requirements of the MCCR.

Shifting certain items from the application review portion of the MCCR to the requirements section will not create new significant environmental effects or create a substantial increase in the severity of previously identified significant effects. CCBL Holders will still be prohibited from cultivating cannabis without having all approvals required by the MCCR. The County will still conduct pre-CCBL issuance site inspections and has the ability to conduct additional inspections as warranted. The sensitive species habitat review ("SSHR") procedure, required by Mitigation Measure BIO-1 and Section 10A.17.090, continues to provide for consultation with and review of applications by the California Department of Fish and Wildlife ("CDFW"), which can assist in identifying the kinds of approvals warranted by a cultivation site. The County has access to satellite imaging software that provides greater ability for Department staff to research development of a cultivation site. In addition, now that Phase One is closed, there is a known cohort of Permittees and permit applicants for which the County has received applications. These

cultivation sites are known quantities and have already been subject to the requirements as part of the existing application process. Looking forward, the Amendments will have minimal effect because there is no provision in the MCCR for Phase Three applicants to cultivate prior to obtaining a CCBL and cannabis cultivators must also have obtained a license from the State prior to commencing cultivation.

Two minor changes are proposed to elements of the MCCR that are referenced in various sections of the MND but are not part of any mitigation measure or discussion of impacts. The MCCR contained requirements for cultivators to notify CDFW pursuant to Section 1602 of the California Fish and Game Code, relating to streambed alteration, and to provide a copy of the permit obtained from CDFW. This is proposed to be modified to a requirement that the CCBL Holder have notified CDFW and obtain all relevant approvals or authorizations, and moved this provision to the requirements section (Section 10A.17.070). This modification acknowledges that finishing the process with CDFW may take time and that CDFW is the lead agency on issuing such approvals and placing conditions on the cultivator. The MCCR also contained requirements for a cultivator to obtain Section 401 and 404 permits pursuant to the federal Clean Water Act; this is also proposed to be moved to Section 10A.17.070. These permits are still required to be obtained prior to commencing construction in streams and wetlands, unless otherwise allowed by the relevant agencies. Similar as to the CDFW requirement, the revised language acknowledges that certain requirements of the MCCR are dependent on permit processes of agencies other than the County, which agencies may allow for various ways to comply with regulations. These modifications have no environmental impact as the requirement to comply is unchanged.

The effect of the Amendments on the MCCR is analyzed in Section 6 below. As discussed, the proposed Amendments will not have one or more significant effects not discussed in the MND, and significant effects previously examined will not be substantially more severe than shown in the MND. There is no environmental impact as a result of no longer requiring submission of documents to the County. The Amendments do not constitute a substantial change to the MCCR requiring a subsequent or supplemental environmental document.

## 5.2 "Substantial Changes in the Circumstances" Standard

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this section presents a discussion of whether substantial changes have occurred with respect to the circumstances under which the project is undertaken since the approval of the MND that require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The MND was adopted in 2017 and covered the entire unincorporated area of Mendocino County. There have been no significant changes in land uses or zoning in the County since 2017. The project location and setting as described in the MND are essentially unchanged and the MND acknowledged a landscape that had been substantially altered by both legal and illegal cannabis cultivation sites. Since the adoption of the MND, the State of California has also adopted a regulatory license system for cannabis cultivation sites that requires compliance with many separate laws and regulations.

Legal development has occurred consistent with the requirements of the MCCR, but on a relatively small amount of acreage compared to the size of the County as analyzed in the MND. Since 2017, approximately 1,544 cannabis cultivation permits have been applied for under Phase One. Of that total, there are 127 active issued permits and 598 active applications for a total of 725 legal cultivation sites in the County. These numbers are relatively consistent with the estimates made by the project description in the MND, which anticipated "a minimum of several hundred applications, affecting a gross acreage of several thousand acres, with significantly fewer acres directly impacted by cultivation and related infrastructure development." (MND, p. 20.) Even assuming a full acre for all cultivation activities at each permitted or applied for cultivation site, no more than 844 acres have been or may be developed pursuant

to the MCCR. In discussing the project setting, the MND noted that almost 1.8 million acres of the County were technically available for cultivation during Phase One.

On April 20, 2021, the Board of Supervisors adopted Resolution No. 21-051, declaring a local emergency due to drought conditions in Mendocino County. After the winter of 2021/2022 also had lower than normal rainfall, Governor Newsom signed Executive Order N-7-22 on March 28, 2022, to assist in mitigating drought conditions. Executive Order N-7-22 included limitations on the issuance of permits for new or altered groundwater wells, including that a determination be made that the new or altered groundwater well be not likely to interfere with the production and functioning of existing nearby wells and not likely to cause subsidence that could adversely impact or damage nearby infrastructure. For new or altered wells in medium or high priority basins (Ukiah Valley is a medium priority basin), verification from a groundwater sustainability agency is required prior to permit issuance to show that the well would not be inconsistent with any groundwater sustainability plan adopted by that agency. These provisions were modified slightly by Executive Order N-3-23 issued on February 13, 2023. The MCCR, as it exists or as proposed to be amended, does not conflict with these executive orders. All applicants are required to show their legal water source for their cultivation site, and any new wells or modifications to existing wells needed by an applicant or Permittee would be subject to the requirements of the Executive Order. Phase Three applicants are similarly subject to these requirements, in addition to the watershed assessment or water availability analysis requirements of Section 10A.17.080(C), which are not affected by the proposed Amendments. Droughts are a known potential occurrence in Mendocino County, occurring as recently as 2014, just prior to the initial adoption of the MCCR, and the hydrology and water quality section of the MND found that the impacts of the MCCR would be less than significant with mitigation incorporated; as discussed herein, these mitigation measures are not affected by the Amendments. As of the date of preparation of this addendum, California and Mendocino County have also received above-average precipitation during winter 2022/2023.

There have been no substantial changes in the circumstances of the project as considered in the MND.

### 5.3 "New Information of Substantial Importance" Standard

Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this section includes a discussion of whether there is new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the MND was approved, showing any of the following: (1) one or more significant effects not discussed in the MND; (2) significant effects previously examined that are substantially more severe than shown in the MND; (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the County declines to adopt the mitigation measure or alternative; or (4) mitigation measures or alternatives that are considerably different from those analyzed in the MND and that would substantially reduce one or more significant effects on the environment, but the County declines to adopt the mitigation measure or alternative.

No mitigation measures previously identified in the MND were found not to be feasible. As documented in the MND, the adoption of the MCCR had a less than significant impact on the environment based on the incorporation of all mitigation measures. Because mitigation measures were identified that reduced all impacts on the environment to a less than significant level, there is no need to consider additional mitigation measures. The County is unaware of any new information that has become available after the MND was approved that is of substantial importance to the MCCR that was not previously available or knowable with the exercise of reasonable diligence that shows one or more significant effects not discussed in the MND or that potentially significant effects that were previously examined are substantially more severe than shown in the MND. As such, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable

diligence at the time the MND was approved showing any of the factors outlined in Section 15162(a)(3) of the CEQA Guidelines.

## 6. ENVIRONMENTAL FACTORS

### 6.1 Aesthetics

The MND determined that the MCCR would have a less than significant impact on Aesthetics with mitigation incorporated through one mitigation measure. Mitigation Measure AES-1 required for the MCCR to be modified prior to its adoption to require that all structures used for mixed-light cultivation to be constructed or retrofitted in a manner so as to fully contain any light or light glare involved in the cultivation process and required security lighting to be motion activated and fully shielded. These requirements are present in Section 10A.17.040(E) of the MCCR and are unaffected by the Amendments. Uses permitted pursuant to the MCCR are similar in nature to uses already allowed or allowed with permits in the zones where cannabis cultivation is permitted under the MCCR. In addition, none of the paragraphs of the MCCR being relocated or modified change requirements related to aesthetic issues reviewed by the MND. As such, the Amendments do not require major revisions of the MND due to the involvement of significant environmental effects or a substantial increase in the severity of previously identified environmental effects.

In conclusion, the MCCR as amended by the Amendments does not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the mitigation measures identified in the MND. The Amendments do not propose substantial changes to the MCCR that would affect aesthetics beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.2 Agriculture and Forestry Resources

The MND determined that the MCCR would have a less than significant impact on Agriculture and Forestry Resources with mitigation incorporated through four mitigation measures.

Mitigation Measure AG-1 required for the MCCR prior to its adoption to remove the requirement for a legal dwelling unit on all parcels which receive a cultivation permit in the AG, RL, FL and TPZ districts. This modification was made in Section 10A.17.070(E) and is unchanged by the Amendments.

Mitigation Measure AG-2 required Chapter 20.242 to be modified prior to its adoption to prohibit new medical cannabis cultivation permits in the RL District. Section 20.242.060 pertaining to new cannabis cultivation sites does not allow new permits to be issued in the Rangeland District and is unaffected by the Amendments.

Mitigation Measure AG-3 required the prohibition of issuance of cultivation permits on lands currently enrolled in the Williamson Act until the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts have been amended to address cannabis cultivation. The Board of Supervisors amended its Policies and Procedures for Agricultural Preserves and Williamson Act Contracts by Resolution No. 17-041 on March 21, 2017, to include the cultivation of cannabis as a compatible but not qualifying agricultural use. This occurred prior to the adoption of the MCCR, which was adopted on April 4, 2017. This change is unaffected by the Amendments.

Mitigation Measure AG-4 required the MCCR to be modified prior to its adoption to prohibit removal of any commercial tree species as defined by Cal Fire and the removal of any true oak species for the purposes of developing a cannabis cultivation site. Paragraph (I) was added to Section 10A.17.040 prior to its adoption by Ordinance No. 4381, which due to subsequent amendments to the ordinance, has since been relettered paragraph (K). Paragraph (K) is unchanged by the Amendments.

Separate from paragraph (K) of Section 10A.17.040, paragraph (T) of Section 10A.17.090 speaks to tree removal related to a permit application. At the time of adoption, paragraph (T) provided that if an application included the conversion of timberland, as defined in the Public Resources Code, in order to create or expand a cultivation site, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection ("CalFire"). Alternately, the section then provided that for existing operations occupying sites created through prior unauthorized conversion of timberland, the applicant must provide evidence that environmental impacts have been mitigated, to the extent feasible, as required by the resource protection agencies including CalFire, the North Coast Regional Water Quality Control Board ("NCRWQCB") and the California Department of Fish and Wildlife ("CDFW"). This requirement was discussed in the MND as assisting in keeping impacts of the MCCR to a less than significant level for TPZ and FL lands.

Paragraph (T) of Section 10A.17.090 was amended by Ordinance No. 4392 on August 29, 2017, to read as follows:

No application shall be approved which identifies or would require the removal of tree species listed in paragraph (I) of Section 10A.17.040 after May 4, 2017, for the purpose of developing a cultivation site. For applications where trees were removed prior to May 4, 2017, applicants shall provide evidence to the Department that no trees were unlawfully removed to develop a cultivation site; such evidence may include, but is not limited to, a less-than-three-acre conversion exemption or timberland conversion permit issued by the California Department of Forestry and Fire Protection ("CalFire") and trees were removed prior to May 4, 2017. If during review of an application County staff determine that trees were unlawfully removed to develop a cultivation site, the County shall deny the application. Notwithstanding the foregoing, for cultivation sites created prior to May 4, 2017, through prior unauthorized conversion of timberland as defined in Public Resources Code section 4526, a Permit may be approved if the applicant provides evidence that environmental impacts of the tree removal have been mitigated to the extent feasible or otherwise resolved, as required by the resource protection agencies including CalFire, the NCRWQCB and the CDFW. County staff shall defer to the resource protection agencies referenced herein for determinations as to the unlawful removal of trees or unauthorized conversion of timberland or the sufficiency of any required remediation to address the environmental impacts. Nothing herein shall be construed to limit or condition in any way the regulatory or enforcement authority of the resource agencies listed herein.

An Addendum for the amendments made by Ordinance No. 4392, which was approved by Resolution No. 17-123, provided that the revisions to paragraph (T) of Section 10A.17.090 clarifies and enhances Mitigation Measure AG-4 by clarifying the effective date of the tree removal prohibition and definitively requiring permit denial of trees were removed after the effective date of Ordinance No. 4381.

Paragraph (T) of Section 10A.17.090 is proposed for deletion by the Amendments, to be replaced by paragraph (W) of Section 10A.17.070 (Requirements for All CCBL's), which is proposed to read as follows:

CCBL Holders are prohibited from engaging in the cultivation of cannabis on portions of property where tree species listed in paragraph (K) of Section 10A.17.040 have been unlawfully removed; provided, however, for cultivation sites created prior to May 4, 2017, where such trees were unlawfully removed, a CCBL Holder may cultivate cannabis on such portions of property when the CCBL Holder has evidence that the environmental

impacts of the tree removal have been mitigated to the extent feasible or otherwise resolved, as required by the resource protection agencies including CalFire, the NCRWQCB and CDFW.

The paragraph has been streamlined from its present language but continues the prohibition on the cultivation of cannabis where listed trees were unlawfully removed. The effective date of the MCCR, May 4, 2017, remains a dividing line. If a cultivation site is located where trees were unlawfully removed prior to May 4, 2017, a CCBL holder is still able to obtain approvals from resource protection agencies that would legitimize that cultivation site. Cultivation of cannabis on locations where listed trees were removed or are proposed to be removed on or after May 4, 2017, would be unlawful pursuant to the provisions of the MCCR itself, unless the trees were pruned for maintenance or removed to address safety or disease concerns. There is no environmental impact from the modifications and move of the subject paragraph, as the legal requirements remain the same.

While there is legally no change in ordinance requirements, it is worth noting that other mechanisms of the ordinance show that tree removal will not be ignored by the County. The County will still conduct pre-CCBL issuance site inspections and has the ability to conduct additional inspections as warranted, which could reveal evidence of tree removal. The SSHR procedure provides another avenue for determining whether trees have been removed. The County has access to satellite imaging software that provides greater ability to research when and where tree removal may have occurred. The overarching prohibition of paragraph (K) of Section 10A.17.040 has been in place since May 4, 2017. Any tree removals inconsistent with the requirements of the ordinance that have occurred since that point in time have been in violation of the ordinance and would prohibit the issuance of a CCBL if discovered during the CCBL review process, and any tree removals discovered after the fact would still remain subject to enforcement mechanisms already existing in Chapter 10A.17. Zoning districts where timberland is likely to be located (Rangeland, Forestland and Timber Production) remain ineligible for cannabis cultivation sites under Phase Three. Modifying and moving existing paragraph (T) of Section 10A.17.090 to Section 10A.17.070 does not constitute a substantial change that will require major revisions due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

In conclusion, the Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the mitigation measures identified in the MND. As to agricultural lands, the cultivation of cannabis remains consistent with and similar to other agricultural activities that occur on agricultural lands. As to forestry resources, the prohibitions put in place by the MND remain in effect. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. Implementation of the MCCR as modified by the Amendments would not introduce new agricultural or forestry related impacts or create more severe impacts than those analyzed in the MND. The Amendments do not propose substantial changes to the MCCR that would affect agricultural or forestry resources beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.3 Air Quality

The MND determined that the MCCR would have a less than significant impact on air quality with the incorporation of mitigation measures.

Mitigation Measure AIR-1 required the MCCR to be amended prior to adoption to include a requirement that the County consult with the Mendocino County Air Quality Management District (“MCAQMD”) prior to the issuance of any cultivation permit to determine if a permit or other approval by MCAQMD is necessary. The mitigation measure further stated that applicants must obtain all approvals and permits required by the MCAQMD pursuant to federal, state and local laws, regulations, plans and policies prior



to the issuance by the County of a cannabis cultivation permit. The measure allowed that the consultation process could be eliminated if MCAQMD authorizes the County to determine when a permit or other approval by MCAQMD is required, based on an objective set of criteria developed by MCAQMD for such purposes.

Mitigation Measure AIR-1 was added as a third paragraph to Section 10A.17.090 as a required step in the permit review process. The Amendments propose to modify this paragraph to eliminate the requirement to consult with the MCAQMD and simply require that a CCBL Holder obtain all approvals and permits required by the MCAQMD pursuant to the same laws, regulations plans and policies referred to in existing Section 10A.17.090, and move the revised paragraph to Section 10A.17.070.

The procedure referred to in Mitigation Measure AIR-1 is more of a referral process than a traditional consultation. "Consultation" can imply the need for information and advice from a person or entity with expertise, but the only determination at issue in the mitigation measure is whether or not a permit is required by MCAQMD. The mitigation measure then requires the applicant to obtain the approval required by MCAQMD. The environmental protective measure of AIR-1 is not the referral to MCAQMD, but the applicant obtaining the approval required by MCAQMD. The discussion in the MND regarding air quality noted that existing regulations of the MCAQMD would reduce emissions and potential exposure to naturally occurring asbestos. The MND indicated that the consultation requirement was imposed to confirm that the various requirements of MCAQMD would be met. This concern was potentially relevant at the creation of a regulatory program for a product that had not previously been regulated. However, with several years of both County and State regulatory programs in operation, the proliferation of private cannabis licensing consultants, and prior informational efforts by the department, it is reasonable to expect that persons seeking to cultivate cannabis in the legal market be aware of relevant regulations and know to comply with them.

The mitigation measure as proposed to be modified would continue to require that a CCBL Holder obtain all approvals required by the MCAQMD prior to commencing cultivation on the cultivation site. There is no reduction in the actual environmental protection of the mitigation measure to comply with another entity's regulations as a result of the change. To the extent that a CCBL Holder is cultivating cannabis but has not complied with MCAQMD regulations, that applicant may be found in violation of the MCCR and subject to administrative penalties or termination of their CCBL, as well as referral to MCAQMD for its separate enforcement of noncompliance with its regulations.

Under CEQA Guidelines Section 15162(a)(1), the requirement to prepare a subsequent or supplemental environmental document, as opposed to an addendum, is triggered only when a proposed change is substantial and would require "major revisions" to the previous environmental document. The change proposed by the Amendments is not a substantial change that requires major revisions to Mitigation Measure AIR-1. The change merely removes the specific requirement for consultation between the County and MCAQMD but retains the requirement that all such approvals be obtained. Formal consultation between the County and MCAQMD is not necessarily more effective than simply requiring applicants to adhere to MCAQMD requirements. Compliance may be confirmed by the County as part of pre-CCBL issuance inspections or any inspection prompted by complaints or other referrals, as well as by MCAQMD following any complaints made to that entity directly. Therefore, it is proposed to modify Mitigation Measure AIR-1 to read as follows:

AIR-1: Mendocino County shall amend the proposed MCCR to ~~include a requirement that the County consult with the~~ provide that CCBL Holders shall obtain as may be required all approvals and permits required by the Mendocino County Air Quality Management District (MCAQMD) ~~prior to the issuance of any Cultivation Permit to determine if a permit or other approval by the MCAQMD is necessary. Applicants shall obtain all approvals and permits required by the MCAQMD pursuant to state and federal laws, MCAQMD regulations, adopted air quality plans, MCAQMD policies and other applicable statutes prior to the issuance of a permit. The required~~

~~consultation with MCAQMD may be eliminated if MCAQMD authorizes the County to determine when a permit or other approval by MCAQMD is necessary based on an objective set of criteria developed by MCAQMD for such purposes.~~

The above change is reflected in an amended Mitigation Monitoring and Reporting Program (“Amended MMRP”) that has been prepared for approval at the same time as this addendum. The Amended MMRP will also be revised to update Code section references that are amended as a result of the Amendments or prior amendments and changes made as part of previous amendments and covered by previous addenda. The Amended MMRP will also update the word “permit” to “CCBL.”

This proposed change will not result in new significant environmental effects or a substantial increase in previously identified environmental effects because the requirement to obtain MCAQMD permits remains. Any activity without a required MCAQMD permit would be subject to enforcement measures by either MCAQMD under its own regulations, or by the County as violating the requirement of the MCCR to have obtained such MCAQMD approvals.

Mitigation Measure AIR-2 required the MCCR to be amended prior to adoption to require that all buildings, including greenhouses, used for the cultivation of cannabis pursuant to an “artificial light” permit shall be equipped with filtered ventilation systems, permitted by the MCAQMD, which rely on activated carbon filtration, negative ion generation, ozone generation, or other odor control mechanism demonstrated to be effective in reducing cannabis odors. Mitigation Measure AIR-2 was previously numbered Mitigation Measure AIR-3, but the previous Mitigation Measure AIR-2 was eliminated by the Board of Supervisors by Resolution No. 17-042. This mitigation measure resulted in the addition of what is now paragraph (M) to Section 10A.17.110. The Amendments propose moving that paragraph from Section 10A.17.110 – Performance Standards, to paragraph (P) of Section 10A.17.070 – Requirements for All CCBL’s, without change to the wording.

The MND noted that several aspects of the MCCR were expected to reduce impacts to air quality, including that (1) newer cultivation sites would not be located in more rural areas without paved roads, (2) cultivation sites were to be setback from a variety of potentially sensitive receptors and neighboring parcels, (3) minimum parcel sizes would discourage a concentration of cultivation sites, (4) establishing maximum cultivation areas would limit the scale of potential emissions, (5) a prohibition on using generators as a primary source of power, and (6) requiring an identified water right sufficient to cultivate the site, reducing the potential of reliance on water delivery and thereby emissions from trucks. These provisions remain in the ordinance. The MND also stated that odors from agricultural operations on appropriately zoned parcels are a typical and anticipated circumstance and not typically defined as a nuisance, and this remains the same today.

In conclusion, the Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the mitigation measures identified in the MND. The mitigation measures, even as modified, continue to require compliance with regulations and requirements for odor control where cannabis cultivation is concentrated by indoor and greenhouse operations. Implementation of the MCCR as modified by the Amendments would not introduce new air quality impacts or create more severe impacts than those analyzed in the MND, and does not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect air quality beyond the effects analyzed in the MND or require major revisions to the MND.

Minor modifications are proposed for Mitigation Measure AIR-1, but the obligation to obtain all required air quality permits remains unchanged. This modification does not lessen the effectiveness of the mitigation measure.

#### 6.4 Biological Resources

The MND determined that the MCCR would have a less than significant impact on biological resources with the incorporation of mitigation measures.

Mitigation Measure BIO-1 was altered by the Board of Supervisors as part of Resolution No. 17-042 to read as follows: “Mendocino County shall amend the MCCR to require qualified County staff and/or qualified third party inspectors to review proposed permit locations and identify where habitat suitable for sensitive species may exist. The County shall consult with CDFW prior to the issuance of a Cultivation Permit to evaluate if there is a possibility for presence of sensitive species. Upon consultation, CDFW may recommend approval of the proposed development, ask to conduct a site inspection or request additional studies in order to make the determination that no impacts to sensitive species will occur. A cultivator that cannot demonstrate that there will be a less than significant impact to sensitive species will not be issued a Cultivation Permit. The County shall develop policies in consultation with CDFW to (1) determine required qualifications of third party inspectors and (2) define an objective set of criteria that applications can be checked against and when during Phases 1 and 2 a formal referral to CDFW is required to avoid impacts to sensitive species and natural communities. Following the development of the policy referred to in clause (2) of the preceding sentence, consultation with CDFW shall not be required but be performed pursuant to the policy. During Phase 3 all applications will be referred to CDFW.”

This mitigation measure was carried out by adding paragraph (A)(2) to Section 10A.17.100, as one of the steps that must occur before the issuance of a permit. The involvement of third-party inspectors was eliminated as part of a prior amendment to the ordinance, but this simply left inspections to County employees with no loss of effectiveness of the mitigation measure. Paragraph (A)(2) of Section 10A.17.100 is proposed for modification only to refer to a “CCBL” instead of a “Permit”; no substantive changes are made by the Amendments.

Mitigation Measure BIO-2 required the MCCR to be amended prior to adoption to require cultivators who were not otherwise required to maintain enrollment in North Coast Regional Water Quality Control Board Order No. 2015-0023 to adhere to the applicable “Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects” as presented in Appendix B of said Order. This mitigation measure was carried out by the addition of paragraph (G) to Section 10A.17.110 – Performance Standards.

The Amendments propose to move this paragraph to a new paragraph (I)(2) of Section 10A.17.070 – Requirements for All CCBLs, and to make minor administrative adjustments. It is proposed to add the phrase “or any superseding or substantially equivalent rule that may be subsequently adopted by the NCRWQCB, the County of Mendocino or other responsible agency” to the end of the existing sentence, to allow for the possibility that the 2015 rule may in fact be superseded or replaced. This additional language mirrors that of existing paragraph (I) of Section 10A.17.090 (which is being relocated with minor modification to a new paragraph (I)(1) of Section 10A.17.090) regarding enrollment in and compliance with the same NCRWQCB Order, “or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency.”

Under CEQA Guidelines Section 15162(a)(1), the requirement to prepare a subsequent or supplemental environmental document, as opposed to an addendum, is triggered only when a proposed change is substantial and would require “major revisions” to the previous environmental document. The change proposed by the Amendments is not a substantial change that requires major revisions to Mitigation Measure BIO-2. The change merely allows for the possibility that the Order referred to may be superseded in the future. Therefore, it is proposed to modify Mitigation Measure BIO-2 to read as follows:

BIO-2: Mendocino County shall amend the MCCR to require cultivators—not otherwise required to maintain enrollment in the Order—to adhere to the applicable “Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations

with Similar Environmental Effects” as presented in Appendix B of the Order, or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency.”

Mitigation Measure BIO-3 required the MCCR to be amended prior to adoption to require that any existing cultivation operation be restored in conjunction with an approved relocation during Phase 1, pursuant to a relocation plan with specified components. This mitigation measure was implemented by adding the relocation plan and restoration requirements to paragraph (B)(3) of Section 10A.17.080. No substantive changes are proposed to this paragraph by the Amendments; the only changes being made are changing all use of the word permit to CCBL.

Mitigation was also incorporated through Mitigation Measure HYD-1. Discussed in more detail below, this mitigation measure is not changed substantively by the Amendments.

The Biological Resources section of the MND also noted that the MCCR relies heavily on certain performance standards and on the standard conditions of the 2015 order of the NCRWQCB – these provisions have moved to Section 10A.17.070 but otherwise remain unchanged.

In conclusion, the Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the mitigation measures identified in the MND. As discussed in the MND, cannabis cultivation is occurring in an already degraded landscape. The MND required implementation of mitigation measures to ensure that a cultivation site would have a less than significant impact to sensitive species. Implementation of the MCCR as modified by the Amendments would not introduce new biological resource impacts or create more severe impacts than those analyzed in the MND. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect biological resources beyond the effects analyzed in the MND or require major revisions to the MND.

Minor modifications are proposed for Mitigation Measure BIO-2, but only to allow for the possibility that the Order referred to in the mitigation measure may be superseded, which should technically enhance the effectiveness of the mitigation measure.

## 6.5 Cultural Resources and Tribal Cultural Resources

The MND determined that the requirements of state law and local ordinances as described in the MND would apply to any activities carried out pursuant to the MCCR and provide adequate protection of resources and guidance to property owners and others in the event of unexpected or inadvertent discovery of resources during grading or similar activities. The MND determined that the majority of paleontological resources in the County were located in the Coastal Zone and therefore not affected by the MCCR and identified no unique geologic features. In complying with its AB 52 consultation requirements, the County reached out to twenty-two tribal entities and only heard from one tribe, which telephoned to reserve their comments. As such, no response was received to indicate that the MCCR would have an effect on tribal cultural resources. The MND determined that no significant effect would occur and required no mitigation measures.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same state and local laws or ordinances identified in the MND. The Amendments do not propose substantial changes to the MCCR that would affect cultural resources beyond the effects analyzed in the MND or require major revisions to the MND.

## 6.6 Geology and Soils

The MND determined that the MCCR would have a less than significant impact on geology and soils with the incorporation of mitigation measures. However, the only mitigation measure noted for geology and soils was implemented through Mitigation Measure BIO-2. As noted previously, Mitigation Measure BIO-2 remains a requirement within the MCCR, subject to minor changes that acknowledge the 2015 Order named in the measure may be superseded. The MND noted that implementation of relevant conditions and best management practices of the 2015 Order will occur under local oversight during permitting and inspections by County staff, in coordination with other state and local agencies including CDFW and NCRWQCB. Inspections will continue to be performed prior to CCBL issuance and the County will continue to coordinate with relevant agencies when required by the MCCR. The MND found that the risk to people or structures from seismic issues or landslides was minimized by the fact that cannabis cultivation is generally an agricultural land use and so risks to people or structures, as well as compliance with the California Building Code and the need for watershed assessments for certain cultivation sites. These issues and requirements are unchanged by the Amendments.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND as well as Mitigation Measure BIO-2. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect geology or soils beyond the effects analyzed in the MND or require major revisions to the MND.

## 6.7 Energy and Greenhouse Gas Emissions

The MND determined that the MCCR would have a less than significant impact on greenhouse gas emissions with the incorporation of mitigation measures. However, these mitigation measures were AIR-1 and BIO-3. As discussed previously, these mitigation measures remain requirements of the MCCR, though Mitigation Measure AIR-1 is recommended for revision as part of this Addendum. The portion of the ordinance implementing Mitigation Measure BIO-3 is subject only to minor terminology updates.

The MND reviewed requirements of the MCCR that were expected to reduce GHG impacts that would also reduce the likelihood of wasteful, inefficient or unnecessary consumption of energy resources, such as establishing maximum cultivation area sizes to limit the scale of potential emissions from individual operations, prohibiting the use of a generator as a primary source of power, and prohibiting new cultivation in zoning districts farthest from urban centers. The Amendments have not eliminated any of these requirements. The MND also found that existing regulations to improve transportation and building energy efficiency would reduce impacts, and noted that these regulations are likely to become more restrictive over time as opposed to less restrictive.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND as well as Mitigation Measures AIR-1 and BIO-3. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect energy or greenhouse gas emissions beyond the effects analyzed in the MND or require major revisions to the MND.

## 6.8 Hazards and Hazardous Materials; Wildfire

The MND determined that the MCCR would have a less than significant impact on hazards and hazardous materials with the incorporation of mitigation measures. Impacts were lessened by compliance with existing regulations and the NCRWQCB 2015 Order, and mitigation was incorporated through the implementation of BIO-2, which, as discussed above, remains a requirement within the

MCCR, subject to minor changes that acknowledge the 2015 Order named in the measure may be superseded. In addition, Mitigation Measure HAZ-1 required the MCCR to be modified prior to adoption to include a “Cortese List” database search results as part of the application materials for a cultivation site. If the site is listed on the “Cortese List” it must be demonstrated that the cultivation is in compliance and compatible with any cleanup and abatement order that is established for the site.

Implementation of HAZ-1 was through the addition of what is currently paragraph (X) of Section 10A.17.090. The Amendments propose to move this requirement to a new paragraph (E)(8), where it will be a part of the cultivation and operations plan to be submitted as part of an application. No substantive changes are made to the requirement.

In discussing hazards relating to wildland fires, the MND determined that the MCCR’s requirement for compliance with Public Resources Code Section 4290, building codes (in particular for electrical connections), and the best management practices incorporated by BIO-2, the MCCR would have a less than significant impact and likely make for an improvement over baseline conditions. For pre-existing cultivation sites eligible for a Phase 1 CCBL, these requirements will lessen fire risk or possible downslope or downstream flooding or landslides as a result of runoff, slope instability or drainage changes. In reviewing transportation issues, the MND noted that the allowable zones for new cannabis cultivation sites in Phase 2 and Phase 3 encourage more intense cultivation in areas served by existing public infrastructure; these phases also prohibit new cultivation sites in zoning districts more likely to be affected by wildfire – Rangeland, Forestland and Timberland Production.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND as well as Mitigation Measure BIO-2. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect hazards or hazardous materials beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.9 Hydrology and Water Quality

The MND determined that the MCCR would have a less than significant impact on hydrology and water quality with the incorporation of mitigation measures. Impacts were lessened by compliance with existing regulations and the NCRWQCB 2015 Order, and mitigation was incorporated through the implementation of BIO-2, which, as discussed above, remains a requirement within the MCCR, subject to minor changes that acknowledge the 2015 Order named in the measure may be superseded. In addition, the following two mitigation measures were added:

Mitigation Measure HYD-1 required the MCCR to be modified prior to adoption to require that the watershed assessment (already specified in Section 20.242.070) be an established “In Stream Flow Policy” as prepared by the State Water Resources Control Board Division of Water Rights, or an equivalent document approved by that agency. This mitigation measure was implemented by modifying paragraph (C)(1)(a) of Section 10A.17.080, which is specifically referred to by paragraph (B)(3)(d) of Section 10A.17.080, and referred to by paragraphs (C)(4) and (D)(4) of Section 20.242.070. No substantive changes are proposed by the Amendments related to this mitigation measure.

Mitigation Measure HYD-2 required the MCCR to be modified prior to adoption to require that a water availability analysis be completed prior to permit issuance for any new or relocated cultivation site outside of an AG district where an existing or new well is the proposed water source. The water availability analysis must address the adequacy of the proposed water supply, the direct effects on adjacent and surrounding water users, and possible cumulative adverse impacts of the development on the water supply within the watershed and show there is a sustained yield to support the proposed level of use. This mitigation measure was implemented by adding paragraph (C)(1)(b) to Section 10A.17.080, which

is specifically referred to by paragraph (B)(3)(d) of Section 10A.17.080. No changes are proposed by the Amendments related to this mitigation measure.

Reference was made in the MND that the ordinance required compliance with State Water Resources Control Board (“SWRCB”) Order 2009-0009-DWQ related to discharges of storm water associated with construction, though not as part of any mitigation measure. It is proposed to move this requirement to Section 10A.17.070 and update this reference by requiring that CCBL Holders comply with any superseding, substantially equivalent or additional rule adopted by the SWRCB or other responsible agency. This change merely clarifies that orders may be updated by the relevant agencies and is not a significant change.

The Ukiah Valley Basin Groundwater Sustainability Agency (“UVBGS”) adopted a Groundwater Sustainability Plan in December 2021, which identified Tier I projects and management actions, which are existing or ongoing projects, and Tier II projects, which are planned or potential future projects and management actions. Tier I projects all fall into the project type of supply augmentation and conjunctive use, water conservation projects, and water quality enhancement projects on specific properties within the Basin, none of which would be affected by the MCCR or the proposed Amendments. Tier II projects include a number of additional categories, including specific supply augmentation and aquifer recharge projects, and demand management and monitoring projects. Listed as in the planning phase is facilitation of alternative, lower evapotranspirative crops in the basin, to reduce total crop consumptive use. The GSP only calls for the creation of a project to develop and implement pilot studies with alternative crops, not presently identified. As this potential project is only in the planning phase, there is no conflict with or obstruction with the GSP by the MCCR or the Amendments. In addition, Phase One applicants/Permittees are a known cohort at this point in time and so will not increase in number by the time any such project is put into place by the UVBGS, and Phase Three applications not in the Agricultural zoning district remain subject to the requirements of paragraph (C) of Section 10A.17.080, which require a specific demonstration of adequate water to service the cultivation site, either through a will serve letter from a water provider, a watershed assessment if surface water (or groundwater influenced by surface water) is used, or a water availability analysis if groundwater is used. These measures will assist in keeping the MCCR consistent with the GSP by requiring additional evidence of sufficient water before Phase Three permits will be issued.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements and mitigation measures identified in the MND. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect hydrology and water quality beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.10 Land Use and Planning

The MND determined that the MCCR would have a less than significant impact on land use and planning with the incorporation of mitigation measures. Mitigation was incorporated through the implementation of Mitigation Measures AIR-1, BIO-1, BIO-2 and HYD-1. As discussed above, AIR-1 and BIO-2 remain requirements within the MCCR, subject to modifications as described. Mitigation Measures BIO-1 and HYD-1 are not substantively affected by the Amendments.

The Land Use and Planning section of the MND includes a table reviewing certain Mendocino County General Plan policies and showing how specified provisions of the MCCR or mitigation measures assist with implementation of those policies. Certain of the implementing project regulations state that the “application” is required to include certain documentation or information – for example, that the applicant has enrolled in and in compliance with a specified NCRWQCB Order or a copy of an applicant’s statement

of water diversion or other similar permit, license or registration. The Amendments retain a requirement that such enrollment have occurred, and copies of documents are no longer necessarily required to be submitted to the County as part of the application. This is intended to reduce the amount of paperwork to be submitted without eliminating the substantive requirement of the applicant. The County would still have the ability to request to see any required documentation, and if an applicant or CCBL Holder is not in compliance with a substantive requirement, the County has enforcement mechanisms available to it, including termination of the CCBL. These are non-substantive changes to the ordinance, and do not impact the consistency of the MCCR with the General Plan.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements and mitigation measures identified in the MND. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect land use and planning beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.11 Mineral Resources

The MND determined that the MCCR would no impact on mineral resources. The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements and mitigation measures identified in the MND. The Amendments do not propose substantial changes to the MCCR that would affect mineral resources beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.12 Noise

The MND determined that the MCCR would have a less than significant impact on noise based on the requirements of the MCCR itself, in particular that cultivation sites are required to operate in compliance with the noise level standards stated in the County's General Plan and be subject to specified setbacks from neighboring properties. The MND did note that acoustical studies would be required for certain projects, which appears to be a reference to a requirement for an acoustical study for certain generator usage. Requirements related to generators have generally been consolidated in Section 10A.17.070 and the requirement for an acoustical analysis remains, though instead of using an accredited acoustical engineer, it allows for the County to create a list of approved substitute mechanisms or devices that can measure noise from the generator. Advancements in technology since the development of the ordinance in 2016 have made it easier for reliable noise readings to be taken, whether from handheld sound level meters or even applications that can be downloaded on a phone. This provision of the ordinance also applies to cultivators using generators during a specified phase out period that is already well underway for most cultivators. This change will not have increase the impact to beyond a less than significant level.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect noise beyond the effects analyzed in the MND or require major revisions to the MND.



### 6.13 Population and Housing

The MND determined that the MCCR would have a less than significant impact on population and housing with mitigation incorporated through Mitigation Measure AG-1, which eliminated the requirement to establish a legal dwelling unit on parcels with a cultivation site in the AG, RL, TPZ and FL zoning districts. This mitigation measure is implemented through Section 10A.17.070(E) and is unchanged by the Amendments.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The zoning districts in which cultivation is allowed are unchanged. The Amendments do not propose substantial changes to the MCCR that would affect noise beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.14 Public Services

The MND determined that the MCCR would have a less than significant impact on public services, without mitigation measures. The MND noted that existing baseline conditions may have contributed to increased pressure of local fire and police services, sites participating in the MCCR should reduce the need for these services through compliance with MCCR requirements like having a security plan, compliance with applicable building codes and adherence to fire safety standards. These requirements are unchanged by the Amendments.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The Amendments do not propose substantial changes to the MCCR that would affect public services beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.15 Recreation

The MND determined that the MCCR would have a less than significant impact on recreation, without mitigation measures. The MND discussed that the MCCR would not increase the use of existing parks or recreational facilities such that they would deteriorate, as the MCCR will not induce substantial population growth either directly or indirectly, and the MCCR does not include the construction of any such facilities. The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The Amendments do not propose substantial changes to the MCCR that would affect recreation beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.16 Transportation/Traffic

The MND determined that the MCCR would have a less than significant impact on transportation and traffic, without mitigation measures. The MND noted that while traffic may increase to new cannabis cultivation operations, the allowable zones for new cannabis cultivation encouraged more intense cultivation in industrial zones during both Phase 2 and Phase 3 that are served by existing public infrastructure and transportation networks. New cannabis cultivation operations are also not permitted in the Rangeland, Forestland or Timberland Production zoning districts, which are generally located further from population centers. Similarly, Phase 1 cultivation sites are primarily located on parcels with pre-existing cultivation sites, with relocation opportunities limited to Rangeland parcels that had pre-existing cultivation sites or parcels eligible for a Phase 3 permit. These cultivation sites are generally

part of the baseline environmental condition. All roads to cannabis cultivation sites are also required to meet the requirements of Public Resources Section 4290 in regards to road standards, which was found to be an improvement to existing baseline conditions.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The Amendments do not propose substantial changes to the MCCR that would affect transportation or traffic beyond the effects analyzed in the MND or require major revisions to the MND. The Amendments do not change land use designations or permit development beyond that already analyzed in the MND.

### 6.17 Utilities and Service Systems

The MND determined that the MCCR would have a less than significant impact on utilities and service systems based on required compliance with existing regulations and with the implementation of Mitigation Measure UTIL-1. Mitigation Measure UTIL-1 required the MCCR to be amended prior to adoption to require the submittal of a will-serve letter for cultivation sites which receive or proposed to receive water and/or sewer from a community provider. This mitigation measure was implemented by the addition of what is currently paragraph (Y) of Section 10A.17.090. The Amendments propose moving this requirement to paragraph (E)(5) of Section 10A.17.090 (as part of the cultivation and operations plan), but make no substantive change to the language. The cultivation and operations plan also retains the requirement for a description of the legal water source for the cultivation site and projected water usage.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The Amendments do not change land use designations or permit development beyond that already analyzed in the MND. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect utilities and service systems beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.18 Mandatory Findings of Significance

The MND determined that the MCCR would have a less than significant impact on the topics covered by the mandatory findings of significance. The MND discussed that implementation of the MCCR, as amended by the mitigation measures of the MND, in concert with compliance with regional and State regulations, would reduce the environmental footprint of the cannabis industry in the County and generally enhance and not degrade the environment. The MND also noted that the existing County General Plan and Ukiah Valley Area Plan identified certain cumulative impacts but that both documents attributed the majority of the cumulative effects of implementation to the ongoing process of urbanization within the County and not due to the use of agricultural and rural parcels for cultivation, limiting the contribution of the operations authorized by the MCCR to already identified potentially considerable cumulative effects.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The Amendments do not change land use designations or permit development beyond that already analyzed in the MND. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect the mandatory findings of significance beyond the effects analyzed in the MND or require major revisions to the MND.



**Exhibit A - Ordinance Change Table**

<b><u>Original Code Section and Paragraph</u></b>	<b><u>Proposed Code Section and Paragraph</u> <b>(or if deleted, reason for deletion)</b></b>
10A.17.090, Fourth Paragraph: MCAQMD Consultation (MM AIR-1)	10A.17.070(U)
10A.17.090(C): Evidence of 21 years of age and older	Bus. & Prof. Code Section 26140
10A.17.090(D): Site Plan	10A.17.090(C)
10A.17.090(E): Phase One Application Proof of Prior Cultivation	10A.17.090(D)
10A.17.090(F): Cultivation and operations plan	10A.17.090(E)
10A.17.090(G): Copy of water diversion statement of other document filed with Division of Water Rights	10A.17.070(H)
10A.17.090(H): Irrigation plan and legal water source description	10A.17.090(E)(4)
10A.17.090(I): Copy of notice of intent and other documents filed with NCRWQCB	10A.17.070(I)(1)
10A.17.090(J): CDFW and Section 1602 compliance	10A.17.070(J)
10A.17.090(K): Well as water source	10A.17.090(E)(4)
10A.17.090(L): driver's license requirement	Bus. & Prof. Code Section 26140
10A.17.090(M): Criminal background check	Bus. & Prof. Code Section 26051.5(a)(1)
10.17.090(N): Security plan	10A.17.090(E)(6)
10A.17.090(O): Corporation/partnership information	Can be asked for as part of application process, if needed
10A.17.090(P): Intentionally omitted	Due to number of changes, has been reused
10A.17.090(Q): BOE Seller's Permit	Bus. & Prof. Code Section 26051.5(a)(6)

<b><u>Original Code Section and Paragraph</u></b>	<b><u>Proposed Code Section and Paragraph</u> <b>(or if deleted, reason for deletion)</b></b>
10A.17.090(R): Written consent for on-site inspections	10A.17.090(F)
10A.17.090(S): Electrical power source for indoor cultivation facilities; handling of waste discharge	10A.17.090(E)(1) and (7)
10A.17.090(T): Tree removal	10A.17.070(W)
10A.17.090(U): PRC 4290 compliance	10A.17.070(V)
10A.17.090(V): Clean Water Act permits	10A.17.070(K)
10A.17.090(W): Disturbance of 1 or more acres of soil to comply with SWRCB Order 2009-0009 DWQ	10A.17.070(L)
10A.17.090(X): Cortese List (MM HAZ-1)	10A.17.090(E)(8)
10A.17.090(Y): Water and sewer provider will-serve letters (MM UTIL-1)	10A.17.090(E)(5)
10A.17.100(E): Track & Trace	General compliance with State Track & Trace mandated by 10A.17.070(G)
10A.17.110(A): Cultivation as shown on site plan	10A.17.070(S)
10A.17.110(B): Comply with State licensing requirements	10A.17.070(M)
10A.17.110(C): Track & Trace Requirement	General compliance with State Track & Trace mandated by 10A.17.070(G)
10A.17.110(D): Division of Water Rights compliance	10A.17.070(H)
10A.17.110(E): Generator requirements	10A.17.070(F)
10A.17.110(F): Establish and maintain NCRWQCB enrollment	10A.17.070(I)(1)
10A.17.110(G): If enrollment with NCRWQCB not required, comply with BMPs (MM BIO-2)	10A.17.070(I)(2)
10A.17.110(H): Comply with CalFire defensible space requirements	10A.17.070(N)
10A.17.110(I): Comply with terms of CDFW streambed alteration permit	10A.17.070(J)

<b><u>Original Code Section and Paragraph</u></b>	<b><u>Proposed Code Section and Paragraph</u> <b>(or if deleted, reason for deletion)</b></b>
10A.17.110(J): Comply with weighing and measuring standards	10A.17.070(O)
10A.17.110(K): Consent to inspections	10A.17.070(F)
10A.17.110(L): dog/pet requirements	10A.17.070(Y)(3)
10A.17.110(M): Artificial light and filtered ventilation standards (MM AIR-2)	10A.17.070(P)
10A.17.110(N): Pesticide use regulations	10A.17.070(Q)
10A.17.110(O): Fuel storage	10A.17.090(E)(2) and (3)
10A.17.110(P): No disturbance to create area for propagation of starts	10A.17.060, first paragraph
10A.17.110(Q): Comply with conditions of any AP, UP or remediation plan	10A.17.090(T)

**Amended Mitigation Monitoring and Reporting  
Program County of Mendocino  
Mendocino Cannabis Cultivation Regulation (MCCR)**

**Attachment B**

Impact	Mitigation Measure <sup>1</sup>	Implementation Responsibility	Monitoring/ Reporting Responsibility	Timing	Applies to Phase			Proposed MCCR Code Section where Mitigation is Incorporated <sup>2</sup>
					1	2	3	
Aesthetics	<b>AES-1:</b> Mendocino County shall modify the MCCO prior to its adoption by the Board of Supervisors to require that all structures used for mixed-light cultivation shall be constructed or retrofitted in a manner so as to fully contain any light or light glare involved in the cultivation process. Security lighting shall be motion activated and fully shielded.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.040(E)
Agriculture and Forestry Resources	<b>AG-1:</b> Mendocino County shall modify the MCCO prior to its adoption by the Board of Supervisors to remove the requirement for a legal dwelling unit on all parcels which receive a CCBL in the AG, RL, FL and TPZ Districts.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓		✓	10A.17.070(E)
	<b>AG-2:</b> Mendocino County shall modify Zoning Chapter 20.242 prior to its adoption by the Board of Supervisors to prohibit new CCBL's in the RL Zoning District.	County of Mendocino	County of Mendocino	Prior to issuing CCBL's	✓*		✓	20.242.060, Table 2
	<b>AG-3:</b> Mendocino County shall prohibit the issuance of CCBL's on lands currently enrolled in the Williamson Act until the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts have been amended to address cannabis cultivation.	County of Mendocino	County of Mendocino	Prior to issuing CCBL's on Williamson Act lands	✓		✓	This does not require a change to the MCCR
	<b>AG-4:</b> Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to prohibit removal of any commercial tree species as defined by California Code of Regulations Section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any oak species (Quercus spp. or Tan Oak (Notholithocarpus) for the purposes of developing a cannabis cultivation site.	County of Mendocino	County of Mendocino	Upon adoption of the MCCR	✓*		✓	10A.17.040(K)
Air Quality	<b>AIR-1:</b> Mendocino County shall amend the proposed MCCR to provide that CCBL Holders shall obtain as may be required all approvals and permits required by the Mendocino County Air Quality Management District (MCAQMD) pursuant to state and federal laws, MCAQMD regulations, adopted air quality plans, MCAQMD policies and other applicable statutes.	County of Mendocino	County of Mendocino/ MCAQMD	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.070(U)

<sup>1</sup> Modifications made to update provisions pursuant to the Addendum approved on 5/22/23 and update terminology.

<sup>2</sup> Section references are updated to reflect modifications made to ordinance sections by various amendments to the MCCR.

\*In Phase 1, these mitigation measures are limited to new disturbance, non-contiguous expansion of existing sites, and relocated sites.

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					1	2	3	
<b>Air Quality</b>	<b>AIR-2:</b> Mendocino County shall modify the MCCO prior to its adoption by the Board of Supervisors to require that all buildings, including greenhouses, used for the cultivation of medical cannabis pursuant to an "artificial light" CCBL (generally Type C-A, Type 1-A, Type 2-A and Nursery as applicable) shall be equipped with filtered ventilation systems, permitted by the MCAQMD which rely on Activated Carbon Filtration, Negative Ion Generation, Ozone Generation or other odor control mechanism demonstrated to be effective in reducing cannabis odors.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.070(P)
<b>Biological Resources</b>	<b>BIO-1:</b> Mendocino County shall amend the MCCR to require qualified County staff to review proposed CCBL locations and identify where habitat suitable for sensitive species may exist. The County shall consult with CDFW prior to the issuance of a CCBL to evaluate if there is a possibility for presence of sensitive species. Upon consultation, CDFW may recommend approval of the proposed development, ask to conduct a site inspection or request additional studies in order to make the determination that no impacts to sensitive species will occur. A cultivator that cannot demonstrate that there will be a less than significant impact to sensitive species will not be issued a CCBL. The County shall develop a policy in consultation with CDFW to define an objective set of criteria that applications can be checked against and when during Phases 1 and 2 a formal referral to CDFW is required to avoid impacts to sensitive species and natural communities. Following the development of the policy referred to in clause (2) of the preceding sentence, consultation with CDFW shall not be required but be performed pursuant to the policy. During Phase 3 all applications will be referred to CDFW. <sup>3</sup>	County of Mendocino	County of Mendocino/ CDFW	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.100(A)(2)

<sup>3</sup> Reflects modifications made by Ordinance No. 4392, adopted on August 29,2017, with an addendum adopted by Resolution No. 17-123 on August 22, 2017.

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Amended Mitigation Monitoring and Reporting  
Program County of Mendocino  
Mendocino Cannabis Cultivation Regulation (MCCR)

Attachment B

Impact	Mitigation Measure	Implementation Responsibility	Monitoring/ Reporting Responsibility	Timing	Applies to Phase			Proposed MCCR Code Section where Mitigation is Incorporated
					1	2	3	
Biological Resources	BIO-2: Mendocino County shall modify the MCCO prior to its adoption by the Board of Supervisors to require cultivators, not otherwise required to maintain enrollment in the Water Board Order, to adhere to the applicable "Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects" as presented in Appendix B of the Water Board Order, or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.070(1)(2)
Biological Resources (cont.)	BIO-3: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require that any existing cultivation operation be restored in conjunction with an approved on-site or off-site relocation during Phase 1. The applicant shall include a restoration plan, consistent with the standard conditions and BMPs listed in the Order, with the application for any CCBL for which relocation of an existing operation is proposed. The restoration plan shall include the following: 1. Remove or repurpose buildings, greenhouses, fences, irrigation equipment, water intakes, pumps, storage tanks and other materials brought to the site for the purpose of cannabis cultivation; 2. Remove illegal dams, ponds or other in-stream water storage to restore natural stream flows; 3. Remove or compost agricultural wastes; 4. Remove trash and other debris; and 5. Re-vegetate cleared areas with native plants typical of nearby natural areas, including groundcover, shrubs and trees.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓			10A17.080.(B)(3)
	See Mitigation Measure HYD-1.							
Cultural Resources	No mitigation required.							
Geology and Soils	See Mitigation Measure BIO-2.							
Greenhouse Gases	See Mitigation Measures AIR-1 and BIO-3.							
	See Mitigation Measure BIO-2 and HAZ-1.							

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					1	2	3	
<b>Hazards and Hazardous Materials</b>	Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to include a "Cortese List" database search results as part of the application materials for a cultivation site. If the site is listed on the "Cortese List" it must be demonstrated that the cultivation is in compliance and compatible with any cleanup and or abatement order that is established for the site. Currently Cortese List database searches can be run by accessing <a href="http://www.calepa.ca.gov/SiteCleanup/CorteseList/">http://www.calepa.ca.gov/SiteCleanup/CorteseList/</a>	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.090(E)(8)
<b>Hydrology and Water Quality</b>	<b>HYD-1:</b> Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require that the watershed assessment be an established "In Stream Flow Policy" as prepared by the State Water Resources Control Board Division of Water Rights or an equivalent document approved by that agency.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR			✓	10A.17.080(C)(1)
	<b>HYD-2:</b> Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require that a water availability analysis be completed prior to CCBL issuance for any new or relocated cultivation site outside of an AG district where an existing or new well is the proposed water source. The water availability analysis must address the adequacy of the proposed water supply, the direct effects on adjacent and surrounding water users, and possible cumulative adverse impacts of the development on the water supply within the watershed and show there is a sustained yield to support the proposed level of use.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.080(C)(1)
	See Mitigation Measure BIO-2.							
<b>Land Use and Planning</b>	See Mitigation Measures AIR-1, BIO-1, BIO-2, and HYD-1.							
<b>Mineral Resources</b>	No mitigation required.							
<b>Noise</b>	No mitigation required.							

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Amended Mitigation Monitoring and Reporting  
 Program County of Mendocino  
 Mendocino Cannabis Cultivation Regulation (MCCR)

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					1	2	3	
Population and Housing	See Mitigation Measure AG-1.							
Public Services	No mitigation required.							
Recreation	No mitigation required.							
Transportation	No mitigation required.							
Utilities and Service Systems	UTIL-1: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require the submittal of a will-serve letter for cultivation sites which receive or propose to receive water and or sewer from a community provider.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.090(E)(5)
Mandatory Findings of Significance	No mitigation required.							

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~~Proposed-Amended~~ Mitigation Monitoring and Reporting Program County of Mendocino  
Mendocino ~~County-Medical~~ Cannabis Cultivation Regulation (MCCR)

Attachment B

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					1	2	3	
Aesthetics	<b>AES-1:</b> Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require that all structures used for mixed-light cultivation shall be constructed or retrofitted in a manner so as to fully contain any light or light glare involved in the cultivation process. Security lighting shall be motion activated and fully shielded.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.040( <del>DE</del> )
Agriculture and Forestry Resources	<b>AG-1:</b> Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to remove the requirement for a legal dwelling unit on all parcels which receive a <del>cultivation permit-CCBL</del> in the AG, RL, FL and TPZ Districts.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓		✓	10A.17.070(E)
	<b>AG-2:</b> Mendocino County shall modify Zoning Chapter 20.242 prior to its adoption by the Board of Supervisors to prohibit new <del>medical-cannabis-cultivation-permitsCCBL's</del> in the RL Zoning District.	County of Mendocino	County of Mendocino	Prior to issuing <del>Cultivation-PermitsCCBL's</del>	✓*		✓	20.242.060, Table 2
	<b>AG-3:</b> Mendocino County shall prohibit the issuance of <del>cultivation-permitsCCBL's</del> on lands currently enrolled in the Williamson Act until the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts have been amended to address cannabis cultivation.	County of Mendocino	County of Mendocino	Prior to issuing <del>Cultivation-PermitsCCBL's</del> on Williamson Act lands	✓		✓	This does not require a change to the MCCR
	<b>AG-4:</b> Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to prohibit removal of any commercial tree species as defined by California Code of Regulations Section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any oak species (Quercus spp. or Tan Oak (Notholithocarpus) for the purposes of developing a cannabis cultivation site.	County of Mendocino	County of Mendocino	Upon adoption of the MCCR	✓*		✓	10A.17.040( <del>HK</del> )
Air Quality	<b>AIR-1:</b> Mendocino County shall amend the proposed MCCR to <del>include a requirement that the County consult with the provide that CCBL Holders shall obtain as may be required all approvals and permits required by the Mendocino County Air Quality Management District (MCAQMD) prior to the issuance of any Cultivation Permit to determine if a permit or other approval by the MCAQMD is necessary. Applicants shall obtain all approvals and permits required by the MCAQMD pursuant to state and federal laws, MCAQMD regulations, adopted air quality plans, MCAQMD policies and other applicable statutes prior to the issuance of a permit. The required consultation with MCAQMD may be eliminated if MCAQMD authorizes the County to determine when a permit or other approval by MCAQMD is necessary based on an objective set of criteria developed by MCAQMD for such purposes.</del>	County of Mendocino	County of Mendocino/ MCAQMD	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.099070( <del>U</del> )

<sup>1</sup> Modifications made to update provisions pursuant to the Addendum approved on 5/22/23 and update terminology.

<sup>2</sup> Section references are updated to reflect modifications made to ordinance sections by various amendments to the MCCR.

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Mendocino ~~County-Medical~~ Cannabis Cultivation Regulation (MCCR)

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Air Quality	AIR-2: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require that all buildings, including greenhouses, used for the cultivation of medical cannabis pursuant to an "artificial light" <del>permit-CCBL</del> (generally Type C-A, Type 1-A, Type 2-A and Nursery as applicable) shall be equipped with filtered ventilation systems, permitted by the MCAQMD which rely on Activated Carbon Filtration, Negative Ion Generation, Ozone Generation or other odor control mechanism demonstrated to be effective in reducing cannabis odors.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10-A.17.110(M)070(B)
Biological Resources	BIO-1: Mendocino County shall amend the MCCR to require qualified County staff <del>and/or qualified third party inspectors</del> to review proposed <del>permit-CCBL</del> locations and identify where habitat suitable for sensitive species may exist. The County shall consult with CDFW prior to the issuance of a <del>Cultivation Permit</del> CCBL to evaluate if there is a possibility for presence of sensitive species. Upon consultation, CDFW may recommend approval of the proposed development, ask to conduct a site inspection or request additional studies in order to make the determination that no impacts to sensitive species will occur. A cultivator that cannot demonstrate that there will be a less than significant impact to sensitive species will not be issued a <del>Cultivation Permit</del> CCBL. The County shall develop <del>policies-a policy</del> in consultation with CDFW to <del>(1) determine required qualifications of third party inspectors and (2) define an objective set of criteria that applications can be checked against and when during Phases 1 and 2 a formal referral to CDFW is required to avoid impacts to sensitive species and natural communities. Following the development of the policy referred to in clause (2) of the preceding sentence, consultation with CDFW shall not be required but be performed pursuant to the policy. During Phase 3 all applications will be referred to CDFW.</del> <sup>3</sup>	County of Mendocino	County of Mendocino/ CDFW	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.100(B)A)(2)

<sup>3</sup> Reflects modifications made by Ordinance No. 4392, adopted on August 29, 2017, with an addendum adopted by Resolution No. 17-123 on August 22, 2017.

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Biological Resources	BIO-2: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require cultivators, not otherwise required to maintain enrollment in the Water Board Order, to adhere to the applicable "Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects" as presented in Appendix B of the Water Board Order, <u>or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency.</u>	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.110(G)070(I)(2)
Biological Resources (cont.)	BIO-3: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require that any existing cultivation operation be restored in conjunction with an approved on-site or off-site relocation during Phase 1. The applicant shall include a restoration plan, consistent with the standard conditions and BMPs listed in the Order, with the application for any <u>permit-CCBL</u> for which relocation of an existing operation is proposed. The restoration plan shall include the following: 1. Remove or repurpose buildings, greenhouses, fences, irrigation equipment, water intakes, pumps, storage tanks and other materials brought to the site for the purpose of cannabis cultivation; 2. Remove illegal dams, ponds or other in-stream water storage to restore natural stream flows; 3. Remove or compost agricultural wastes; 4. Remove trash and other debris; and 5. Re-vegetate cleared areas with native plants typical of nearby natural areas, including groundcover, shrubs and trees.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓			10A17.080.(B)(3)
	See Mitigation Measure HYD-1.							
Cultural Resources	No mitigation required.							
Geology and Soils	See Mitigation Measure BIO-2.							
Greenhouse Gases	See Mitigation Measures AIR-1 and BIO-3.							
	See Mitigation Measure BIO-2 and HAZ-1.							

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					1	2	3	
Hazards and Hazardous Materials	Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to include a "Cortese List" database search results as part of the application materials for a cultivation site. If the site is listed on the "Cortese List" it must be demonstrated that the cultivation is in compliance and compatible with any cleanup and or abatement order that is established for the site. Currently Cortese List database searches can be run by accessing <a href="http://www.calepa.ca.gov/SiteCleanup/CorteseList/">http://www.calepa.ca.gov/SiteCleanup/CorteseList/</a>	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.090 <del>(A)</del> (E)(8)
Hydrology and Water Quality	HYD-1: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require that the watershed assessment be an established "In Stream Flow Policy" as prepared by the State Water Resources Control Board Division of Water Rights or an equivalent document approved by that agency.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR			✓	10A.17.080(C)(1)
	HYD-2: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require that a water availability analysis be completed prior to <del>permit-CCBL</del> issuance for any new or relocated cultivation site outside of an AG district where an existing or new well is the proposed water source. The water availability analysis must address the adequacy of the proposed water supply, the direct effects on adjacent and surrounding water users, and possible cumulative adverse impacts of the development on the water supply within the watershed and show there is a sustained yield to support the proposed level of use.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.080(C)(1)
	See Mitigation Measure BIO-2.							
Land Use and Planning	See Mitigation Measures AIR-1, BIO-1, BIO-2, and HYD-1.							
Mineral Resources	No mitigation required.							
Noise	No mitigation required.							

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					1	2	3	
Population and Housing	See Mitigation Measure AG-1.							
Public Services	No mitigation required.							
Recreation	No mitigation required.							
Transportation	No mitigation required.							
Utilities and Service Systems	UTIL-1: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require the submittal of a will-serve letter for cultivation sites which receive or propose to receive water and or sewer from a community provider.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.090 <del>(F)(E)(5)</del>
Mandatory Findings of Significance	No mitigation required.							

\*In Phase 1, these mitigation measures are limited to new disturbance, non-contiguous expansion of existing sites, and relocated sites.



## **SUMMARY**

### **URGENCY ORDINANCE AMENDING CHAPTER 10A.17 – MENDOCINO CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 – CANNABIS CULTIVATION SITES TO STREAMLINE CANNABIS CULTIVATION PERMITTING PROCESSES**

This Ordinance is amending Chapters 10A.17 and 20.242 of the Mendocino County Code streamlining the current cannabis cultivation permitting process while maintaining existing environmental protection measures.