

Resolution Number PC 2017-0001

County of Mendocino
Ukiah, California
January 19, 2017

OA_2016-003

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING PROPOSED AMENDMENTS TO THE MENDOCINO COUNTY CODE TO ADD CHAPTER 10A.17 – MEDICAL CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 – MEDICAL CANNABIS CULTIVATION SITE REGULATION OF THE MENDOCINO COUNTY INLAND ZONING ORDINANCE

WHEREAS, the County of Mendocino desires to regulate the cultivation of medical cannabis within the unincorporated areas of Mendocino County in a manner consistent with current State law, including the Medical Cannabis Regulation and Safety Act (“MCRSA”); and

WHEREAS, County staff has, under the direction of the Board of Supervisors of Mendocino County, prepared draft regulations in the form of two (2) proposed new chapters of the Mendocino County Code: Chapter 10A.17- Medical Cannabis Cultivation Ordinance and Chapter 20.242 - Medical Cannabis Cultivation Site Regulation of the Mendocino County Inland Zoning Ordinance, which chapters are together known as the Medical Cannabis Cultivation Regulation or “MCCR”; and

WHEREAS, an Initial Study was prepared for the MCCR and noticed and made available for agency and public review on November 9, 2016 (SCH# 2016112028), and subsequently recirculated on December 5, 2016, in accordance with the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; “CEQA”) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public meeting on December 1, 2016, to solicit public comments on the proposed MCCR, and subsequently held a public hearing on December 15, 2016, which it continued to January 19, 2017, at which times the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Initial Study and the MCCR. All interested persons were given an opportunity to hear and be heard regarding the Initial Study and the MCCR; and

WHEREAS, pursuant to Government Code section 65850 *et seq.*, the Planning Commission is to provide its report and recommendation to the Board of Supervisors on ordinances related to land use regulation; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Planning Commission regarding the Initial Study and the MCCR.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based on the evidence in the record, makes the following report and recommendation to the Mendocino County Board of Supervisors regarding the MCCR and the Initial Study related thereto:

1. The Planning Commission recommends that the Board of Supervisors consider the adoption of the Initial Study and Mitigated Negative Declaration prepared for the MCCR in the form attached to this resolution as Exhibit A, with the following changes:

A. Revise Mitigation Measure AES-1 as follows:

AES-1: 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.

B. Remove Mitigation Measure AIR-2, Prohibition on burning excess plant materials, as this mitigation measure can be addressed through already existing limitations on burn days and through the incorporation of AIR-1 requiring a referral to the Mendocino County Air Quality Management District.

C. Reword Mitigation Measure BIO-1 as follows:

BIO-1: Mendocino County shall amend the MCCR to require referral of Permit to CDFW for each proposed cultivation site. Upon referral, CDFW may recommend approval of the proposed development, ask to be included in the pre-permit site inspection (Ordinance Section 10A.17.100(B) or request additional studies in order to make the determination that no impacts to sensitive species will occur. If it is determined that a sensitive species could occur, the required cultivation and operations plan shall be revised to incorporate measures to protect sensitive species to the satisfaction of CDFW or if impacts cannot be avoided, another location must be selected for cultivation. A cultivator that cannot demonstrate to the satisfaction of CDFW that there will be a less than significant impact to sensitive species will not be issued a cultivation permit. The County may eliminate this requirement at such time CDFW authorizes the County to perform this function based on available mapping and training of Agricultural Commissioner's staff and the qualifications of third party inspectors to identify sensitive species habitat. CDFW will remain involved when a sensitive resource is identified.

D. Make the following clarifying changes to paragraphs 1 and 2 of the Aesthetics a) and c) section on page 30 of the Initial Study:

... Per Section 10A.17.040(A)(4) of the proposed MCCR, cultivation plants will not be visible from public roads or publicly traveled private roads. Scenic vistas will not be affected from the most typical vantage points.

Although there is a requirement that , cannabis plants may not be visible from a public road or publicly traveled private road, changes in the landscape may be visible as a result of the relocation or expansion of existing cultivation sites under Phase 1 implementation, or the installation of new cultivation sites under Phase 3 implementation. Potentially visible features may include new structures, fencing, limited vegetation removal, and grading for roadway or site development. Per Policy DE-85 of Chapter 3: Development Element of the Mendocino County General Plan related to *Community Character Policies*, "Viewshed preservation shall be considered when development is located in a highly scenic environment, adjacent to or atop a ridgeline or hill, and in similar settings."

E. Revise Tables 1 and 2 (pages 2 and 6, respectively) in the proposed Medical Cannabis Cultivation Site Regulation (20.242) and Tables 3 and 4 on Page 21 of the Initial Study to eliminate medium outdoor cultivation permits in I1 and I2 zoning districts .

F. Revise the Air Quality d), e) section on page 44 of the Initial Study as follows: (1) delete the words "during the flowering phase" from the end of the first sentence of the first paragraph; and (2) delete the second paragraph of this section.

2. The Planning Commission recommends that the Board of Supervisors consider revising the Mendocino County Policies and Procedures for Agricultural Preserves and Williamson Act Contracts as shown in the form attached to this resolution as Exhibit B.

3. The Planning Commission recommends that the Board of Supervisors consider the adoption of an ordinance adopting the Medical Cannabis Cultivation Regulation ("MCCR") in the form attached to this resolution as Exhibit C, with the following recommended changes:

A. Revise the MCCR pursuant to the mitigation measures of the Initial Study.

B. Section 20.242.040.A)2 should be amended as follows:

Each legal parcel may have only one or more medical cannabis cultivation location(s) established on the legal parcel where the cultivation of medical cannabis is occurring, either for personal use or any other use allowed by this Chapter or Chapter 10A.17.

In addition, Chapter 20.242 should be reviewed to change the singular word "site" to "legal parcel" or "cultivation area," depending on the location, in order to clarify that the intent of the MCCR is to allow multiple cultivation sites on each legal parcel so long as the total area cultivated does not exceed the maximum allowed for the zone and permit type issued.

C. The following sentence should be added to the definition of "Cultivation site" in section 10A.17.020: "One or more areas of cannabis cultivation may exist on the legal parcel used for that purpose."

D. Revise Table 1 in section 20.242.050 and Table 2 in section 20.242.070 to eliminate medium outdoor cultivation permits in I1 and I2 zoning districts.

4. The Planning Commission further recommends that the Board of Supervisors consider the following additional changes to the MCCR:

A. Eliminate the dwelling unit requirement of section 10A.17.080 for parcels in the UR zoning district and to allow new cultivation permits in this zoning district, consistent with any future oak woodland protection ordinance or grading ordinance.

B. Allow an exception to the dwelling unit requirement of section 10A.17.080 for legal, conforming parcels in the RR-5 and RR-10 zoning districts upon the issuance of an administrative permit. The required findings for the administrative permit are outlined in section 20.242.080 C), with a special additional finding required that for any cultivation site proposed without a residence on the same legal parcel, the applicant shall demonstrate that the cultivation site and any associated infrastructure (roads, buildings, water storage, etc.) does not preclude the development of the site with a residence in the future. For parcels that will need on-site sewage disposal systems to be developed this may require the identification of a primary and reserve leach field to be identified in order to issue the administrative permit.

C. Allow cultivation permits for existing cultivation sites in all residential zoning districts, but provide a sunset period of 2 years, after which the cultivator must relocate to a new cultivation site. Not allow cultivation permits for new cultivation sites in the RR-2 zoning district. Consider creating a community-based exemption process from these requirements for certain areas of the County or developing community-based plans that allow for cultivation in residential zoning districts.

D. Require adoption of an oak woodland protection ordinance and an expanded grading ordinance prior to issuing new cultivation permits starting January 1, 2020.

E. Require all permit applicants and permittees to obtain a grading permit pursuant to Chapter 18.70 where required by Chapter 18.70.

F. Prior to adoption of an oak woodland protection ordinance, the County shall not approve any cannabis cultivation permit under which any oak tree species would be cut down or otherwise harmed.

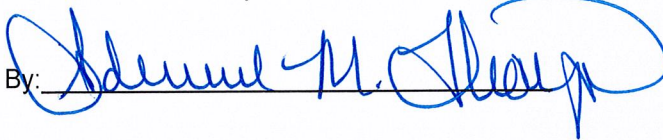
G. Create a general requirement that agencies being referred cultivation permit applications from the Department of Agriculture respond within 30 days for comments to be considered.

H. Provide funding for vigorous enforcement of the County's ordinances regarding cannabis cultivation.

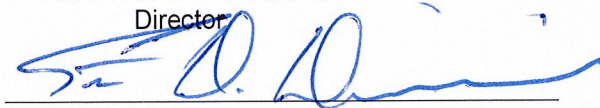
I. Consider future amendments to the cultivation ordinance to allow cultivation with limits in Rangeland, TPZ and Forestland zoning districts.

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

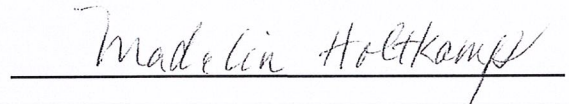
ATTEST: ADRIENNE M. THOMPSON
Secretary to the Planning Commission

By: 

BY: STEVEN D. DUNNICLIFF
Director



MADELIN HOLTKAMP Chair
Mendocino County Planning Commission



**PUBLIC DRAFT
INITIAL STUDY and ENVIRONMENTAL CHECKLIST**

FOR

**MENDOCINO COUNTY
MEDICAL CANNABIS CULTIVATION REGULATION**

AMENDING THE MENDOCINO COUNTY CODE TO ADD CHAPTER 10A.17,
MEDICAL CANNABIS CULTIVATION REGULATION, TO TITLE 10A AGRICULTURE
CODE, AND TO ADD CHAPTER 20.242, MEDICAL CANNABIS CULTIVATION SITE, TO
TITLE 20, DIVISION I, ZONING CODE.

November 7, 2016

**Lead Agency:
County of Mendocino**

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LACO Project No. 7746.12

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EXHIBIT A

November 7, 2016

*Public Review Draft CEQA Initial Study
Mendocino County Medical Cannabis Cultivation Regulation*

I. PROJECT SUMMARY

Date: November 7, 2016

Project Title: Mendocino County Medical Cannabis Cultivation Regulation

Lead Agency: County of Mendocino

Contact: Andy Gustavson, Chief Planner
Mendocino County Planning and Building Services
860 North Bush Street, Ukiah, CA 95482
(707) 234-6650

Location: Mendocino County

Coastal Zone: No

Affected Parcel(s): Mendocino County

Mendocino County General Plan Land Use Designation: Regulations affect all General Plan Land Use Classifications.

Mendocino County Zoning Designation: Regulations affect all Zoning Districts.

Anticipated Permits and Approvals: Mendocino County Board of Supervisors adoption of proposed Medical Cannabis Cultivation Regulation and County issuance of cultivation permits pursuant to the proposed Medical Cannabis Cultivation Regulation.

CEQA Requirement:

The Lead Agency is Mendocino County. The purpose of this Initial Study (IS) is to provide a basis for determining whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration for the Mendocino County Medical Cannabis Regulation. The proposed project is subject to the requirements of the California Environmental Quality Act (CEQA). This IS is intended to satisfy the requirements of CEQA (Public Resources Code, Div 13, Sec 21000-21177) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sec 15000-15387). CEQA encourages lead agencies and applicants to modify their projects to avoid significant adverse impacts (CEQA Section 20180(c) (2) and State CEQA Guidelines Section 15070(b) (2)).

Section 15063(d) of the State CEQA Guidelines states that an IS shall contain the following information in brief form:

- 1) A description of the project including the project location;
- 2) Identification of the environmental setting;
- 3) Identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist—or other form—are briefly explained to provide evidence to support the entries;
- 4) Discussion of means to mitigate significant effects identified, if any;

EXHIBIT A

November 7, 2016

*Public Review Draft CEQA Initial Study
Mendocino County Medical Cannabis Cultivation Regulation*

- 5) Examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls; and
- 6) The name of the person or persons who prepared and/or participated in the Initial Study.

II. PROJECT DESCRIPTION

INTRODUCTION

The Mendocino County Board of Supervisors intends to adopt the Medical Cannabis Cultivation Regulation (MCCR), a comprehensive ordinance regulating the cultivation of medical cannabis. The MCCR will consist of two chapters of the Mendocino County Code, specifically Chapter 10A.17- Medical Cannabis Cultivation Ordinance (MCCO) of the Mendocino County Code, which is administered by the Agricultural Commissioner's Office and Chapter 20.242 Medical Cannabis Cultivation Site, of the Mendocino County Zoning Ordinance Inland (Zoning), administered through Planning and Building Services (see Attachment A). The MCCR is the local complement to a variety of actions currently being taken by the State of California to provide a legal framework for the medical cannabis industry (see Regulatory Setting Section, below).

In brief, MCCR includes provisions to establish a comprehensive local ordinance generally including (but not limited to) the following:

- 1) The phased review and permitting of medical cannabis operations:
 - a. Phase 1 consists of the review and permitting of eligible operations in existence as of January 1, 2016 and extends from adoption of the ordinance to January 1, 2018,
 - b. Phase 2 extends from January 1, 2018 to January 1, 2020 and consists of the review and permitting of new medical cannabis operations, restricted to Type 1A and Type 2A permit types, which are applications for indoor cultivation using only artificial light, with a maximum growing area of 5,000 square feet (Type 1A) or 10,000 square feet (Type 2A), that will only be allowed in Industrial zoning districts, and
 - c. Phase 3 begins on January 1, 2020 and consists of the review of all types of cultivation applications which will only be allowed in Agricultural zoning districts and—with a completed watershed assessment—in Rural Residential, Upland Residential, and Rangeland zoning districts;
- 2) Appropriate locations for the cultivation of medical cannabis at a variety of intensities and in a variety of growing conditions;
- 3) Appropriate County entitlements and permitting for the cultivation of medical cannabis in a variety of intensities and methodologies;
- 4) Track and Trace requirements for permitting medical cannabis (from seed to sale) and zip tie confirmation for plants grown under the personal use and primary caregiver exemptions;
- 5) The application and review process for cultivation and other related permits;
- 6) Performance standards regarding the cultivation of medical cannabis including licensing requirements, requirements to comply with State regulations, water quality requirements, support limitations on pesticide use, handling and storage of hazardous materials, and inspection mechanisms;
- 7) Establishment of a "third party" inspection process to monitor ongoing compliance;
- 8) Establishment of an enforcement mechanism; and
- 9) Certification of medical cannabis products as "Mendocino County Grown."

PROJECT OBJECTIVES

- 1) Establish local regulations for the cultivation of cannabis intended exclusively for medical use within the unincorporated areas of Mendocino County consistent with existing State Law;
- 2) Establish a program in coordination with the State of California's future implementation of the Medical Cannabis Regulation and Safety Act (MCRSA) which was adopted in 2015 and took effect on January 1, 2016, but which will not be fully implemented until 2018;
- 3) Promote the health, safety, and general welfare of the residents and businesses within the unincorporated area of Mendocino County by balancing the needs of medical patients and their caregivers, the needs of neighbors and communities to be protected from public safety and nuisance impacts, and the need to limit harmful environmental impacts that may be associated with cannabis cultivation;
- 4) Offer persons wishing to cultivate cannabis the option to do so within the parameters set forth in the MCRSA, including but not limited to the provisions of Business and Professions Code Section 19315, 19316, 19320, 19322, 19332 and 19360, and Health and Safety Code Section 11362.777;
- 5) Provide a local permitting structure for medical cannabis cultivation; and
- 6) Provide a mechanism for current medical cannabis cultivators to identify permits required and site improvements necessary to bring their operations into compliance with applicable State and local regulations as a condition of the issuance of permits.

PROJECT SETTING AND LOCATION

The proposed Mendocino County MCCR applies throughout unincorporated areas of Mendocino County (County), exclusive of areas within the Coastal Zone. It establishes ten (10) permit types for the cultivation of medical cannabis. Mendocino County Zoning Ordinance Section 20.242.050 establishes the appropriate locations for each permit type. The following zoning districts have been identified as appropriate locations for one or more of the ten permit types:

- 1) RR2 (Rural Residential – 2 acre minimum)¹;
- 2) RR5 (Rural Residential – 5 acre minimum);
- 3) RR10 (Rural Residential – 10 acre minimum);
- 4) AG (Agriculture);
- 5) UR (Upland Residential);
- 6) RL (Rangeland);
- 7) FL (Forest Land);
- 8) TPZ (Timber Protection Zone);
- 9) I1 (Limited Industrial);
- 10) I2 (General Industrial); and
- 11) P-I (Pinoleville Industrial).

Note that no new cultivation operations (established after January 1, 2016) are permitted in the FL and TPZ Districts.

¹ The specified acre minimums in the Rural Residential District are directly from the existing Mendocino Zoning Ordinance (Inland) and establish minimum subdivision lot size and maximum residential density in each of the Districts. They do not establish a minimum lot size or acreage restriction for cannabis cultivation sites.

The total area within Mendocino County made available for medical cannabis cultivation is approximately 1,788,000 acres including FL and TPZ Districts and approximately 889,000 excluding FL and TPZ Districts. The total area available based on the zoning districts are described in more detail in Table 1 below:

Table 1. Area of Zoning Districts Potentially Available for Cannabis Cultivation

	PHASE 1		PHASE 2		PHASE 3	
	Existing Cultivation Only		New Indoor Cultivation Only		New Cultivation: All Types	
ZONING	AVAILABLE ACRES*	AVAILABLE PARCELS**	AVAILABLE ACRES*	AVAILABLE PARCELS**	AVAILABLE ACRES*	AVAILABLE PARCELS**
RR-2	1,931	1,136			1,931	1,136
RR-5	8,460	1,970			8,460	1,970
RR-10	10,050	1,263			10,050	1,263
AG	56,738	3,124			56,738	3,124
UR	94,771	3,793			94,771	3,793
RL	714,842	8,073			714,842	8,073
FL	62,415	1,540				
TPZ	836,850	5,959				
I1	584	203	584	203	584	203
I2	1,342	193	1,342	193	1,342	193
PI	69	24	69	24	69	24
TOTAL:***	1,788,052	27,278	1,995	420	888,787	19,779

*Acreage numbers are based on GIS polygon calculations and are estimates only.

** Available parcels counts GIS Assessor's Parcel Numbers which differ from legal lots of record.

***Minimum parcel sizes, maximum cultivation areas, mandatory setbacks and other restrictions significantly reduce the actual area potentially available for development.

While the above acreage may imply extensive opportunity for cultivation in the County, under the proposed cultivation ordinance, the permitted cannabis cultivation area will be substantially limited as only one cultivation area will be allowed on each legal parcel and the size of each cultivation area will be limited by the type of cultivation permit to 2,500, 5,000, or 10,000 square feet, accordingly. Therefore, "Available Acres" includes the gross acreage of all parcels potentially eligible for permits while a maximum 10,000 square feet of cultivation (less than a ¼ acre) or 22,000 square feet in nursery (cannabis in vegetative state only) on any parcel will be eligible for a permit. Similarly, the number of "Available Parcels" is based on the number of separate Assessor's Parcel Numbers (APNs) assigned in each zoning district. Actual cultivation permits will be based on legal lots of record which may vary from the number of APNs.

Proposed agricultural code amendments, County Code Section 10A.17.030D, exempts certain small cultivation sites from the permit requirements, which generally apply throughout the County. As such, the limitations in the proposed zoning code amendments, which restrict the issuance of permits to certain locations, do not apply to such exempt cultivation sites that could occur in any zone, provided the cultivation site meets mandatory setbacks and similar restrictions. Exempt cultivation sites are limited to a maximum of 200 square feet of cannabis cultivation on any parcel. Further, such cultivation sites must: meet all of the applicable standards regarding setbacks from sensitive uses and energy efficiency; avoid

light, glare, noise, and odors affecting neighboring properties; and be fenced or otherwise secured. Exempt cultivation sites that avoid creating nuisance effects on neighboring properties are equivalent to other permitted indoor and outdoor gardening and horticulture activities, and they are not expected to contribute to a site specific or cumulative impact.

Baseline Conditions

Pursuant to CEQA Guidelines Section 15125, the Project Description is required to identify the existing baseline set of physical characteristics. This is typically a snapshot of conditions at a single point in time that apply to the project location prior to implementation. For purposes of this Initial Study, the baseline date will be established to be August 26, 2016, the date on which the County submitted requests for early consultation to Responsible and Trustee agencies and other interested parties.

It is not feasible to establish baseline conditions at every potentially-affected site for a project as geographically extensive and diverse as the proposed ordinance. Except as described below in the *Prior Effects of Cannabis Cultivation* section, the analysis in the Initial Study will assume the regional location and setting in the unincorporated area affected have not changed substantially since the adoption of the Mendocino County General Plan and certification of the General Plan Update EIR (SCH 2008062074) in 2009 or, where applicable, the Ukiah Valley Area Plan EIR (SCH 2003072038) in 2011. The existing baseline condition includes, but is not limited to, the following excerpts from the General Plan Update EIR:

Mendocino County General Plan EIR: Regional Location and Setting

Project Location

Mendocino County is located along the Pacific Coast in the northwestern portion of California. Mendocino County is bordered by Humboldt and Trinity counties to the north; Tehama, Glenn, and Lake Counties to the east; Sonoma County to the south; and the Pacific Ocean to the west.

Project Setting

Mendocino County is approximately 2,247,000 acres in size including the incorporated cities. The County consists of a series of northwest-southeast trending mountainous ridges and narrow valleys. Most of the valleys are alluvial; of these valleys, Round Valley is the largest. The County lies within the Coast Ranges, which are characterized by a series of northwest-trending mountain ranges, intervening canyons and valleys. Mountain elevations in the County are typically within the range of 2,000 to 4,000 feet.

Climate throughout the County does not vary significantly. Mean annual temperatures range between approximately 53 degrees Fahrenheit and 58 degrees Fahrenheit, with average minimum temperatures ranging from approximately 39 degrees Fahrenheit to 42 degrees Fahrenheit and average maximum temperatures ranging from 72 degrees Fahrenheit to 74 degrees Fahrenheit (www.worldclimate.com 2008). However, there are instances where maximum temperatures reach above 100 degrees Fahrenheit in the inland valleys, and minimum temperatures reach below freezing, especially during nighttime hours. Rainfall mostly occurs during the months of October through April, with average rainfall between 33 inches and 45 inches.

The majority of land in the County is privately owned. The majority of these lands are within timber production zones. The other private land is either agricultural preserves or smaller privately owned residential, commercial, industrial, or agricultural use properties. The majority of the developed land is located in the unincorporated community areas (i.e., Anderson Valley, Hopland, Redwood Valley, Potter

Valley, Laytonville, and the Round Valley/Covelo area). US Highway 101 (US 101) is the main north-south thoroughfare through Mendocino County. State Routes 20, 128, 162, 253, and 271 all connect to US 101.

Mendocino County is a biologically diverse region. Predominant vegetation types include valley grassland and oak woodland in the lowlands and valley areas, and mixed chaparral, hardwood forest, and coniferous forest in the mountainous areas. There are numerous rivers and creeks that traverse the County. The seven major rivers—the Ten Mile, Noyo, Big, Albion, Navarro, Garcia, and Gualala rivers—start in the mountainous areas of the western edge of the county and flow west out to the Pacific Ocean. The Eel River watershed drains the northern portion of the County, while the Russian River basin drains the southern portion.

Prior Effects of Cannabis Cultivation

The environmental setting includes a landscape that has been substantially altered by illegal/trespass cultivation as well as legal but unpermitted cannabis cultivation. Current cultivation sites vary widely in their circumstances, characteristics, maintenance, and prior efforts to conform to regulatory and other standards. Even where residents are conscientious in their water use or cultivation practices, they may not have the expertise or awareness to identify and address site features or activities that impact or may impact the environment.

No precise count has been made of existing cannabis cultivation sites and no formal characterization of existing sites has been made to distinguish between sites which will qualify for entitlement under the proposed MCCR and those which cannot receive permits (see *Limitations on Project Description*, below). The California Department of Fish and Wildlife (CDFW), the North Coast Regional Water Quality Control Board (NCRWQCB) and other state and local agencies have documented the effects of existing cannabis cultivation sites described in Table 2, below.

The adopted Mitigated Negative Declaration for the NCRWQCB Order R1-2015-0023, *General Waiver of Waste Discharge Requirements and General Water Quality Certification for Dischargers of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (herein after referred to as “Order”), acknowledges some general reported differences between cultivation practices occurring on trespass grows on public lands versus practices occurring on private lands:

“For example, cultivation activities on public lands often occur in remote areas with difficult access and [have] visually indistinct features from a birds-eye view. These are often areas where people rarely go because entry is made difficult by physical barriers such as cliff faces or dense poison oak (Mallory 2011). For site access and supply in such remote areas, cultivators wear or cut trails into the landscape which leads to destruction of small vegetation and can introduce non-native species to new areas via seeds or spores on the cultivator’s clothing or equipment. Additionally, there are often significant differences regarding chemical use practices in cannabis cultivation on public lands, as cannabis monocultures on public lands are especially susceptible to mold, mites, and wildlife. Many reports cite widespread usage of chemicals for cannabis cultivation on public lands.”

The adopted Mitigated Negative Declaration for the Order acknowledges, “though different in some ways, development and land use of land for cannabis cultivation on public and private lands share a number of similarities in environmental impacts as well.”

In the absence of site specific data on cultivation sites throughout the County, and while acknowledging the wide range of cultivation practices and their potential environmental impacts, for the purposes of this Initial Study, the Lead Agency assumes that existing operations, which may qualify for permits under the proposed MCCR, are generally physically similar to, but are presumed not to be as intense, both in size of operations and severity of impacts, as illegal/trespass sites that will not qualify under the proposed cannabis cultivation and zoning regulation. Therefore, the environmental impacts of existing cultivation sites which may qualify for permits pursuant to the proposed MCCR are assumed to be less significant than those of illegal/trespass sites and such impacts will be further reduced as existing sites are brought into compliance with permit requirements.

CEQA case law indicates that illegal and unpermitted uses currently in operation when the existing conditions baseline is set are included in the baseline (*Kenneth F. Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270). For the purposes of this Initial Study, we rely on existing physical conditions to establish the baseline. A description of the baseline which does not include the existing widespread cultivation of cannabis, whether potentially legal or clearly illegal, would ultimately be misleading and speculative and will not be used in this case.

Based on documented inspections of existing cultivation sites, the current environmental setting at cultivation sites for which a permit may be sought pursuant to the MCCR, may include any or all of the conditions listed in Table 2. Additional site specific impacts may also occur.

Table 2. Impacts to the Environmental Baseline from Existing Illegal/Trespass Cultivation Sites and Unpermitted Cultivation Sites

Impact Area	Existing Environmental Conditions
Aesthetics	<ul style="list-style-type: none"> • Unpermitted tree removals and other site improvements or development features with potential impact on scenic vistas/resources such as ridgeline views. • Aesthetic impacts on roadway segments designated as heritage corridors and eligible as scenic highways. • Light trespass and light pollution from security-related and cultivation-related lighting.
Agriculture and Forestry Resources	<ul style="list-style-type: none"> • Areas cleared of timber for the installation of roadways, water storage, and cultivation sites. • Large scale conversion of forest lands to other uses. • Inefficient use of soils by siting cultivation operations based on factors such as privacy and remoteness in addition to considerations of soil characteristics for agriculture such as terrain, soil fertility, sun exposure, and water availability. • Cultivation sites out of compliance with acreage limitations under the Forest Practices Act and zoning regulations. • Increased risk of fire.

Table 2. Impacts to the Environmental Baseline from Existing Illegal/Trespass Cultivation Sites and Unpermitted Cultivation Sites

Impact Area	Existing Environmental Conditions
Air Quality	<ul style="list-style-type: none"> • Portable diesel and gasoline generators used on a stationary basis operating for extended periods of time with local air quality impacts and associated high emissions (PM10, PM2.5 and other criteria pollutants). • Contributions to PM10 from construction, grading, and travel on unpaved roads. • Objectionable and detectable odors from fuels, fertilizers, and cannabis plants. • Existing operations may be located near "sensitive receptors." • Burning of cannabis waste products.
Biological Resources	<ul style="list-style-type: none"> • Varying degrees of habitat modifications through tree removal and clearing of vegetation. • Inappropriate storage, use, and disposal of pesticides, fertilizers, and related materials with potential adverse effect on sensitive species. • Illegal or unpermitted water diversions sufficient to affect riparian habitat values and impact sensitive natural communities and species. • Cultivation impacts on oak woodland and rangelands, endangered and threatened species, riparian and critical habitat, wetlands, and native resident or migratory wildlife corridors. • Use of security fencing, wildlife traps and various poisons. • Non-compliance with setback requirements to sensitive areas. • Lack of protection of riparian buffers, wetlands, and Environmentally Sensitive Habitat Areas (ESHAs). • Adverse impact from artificial lighting. • Habitat fragmentation. • Removal of riparian buffers, wetlands and environmentally sensitive habitats areas. • Endangerment of wildlife and listed rare species.
Cultural Resources	<ul style="list-style-type: none"> • Trespass on and desecration of sacred lands. • Diversion of tribal water with associated impacts on fish.
Geology and Soils	<ul style="list-style-type: none"> • Illegal or non-permitted grading of roads, cultivation sites, ponds which may facilitate erosion and slope failure. • Development without consideration of subsurface conditions which may facilitate slope failure or the failure of the road surface or impoundment. • Over-grading as a result of non-consideration of site topography, soils, geology, and hydrology. • Lack of erosion control to protect water quality. • Lack of compliance with slope restrictions. • Impoundments/damming of streams. • Impediments to fish passage • Improperly graded roads/ delivery of sediment to streams.
Greenhouse Gas Emissions	<ul style="list-style-type: none"> • Greenhouse gas emissions associated with power generation to run lights and exhaust fans. • Greenhouse gas emissions associated with vehicles required to conduct cultivation operations in remote settings.

Table 2. Impacts to the Environmental Baseline from Existing Illegal/Trespass Cultivation Sites and Unpermitted Cultivation Sites

Impact Area	Existing Environmental Conditions
Hazards and Hazardous Materials	<ul style="list-style-type: none"> • Use of petroleum products, fertilizers, and various pesticides. • Use of volatile compounds (pressurized gases such as propane or solvents) for cannabis manufacturing processes with associated risk of explosion or chemical release. • Improper storage of hazardous materials and/or storage above minimal amounts with no hazard response plan. • Fire risk associated with the operation of gasoline powered equipment in close proximity to dry vegetation. • Close interface with wildland areas and non-compliance with Fire codes and State Responsibility Area regulations. No sprinkler systems or defensible space. • Improper use and storage of petroleum products, fertilizers, herbicides, pesticides, automotive and machine-related fluids (acids, solvents, degreasers, corrosives, antifreeze, and hydraulic fluid), and construction materials (asphalt and oils, cementitious materials). • Improperly sited or hazardous water tanks. • Improper disposal of petroleum products, fertilizers, herbicides, pesticides, automotive and machine-related fluids and construction materials
Hydrology and Water Quality	<ul style="list-style-type: none"> • Depletion of water resources and potential impacts to or loss of beneficial uses. • Cultivation without implementation of control measures required by state and local permit regulations related to water quality, grading, erosion control, stream protection, stormwater management and discharge. • Lack of legal water supply. • Permitted and unpermitted surface water withdrawals from streams and rivers • Illegal water storage, impoundment, illegally constructed dams/diversions. • Improper storing of fertilizers and pesticides creating the risk of or actual contamination of surface or groundwater. • Illegally constructed or unpermitted wells with associated impacts on neighboring well, surface water supplies, in-stream flows, groundwater supply. • Alteration of natural drainage and runoff patterns. • Temperature impacts from improper hydromodification, potential for adverse geomorphological changes, and creation of habitat/migration barriers. • Alteration of drainage patterns and watercourse channels. • Blocking or impeding natural stream flows or floodwater flows. • Improper stream crossings that create a sediment source and create or exacerbate unstable features. • Illegal dumping. • Improperly sited outhouses and disposal of human waste. • Trucking of water to cultivation sites.
Land Use and Planning	<ul style="list-style-type: none"> • Lands improved and structures built without required permits or according to existing regulations. • Non-compliance with General Plan policies and zoning regulations (cultivation in areas where use/similar uses are not allowed).
Noise	<ul style="list-style-type: none"> • Noise from generators and trimming machines. • Noise from water pumps.

Table 2. Impacts to the Environmental Baseline from Existing Illegal/Trespass Cultivation Sites and Unpermitted Cultivation Sites

Impact Area	Existing Environmental Conditions
Population and Housing	<ul style="list-style-type: none"> • Cultivation in “habitable” portions of residences. • Increased population in rural areas.
Public Services	<ul style="list-style-type: none"> • Longer emergency response times in remote areas not generally serviced. • High number of enforcement actions requiring Sheriff involvement.
Transportation/Traffic	<ul style="list-style-type: none"> • Long travel times associated with sites in remote areas and associated emissions. • Illegal or improperly graded access roads. • Lack of prior evaluation of driveway encroachments, new roads or road improvements, site distance, adequate access/turn-around space for emergency vehicles. • No traffic impact fees or agreements regarding maintenance of access roads.
Utilities and Service Systems	<ul style="list-style-type: none"> • Unaccounted for increase in energy consumption and disposal of waste (solid waste, dumping large amounts of soil, high levels of fertilizers and amendments added to soil and irrigation water). • Undocumented source of water demand potentially in conflict with other water rights and potentially subject to water availability restrictions. • Illicit connections and utility theft (jerry rigged wiring, bypass of electrical meter and circuit breaker, water theft).

Regulatory Setting

Cultivation and use of medical cannabis has been legal on a statewide basis since passage of the *California Compassionate Use Act* (Prop 215) on November 6, 1996 (California Health and Safety Code Section 11362.5). Additional guidance and regulatory control were established by SB 420 which took effect January 1, 2004 (California Health and Safety Code Section 11362.7 et seq.) and the issuance of *Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use*, issued by the California Attorney General in 2008. The California Department of Fish and Wildlife, the Regional Water Quality Control Board, and others have documented thousands of new cultivation sites established since 1996. This use has been largely unregulated in the absence of a comprehensive state and local program. The California Department of Forestry and Fire Protection have documented unpermitted timberland tree clearances and harvests to establish cultivation sites.

Mendocino County has undertaken prior efforts to register and regulate medical cannabis growers within the framework of the State of California's changing approach to regulation. The County's cultivation ordinance was adopted in 2008 as Chapter 9.31 of the Mendocino County Code, and allowed no more than twenty-five (25) marijuana plants on any one (1) parcel which was intended to result in a significant reduction in the complaints of odor and the risks of fire, crime, and pollution.

In 2010, the County amended Chapter 9.31 to add an exemption to the 25 plant per parcel limitation. Cultivators could grow up to 99 plants, provided that those seeking the exemption apply for, obtain, and comply with the conditions of a permit issued by the Sheriff. The revised ordinance contained numerous conditions related to the 99 plant permit program, from application to inspection to enforcement and appeal. The revised ordinance also contained additional limitations on how and where cannabis may be cultivated.

In 2012, in response to a directive from the United States Department of Justice, the County amended Chapter 9.31 to eliminate the 99-plant permit program. The 25 plant per parcel limitation remained, but was changed from a legal parcel to an assessor's parcel. The elimination of the 99-plant permit program included aspects consumer safety and environmental protection that were critical components to preserving the character and natural resources of Mendocino County from this unregulated industry.

In order to regulate environmental effects from the unregulated commercial medical cannabis industry, the North Coast Regional Water Quality Control Board (NCRWQCB) adopted the *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects In the North Coast Region* (herein after called the "Order") in August 2015. The Order establishes water resource protection requirements and provides a mechanism for cannabis cultivators to meet the requirements of the federal Clean Water Act, California Water Code, State Nonpoint Source Policy, and the Basin Plan for the North Coast region. Under the Order, operations with 2,000 square feet or more of cannabis canopy area or any amount of cultivation that poses a threat to water quality that were located on private lands in the North Coast region were required to enroll in the program by February 15, 2016.

The Mendocino County Board of Supervisors appointed an ad hoc committee in November, 2015, to review and make recommendations for revisions to Chapter 9.31 with the goal of aligning the County with MCRSA. In December, 2015, the ad hoc committee presented a timeline for adoption of a revised ordinance, projected to occur in the spring of 2016, but reported in April, 2016 that ordinance adoption would be delayed based on the need for environmental review.

On May 17, 2016, the Mendocino County Board of Supervisors adopted an urgency ordinance amending Chapter 9.31, which—again—created a permit program operated by the Sheriff's Office. Two tiers of cultivation were created: 26-50 plants and 51-99 plants per legal parcel. This program required compliance with conditions designed to protect the public peace, health and safety, including numerous conditions intended to provide enhanced environmental protection, similar to the 99-plant program in 2012. The urgency ordinance had a sixty (60) day registration window for cultivators to apply for a permit from the Sheriff's Office or voluntarily register with the Department of Agriculture if cultivating 1-25 plants.

On June 8, 2016, litigation was filed challenging the adoption of the urgency ordinance, alleging that it required review under CEQA and was not eligible for any CEQA exemptions. The plaintiffs and the County entered into a settlement agreement to resolve the lawsuit on June 21, 2016. The settlement agreement allowed the County to accept applications for permits under the urgency ordinance until June 22, 2016, and required the County to enforce the urgency ordinance for applications received as of that date.

Since the original approval of the *California Compassionate Use Act* (Prop 215) (California Health and Safety Code Section 11362.5) in 1996, and because of ambiguity in State law and conflict with federal law, cultivators have sometimes been unable, and in many cases unwilling, to secure permits for such regulated activities as:

- 1) Surface water withdrawal for irrigation of parcels both immediately adjacent and removed from the water source;
- 2) Impoundment of surface water in tanks and ponds;
- 3) Installation of in-stream dams and water diversion equipment;
- 4) Grading of roads, ponds and cultivation sites;
- 5) Removal of trees and vegetation and timber harvest for land clearance;
- 6) Application of pesticides;
- 7) Installation of culverts and road crossings;
- 8) Establishment and maintenance of sanitary facilities; and
- 9) Discharge (intentional and inadvertent) of sediment, pesticides, fuels, lubricants and other materials into surface waters, groundwater and associated wetlands and other protected habitats.

The ordinance seeks to establish local-level regulation, consistent with the State and regional regulation including the Order and MCRSA. State legislation will create the Bureau of Medical Cannabis Regulation (hereinafter referred to as the "BMCR") and amendments to the provisions of Business and Professions Code Sections 19315, 19316, 19320, 19322, 19332, and 19360 and Health and Safety Code Section 11362.777.

RELATIONSHIP TO PRIOR CEQA DOCUMENTS

This Initial Study is prepared as an independent analysis of the anticipated effects of the proposed project and is not directly tiered from another document. However, two prior Environmental Impact Reports and one Initial Study/Mitigated Negative Declaration are incorporated by reference as valuable sources of information regarding the anticipated effects of general development and agricultural cultivation in Mendocino County and the background and likely effects of cannabis cultivation pursuant to ongoing regulatory efforts by the State of California.

General Plan Update Final EIR (SCH #2008062074)

The Mendocino County Board of Supervisors certified the Final Environmental Impact Report for the General Plan in 2009. The update process began in 2001 and was intended to “reflect changing conditions, issues, requirements, and desired direction for the future growth and development of the unincorporated county for the next 20 years.”

In 2007, a Working Draft General Plan Update was released, consolidating most policies into two elements on the issues of development and resource management. In July 2008, a Public Review Draft General Plan was published and released for public review and comment. The General Plan Update EIR analyzes the potential environmental effects of adoption of the Public Review Draft General Plan.

The goals, policies, and programs in the General Plan represent the County’s statement of how Mendocino County should grow or change in the coming decades and how today’s challenges will be met. Many of the adopted policies have the effect of reducing or avoiding negative environmental effects from the land uses and development authorized by the General Plan. With the adopted policies in place, and a limited number of additional policies identified as desirable through the environmental review process, the General Plan EIR concludes that all potential environmental effects of have been reduced to less than significant with the exception of the following:

- 1) Short term, long term and cumulative air quality impacts, and toxic air emissions;
- 2) Impacts to wetlands, riparian or other sensitive biotic communities;
- 3) Demand for fire protection, emergency medical services and law enforcement;
- 4) Increased traffic congestion;
- 5) Requirements for additional water supplies, storage, treatment and conveyance;
- 6) Cumulative greenhouse gas emissions;
- 7) Cumulative decrease in water supply, increase in air pollutants, and increase in health hazards, due to global climate change;
- 8) Cumulative impacts to special status plant and wildlife species, sensitive natural communities, and movement corridors;
- 9) Cumulative reduction in groundwater and reduced recharge in the North Coastal Basin;
- 10) Cumulative increase in traffic noise impacts;
- 11) Cumulative increase in demand for fire protection, emergency medical services, and law enforcement;
- 12) Cumulative increase in traffic congestion; and
- 13) Cumulative increase in demand for water supplies and associated facilities.

The General Plan policies which were adopted to reduce or avoid environmental impacts remain in effect and are expected to reduce the impacts of cannabis cultivation approved pursuant to the MCCR. The Lead Agency generally accepts the General Plan Update EIR analysis of effects of development, agricultural land uses, and related activities with regard to the proposed project except where cannabis cultivation presents unusual environmental challenges or concerns.

Ukiah Valley Area Plan EIR (SCH 2003072038)

The Ukiah Valley Area Plan (UVAP) sets policy guidelines and establishes land use classifications that provide a framework for the County’s future land use decisions throughout the unincorporated portions of the Ukiah Valley. It is designed to guide development up to the year 2030; A Draft Program Environmental Impact Report (EIR) was prepared to analyze the effects of development pursuant to the UVAP. The Plan anticipates eventual development of a maximum of 5,430 dwelling units, 4.6 million square feet of

commercial development, and 2.4 million square feet of industrial development. The Final EIR was certified in July, 2011.

The UVAP includes a wide variety of goals and policies to promote growth in the Ukiah Valley pursuant to the vision established by the community throughout the UVAP development process. The policies also reduce or avoid substantial adverse environmental impacts.

The following impacts were assessed to be significant after all proposed policies were considered:

- 1) Conversion of farmland and prime agricultural soils;
- 2) Inducing population growth;
- 3) Social and economic effects that may result in a physical adverse change in the environment;
- 4) Risk of injury and death and the amount of property damage resulting from seismic events in the plan area;
- 5) Increased need for new or enlarged storm drain facilities;
- 6) Increase the transport of sediments, oils, greases, and other residues and chemicals to receiving waterways and the groundwater;
- 7) Injury or death of special status species of wildlife and/or destruction of habitat required by those species;
- 8) Potential to adversely affect areas of archaeological or historical resources;
- 9) Potential to adversely affect areas of paleontological resources;
- 10) Increase traffic volumes and generate harmful emissions of air pollutants that could result in exposure of people to substantial pollution, violate air quality standards, and/or conflict or obstruct MCAQMD's air quality plan;
- 11) Adversely affect scenic views along Highway 101, along other major public thoroughfares, and at gateways to the plan area;
- 12) Development may be inconsistent with the scale and character of existing development in the surrounding area;
- 13) New development will create new glare and include new lights that will adversely affect nighttime views;
- 14) Require the construction of new schools;
- 15) Increase the demand for a new criminal justice center;
- 16) Exposure of people and structures to wildland fires;
- 17) Conflict with emergency response and evacuation plans;
- 18) Increase the demands on emergency medical agencies serving the plan area;
- 19) Increase the demand for potable water and require the development of additional sources of water;
- 20) Require construction of new water source, treatment, storage, or supply facilities;
- 21) Require new or expanded sewer treatment facilities;
- 22) Increase the demand for parks and recreational facilities;
- 23) Cause greenhouse gas emissions that exceed State emission targets and adversely affect climate; and
- 24) Cumulatively result in a decrease in water supply and increase in health hazards.

The Lead Agency generally accepts the UVAP EIR analysis of effects of development, agricultural land uses, and related activities with regard to the proposed project except where cannabis cultivation presents unusual environmental challenges or concerns.

Water Board Order Initial Study/Mitigated Negative Declaration

On August 13, 2015, the NCRWQCB adopted Order R1-2015-0023, *General Waiver of Waste Discharge Requirements and General Water Quality Certification for Dischargers of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (herein after referred to as "Order"), adopted a Mitigated Negative Declaration based on an Initial Study prepared pursuant to CEQA (SCH # 2015042074).

The Initial Study provides valuable background information regarding current practices, anticipated efforts to bring cultivation operations into compliance with a variety of local and state regulations and the likely effects of implementation of the order. Much of the information in the Initial Study remains relevant as applied to the anticipated cultivation of cannabis pursuant to the MCCR. The Lead Agency generally accepts the NCRWQCB Initial Study analysis of effects of regulated cannabis development and related activities with regard to the proposed project except where the MCCR addresses cultivation outside of the scope of the Order.

PROJECT DESCRIPTION

In summary, the proposed project consists of the adoption of two ordinances as follows²:

Medical Cannabis Cultivation Ordinance (County Code Chapter 10A.17)

- 1) With limited exceptions for personal use and primary caregivers, all cultivation of cannabis for medical use will require a Mendocino County Cultivation Permit;
- 2) Cultivation is required to be set back from schools, public parks, churches, youth oriented facilities, and residential treatment facilities;
- 3) Restricts the impact of odor, light, noise, and impacts to the quantity and quality of surface water;
- 4) Track and Trace requirements for permitted medical cannabis (from plant to consumer) and zip tie confirmation for plants grown under the personal use and primary caregiver exemptions;
- 5) Restates the sunset provisions regarding Medical Marijuana Collectives organized pursuant to Proposition 215 and Senate Bill 420 as described in the Health and Safety Code;
- 6) Establishes the following permit types:
 - a. Type C for outdoor cultivation using no artificial lighting with a maximum of 2,500 square feet of total plant canopy size on one legal parcel,
 - b. Type C-A for indoor cultivation using exclusively artificial lighting not to exceed 2,500 square feet of cultivation area within a structure on one legal parcel,
 - c. Type C-B for cultivation using a combination of natural and supplemental artificial lighting (mixed-light) not to exceed 2,500 square feet of cultivation area within a structure on one legal parcel,
 - d. Type 1 for outdoor cultivation using no artificial lighting of 2,501 to 5,000 square feet of total plant canopy size on one legal parcel,
 - e. Type 1A for indoor cultivation using exclusively artificial lighting of 2,501 to 5,000 square feet of cultivation area within a structure on one legal parcel,
 - f. Type 1B for cultivation using a combination of natural and supplemental artificial lighting (mixed-light) of 2,501 to 5,000 square feet of cultivation area on one legal parcel,
 - g. Type 2 for outdoor cultivation using no artificial lighting of 5,001 to 10,000 square feet of total plant canopy size on one legal parcel,

² The summaries provided reflect the Mendocino County Medical Cannabis Cultivation Regulation in DRAFT form as of November 2, 2016.

- h. Type 2A for indoor cultivation using exclusively artificial lighting of 5,001 to 10,000 square feet cumulative cultivation area on one legal parcel,
 - i. Type 2B for cultivation using a combination of natural and supplemental artificial lighting (mixed-light) of 5,001 to 10,000 square feet cultivation area on one legal parcel, and
 - j. Type 4 for the cultivation of medical cannabis solely as a nursery product to be sold to a permittee, a qualified patient or a primary caregiver. The nursery product may take the form of either vegetative and non-flowering starts or may be in the form of seeds, if the applicant is applying as a seed producer under this type of permit. The cumulative cultivation area shall not exceed 22,000 square feet on one legal parcel;
- 7) Establishes a methodology for the review of cultivation permit applications and specifies required application materials;
 - 8) Establishes performance standards including:
 - a. Requirement to follow the approved site plan,
 - b. When available, secure a current valid state license,
 - c. Conform to track and trace requirements,
 - d. Comply with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, including filing the *Initial Statement of Water Diversion and Use* required by Water Code Section 5101,
 - e. Requirement that generators only be used as a secondary or backup source of power and requires leak and spill prevention measures,
 - f. Maintain Tier 1, 2, or 3 certification with the Order, or equivalent, as required. Operations which are not required to secure certification from NCRWQCB are required by the proposed MCCR to comply with the standard conditions of approval for certification,
 - g. Comply with Mendocino County and CAL FIRE "defensible space" standards,
 - h. Comply with the terms of a CDFW Lake or Streambed Alteration Agreement, if applicable,
 - i. Facilitate mandatory inspections,
 - j. Support limitations on the type and application of pesticides,
 - k. Store and handle fuel in compliance with state and local laws and regulations;
 - l. Pay applicable fees, and
 - m. Comply with conditions required pursuant to zoning review;
 - 9) Identifies methods for demonstrating prior cultivation, limits permits prior to 2020 to cultivation which was underway prior to 2016;
 - 10) Allows C, C-A, or C-B permits (less than 2,500 square feet of cultivation area), in any inland Zone District where a residence would be principally permitted, where prior cultivation has been demonstrated and all other cultivation standards can be met. Identifies Zoning Districts in which expansion of previous cultivation sites will be prohibited;
 - 11) Establishes certification types and standards;
 - 12) Establishes a program of third party inspections allowing the Mendocino County Agricultural Commissioner to approve non-governmental inspectors to perform field checks, identify potential or actual points of concern, and work with the cultivators to correct any identified problems; and
 - 13) Establishes an enforcement program based on required consultation visits by third party inspectors, required compliance visits by county staff and implementation of enforcement actions, if needed.

Cannabis Cultivation Site Regulation (Zoning Code Section 20.242)

This section establishes appropriate zoning districts for existing ("Phase 1"; Table 3) and new cannabis cultivation sites ("Phases 2 and 3"; Table 4) as well as the type of zoning clearance necessary for each type of cultivation permit required by the Mendocino County Cannabis Cultivation Ordinance. The key components of the zoning code amendments include the following:

Phase 1

- 1) Establishes requirements for existing cultivation sites in all zoning districts in operation prior to January 1, 2016. Smaller cultivation sites (less than 2,500 square feet) may continue in all zones with a C, C-A, or C-B permit;
- 2) Establishes requirements for permits in the TPZ and FL Districts to prohibit the permitting of new cultivation sites not in operation prior to January 1, 2016. All applications for permits for cultivation sites in the TPZ and FL Districts must be received by January 1, 2018;
- 3) Allows for the continued use and an expansion up to a total of 10,000 square feet of permitted cultivation areas by existing cultivators within TPZ and FL Districts; where the continued use is subject to an approved Administrative Permit and, if applicable, a Less-Than-3-Acre Conversion Exemption or Timberland Conversion Permit, approved by the California Department of Forestry and Fire Protection (CAL FIRE). Or, alternatively, evidence that environmental impacts have been mitigated, to the extent feasible, as required by the resource protection agencies including CAL FIRE, the NCRWQCB, and CDFW can be demonstrated;
- 4) Allows existing cultivation sites to be closed and relocated to properties which can more fully meet minimum parcel sizes, slope limitations, and other restrictions; and
- 5) Sets the process for planning review of applications, including circumstances permitting site specific conditions of approval, requirements for hearings.

Phase 2

- 1) Starting January 1, 2018, new indoor, artificial light cultivation operations may be permitted only in industrial zoning districts.

Phase 3

- 1) Starting January 1, 2020, new cultivation sites may be permitted only in the AG District or in the RR, UR, and RL Districts provided that the cultivation site is located in a watershed with a completed watershed assessment that demonstrates there is adequate water supply available to serve the new cultivation site and existing uses, including in-stream requirements. Zoning districts which require a watershed assessment are marked with an * in Table 4.

Table 3. Zoning Permit Requirements for Existing Medical Cannabis Cultivation by Zoning District and Medical Cannabis Cultivation Ordinance Permit Type

Permit 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)		NA	NA		NA	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 2	ZC	AP	UP	ZC	ZC	--	--	--	--	--	--
	RR 5	ZC	AP	UP	ZC	ZC	--	ZC	--	--	--	--
	RR 10	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	AG	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	UR	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	RL	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	FL*	AP	AP	AP	AP	AP	--	AP	AP	--	AP	AP
	TPZ*	AP	AP	AP	AP	AP	--	AP	AP	--	AP	AP
	I1	ZC	ZC	ZC	ZC	ZC	ZC	ZC	--	ZC	ZC	ZC
	I2	ZC	ZC	ZC	ZC	ZC	ZC	ZC	--	ZC	ZC	ZC
	PI	ZC	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC	ZC

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

* No new cultivation sites are permitted the FL and TPZ Districts and no cultivation sites may be transferred to a legal parcel in the FL and TPZ Districts (Section 20.242.050.D). Existing cultivation sites are permitted in these districts subject to limitations (Section 20.242.050.E).

Table 4. Zoning Permit Requirements for New Medical Cannabis Cultivation by Zoning District and Medical Cannabis Cultivation Ordinance Permit Type

Permit Type		C	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 2*	ZC	AP	UP	ZC	ZC	--	--	--	--	--	--
	RR 5*	ZC	AP	UP	ZC	ZC	--	ZC	--	--	--	--
	RR10*	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	AG	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	UR *	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	RL *	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	I1	ZC	ZC	ZC	ZC	ZC	ZC	ZC	--	ZC	ZC	ZC
	I2	ZC	ZC	ZC	ZC	ZC	ZC	ZC	--	ZC	ZC	ZC
	PI	ZC	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC	ZC

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

* = Watershed Assessment Required

Anticipated Project Impacts

Phase I

Permitting of cultivation sites existing as of January 1, 2016.

The Lead Agency estimates there are several thousand existing cannabis cultivation sites within the inland portions of Mendocino County. Until the ordinance is adopted and applications for permits are accepted, the number of operators of existing sites who will seek and secure permits pursuant to the proposed ordinance is somewhat speculative. However, based on participation in prior registration, regulatory systems and demonstrated interest in the preparation of the ordinance, it is reasonable to anticipate 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. During the abruptly shortened application period of the 2016 permit program, the Mendocino County Agricultural Commissioner's Office received approximately 152 voluntary registrations and statements of interest and the Mendocino County Sheriff's Department received approximately 340 permit applications.

Each permit may require physical changes to the existing operations to come into compliance with federal, state and local regulations. Such changes may include, but are not limited to the following:

- 1) Re-grading or reconstructing public and private access roads and cultivation sites to improve drainage and reduce the risk of erosion, sedimentation and slope failure;
- 2) Modifying or installing surface water intakes, pumps and irrigation lines to comply with water rights and related regulations and CDFW regulations;
- 3) Modifying or installing new surface water impoundments (small dams) and/or installation of water storage tanks to reduce withdrawals during low stream flow conditions;
- 4) Installation of fencing, construction of storage sheds and similar efforts to secure the cannabis crop as well as to safely store pesticides, fuels, fertilizers and other chemicals which may be hazardous to human health or to the health of sensitive plant or animal species or habitats; and
- 5) Relocation of greenhouses and/or outdoor cultivation sites to conform to mandatory minimum setbacks.

Each of these actions will take place within a context of an environmental setting already acknowledged to have been substantially degraded by unpermitted and/or unregulated cultivation practices as described above. Current cultivation sites vary widely in their circumstances, characteristics, maintenance, and prior efforts to conform to regulatory and other standards.

Phase 2

Permitting of new medium and large indoor artificial light cultivation sites in industrial zoning districts, beginning on January 1, 2018.

The type and the intensity of impacts associated with the development of new indoor cultivation sites in industrial zoning districts during Phase 2 are largely the same as other manufacturing uses allowed in the industrial zoning districts. For this reason, while the ordinance does not establish a maximum number of medium and large indoor cannabis cultivation sites within Mendocino County, the impacts associated with cannabis cultivation in this phase will be limited. Impacts will be further minimized by the limited number of parcels that are situated within the County's industrial zoning districts.

Phase 3

Permitting of new cultivation sites in agricultural zoning districts or in selected zoning districts, with completed watershed assessments, after January 1, 2020.

New cultivation sites, other than medium and large indoor artificial light operations located in industrial zoning districts (Phase 2), are only allowed in the AG, RR, UR or RL Districts where a watershed assessment has been completed. Permits for Phase 3 will only be available after January 1, 2020. Because of the watershed assessment required in the RR, UR and RL Districts, it is anticipated that the majority of Phase 3 permits will be issued on lands zoned for agriculture and would be substantially the same as existing agricultural cultivation with added protections limiting the cultivation area and requirements to avoid sensitive habitat areas as described in the ordinance. During this phase, the number or density of cultivation sites will be substantially limited by the availability of legal lots located in AG District and by the number of legal lots with RR, UR, or RL Districts that are located within a watershed with a completed watershed assessment. Activities that may occur in Phase 3 include, but are not limited to the following:

- 1) Site clearing and grading;
- 2) Vegetation removal and soil preparation;
- 3) Road development and stream crossings;
- 4) Installation of water storage and irrigation equipment;
- 5) Construction of greenhouses, hoop houses, fences, and accessory structures;
- 6) Installation of temporary or permanent sanitary facilities (such as portable toilets or septic systems);
- 7) Application of pesticides and fertilizers; and
- 8) Extension of infrastructure, infill and redevelopment of industrial zoned lots and development of power and water sources on AG, RR, UR, and RL lots.

In nearly all cases, the anticipated uses which may affect the environment will take place within an existing comprehensive regulatory system. For example, the process of perfecting surface water rights—for irrigation, securing permits to construct in-stream water intakes, irrigation lines, and water storage facilities—requires several permits and opportunities for agencies to impose appropriate conditions to limit or avoid impacts to habitat, water quality, and other stream values. Similar regulatory systems apply to limit erosion and sedimentation from grading.

The analysis of the potential effects of cultivation activities will take place in the context of state and federal regulations which apply to various aspects of cannabis cultivation. In some cases, regulatory compliance may be sufficient to reduce potential effects below the threshold of significance. (See *Citizens Opposing A Dangerous Environment v. County of Kern*, 228 Cal.App.4th 360 (5th Dist. July 25, 2014), *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, and *Tracy First v. City of Tracy*: (2009) 177 Cal.App.4th 912).

Limitations on Project Description

The following cannabis cultivation is **NOT** subject to the proposed MCCR and is **NOT** included in the project description, either with regard to sites currently existing or which are established in the future:

- 1) Cultivation that is not legal under state law;
- 2) Cultivation on sites in any zone other than those specifically listed in the proposed ordinance, including cultivation within the Coastal Zone;
- 3) Cultivation on sites which fail to meet the minimum parcel size established by the proposed ordinance;
- 4) Cultivation not authorized by the property owner ("trespass grows") including all cultivation which may occur on public lands;
- 5) New cultivation sites in TPZ and FL Zoning Classifications established after January 1, 2016;
- 6) Cultivation sites which cannot establish a legal right to their source of water for irrigation; and
- 7) Cultivation sites which cannot demonstrate, if applicable, that a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL FIRE has been issued. Or, alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland that cannot demonstrate that environmental impacts have been mitigated, to the extent feasible, as required by the resource protection agencies including CAL FIRE, NCRWQCB and CDFW.

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

An environmental checklist follows this section and addresses all potential adverse effects resulting from the proposed project. All significant adverse effects from any of the proposed activities can be mitigated to a less than significant level.

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a **"Potentially Significant Impact"** or **"Potentially Significant Unless Mitigation Incorporated"** as indicated by the checklists on the following pages.

X	Aesthetics	X	Agriculture Resources	X	Air Quality
X	Biological Resources		Cultural Resources	X	Geology and Soils
X	Green House Gases	X	Hazards and Hazardous Materials	X	Hydrology and Water Quality
X	Land Use and Planning		Mineral Resources	X	Noise
X	Population and Housing		Public Services		Recreation
	Transportation	X	Utilities and Service Systems		Mandatory Findings of Significance

An explanation for all checklist responses is included, and all answers take into account the whole action involved and the following types of impacts: off-site and on-site; cumulative and project-level; indirect and direct; and construction and operational. The explanation of each issue identifies (a) the threshold of significance—if any—used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significant.

In the checklist the following definitions are used:

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant.

"Potentially Significant Unless Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

"No Impact" means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the proposed project.

DETERMINATION: (To be completed by the Lead Agency on the basis of this initial evaluation)

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature_____
Date_____
Title

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on aesthetic resources if it will have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; substantially degrade the existing visual character or quality of the site and its surroundings; create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

REGULATORY SETTING

CEQA establishes that it is the policy of the State to take all action necessary to provide the people of the State "with...enjoyment of aesthetic, natural, scenic and historic environmental qualities" (Public Resources Code [PRC] §21001[b]). In addition, the California Department of Transportation (Caltrans) designates state scenic highways where roadways pass through particularly scenic landscapes.

Mendocino County General Plan

Policies pertaining to aesthetics can be found in Chapter 3 (Development Element), Chapter 4 (Resource Management Element), and Chapter 6 (Community-Specific Policies) of the Mendocino County General Plan.

Specific policies pertaining to viewsheds and lighting are provided below: Chapter 3: Development Element

Community Character Policies

- 1) Policy DE-85: Viewshed preservation shall be considered when development is located in a highly scenic environment, adjacent to or atop a ridgeline or hill, and in similar settings.
- 2) Policy DE-89: Reduce excessive artificial light and offsite light impacts while maintaining nighttime safety, security, and productivity.

Chapter 4: Resource Management Element

- 1) Policy RM-87: Conserve the county's hillside vegetation (consistent with fire safety standards) by incorporating density transfers, clustering, small building sites, shared improvements and other measures that:
 - a. Are compatible with the natural terrain and hydrology,
 - b. Conserve continuous critical habitats, oak woodlands and natural vegetation, and
 - c. Minimize visual impacts.
- 2) Policy RM-132: Maintain and enhance scenic values through development design principles and guidelines, including the following:
 - a. Development scale and design should be subordinate to and compatible with the setting,

- b. Reduce the visual impacts of improvements and infrastructure, and
 - c. Minimize disturbance to natural features and vegetation, but allow selective clearing to maintain or reveal significant views.
- 3) Policy RM-134: The County shall seek to protect the qualities of the nighttime sky and reduce energy use by requiring that outdoor nighttime lighting is directed downward, kept within property boundaries, and reduced both in intensity and direction to the level necessary for safety and convenience.

Ukiah Valley Area Plan

Chapter 4: Community Development

1) CD2.2b: Interim Design Guidelines.

Until the design guidelines and landscape guidelines are adopted, the County will conduct design review of proposed discretionary projects. Outdoor lighting for new projects will not be allowed to cause light trespass and will limit light pollution to the degree feasible. The County will use as interim guidelines the Simple Guidelines for Outdoor Lighting Regulations developed by the International Dark-Sky Association.

Proposed Ordinance

The Mendocino County Medical Cannabis Cultivation Regulation will consist of Chapter 10A.17 of the Mendocino County Code and Chapter 20.242 of the Mendocino County Zoning Ordinance (Inland). In particular, Section 10A.17.040 (General Limitations on Cultivation of Medical Cannabis) establishes specific regulations relating to the use of lighting:

- "(A) *The cultivation of medical cannabis in Mendocino County, in any amount or quantity by any entity, shall not be allowed in the following areas:*
(4)....In any location where the cannabis plants are visible from the public right of way or publicly traveled private roads.
- (D) *All lights used for the "mixed-light" cultivation of medical cannabis 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."*

For allowable indoor permit types (C-A Small Indoor, 1A Medium Indoor, and 2A Large Indoor), an additional policy pertaining to lighting is provided in Section 10A.17.080 (Cultivation Permits-Specific Requirements):

"All structures used shall be constructed in a manner so as to fully contain any light or light glare involved in the cultivation process."

DISCUSSION

Mendocino County is predominantly rural with a very scenic and visually diverse aesthetic character. Scenic resources within the project implementation area include redwood and other forests located throughout the County, natural open space and rangeland, and agricultural areas—such as vineyards and irrigated pastures. Most of the land is forested or in agricultural production and these lands are considered open spaces and scenic resources. Rivers, creeks, and streams are also a prominent landscape feature (County of Mendocino 2009). Based upon information provided by the Mendocino County Agricultural

Commissioner, an estimated 2.9 percent of County land is cultivated as cropland (not including cannabis cultivation).

Scenic Highways and Areas

Caltrans designates State Scenic Highways where roadways pass through particularly scenic landscapes. Although scenic resources throughout Mendocino County are visible from roads and highways, no highways in Mendocino County have been officially designated as State Scenic Highways by either the County or Caltrans (California Department of Transportation 2014c). The unincorporated portion of Mendocino County includes numerous public lands including National forests, State parks, and County parks that offer views of the valleys from ridgelines, as well as a mix of different type of vegetation and wildlife. A portion of Mendocino National Forest is located in northern Mendocino County and is a significant visual resource. The Mendocino National Forest spans portions of Mendocino, Colusa, Lake, Glen, Tehama, and Trinity Counties.

Scenic Farmland

Agricultural lands in production are dominated by vineyards, followed by pear and apple orchards, row crops, and pasture. Agricultural lands are generally considered scenic, as they contain little urban development and feature diverse vegetation types. Structures supporting agricultural operations, such as barns and farmhouses, are often considered aesthetically pleasing in their architectural design and setting.

Scenic River

As noted in Chapter 4 (Resource Management Element) of the Mendocino County General Plan, the Eel River has been designated as both a Federal and California Wild and Scenic River under the National Wild and Scenic Rivers Act (1968) (16 U.S.C. 1271-1287) and the California Wild and Scenic Rivers Act (1972) (Public Resources Code Section 5093.50-5093.70). As a Federal and California Wild and Scenic River, the Eel River is one of several rivers in the State *"which possess extraordinary scenic, recreational, fishery, or wildlife values"* and are to be *"preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the State."* A management plan has not been prepared by the California Natural Resources Agency.

Light and Glare

A nighttime sky in which stars are readily visible is considered a valuable scenic/visual resource. "Light pollution," as defined by the International Dark Sky Association, is any adverse effect of artificial light, including sky glow, glare, spillover lighting, light clutter, decreased visibility at night, and energy waste. There are two types of light pollution—sky glow and light trespass. Sky glow is a result of light fixtures that emit a portion of their light directly upward into the sky where light scatters, creating an orange-yellow glow above a city or town. This light can interfere with views of the nighttime sky and can diminish the number of stars that are visible. Light trespass occurs when poorly shielded or poorly aimed fixtures cast light into unwanted areas, such as neighboring properties. Light pollution is a problem most typically associated with urban areas. However, nighttime light pollution is being experienced in rural areas where cannabis cultivators using mixed-light have illuminated the nighttime skies (Keegan, 2016).

Nighttime Sky—Title 24 Outdoor Lighting Standards

On October 1, 2005, new California Energy Commission (CEC) standards became effective which include changes to the requirements for outdoor lighting for residential and nonresidential development. The standards regulate lighting characteristics such as maximum power and brightness, shielding, and sensor controls to turn lighting on and off. Different lighting standards are set by classifying areas by lighting zone. The classification is based on population figures of the 2000 Census. Areas can be designated as LZ-1 (dark), LZ-2 (rural), or LZ-3 (urban). Lighting requirements for dark and rural areas are stricter in order to protect the areas from new sources of light pollution and light trespass. The majority of Mendocino County is designated at LZ-2. The standards improve the quality of outdoor lighting and help to reduce the impacts of light pollution, light trespass, and glare.

Cannabis cultivation operations have historically been located throughout Mendocino County due to its remote, isolated, and sited on rugged terrain. Because of the clandestine nature of cannabis cultivation prior to the passage of California Compassionate Use Act, and, continuing into the present day, these qualities have been valued by cannabis cultivators seeking to remain inconspicuous. Activities associated with the development of cannabis cultivation sites with the potential to affect aesthetic or scenic resources generally include the following:

1. Tree removal and/or clearing of vegetation;
2. Grading of terrain to level areas for construction and cultivation, create or reclaim roads, and develop ponds;
3. Installation of new structures including: greenhouses, hoop houses, water storage tanks, residential dwellings, storage sheds, fencing, and lighting; and
4. Use of artificial lighting to manipulate the growth process and to provide security lighting.

Aesthetics a) and c)

A scenic vista is a location that offers a high quality, harmonious, and visually interesting view. Per Section 10A.17.040(A)(4) of the proposed MCCR, cultivation sites will not be visible from public roads or publically traveled private road; scenic vistas will not be affected from the most typical vantage points.

Although there is a requirement that cultivation sites may not be visible from a public road or publically traveled private road, changes in the landscape may be visible as a result of the relocation or expansion of existing cultivation sites under Phase 1 implementation, or the installation of new cultivation sites under Phase 3 implementation. Potentially visible features may include fencing, limited vegetation removal, and grading for roadway or site development. Per Policy DE-85 of Chapter 3: Development Element of the Mendocino County General Plan related to *Community Character Policies*, "Viewshed preservation shall be considered when development is located in a highly scenic environment, adjacent to or atop a ridgeline or hill, and in similar settings."

Some industrial zoning districts that will be eligible for permitting under Phase 2 implementation of the proposed MCCR are visible from scenic roads and vistas. However, any cannabis cultivation facilities sited in existing or newly constructed structures in the industrial zones would be consistent with the industrial zone's character and subject to County policies related to new development in the industrial zone as well as Mendocino County's permit requirements. Uses permitted pursuant to the proposed MCCR are similar in nature to uses already allowed—or allowed with permits—in the respective zones would, therefore, not impact the visual character of the site or surroundings.

For parcels developed in residential and agricultural zoning districts, site improvement activities, such as road development and minor clearing of vegetation, are considered typical of rural residential and agriculturally zoned parcels and will be subject to viewshed preservation requirements. Uses permitted

pursuant to the proposed MCCR are similar in nature to uses already allowed—or allowed with permits—in the respective zones would, therefore, not impact the visual character of the site or surroundings. Therefore, the impact of cannabis cultivation operations on scenic vistas or the existing visual qualities of a site and its surroundings will be less than significant.

Aesthetics b)

The project would not impact scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. No such highways exist in Mendocino County. Therefore, the project would result in no impact on scenic resources along a scenic highway.

Aesthetics d)

Indoor and mixed-light cannabis cultivation involves the use of artificial lighting to aid in the cultivation process. In addition, security measures are required to protect cannabis operations. Security measures will likely include outdoor lighting at various entry points to the area containing cannabis operations. Exterior security lighting will be subject to the following policies of the Mendocino County General Plan:

Chapter 3: Development Element—Community Character Policies

- 1) Policy DE-89: Reduce excessive artificial light and offsite light impacts while maintaining nighttime safety, security, and productivity.

Chapter 4: Resource Management Element—Dark Sky Policies

- 1) Policy RM-134: The County shall seek to protect the qualities of the nighttime sky and reduce energy use by requiring that outdoor nighttime lighting is directed downward, kept within property boundaries, and reduced both in intensity and direction to the level necessary for safety and convenience.

Impacts associated with the use of lighting to manipulate the cannabis growth process will be subject to the provisions of Subsection D of Section 10A.17.040 of the proposed MCCR, which requires lighting to be directed such that it is confined to the legal parcel and illuminates only the necessary area.

“(D) All lights used for the “mixed-light” cultivation of medical cannabis 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.”

For allowable indoor permit types (C-A Small Indoor, 1A Medium Indoor, and 2A Large Indoor), an additional policy pertaining to lighting is provided in Section 10A.17.080 (Cultivation Permits-Specific Requirements):

“All structures used shall be constructed in a manner so as to fully contain any light or light glare involved in the cultivation process.”

As previously described, implementation of the proposed MCCR will occur in three phases. Under Phase 1, operations that can prove their existence as of January 1, 2016 will be permitted in the AG, FL, I1, I2, P1, RL, RR-2, RR-5, RR-10, TPZ, and UR Districts and in all other zoning districts provided the maximum cultivation size is less than 2,500 square feet (Permit Types C, C-A and C-B). During Phase 2, new cannabis cultivation will

be permitted in the industrial (I1, I2, P1) zoning districts only. Under Phase 3, varying types of new cannabis cultivation will be allowed in the AG, I1, I2, P1, RL³, RR-2, RR-5, RR-1, and UR Districts.

During Phase 1, existing sites will be brought into compliance with the County's policies related to security lighting and lighting used to manipulate the cannabis growth process, representing an improvement over existing conditions. During Phase 2, new cultivation will be allowed in the industrial zoning districts only and will only be allowed within structures; therefore, there will be no impacts associated with sky glow or light trespass, and any impacts associated with security lighting will be controlled by the County policies regarding lighting and will be consistent with the character of the industrial zone, reducing potential impacts to a less than significant level. During Phase 3, cultivation sites with artificial lighting have the potential to increase impacts associated with new sources of light above existing conditions.

The expansion of cannabis cultivation may introduce lighting in areas, which otherwise experience limited light pollution due to their remote or rural location. Compliance with provisions of the County Land Use Code and proposed MCCR related to lighting development standards are sufficient to reduce the impact from security and other non-cultivation related lighting to a less than significant level. However, mixed use lighting is not otherwise required to be fully shielded and may illuminate relatively large areas. To minimize potential effects of light and glare, Mitigation Measure AES-1 requires that all new structures used for mixed-light cultivation shall be constructed in a manner so as to fully contain any light or light glare involved in the cultivation process. With mitigation incorporated there will be a less than significant impact to light and glare.

MITIGATION MEASURES

AES-1: Mendocino County shall modify the MCCO prior to its adoption by the Board of Supervisors to require that all new structures used for new mixed-light cultivation shall be constructed in a manner so as to fully contain any light or light glare involved in the cultivation process.

FINDINGS

The Proposed Project would have a **Less Than Significant Impact with Mitigation Incorporated** on Aesthetic Resources.

³ Mitigation Measure AG-2 removes RL Zoning District from Phase 3.

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: Agriculture and Forestry Resources would be significantly affected by the proposed project if the project were to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (hereafter "farmland"), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses. Significant impacts to Agricultural and Forestry Resources would also occur if the project conflicted with existing zoning for agricultural use or a Williamson Act contract; conflicts with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)); Result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use.

REGULATORY SETTING

Farmland Protection Policy Act

The U.S. Farmland Protection Policy Act (FPPA) (7 U.S.C. 4201 *et seq.*, implementing regulations 7 CFR Part 658 of the Agriculture and Food Act of 1981 (as amended) is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that, to the maximum extent possible, federal programs are administered to be compatible with state and local units of government. Federal agencies are required to develop and review their policies and procedures to implement the FPPA every 2 years.

For the purpose of the FPPA, farmland includes Prime Farmland, Unique Farmland, and Land of Statewide or Local Importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land but not water or urban built-up land.

Farmland Mapping and Monitoring Program Classifications

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) prepares Important Farmland maps periodically for most of the state's agricultural areas based on information from Natural Resource Conservation Service (NRCS) soil survey maps, Land Inventory and Monitoring Criteria developed by NRCS, and land use information mapped by the California Department of Water Resources (DWR). These criteria are generally expressed as definitions that characterize the land's suitability for agricultural production, physical and chemical characteristics of the soil, and actual land use. Important Farmland maps generally are updated every two years. The FMMP thereby provides information about the quality of farmland in Mendocino County.

The Important Farmland mapping system incorporates eight mapping categories: five categories relating to farmlands and three categories associated with lands used for nonagricultural purposes. Farmland mapping included in the CEQA checklist are summarized below.

Prime Farmland—Lands with the combination of physical and chemical features best able to sustain long-term production of agricultural crops. The land must be supported by a developed irrigation water supply that is dependable and of adequate quality during the growing season. It also must have been used for the production of irrigated crops at some time during the four years before the mapping data was collected.

Farmland of Statewide Importance—Lands with agricultural land use characteristics, irrigation water supplies, and physical characteristics similar to those of Prime Farmland but with minor shortcomings, such as steeper slopes or less ability to retain moisture.

NRCS Farmland Mapping

NRCS has identified soils suitable as Prime Farmland in its two soil surveys of Mendocino County. The NRCS definition of Prime Farmland is the same as that in the FMMP. The majority of the Prime Farmland is located within the Ukiah and Anderson Valleys with pockets of Prime Farmland in the southern coastal region (Department of Conservation 2014). The County strives to preserve agricultural soils in the use of more compact development patterns, including the use of multi-story buildings to accommodate needed housing and commercial uses on less land (County of Mendocino, 2009).

California Right to Farm Act

The California Right to Farm Act (California Civil Code Section 3482.5)—enacted in 1981—provides that a farming activity cannot be a public nuisance if all of the following factors are met:

- 1) The activity is in support of the production of an agricultural commodity;
- 2) The agricultural activity is commercial in nature;
- 3) The activity is conducted "in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality;"
- 4) The farming activity must have been in operation for at least three years; and
- 5) The farming activity was not a nuisance at the time it began.

It is noteworthy that the California Right to Farm Act does not require "best management practices" but instead simply allows adherence to "accepted" customs and practices. In addition, the statute specifically states that it prevails over any contrary provision of a city or county ordinance or regulation, but does allow

cities and counties to require disclosures to be given to prospective home buyers that a dwelling is in close proximity to an agricultural operation. Mendocino County enacted a Right to Farm Ordinance in 1983.

California Health and Safety Code 11362.777(a) specifies: "For purposes of this section and Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code, medical cannabis is an agricultural product." However, the identification of medical cannabis as an agricultural product does not extend to other areas of the law. For example, cannabis is not an agricultural commodity with respect to local "right to farm" Ordinances.

California Timberland Productivity Act of 1982

The California Timberland Productivity Act of 1982 (California Government Code Section 51100-51104) is intended to maintain the limited supply of timberland to ensure its current and continued availability for the growing and harvesting of timber and compatible uses, and to discourage premature or unnecessary conversion of timberlands to urban and other uses. Section 51104(g) of the Act states that a Timberland Protection Zone (TPZ) is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, defined as "any use which does not significantly detract from the use of property for, or inhibit, growing and harvesting timber, and include (but is not limited to):

- 1) Management for watershed;
- 2) Management for fish and wildlife habitat or hunting and fishing;
- 3) A use integrally related to the growing, harvesting, or processing of forest products, including but not limited to roads, log landings, and log storage areas;
- 4) The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities;
- 5) Grazing; and
- 6) A residence or other structure necessary for the management of land zoned as timberland production."

The County's Timber Production Zone regulation (Mendocino County Code Chapter 22.07) implements these objectives through TPZ zoning district.

Similarly, the Forest Land Zoning District (Mendocino County Code Chapter 20.064) is intended "to create and preserve areas suited for the growing, harvesting, and production of timber and timber-related products. Processing of products produced on the premises would be permitted as would certain commercial activities associated with timber production and the raising of livestock. Typically, the FL District would be applied to lands not zoned Timberland Production but which have the present or future potential for timber production, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection of efficient management of timber resource lands."

DISCUSSION

The proposed project is applicable to multiple parcels in a variety of zones throughout unincorporated Mendocino County, excluding the Coastal Zone. The proposal involves the development of local regulations that will permit the commercial cultivation of medical cannabis in certain locations subject to specific regulatory oversight and findings. Pertinent to agricultural and forestry resources, Phase 1 (which is limited to existing cultivation sites) may be issued in the AG, RL, FL and TPZ Districts. During Phase 3 implementation, new cultivation sites may be permitted in the AG and RL districts but not the FL or TPZ Districts.

Various parcels where cannabis cultivation would be allowed in Phase 1 and Phase 3 implementation of the proposed MCCR are located on or immediately adjacent to various farmland, agricultural, and forest resources.

Potential impacts on agriculture and forestry resources associated with the cultivation of cannabis include the following:

- 1) Areas cleared of timber for the installation of roadways, water storage, and cultivation sites;
- 2) Conversion of forest lands to other uses;
- 3) Cultivation sites out of compliance with acreage limitations under the Forest Practices Act and zoning regulations; and
- 4) Inefficient use of soils by siting cultivation operations based on factors such as privacy and remoteness as primary considerations instead of characteristics beneficial to agriculture such as terrain, soil fertility, sun exposure, and water availability.

Agriculture and Forestry Resources a)

Under the proposed MCCR, cultivation of cannabis for medical use would be allowed in the AG District during the implementation of Phase 1 and Phase 3 of the project. Medical Cannabis is an agricultural product and its cultivation is consistent with and similar to other agricultural activities that occur on agricultural lands.

Although, there would be no direct conversion, the proposed MCCR does include measures which may inadvertently incentivize the development of dwelling units and subdivision of agricultural and rangeland.

Most cultivation permits outside of industrial zones may only be issued on parcels that are developed with a legal dwelling unit. This requirement applies to existing cultivation permits issued during Phase 1, as well as to all new cultivation permits issued during Phase 3. Phase 2 permits will be in industrial zones that do not include the requirement for a dwelling unit. The requirement for a dwelling unit on each parcel may lead to conversion of agricultural land, including prime farmland, to establish home sites to qualify for a permit. In most cases, such dwelling units could be constructed as a permitted use with no independent CEQA review of their individual or cumulative effect. In the absence of mitigation, there is the potential that the project will have a significant effect on the conversion of agricultural land. Mitigation Measure AG-1, which removes the dwelling unit requirement from AG, RL, FL and TPZ Districts, is proposed to reduce this potentially significant effect on agricultural resources.

The project may incentivize subdivision of agricultural land and rangeland to establish separate legal lots of record for the purpose of securing additional cultivation permits. This may have a negative effect on grazing and other land intensive agricultural practices which typically require large areas under common ownership or control to provide an economically viable return. Subdivision applications are subject to review pursuant to CEQA and any effect to the ongoing viability of the agricultural resources would be evaluated on a site specific level when subdivision application is made. However, in the case of rangeland particularly, there may be existing underlying legal parcels for which, pursuant to the subdivision map act, certificates of compliance can be applied for and granted without CEQA review. This can have a negative effect on the continuity of rangeland uses by fragmenting existing ownership and grazing operations of the larger ranches in the County. Mitigation Measure AG-2, which prohibits the issuance of permits for new cultivation sites in RL Districts are proposed to de-incentivize subdivision efforts that would impeded continued rangeland uses. By eliminating new cultivation sites in RL districts there will be a

substantial reduced in the acreage and parcels available for cultivation in Phase 3. With mitigation incorporated there will be a less than significant impact to agricultural conversion.

Agriculture and Forestry Resources b)

Cannabis is recognized under the Medical Cannabis Regulation and Safety Act (MCRSA) as an agricultural product; therefore, there would be no conflict with producing cannabis in the agricultural zone, provided all required findings contained in the existing zoning code and the proposed MCCR can be met.

The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for a ten year agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses.

In response to multiple inquiries from cities and counties, the State Board of Conservation distributed direction to counties statewide regarding cannabis production on Williamson Act lands. The guidance reads, "Medical marijuana is an agricultural product, under both the 2015 medical marijuana statutes and the Williamson Act. Therefore, nothing in the Williamson Act prohibits the growth of medical marijuana on land enrolled in the Williamson Act. A city or county's participation in the Williamson Act does not alter a local government's authority to place conditions on crop types and agricultural practices allowed in areas under their jurisdiction." (Department of Conservation, 2016)

Mendocino County policies set minimum parcel size requirements of ten (10) acres for prime agricultural land and forty (40) acres for non-prime agricultural land. Fifty percent (50%) of the land to be contracted is to be continuously used or maintained for agricultural uses, unless the Board of Supervisors makes specific findings. These two requirements, combined with the maximum cultivation sizes in the proposed MCCR, would have the effect that cannabis cultivation alone could not qualify as an agricultural preserve, therefore, another form of agriculture would also need to occur on the property to qualify for the program.

On October 6, 2015, the Mendocino County Board of Supervisors adopted amended policies and procedures for implementing the Williamson Act Program in the County through Ordinance No. 4345 and Resolution No. 15-156. The current policies make no provision for medical cannabis cultivation. Until such policies are amended there is the potential that cannabis cultivation on land subject to Williamson Act land could be interpreted to conflict with existing land conservation contracts.

Mendocino County Staff are currently preparing proposed amendments to the implementing policies and procedures to address the cultivation of medical cannabis on property subject to Williamson Act contracts. Staff anticipates a recommendation to the Board of Supervisors to declare that cannabis production is a "compatible" use which may be undertaken on land subject to Williamson Act Land Conservation Contracts, but the value of a medical cannabis product may not be included in the agricultural income calculations used to determine whether property qualifies to participate in the Williamson Act Program. Other agricultural uses would be required on site to qualify or to maintain eligibility to remain in the program.

Mitigation Measure AG-3 is proposed to prohibit cannabis 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 reflect the Board's direction regarding cannabis cultivation. Incorporating

Mitigation Measure AG-2 will ensure there is no conflict between the cultivation use and Williamson Act Land Conservation Contracts.

With implementation of these mitigation measures, the proposed MCCR does not conflict with existing zoning for agricultural use as cannabis is technically considered an agricultural product. Therefore the impact would be less than significant with mitigation incorporated.

Agriculture and Forestry Resources c)

The Timberland Production Zone (TPZ) was established in 1976 in the California Government Code as a designation for lands for which the Assessor's records as of 1976 demonstrated that the "highest and best use" would be timber production and accessory uses. Public improvements and urban services are prohibited on TPZ lands except where necessary and compatible with ongoing timber production. The original purpose of TPZ zoning, was to preserve and protect timberland from conversion to other more profitable uses and ensure that timber producing areas not be subject to use conflicts with neighboring lands.

As defined in PRC Section 4526, "Timberland means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species are determined by the Board of Forestry and Fire Protection on a district basis." PRC Section 12220(g) defines forested land as land that can support ten percent native tree cover of any species. By this definition, various sites throughout the project area that would be permitted under the proposed MCCR have the potential to include lands that are considered forest land.

No Phases of the MCCR subject any lands to re-zoning. But the MCCR would permit existing cultivation sites in the FL and TPZ Districts that can demonstrate compliance with all provisions specified. While a historical impact may exist from already established cultivation sites in the FL and TPZ Districts, these impacts are considered an existing condition and part of the project baseline.

Permitting existing cultivation sites located within the TPZ and FL Districts under Phase 1 implementation of the proposed zoning code amendments (Section 20.242.050 Table 1) requires an administrative permit through the County Department of Planning and Building Services. MCCR Section 20.242.050E, allows for the expansion of existing sites up to 10,000 square feet in the TPZ and FL Districts. Per section 20.242.080.C.3 of the proposed MCCR, administrative permits require the following findings: "there is no other environmentally superior cultivation site located on the same parcel; the location and operation of the medical cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding 15 percent, prime soils, oak woodland, and timber resources." Additionally, each administrative permit is subject to a CEQA finding. Each existing cultivation site within the FL or TPZ Districts will need to be evaluated to determine the appropriate level of CEQA review and mitigation can be incorporated into the permit, if necessary.

Timberlands as defined by PRC4526 are not limited to the FL or TPZ Districts. Lands meeting this definition may include property located in the various RR Districts and potentially some areas zoned AG, RL and UR. Pursuant to Subsection (X) of Section 10A.17.090 (Cultivation Permit Application and Zoning Review) of the proposed MCCO, the following will be required as part of permit applications in Phases 1 and 3:

"If the application would include the conversion of timberland as defined under Public Resources Code section 4526, a copy of a Less-Than-Three-Acre Conversion Exemption or Timberland

Conversion Permit, approved by the California Department of Forestry and Fire Protection ("CAL FIRE"). Alternately, 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 CAL FIRE, the NCRWQCB and the CDFW."

Through permit processing CAL FIRE will be consulted to ensure compliance with the above referenced section. The County will rely on CAL FIRE's determination of whether the project conflicts with TPZ, forestland, or timberland resource provisions under their jurisdiction. In Phase 1 there will be no significant additional impacts to TPZ or FL lands above the baseline condition. In Phases 2 and 3, new cannabis cultivation will not be allowed in the FL or TPZ Districts. There will be no impact to FL or TPZ Districts during implementation of Phase 2 and 3. Impacts will be less than significant to TPZ and FL lands.

Agriculture and Forestry Resources d) and e)

In the existing baseline condition, substantial cannabis cultivation occurs in remote, isolated settings, typically, in areas which are naturally forested. These practices have resulted in substantial changes to forest lands including tree removal, water diversion, grading and other activities which together constitute conversions of forest lands to non-forest use. Baseline and future conversion of agricultural lands is not a significant concern as medical cannabis is an agricultural product.

The mechanisms for continued forest land conversion with the implementation of Phase 3 of the proposed MCCR are limited. These will largely come from requests for Less-Than-Three-acre Conversions on RR zoned timberlands. CAL FIRE has reported a surge in the number of CEQA-exempt Less-Than-Three-acre Conversions as a large number of cannabis cultivators have moved into forested landscapes.

Less-Than-Three-Acre Conversions or Timber Conversions will be required for any application under Phase 3 that involves land meeting the definition of timberland. Currently CAL FIRE reviews requests for Less-Than-Three-Acre and other Timber Conversions without County participation. Conversion requests to CAL FIRE require the applicant to state the proposed alternate use (bona fide intent) for the site once the timber is removed. If a Conversion request states that the bona fide intent for conversion is medical cannabis cultivation it is necessary for CAL FIRE to have accurate information as to whether the property would qualify for a Cultivation Permit based on zoning, setbacks, and other provisions outlined in the MCCR. Without this information CAL FIRE could inadvertently authorize conversion of timberlands in area that ultimately may not fall within the permitting criteria.

To avoid this circumstance, Mitigation Measure AG-4 is proposed requiring the County to participate in the Timber Conversion process with CAL FIRE to ensure that conversions are compliant with the proposed MCCR and other zoning requirements. With mitigation incorporated there will be a less than significant impact.

MITIGATION MEASURES

AG-1: 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 cultivation permit in the AG, RL, FL and TPZ Districts.

AG-2: Mendocino County shall modify Zoning Chapter 20.242 prior to its adoption by the Board of Supervisors to prohibit new medical cannabis cultivation permits in the RL Zoning District.

AG-3: Mendocino County shall prohibit the 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.

AG-4: Mendocino County Planning and Building Services will participate in reviewing timber conversions and in doing so provide information to CAL FIRE as to whether a Cultivation Permit has been issued corresponding with the bona fide intent for conversion as stated in the conversions request.

FINDINGS

The Proposed Project would have a **Less Than Significant Impact with Mitigation Incorporated** on Agriculture and Forest Resources.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on Air Quality if it conflicts with or obstructs implementation of applicable air quality plans; violates any air quality standard or contribute substantially to an existing or projected air quality violation; results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors); exposes sensitive receptors to substantial pollutant concentrations; or creates objectionable odors affecting a substantial number of people.

REGULATORY SETTING

Air pollution control in the State of California is based on federal, state, and local laws and regulations. The federal Environmental Protection Agency, Cal EPA, and regional clean air agencies, all regulate air quality. Federal and State agencies establish maximum concentrations for a wide variety of pollutants such as particulate matter (PM10 and PM2.5), ozone, and other smog precursors (NOX and ROG).

Mendocino County is part of the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma Counties, and is within the jurisdiction of the Mendocino County Air Quality Management District (MCAQMD). Air basins bordering the North Coast Air Basin include the Northwest Plateau, Sacramento Valley, Lake, and San Francisco Area air basins. The topography of the North Coast Air Basin is similar to that of Mendocino County in that it varies with mountain peaks, valleys, and coastline (County of Mendocino General Plan, 2009).

The climate of Mendocino County transitions between that of the coast and that of the interior of California. The eastern portion of the County is characterized by warm, dry summers and cool, wet winters. Coastal Mendocino County has a mild Mediterranean climate with abundant rainfall (County of Mendocino General Plan, 2009).

MCAQMD operates air monitoring stations in Fort Bragg, Ukiah, and Willits. Based on the results of monitoring, the entire County has been determined to be in attainment for all Federal criteria air pollutants

and in attainment for all State standards except Particulate Matter less than 10 microns in size (PM10). Throughout the inland portions of the County, MCAQMS identifies the following as sources of PM10:

- 1) Woodstoves;
- 2) Fireplaces;
- 3) Outdoor burning, including agricultural waste;
- 4) Fugitive dust;
- 5) Automobile traffic; and
- 6) Industry.

In January of 2005, MCAQMD adopted a Particulate Matter Attainment Plan establishing a policy framework for the reduction of PM10 emissions, and has adopted Rule 1-430 which requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land as follows:

- 1) All visibly-dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;
- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;
- 3) Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed;
- 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles and other surfaces that can give rise to airborne dusts;
- 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;
- 6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours; and
- 7) The operator shall keep a daily log of activities to control fugitive dust.

In December, 2006, MCAQMD adopted Regulation 4, Particulate Emissions Reduction Measures, which establishes emissions standards and use of wood burning appliances to reduce particulate emissions. These regulations applied to wood heating appliances, installed both indoors and outdoors for residential and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible.

In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel powered equipment used for grading or road development must be registered in the Air Resources Board DOORS program and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies.

In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material which contributes to PM2.5. All stationary and portable diesel engines over 50 horse power need a permit through the MCAQMD.

Like many counties in Northern California, Mendocino County has areas that contain Naturally Occurring Asbestos (NOA). State regulations, enforced by MCAQMD, may affect grading and surfacing projects. The District uses a map prepared by County Information Services to identify areas likely to have asbestos

containing geologic features. The map was derived from maps produced by the CA Bureau of Mines and Geology and the USDA Natural Resource Conservation Service. For projects in areas identified as potentially containing NOA, the District requires an evaluation and report by a State registered geologist to determine that any observed NOA is below levels of regulatory concern in the areas being disturbed (Title 17, CCR, Section 93105(c)(1)). The Air Pollution Control Officer may, upon being provided a report detailing the geologic evaluation, grant an exemption from other requirements of the regulation. If the State registered geologist determines that NOA is present at levels above regulatory concern, or the applicant chooses not to have the testing and evaluation conducted, the District requires dust control measures in accordance with Title 17, CCR, Section 93105(d) and (e). Such measures generally include, maintaining vehicle speeds at less than 15 mph, washing down vehicles prior to moving off the property and cleaning visible track-out as needed at least once a day. All fill removed from areas containing NOA must be disposed of in accordance with applicable laws and regulations, approved dust suppressants must be used on unpaved surfaces and all on-site workers must be informed of possible presence of NOA.

DISCUSSION

The impacts of the cultivation of medical cannabis on air quality include the following:

- 1) Portable diesel and gasoline generators operating for extended periods of time (PM10, PM2.5 and other criteria pollutants);
- 2) Contributions to PM10 from site construction and grading, and travel on unpaved roads;
- 3) Contributions to PM10 and other criteria pollutants from vehicle emissions and fugitive dust from water delivery, fuel delivery, and transportation of materials and harvest;
- 4) Objectionable and detectable odors from fuels, fertilizers, and cannabis plants; and
- 5) Contributions to PM10 from burning of slash from site clearance and burning of agricultural waste;

The proposed MCCRA includes the following provisions, which are expected to reduce the aforementioned air quality impacts:

- 1) Prohibition against new cultivation operations in that TPZ and FL Districts, which are typically located far away from urban centers and have few available paved roads;
- 2) Requirement that setbacks from a variety of potentially sensitive receptors, including schools, parks and all single family residences on parcels under separate ownership;
- 3) Establishment of minimum parcel sizes which discourage concentration of cultivation operations. Minimum parcel sizes increase with the size and intensity of proposed operations;
- 4) Establishment of maximum cultivation areas which limit the scale of potential emissions from individual operations;
- 5) Prohibition against the use of a generator as a primary source of power; and
- 6) Requirement that all cultivation operations identify a water right sufficient to irrigate the cultivated area, reducing the potential to rely on water delivery, reducing PM10 and vehicle emissions from truck traffic to remote cultivation sites.

Air Quality a, b, c)

The cultivation of medical cannabis has the potential to generate substantial emissions of particulate matter, increasing a non-attainment criterion pollutant throughout Mendocino County. This is likely to be generated by traffic on dirt and gravel roads, earth moving activities, and potential burning of materials. NOA may also be present and cause exposure during grading and roadwork activities at proposed cultivation sites. Existing regulations—such as the MCAQMD fugitive dust regulations and the provisions of the proposed MCCR—will reduce such emissions and exposure. To ensure that the MCAQMD has the

opportunity to be involved in the permitting of cultivation sites and that applicable existing air quality standards are met, Mitigation Measure AIR-1 is proposed. This mitigation measure requires sending a referral to MCAQMD and incorporating their recommendations into the permit approval. With mitigation incorporated, these impacts are reduced to less than significant level.

Air Quality d, e)

The proposed MCCR provides several mechanisms to prevent air quality impacts, particularly odors, from impacting sensitive receptors and large numbers of people who may object to the strong odor associated with cannabis cultivation during the flowering phase. Furthermore, cannabis cultivation is identified as an agricultural use. Odors from agricultural operations on appropriately zoned parcels are a typical and anticipated circumstance and are not typically defined as a nuisance.

According to the MCAQMD, there is currently insufficient evidence that the burning of vegetated matter from the growing of cannabis would not result in significant odors that could affect nearby receptors. Therefore Mitigation Measure AIR-2 will be applied to prohibit burning of excess cannabis plant material.

If concentrated by ventilation systems, the odors from larger indoor, and greenhouse cultivation operations have a substantially greater potential to generate offensive odors on adjacent properties, even where mandatory setbacks from property lines and adjacent residences have been met. Mitigation Measure AIR-3 addresses this impact by requiring filtered ventilation systems be installed in mixed light and artificial light cultivation structures.

With mitigation incorporated, these impacts are reduced to less than significant level.

MITIGATION MEASURES

AIR-1: Mendocino County shall amend the proposed MCCR to require consultation with the Mendocino County Air Quality Management District (MCAQMD) prior to the issuance of any permit for the cultivation of medical cannabis. The District will have the opportunity to require emissions control devices, asbestos removal, and Best Management Practices pursuant to adopted regulations to ensure that the proposed cultivation operation will comply with the PM Attainment Plan or District regulations regarding fugitive dust and other sources of PM-10 and otherwise complies with adopted air quality plans including Naturally Occurring Asbestos policies.

AIR-2: Mendocino County shall amend the proposed MCCR to prohibit the burning of excess cannabis plant materials associated with the cultivation and preparation of medical cannabis.

AIR-3: Mendocino County shall amend the proposed MCCR to require that all buildings—including greenhouses—used for the cultivation of medical 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 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.

FINDINGS

The Proposed Project would have a **Less Than Significant Impact with Mitigation Incorporated** on Air Quality.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or Ordinances protecting biological resources, such as a tree preservation policy or Ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant impact to Biological Resources if it were to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

REGULATORY SETTING

Federal Regulations and Standards

Endangered Species Act

The purpose of the Endangered Species Act (ESA) of 1973 (16 U.S.C. Section 1531 et seq.) is to protect and recover imperiled species and the ecosystems upon which they depend. It is administered by the U.S. Fish and Wildlife Service (USFWS) and the Commerce Department's National Marine Fisheries Service (NMFS). The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife such as whales and anadromous fish such as salmon.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. Sections 703–712) makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. The USFWS has statutory authority and responsibility for enforcing the MBTA.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 U.S.C. Section 668-668c), enacted in 1940, prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb."

Federal Water Pollution Control Act

The Federal Water Pollution Control Act of 1948 (P.L. 80-845, 62 Stat. 1155), commonly known as the Clean Water Act (CWA), authorized the Surgeon General of the Public Health Service, in cooperation with other Federal, state and local entities, to prepare comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries and improving the sanitary condition of surface and underground waters. During the development of such plans, due regard was to be given to improvements necessary to conserve waters for public water supplies, propagation of fish and aquatic life, recreational purposes, and agricultural and industrial uses. The original statute also authorized the Federal Works Administrator to assist states, municipalities, and interstate agencies in constructing treatment plants to prevent discharges of inadequately treated sewage and other wastes into interstate waters or tributaries.

State Regulations and Standards

California Endangered Species Act

The California Endangered Species Act (CESA) (Fish and Game Code Sections 2050-2116), enacted in 1970, states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. The California Department of Fish and Wildlife (CDFW) will work with all interested persons, agencies and organizations to protect and preserve such sensitive resources and their habitats.

California Native Plant Protection Act (NPPA)

The California Native Plant Protection Act (NPPA) (Fish and Game Code Section 1900-1913) was enacted in 1977 and allows the Fish and Game Commission to designate plants as rare or endangered. There are 64

species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations.

California Oak Woodlands Conservation Act (AB 242-2001) and the Oak Woodlands Conservation Act (SB1334-2004)

The California Oak Woodlands Conservation Act requires that as part of the determination made pursuant to CEQA, a county shall determine whether a project may result in a conversion of oak woodlands that will have a significant effect on the environment.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) of 1969 is the principal law governing water quality regulation in California. Enforced by the Regional Water Boards, the Porter-Cologne Act establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code section 13000 et seq.), the policy of the State is as follows:

- 1) That the quality of all the waters of the State shall be protected;
- 2) That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and
- 3) That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

On August 13, 2015, the NCRWQCB adopted the Order and adopted a Mitigated Negative Declaration based on an Initial Study prepared pursuant to CEQA (SCH # 2015042074). The Order includes a review of biological impacts from medical cannabis cultivation, especially in regard to beneficial uses of water quality, and requires conformance with the "Standard Conditions" and "Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects" as presented the Order (see Attachments B and C, respectively).

The Initial Study prepared for the Water Board Order includes the following:

*"The North Coast Region is home to numerous threatened and endangered species that are among the beneficial uses most sensitive to excessive sediment and temperature and reduction in suitable habitat. The migration, spawning, reproduction, and early development of cold water fish such as coho salmon (*Oncorhynchus kisutch*), chinook salmon (*O. tshawytscha*), and steelhead trout (*O. mykiss*) are impacted in the North Coast Region due to water quality impairments and are central to numerous recovery efforts. The National Marine Fisheries Service (NMFS) has listed Southern Oregon/Northern California Coast (SONCC) coho salmon (1997), California Coastal Chinook salmon (1999), and Northern California steelhead (2000) as threatened under the federal Endangered Species Act. The California Fish and Game Commission also listed coho salmon as threatened in 2005.*

Additionally, waterbodies covering approximately two-thirds of the area of the North Coast Region are included on the Clean Water Act Section 303(d) List of impaired waters due to excessive sediment; technical assessments and programs of implementation for these impaired waters focus on sediment and temperature control for recovery of cold freshwater habitat (COLD) defined as uses that "support cold water ecosystems including, but not limited to, preservation or

enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.”
(NCRWQCB, 2011)

Local Standards

Mendocino General Plan policies related to biological resources are found in the Resource Management (RM) and the Open Space and Conservation (OC) chapters of the General Plan and include the following:

RM-1	Require adequate buffers for all projects potentially impacting stream corridors and/or their associated riparian habitat.
RM-27	Identify and maintain wildlife movement corridors to support biodiversity and healthy natural processes.
RM-29	The County shall require all public and private discretionary projects to avoid impacts to wetlands if feasible. If avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations.
RM-79	Provide information to landowners, developers, and the public on the importance and value of maintaining wildlife corridors.
RM-98	Support State and Federal measures to protect and enhance the freshwater and marine ecology into the development process, such as: <ul style="list-style-type: none"> • Stream corridor protection and restoration. • Riparian vegetation protection and restoration. • Erosion and sediment control measures. • Surface mining controls.
OC 1.1	River Corridor Uses - Develop and adopt regulations establishing standards applicable to River Corridors. Until the regulations and the final Stream Setbacks are adopted, require that land use and development comply with the following principles. Allow or consider allowing the following uses within any River Corridor area: <ul style="list-style-type: none"> • Streamside maintenance, fire fuel management, and restoration. • Livestock grazing. • Agricultural cultivation, but not within 100 feet of top of bank for the Russian River and 25 feet for Other Riparian Corridors. • Public projects, including water-dependent public recreational facilities. • Timber operations conducted in accordance with an approved timber harvest plan. • Mining operations conducted in accordance with the County Surface Mining regulations. • Road, street, and utility crossings • Streamside maintenance, fire fuel management, and restoration. • Permitted summer dams. • Equipment turnaround and access roads associated with agricultural cultivation, provided that the affected area is the minimum necessary for these turnaround and access roads and that a minimum 25' vegetative filter strip is provided and maintained between the affected area and the top of the bank.

OC 1.1 [cont.]	<ul style="list-style-type: none"> • Vegetation removal as part of an integrated pest management program administered by the Agricultural Commissioner. Prohibit, except as otherwise listed above, grading, vegetation removal, agricultural cultivation, structures, roads, utility lines and parking lots within any streamside conservation area. Consider an exception to this prohibition if: <ul style="list-style-type: none"> • It makes a lot unbuildable and if vegetation removal is minimized, or • The use involves only the maintenance, restoration, or minor expansion of an existing structure or other existing use, or • It can be clearly demonstrated through photographs or other information that the affected area has no substantial value for riparian functions, or • The use involves only the maintenance, restoration, or minor expansion of an existing structure or other existing use, or • A conservation plan is approved that provides for the appropriate protection of the biotic resources, water quality, flood management, bank stability, groundwater recharge, and other applicable riparian functions.
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DISCUSSION

Special Status Species

Special-status species are those animal and plant species that, in the judgment of the resource agencies, trustee agencies, and certain non-governmental organizations, warrant special consideration in the California Environmental Quality Act (CEQA) process. This includes the following:

- 1) Officially designated "threatened," "endangered," or "candidate" species federally listed by the USFWS and protected under the Federal Endangered Species Act (FESA);
- 2) Officially designated "rare," "threatened," "endangered," or "candidate" species state listed by the CDFG and protected under the California Endangered Species Act. CDFG also maintains a list of "Fully Protected" species as well as "California Species of Special Concern" that are also generally included as special-status species under CEQA;
- 3) Species considered rare, threatened, or endangered under the conditions of Section 15380 of the CEQA Guidelines, such as plant species identified on lists 1A, 1B, and 2 in the CNPS Inventory of Rare and Endangered Vascular Plants of California; and
- 4) Other species considered sensitive, such as birds protected under the Migratory Bird Treaty Act (MBTA), which includes most native birds. A species may also be designated as special concern at the local level.

Special status species and critical habitats within the County of Mendocino have been identified based on a query of the California Natural Diversity Database (CNNDDB) (Attachment D), California Native Plant Society (CNPS) rare plant lists (Attachment E), responses from the United States Fish and Wildlife Service (September 15, 2016, Arcata and Sacramento Offices) (Attachment F), and a search of National Marine Fisheries Service (available upon request). Table 4-A (Special-Status Species In or Potentially Occurring in Mendocino County) from Chapter 4 (Resource Management Element) of the Mendocino County General Plan identifies special-status species found in or potentially occurring within the County; however, the contents of this list is included on the other lists previously mentioned.

Habitat and Wildlife

Per pages 4-9 – 4-10 of Chapter 4 (Resource Management Element) of the County of Mendocino General Plan:

"Mendocino County has a wide range of climates, topography, soils, and watershed conditions, all of which produce very diverse plant and animal communities. Vegetation predominant in the region, includes valley grassland and oak woodland in lowlands and valleys, coastal scrub and prairies along the Pacific Ocean, and mixed chaparral, hardwood forest, and coniferous forest in the mountains. Mendocino County has a very wide range of biological communities, some of which are highly productive or contain rare plant communities. These include redwood, Douglas-fir, montane hardwood, chaparral, grasslands, closed cone pine-cypress, oak woodland, agricultural, white fir, ponderosa pine, Klamath mixed fir, coastal scrub, urban, red fir, barren, and aquatic habitats. Figure 4.2 contains a map of the biological communities in Mendocino County."

Additionally, as discussed in Chapter 4 of the Mendocino County General Plan, there are several sensitive habitats located in Mendocino County. Sensitive habitats include those that are of special concern to resource agencies, Section 1600 of the California Fish and Game Code, CAL FIRE directives, and Section 404 of the Federal Clean Water Act. Sensitive habitats in Mendocino County include:

- 1) Serpentine Soils and Rock Outcrops;
- 2) Pygmy Forest;
- 3) Wetlands/Waters of the United States; and
- 4) Old-Growth Forest.

Waterways

Mendocino County can be broadly divided into three major watersheds areas: the Coastal, Eel, and Russian River basins. The Coastal system consists of numerous relatively short streams flowing west to the Pacific Ocean. Major stream systems located in the Coastal watershed include the Ten Mile, Noyo, Big, Albion, Navarro, Garcia, and Gualala Rivers. The interior county is drained by the two larger drainage systems – the Eel River and Russian River systems. The Eel River system drains the northern interior, while the Russian River system drains the southern interior. Only portions of these interior watersheds lie within the county. The Eel River watershed is shared with Humboldt, Lake, and Trinity Counties, while the Russian River watershed includes significant portions of Sonoma County (County of Mendocino, 2009).

Surface runoff in each basin is derived almost entirely from rainfall, although snow does fall in the mountains located in the eastern portion of the Eel River watershed. Stream flow responds directly to the rainfall pattern; high stream flows will drop quickly without sustaining rainfall. During the dry summer months, stream flow must be supplied from groundwater seepage, channel storage, reservoir storage, diversions, natural springs, and artesian wells (County of Mendocino, 2009).

There are individuals and organizations throughout Mendocino County involved in managing watershed resources, and collaborating in data collection, planning management, sharing of technical expertise, pooling funding resources, and implementation of watershed projects. A major focus of these watershed efforts is the improvement of water quality in the streams and restoration of native fish habitat and native aquatic species (County of Mendocino, 2009).

Eleven (11) watersheds within Mendocino County are listed as impaired for sediment and elevated instream temperatures, including: Ten Mile River; Noyo/Pudding Creek; Big River and Berry Gulch; Albion River; Garcia River; Gualala River; Navarro River; Upper Russian River; Middle Fork Eel River; South Fork Eel River; and Middle Mainstem Eel River. Within these watersheds, Total Maximum Daily Load (TMDL) requirements (that are in various stages of development) will require reductions in contributing sediment sources to achieve the load reductions necessary to protect fishery resources. County permitting of cannabis cultivation in forested watersheds (existing operations under Phase 1 and future operations under Phase 3) has the potential to increase instream temperatures in TMDL-listed waterbodies through the diversion of additional water from the water body or contribution of additional sediment into the water body, or both.

The project is designed to prevent, monitor for, and address potential environmental impacts through a wide array of regulatory requirements. In Phase 3, the permitting of new cannabis cultivation sites in any zoning district other than the AG District will require a watershed assessment to assure adequate water resources. The watershed assessment is more fully described in the Hydrology and Water Quality section of this Initial Study.

Biological Resources a), b), c), d), e) and f)

As mentioned in the discussion of this section there are numerous species identified by CDFW and USFWS as candidate, sensitive or special status species (collectively will be referred to as sensitive species). While the MCCR and the Order offer specific protections to riparian areas and wetlands, which provide protection to many sensitive species, those species occurring outside of these areas may experience impacts with the implementation of Phase 3 when new cultivation sites may be permitted. Because new outdoor cultivation sites will only require a zoning clearance in the zoning districts in which they are allowed, there is not currently a mechanism within the MCCR to confirm if new cultivation locations may impact sensitive species that are not located in wetland or riparian areas.

Subsection (l) of the agricultural code amendments, Section 10A.17.090 (Cultivation Permit Application and Zoning Review), requires the submittal of a cultivation and operations plan which includes describing watershed and habitat protection measures; water storage; conservation and use; drainage, runoff, and erosion control; and proper storage of fertilizers, pesticides, and other regulated products to be used on the legal parcel; in addition to a description of cultivation activities.

To be protective of potential upland sensitive species that may not otherwise be protected through other agency involvement, mitigation is required. Mitigation Measure BIO-1 requires involvement with CDFW to determine if any sensitive species will be affected by a proposed new cultivation site. The MCCR will be revised to require a sign off from CDFW for each proposed cultivation site to evaluate if there is a possibility for presence of sensitive species. Prior to submittal of the MCCO cultivation permit, cultivators will need to coordinate with CDFW who 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. If it is determined that a sensitive species could occur, the required cultivation and operations plan shall be revised to incorporate measures to protect sensitive species to the satisfaction of CDFW. A cultivator that cannot demonstrate to the satisfaction of CDFW that there will be a less than significant impact to sensitive biological resources will not be issued a cultivation permit. The County may eliminate this requirement at such time CDFW authorizes the County to perform this function based on available mapping and training of Agricultural Commissioner's staff and the qualifications of third party inspectors to identify sensitive species habitat. CDFW will remain involved when a sensitive resource is identified.

The MCCR relies heavily on the performance standards identified in Agriculture Code Section 10A.17.110 and on the Standard Conditions of the Order to control adverse biological impacts to riparian areas, wetlands, and migratory fish and wildlife species. All applicants for permitting under the MCCR must establish and maintain enrollment under the Order, or for those sites not required to enroll under the Order, compliance with the Standard Conditions contained in the Order must be demonstrated (MCCR Sections 10A.17.110(F) and (G)).

The Biological Resources section of the Initial Study from the Order (SCH No. 2015042074) states:

"Widespread unregulated cannabis cultivation in the North Coast Region is currently posing a new wave of threats to cold freshwater habitat and the dependent species (Bauer, 2015). Land disturbing activities and discharges of waste from cultivation activities can lead to increased sediment loading to streams, reduced shading and water temperature increases, increased nutrient loading, reduction in large wood inputs, and direct alterations to stream morphology due to in-channel disturbances. Excessive surface water diversion can lead to dewatering of streams. Among the biological resources at risk are species that require a full year in freshwater. Dewatering can threaten the survival of entire year classes. *The Order is designed to address these impacts from cannabis cultivation and lead to an improvement in water quality and conditions associated with cold freshwater habitat.* [Emphasis added]

The baseline conditions include legacy impacts and more recent improper site development or maintenance, including improper stream crossing design, which can result in erosion and transportable sediment, create or exacerbate unstable features, and result in temperature impacts from improper hydromodification, potential for adverse geomorphological changes, creation of habitat/migration barriers, and removal of riparian vegetation.

Inadequate riparian protection measures can result in adverse temperature increases, and can result in or increase the likelihood of pollutant discharges to surface waters, or of fill/threatened fill in streams or wetlands. If conducted improperly, soil storage and disposal can result in placement of fill in or where it can enter surface waters, controllable sediment sources, and creation or exacerbation of unstable features. Water diversion, storage, and use can result in depletion of water resources and potential impacts to or loss of beneficial uses; improper construction or maintenance of storage features or facilities can result in pollutant discharge and damage to watercourse structure and instream habitat, and can create fish and wildlife migration barriers. Irrigation runoff from marijuana cultivation and other similar growing operations can result in sediment and other pollutant transport to receiving waters, and possible exacerbation of unstable features. The Order is designed to eliminate and reduce such impacts, particularly as they relate to candidate, sensitive or special status species, riparian habitat, and/or other sensitive natural communities, and federally-protected wetlands.

The pattern and range of instream flows can be affected by the timing, duration, and rate of water withdrawals. The Order contains conditions related to water storage and use that may encourage Dischargers to pursue alternate water supply to avoid direct diversions from surface streams in the summer. Increased use of management measures and practices such as water conservation measures, and increased use of off-stream storage and voluntary curtailments of water diversion, could increase dry weather instream flows, and associated habitat. This would help return dry weather flows in the watersheds to a more natural, pre-development condition. However, collection of water for storage during the rainy season may result in reductions in winter

and spring flows, which could have a minor impact on salmonid species by limiting access to spawning habitat, and dewatering rearing areas. In implementing the Order, staff intends to facilitate watershed-wide coordination of diversion schedules and streamflow monitoring to inform diversion management. Generally, flow-related stresses to candidate, sensitive, or special status species are likely to be reduced by the requirements of the Order.

The Order requires development and implementation of site-specific water resource protection plans that include measures to avoid and minimize impacts on candidate, sensitive, or special status species; riparian habitat and other sensitive natural communities; and federally-protected wetlands, as well as impacts on the movement of resident or migratory fish or wildlife and migratory corridors. Such measures may include those necessary on a specific site to prevent and minimize sediment discharges from roads and developed areas, and to prevent and minimize pollutant discharges associated with cultivation and associated activities, including nutrients and pesticides.

Potential impacts to sensitive species, habitats, and wetlands due to implementation of management measures or conducting remediation/cleanup/restoration activities will be temporary and short-term. Such impacts could include increased stream temperatures as a result of decreased shade resulting from tree felling associated with equipment access to clean up sites and increases in sediment delivery from site activities. Remediation/cleanup/restoration activities necessary to bring sites into compliance with the Order could involve work to be performed within watercourses to remove fill placed during past site development or activity. The process of remediating existing impacts on wetlands and watercourses could cause hydrological impacts including interruption through the use of instream containment and diversion structures, such as cofferdams, for the protection of aquatic life and water quality. Some of the disturbances will occur in an area impacted by previous, unassociated, activities. Where correction of onsite conditions or maintenance of onsite features is necessary to attain or maintain compliance with the Order, construction Best Management Practices (BMPs), as described in Appendix B must be implemented as applicable.

Again, the intended purpose of the Order is to improve the conditions of these sensitive areas in the long term. The process of remediation/cleanup/restoration of any site will be temporary, and scheduled by Regional Water Board staff, as necessary, to minimize cumulative impacts within a watershed.

Collectively, the measures described above mitigate the impacts to federally-protected wetlands, riparian habitat or other sensitive natural community, and any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (DFW) or United States Fish and Wildlife Service (USFWS) to a level that is less than significant, and any potential to interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites is mitigated to a level that is less than significant."

The Order Standard Conditions provide general guidance topics such as stream crossing and maintenance, spoils management, riparian and wetland protection, irrigation runoff, use of pesticides, herbicides, and petroleum and other chemicals. To bring potential impacts of improvements to existing cultivation sites and potential new cultivation sites to a level that is less than significant, the MCCR shall be amended to also include the "Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects" as

presented in the Order (see Mitigation Measure BIO-2 below). Within the Best Management Practices section there is additional information about construction scheduling (work season May 1 to October 15 and winterization/weatherization measures for rain events), limitations on earth moving, and vegetation and removal of exotic plants. The Best Management Practices section also has a section related to the protection of sensitive species (BMPs 65-69):

- 1) "Consult with federal, state and local agencies regarding location of rare, threatened or endangered species;
- 2) Prior to commencing work, designate and mark a no-disturbance buffer to protect sensitive species and communities;
- 3) All work performed within waters of the state shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize land disturbances that shall adversely impact the water quality of waters of the state. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation;
- 4) All equipment, including but not limited to excavators, graders, barges, etc., that may have come in contact with extremely invasive animals (e.g. zebra mussels or new Zealand mud snails) or plant (e.g., *Arundo donax*, scotch broom, pampas grass) or the seeds of these plants, shall be carefully cleaned before arriving on site and shall also be carefully cleaned before removal from the site, to prevent spread of these plants; and
- 5) Vegetation shall be established on disturbed areas with an appropriate mix of California native plants and/or seed mix. All initial plantings and seed shall be installed prior to completion of the project work."

Further discussion of protections for migratory fish species are found in the hydrology and water quality section. Impacts to migratory fish species are reduced to a level that is less than significant by incorporating Mitigation Measure HYD-1, which requires an In-Stream Flow Policy to be developed and adhered to prior to issuing permits for new cultivation sites in RR and UR zones.

Section 21083.4 of the California Public Resources Code, effective January 1, 2005, requires counties to evaluate and determine under the California Environmental Quality Act (CEQA) whether a project within their jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. Additionally, as previously discussed, sensitive habitats within the County also include pygmy and old-growth forests. Per Chapter 4 of the Mendocino County General Plan, pygmy forests are known to occur only in the western part of Mendocino County and—according to the U.S. Forest Service—most old-growth forests in California are on federal property. With the implementation of BIO-1 and BIO-2 evaluations can be made to avoid impacts to sensitive habitats by helping to ensure the establishment and operation of cultivation sites incorporates appropriate environmental protections required by CDFW and other resource trustee agencies.

Mendocino County General Plan Policies to avoid wetlands, protect stream banks, and riparian corridors. The MCCR will help to implement these setbacks by requiring cultivators to maintain enrollment in the Order or otherwise adhere to the Standard Conditions and BMPs (Mitigation Measure BIO-2). Through these measures 50-200 foot streamside setbacks are required and wetlands must be avoided reducing impacts to these resources to a less than significant level.

Compliance with the proposed MCCR and the Order may require the relocation of cultivation sites in Phase 1 to more environmentally appropriate locations. The proposed zoning code amendment Section 20.242.050(G) of the MCCR also allows for cultivation sites to be transferred from an origin parcel to a new parcel so long as the destination parcel complies with zoning permit and development standards that apply to a new cultivation site as specified in Section 20.242.070 of the proposed MCCR and that the

cultivator releases rights to resume cultivation on the origin parcel. Overall these provisions will have a net benefit to the environment as less environmentally suitable sites will be eliminated and new locations will be developed in compliance with applicable protections. However, the sites to be abandoned on the origin parcels must be restored in order reduce the potential that they will continue to have negative environmental impacts. With incorporation of Mitigation Measure BIO-3, these origin parcel site will be restored based on a restoration plan that is consistent with the standard conditions and BMPs listed in the Order..

With mitigation incorporated there will be a less than significant effect to biological resources.

MITIGATION MEASURES

BIO-1: Mendocino County shall amend the MCCR to require a sign off from CDFW for each proposed cultivation site to evaluate if there is a possibility for presence of sensitive species. Prior to submittal of the MCCO cultivation permit, cultivators will need to coordinate with CDFW who 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. If it is determined that a sensitive species could occur, the required cultivation and operations plan shall be revised to incorporate measures to protect sensitive species to the satisfaction of CDFW. A cultivator that cannot demonstrate to the satisfaction of CDFW that there will be a less than significant impact to sensitive biological resources will not be issued a cultivation permit. The County may eliminate this requirement at such time CDFW authorizes the County to perform this function based on available mapping and training of Agricultural Commissioner's staff and the qualifications of third party inspectors to identify sensitive species habitat. CDFW will remain involved when a sensitive resource is identified.

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.

BIO-3: Mendocino County shall amend the MCCR to require that any existing cultivation operation be restored to the maximum extent feasible 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 permit for which relocation of an existing operation is proposed. The restoration plan shall include the following, except where such activities can be demonstrated to be technically infeasible or likely to lead to additional environmental impacts:

- 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 dams, ponds or other in-stream water storage to restore natural stream flows unless such features will continue in use;
- 3) Remove or compost agricultural wastes;
- 4) Remove trash and other debris;
- 5) Re-vegetate cleared areas with native plants typical of nearby natural areas, including groundcover, shrubs and trees; and
- 6) Take additional site specific steps as recommended by NCRWQCB, CDFW, County Staff or third party inspectors, to restore natural function and habitat values to the site.

Mitigation is also incorporated through **HYD-1**

FINDINGS

The Proposed Project will have a **Less than Significant Impact with Mitigation Incorporated** on Biological Resources.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on Cultural Resources if it would cause a substantial adverse change in the significance of a historical resource as defined in '15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5; directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or disturb any human remains, including those interred outside of formal cemeteries or cause a substantial adverse change in the significance of a tribal cultural resource.

REGULATORY SETTING

Assembly Bill 52

Assembly Bill (AB) 52 amended the California Environmental Quality Act (CEQA) to address California Native American tribal concerns regarding how cultural resources of importance to tribes are treated under CEQA. The Public Resources Code (PRC) now establishes that "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." (State of California, 2015). It is now required by the PRC that the Lead Agency consult with any California Native American tribes that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. By consulting with California Native American tribes prior to making a decision regarding the environmental impact of a proposed project, delays to permit processing can be avoided and mitigation measures can be incorporated into project proposals that preserve cultural resources.

In order to comply with AB-52, the County contacted by letter the following Tribes on September 6, 2016 requesting consultation on the proposed MCCR:

Tribe
Coyote Valley Band of Pomo Indians
Guidiville Band of Pomo Indians
Hopland Band of Pomo Indians
Sherwood Valley Rancheria
Redwood Valley Rancheria
Potter Valley Band of Pomo Indians
Coyote Valley Band of Pomo Indians
Guidiville Band of Pomo Indians
Hopland Band of Pomo Indians
Laytonville Rancheria/Cahto Tribe
Manchester Band of Pomo Indians
Noyo River Indian Community
Pinoleville Band of Pomo Indians
Potter Valley Band of Pomo Indians
Redwood Valley Rancheria
Round Valley Reservation/Covelo Indian Community
Sherwood Valley Rancheria
Cloverdale Rancheria
Yokayo Band of Pomo Indians
Eel River Nation of Sovereign Wailaki
Inter Tribal Sinkyone Wilderness Council
Hopland Band of Pomo Indians

With the exception of the Sherwood Valley Rancheria, no comments have been received. The Sherwood Valley Rancheria did call and reserved their comments.

California Historic Resource Information System (CHRIS)

The California Historical Resources Information System (CHRIS) consists of the California Office of Historic Preservation (OHP), nine Information Centers (ICs), and the State Historical Resources Commission (SHRC). The OHP administers and coordinates the CHRIS and presents proposed CHRIS policies to the SHRC, which approves these policies in public meetings. The CHRIS Inventory includes the State Historic Resources Inventory maintained by the OHP as defined in California Public Resources Code §5020.1(p), and the larger number of resource records and research reports managed under contract by the nine ICs. The CHRIS maintains a wide range of documents and materials relating to historical resources. Pursuant to federal and state law, information within the CHRIS pertaining to historical resources of an archaeological nature is confidential, with access to and release of said information determined under criteria set forth in the CHRIS Operations Manual (State of California, 2016).

Discovery of Human Remains (PRC Code Section 7050.5)

Public Resources Code Section 7050.5 establishes a mandatory process to follow whenever human remains are found outside a cemetery. All excavation or similar work in the vicinity is required to halt. The County Coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with State laws regarding the disposition of Native American burials, which fall within the jurisdiction of the California Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097). In such cases, the coroner will contact NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or person responsible for excavation work with direction regarding appropriate means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.9

Mendocino County Archaeological Ordinance

The Mendocino County Archaeological Ordinance adopted in 1976 (Mendocino County Code, Chapter 22.12.010) was created in order to protect cultural resources for the economic and cultural life of the County. The County Archaeological Commission was established under MCC Section 22.12.040 as a part of the Mendocino County General Plan in 2009. The Commission conducts project reviews under CEQA and provides recommendations for mitigation regarding archaeological resources.

The Mendocino County Archaeological Ordinance also provides direction for the public regarding their obligations in the event that archaeological resources are found inadvertently during excavation. In summary, the Mendocino County Archaeological Ordinance requires that all work be discontinued within 100 feet of the discovery and that the Director of Planning and Building Services shall be notified. The Director and the Archaeological Commission then determine whether the site is one of archaeological significance and may order a 30-to-45-day halt to construction to allow time for additional site characterization, excavation of sensitive materials and other reasonable related activities.

All activities carried out by permittees pursuant to the proposed MCCR will be subject to this requirement. The Lead Agency determines if the Mendocino County Archaeological Ordinance fulfills the requirement pursuant to Public Resources Code Section 15064.5(f) to make provisions for historical or unique archaeological resources accidentally discovered during construction.

DISCUSSION

Cultural resources include historic buildings and structures, historic districts, historic sites, prehistoric and historic archaeological sites and other prehistoric and historic objects and artifacts, as well as known Native American gathering sites for culturally significant materials. Paleontological resources include vertebrate, invertebrate, or plant fossils (County of Mendocino, 2009).

Mendocino County has a long history of occupation and use by Native American groups. The Russian and Eel Rivers and other watercourses, valleys and coastal areas provided a rich and varied habitat for Native Americans who have occupied the area for over 6,000 years. At the time of Euroamerican contact (ca. 1769), Central Pomo, Northern Pomo, Coast Yuki, Yuki, Huchnom, Cohto, Sinkyone and Wilaki occupied the area encompassed by current Mendocino County (County of Mendocino, 2009).

Known Cultural Resources in Mendocino County

Current archaeological and historical investigations identified 4,520 cultural resources (i.e. prehistoric sites, historic sites and historic buildings/structures) in Mendocino County (County of Mendocino, 2009). Approximately twenty-five percent (25%) of the cultural resources are properties that are listed in the Office of Historic Preservation Directory of Properties for Mendocino County dated September 7, 2007. According to the Mendocino General Plan, thirty-six (36) properties are listed in the National Register of Historic Places (NRHP) and the California Register of Historic Places (CRHP), all of which are within cities or the Coastal zone, therefore, will not be affected by the MCCR.

Known Paleontological Resources in Mendocino County

A search of the University of California Museum of Paleontology (UCMP) collections database identified 193 paleontological resources in Mendocino County (approximately 11 have been added since the General Plan EIR was prepared in 2008). The majority of the resources were found in Coastal areas, which are not affected by the proposed MCCR.

Cultural Resources a), b), c), d), and e)

Consultation pursuant to AB 52 has been initiated with regard to the proposed MCCR. No response has been received to indicate that the project may have an effect on tribal or other cultural resources. No site specific activity is authorized by the proposed MCCR.

The requirements of State law and local ordinances as described above will apply to any activities carried out pursuant to the proposed project and provide adequate protection of resources and guidance to property owners and others in the event of the unexpected or inadvertent discovery of resources during grading or similar activities.

Therefore, no significant effect will occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The Proposed Project will have a **Less than Significant Impact** on Cultural Resources.

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on geology and soils if it would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; result in substantial soil erosion or the loss of topsoil; be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property; or have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

REGULATORY SETTING

Alquist-Priolo Earthquake Fault Zoning Act

California's Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) (PRC Section 2621 et seq.), originally enacted in 1972 as the Alquist-Priolo Special Studies Zones Act and renamed in 1994, is intended to reduce risks to life and property from surface fault rupture during earthquakes. The Alquist-Priolo Act prohibits the location of most types of structures intended for human occupancy across the traces of active faults and strictly regulates construction in the corridors along active faults (earthquake fault zones).

It also defines criteria for identifying active faults—giving legal weight to terms such as “active”—and establishes a process for reviewing building proposals in and adjacent to earthquake fault zones.

Under the Alquist-Priolo Act, faults are zoned and construction along or across them is strictly regulated if they are “sufficiently active” and “well defined.” A fault is considered sufficiently active if one or more of its segments or strands shows evidence of surface displacement during Holocene time (defined for purposes of the Act as referring to approximately the last 11,000 years). A fault is considered well-defined if its trace can be identified clearly by a trained geologist at the ground surface, or in the shallow subsurface using standard professional techniques, criteria, and judgment (Bryant and Hart, 2007).

Seismic Hazards Mapping Act

Like the Alquist-Priolo Act, the Seismic Hazards Mapping Act of 1990 (PRC Sections 2690–2699.6) is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong ground shaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist-Priolo Act—the State is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other corollary hazards; and cities and counties are required to regulate development within mapped seismic hazard zones.

Under the Seismic Hazards Mapping Act, permit review is the primary mechanism for local regulation of development. Specifically, cities and counties are prohibited from issuing development permits for sites within seismic hazard zones until appropriate site-specific geologic and/or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into the development plans. Geotechnical investigations conducted within Seismic Hazard Zones must incorporate standards specified by California Geological Survey Special Publication 117a, Guidelines for Evaluating and Mitigating Seismic Hazards.

Clean Water Act Section 402 General Permit for Construction and other Land Disturbance Activities (General Order 2010-0014-DWQ)

The CWA is discussed in detail in the Biological Resources Section of this Initial Study. However, because CWA Section 402 is directly relevant to grading activities, additional information is provided herein.

Section 402 of the CWA mandates that certain types of construction activities comply with the requirements of EPA’s National Pollutant Discharge Elimination System (NPDES) permitting program. EPA has delegated to the State Water Resources Control Board (SWRCB) the authority for the NPDES program in California, where it is implemented by the state’s nine Regional Water Quality Control Boards (RWQCBs).

Dischargers whose projects disturb one or more acres of soil—or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres—are required to obtain coverage under the General Order 2010-0014-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. General Construction Permit applicants are required to prepare a Notice of Intent and a Stormwater Pollution Prevention Plan (SWPPP) and implement and maintain BMPs to avoid adverse effects on receiving water quality as a result of construction activities, including earthwork.

Coverage under the General Permit (General Order 2010-0014-DWQ) is obtained by submitting permit registration documents to the SWRCB that include a risk level assessment and a site-specific SWPPP identifying an effective combination of erosion control, sediment control, and non-stormwater BMPs. The General Permit requires that the SWPPP define a program of regular inspections of the BMPs and, in some cases, sampling of water quality parameters.

Mendocino County Grading Ordinance

Mendocino County's Grading Ordinance is ministerial (applied to a building permit) and is found in Chapter 18.70 of the Mendocino County Code. Per the Mendocino County Code, grading in excess of five thousand (5,000) cubic yards must be performed in accordance with an approved grading plan prepared by a civil engineer, and must be designated as "engineered grading." Grading involving less than five thousand (5,000) cubic yards is designated "regular grading" and does not need an engineered plan unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

DISCUSSION

Mendocino County lies entirely within the Coast Range Geomorphic Province of California and is characterized by northwest trending mountain ranges with elevations ranging from 2,000 to 4,000 feet and intervening valleys ranging from 1,000-1,500 feet in the central part of the County and dropping to 500 feet where the Russian and Eel Rivers leave Mendocino County. The valleys reflect the geologic structures of the region, including the San Andreas Fault and the Maacama Fault. The major geologic units in the County from east to west are the Gualala formation, the Franciscan, the Franciscan Complex, and the South Fork Mountain Schist. Mendocino County is located just south of the southern end of the Cascadia Subduction Zone (CSZ). The Gorda Plate, located west of the CSZ, is being subducted beneath the westward overthrusting continental North American Plate. The Pacific Plate, moves laterally relative to the other two plates. The onshore margin between the Pacific Ocean and the Pacific and North American Plates is the San Andreas Fault, and is located offshore in the northern part of the County and on-shore in the Manchester and Gualala areas of Southern Mendocino County. Five faults or fault zones traverse Mendocino County which are considered potentially active or active: San Andreas Fault; Whale Gulch Fault; Maacama Fault; Round Valley Fault; Etsel Ridge Fault (PMC 2008).

Mendocino County's climate (wet winters and dry summers), mountainous terrain, weak bedrock conditions, and thick colluvial mantle all contribute to landslides and erosion in Mendocino County which include earthflows (coherent masses of earth on moderate slopes with gradients of 20-50%), debris flows (masses of soil, rock, and water, and vegetation on steep slopes with gradients of 50 percent or more and soils with limited clay content), and rock falls. The triggering mechanisms for each landslide type includes seismic shaking or water from rainfall, surface, flow, seepage, or artificial means. Landslide mapping by USGS and CGS has been conducted in areas where timber harvesting occurs, but large parts of eastern Mendocino County have not been mapped (PMC, 2008).

In general, instability hazards are based on slope gradient, underlying geologic rock formations, and known landslides. In Mendocino County, the Franciscan Formation and Maacama fault zone have poor slope stability characteristics. In addition, there are several alluvial basins within the County in Willits, Ukiah, and Covelo and along river systems that are susceptible to liquefaction. Expansive soils are also common

throughout the County (particularly near clay-rich Franciscan rocks and in wet basins) and can contribute to soil creep and landslide development (PMC. 2008).

A variety of mineral resources are known to occur throughout Mendocino County, including aggregate (sand and gravel) and hard rock quarry mines (PMC. 2008). The permitted mining operations are subject to the State Mining and Reclamation Act of 1975 (SMARA), which requires sites to be mined according to an approved mining plan and inspection annually to ensure the operation is adhering the approved plan. Upon completion of the operations, permitted mining sites must be reclamation based on the approved reclamation plan that typically includes removal of all equipment and stockpiles, grading to natural contours and revegetation.

There are two general types of soil erosion: geologic and accelerated. While geologic erosion is natural, accelerated erosion is generally influenced by ground disturbing activities such as logging, bulldozing, road construction/use of unpaved roads, overgrazing, or expansion of accelerated lands. Agricultural activities can contribute to increased erosion. The grading and site preparation associated with such activities remove topsoil and expose underlying spoils to erosion from a variety of sources including wind and water.

Sediment from erosion is the number one pollutant impairing North Coast streams. Excess sediment is defined as soil, rock, sand, silt, or clay that is delivered to waters in an amount that could negatively affect aquatic life and water quality. Soil particles have nutrients attached that can add to the nutrient load and contribute to algae blooms. In addition, roads, land development, and site maintenance are all potential contributors to erosion.

Sediment pollutes in numerous ways. It reduces the amount of oxygen available to plants and animals and carries fertilizers and other chemicals into waterways. Once in the stream system, sediment locks gravel together like concrete, preventing salmon and steelhead from making their nests and suffocating eggs from lack of oxygen. It can cause or contribute to flooding, impede stream flow, increase water temperatures, and promote the growth of toxic algae in the summer and fall. Sediment-rich water has more erosive power, increasing bank and streambed damage downstream. As a general rule, steep slopes are more vulnerable to erosion compared to gentle slopes, and bare ground is more likely to erode than vegetated areas. Vegetated areas, particularly those next to a water source, can act as a buffer, slowing runoff and capturing sediment, and preventing it from settling in the stream.

Potential impacts associated with cannabis cultivation on geology and soil resources include the following:

- 1) Illegal or non-permitted grading of roads, cultivation sites, and/or ponds which may facilitate erosion/delivery of sediment to streams and contribute to slope failure;
- 2) Development without consideration of subsurface conditions which may facilitate slope failure or the failure of the inadequately constructed road surface or earthen impoundment;
- 3) Over-grading as a result of non-consideration of site topography, soils, geology, and hydrology;
- 4) Lack of implementation of erosion and sediment control best management practices to protect water quality;
- 5) Lack of compliance with slope restrictions; and
- 6) Unauthorized disposal of large amounts of spent soil near tributaries.

The IS for the Order, closely considered the need for effective measures to address geological and soil science considerations applicable to outdoor cannabis cultivation and related uses. The MCCR applies provisions of the Order—which primarily govern cultivation in excess of 2,000 square feet of canopy and is limited to existing cultivation sites—to cultivation facilities that would be primarily implemented in Phase 2 and Phase 3 of the MCCR(including operations less than 2,000 square feet in size).

Proposed Agriculture Code amendment subsection G of Section 10A.17.110 (Performance Standards of the MCCR), "For cultivation areas for which no enrollment pursuant to NCRWQCB Order No. 2015-0023 is required, the site shall comply with the standard conditions set forth in that Order, which is set forth in Appendix A to this Chapter". Therefore, cultivation facilities proposed to be implemented under Phase 2 and Phase 3 of the proposed MCCR will be subject to the same standard conditions as Phase 1 (existing) sites.

Consequently, adoption of the proposed MCCR will enable greater application of relevant mitigation for potential impacts concerning geologic issues than would otherwise occur. Implementation of relevant Standard Conditions and BMPs from the Order (see Mitigation Measure BIO-2) will occur under local oversight during permitting and inspections by County staff, in coordination with other state and local agencies including CDFW, NCRWQCB, Mendocino County Environmental Health Division, Mendocino County Planning and Building Department, and others.

Geology and Soils a) i)-iv)

Implementation of the proposed MCCR will occur in three phases. Under Phase 1, operations that can prove their existence as of January 1, 2016 will be permitted in the AG, FL, I1, I2, P1, RL, RR-2, RR-5, RR-10, TPZ, and UR Districts. Under Phase 2, indoor cannabis cultivation operations will be permitted in the industrial (I1, I2, P1) zones only. Under Phase 3, varying types of cannabis cultivation will be allowed in the AG, I1, I2, P1, RL, RR-2, RR-5, RR-10, and UR Districts. Cultivation in AG Districts will be required to meet the standards in the proposed MCCR as well as typical planning and regulatory requirements. Cultivation in most other zoning districts will have the additional requirement to demonstrate through a watershed assessment that adequate water is available for all users, including water necessary to support riparian and related habitat values. The requirements of the watershed assessment are expected to disqualify a substantial proportion of the steeper slopes and hillside terrain outside the AG District.

As previously described, it is not feasible to establish specific existing conditions at every potentially-affected site for a project as extensive as the proposed MCCR. Whether or not one of the project sites to be permitted is located within an Earthquake Fault Zone as defined by the Alquist-Priolo Earthquake Fault Zoning Act will depend on the specific location of the proposed facility and whether any known active or potentially active faults exist on the site. Similarly, the risk of strong seismic ground shaking, seismic-related ground failure (including liquefaction) and landslide is dependent on site-specific conditions. Mendocino County is located within a seismically active region in which very large earthquakes (9.0+) are possible; however, strong seismic shaking is a regional hazard and is not particular to any one project site. The risk of lateral spreading, subsidence, and liquefaction at many sites throughout Mendocino County is also high, but depends on site specific conditions.

The potential for seismic ground shaking, ground failure, and naturally occurring landslides to occur is unavoidable if these conditions are present on a property. However, the risk of people or structures experiencing substantial adverse effects as a result is minor because the primary land use contemplated in the proposed MCCR is agricultural and any structures proposed are ancillary to the primary use and will either be existing/legal residences or otherwise permitted in accordance with the California Building Code. Any new development will be required to comply with the seismic zone standards of the California Building Code. These standards are in place to ensure that structures are designed and built to withstand strong seismic ground shaking.

Therefore, this impact would be less than significant.

Geology and Soils b) and c)

Improper site development or maintenance can result in erosion and transportable sediment and can create or exacerbate unstable features. Improperly conducted soil storage and disposal and improperly sited, constructed, or maintained water storage ponds or surface water impoundments or crossings can exacerbate unstable features or fail catastrophically, causing significant erosion and/or sediment delivery to receiving waters. In addition, irrigation runoff from cannabis cultivation operations can result in sediment and other pollutant transport to receiving waters, and possible exacerbation of unstable features.

Landslides may occur on slopes of 15 percent or less. However, the probability of landslides is greater on steeper slopes that exhibit old landslide features such as scarps, slanted vegetation, and transverse ridges. Activities that may trigger a landslide or exacerbate an existing landslide include the removal of support materials at the toe of a slope, the addition of weight to the top of a slope, or the addition of water into the slope's subsurface. Excavation or grading at toe slopes, the addition of weight such as spoil piles or irrigation ponds at the top of slopes, and the diversion of water into the subsurface of slopes may occur on existing sites. The Order includes requirements to remedy unstable conditions on existing sites and to mitigate the exposure of people or structures to potential substantial adverse effects related to landslides.

Work associated with cleanup of an existing site may involve re-grading of fill prisms, removal of fill from watercourses, construction of retaining walls for soil stabilization, upgrading of stream crossings, or reshaping cutbacks. The Order requires that cleanup plans be prepared by a qualified professional and consider the presence and location of identifiable existing landslides and slopes which may become unstable. In addition, the Order requires the removal of structures or drainage features that are located on, or that drain into, unstable features. Further, Order requires that irrigation runoff be controlled so that it does not exacerbate unstable features or conditions. Proper siting, design, and monitoring of relevant improvements by a qualified professional will minimize the potential impacts of remediation/cleanup activities to less than significant levels. New sites permitted in Phase 3 of implementation of the proposed MCCR will be subject to the same requirements of the Order.

The Order requires the following in the siting, design, and monitoring of project features to minimize the impact to public safety:

- 1) If a site is located in an Alquist-Priolo Earthquake Fault Zone, or an area with substantial evidence of a known fault, the siting, design, and monitoring of site features will consider fault rupture hazard to minimize the potential impact to public safety;
- 2) The siting, design, and monitoring of site features will consider hazards associated with strong seismic ground shaking and seismic-related ground failure, including liquefaction; and
- 3) Water storage facilities shall be properly located and designed to minimize failure potential and catastrophic discharge to surface waters.

There may be situations resulting from implementation of the proposed MCCR where portions of a given site, whether temporarily or permanently, contain exposed bare soil or disturbed soil and that are therefore prone to erosion or loss of topsoil, including:

- 1) Cleanup/remediation activities conducted as part of Phase 1 implementation required to bring existing sites into compliance which may involve moving the cultivation site to comply with permit requirements, regrading or expanding of the site, and addressing illegal water impoundments;
- 2) Construction activities associated with Phase 3 implementation and development of sites in the approved zoning districts which may include removing vegetation, moving and filling ground material, and moving heavy equipment on-site and off-site; and
- 3) Ongoing operations of cultivation facilities in all three implementation phases.

The Order includes requirements for implementation of appropriate BMPs to prevent and minimize wind and water erosion of soils. These measures have been incorporated as Mitigation Measure BIO-2. Relevant BMPs to this discussion include:

- 1) Installation of adequate road ditch relief drains or rolling dips only where necessary since frequent routine grading can cause the ditch to erode;
- 2) Use of sediment control devices such as check dams or sand bag barriers when necessary to disperse ditch water, which would otherwise cause further erosion; and
- 3) Compaction and contouring of stored soil spoil piles to mimic natural slope contours, which reduces the potential for fill saturation and failure.

In addition, the Order recognizes that there may be situations when remediation/cleanup/restoration activities are located on a geologic unit or soil that is unstable, or that could become unstable as a result of the cleanup activities (such as removing fill from a creek and having it collapse and wash downstream). To mitigate these potential impacts, the Order includes the following:

- 1) Resource protection and cleanup plans will be developed by a qualified professional;
- 2) Resource protection and cleanup plans shall consider geologic units or soils that are unstable or that could become unstable and avoid them if possible; and
- 3) Appropriate mitigation measures will be implemented if avoidance of unstable geologic features is not possible.

Proper implementation, inspection, and maintenance of the BMPs included in the Order should prevent excessive erosion or the substantial loss of topsoil. The management measures required by the Order to site cultivation facilities on a single geologic unit and not on soils that are unstable or could become unstable as a result of the project, significantly reduce the potential for on-site or off-site landslide, subsidence, liquefaction, or collapse.

Although the Order is applicable only to cultivation sites required to establish and maintain enrollment in Tier 1, 2, and 3 per the proposed Agriculture Code amendments in subsection G of Section 10A.17.110 (Performance Standards of the Mendocino County Medical Cannabis Cultivation) of the MCCR, "For cultivation areas for which no enrollment pursuant to NCRWQCB Order No. 2015-0023 is required, the site shall comply with the standard conditions set forth in that Order, which is set forth in Appendix A to this Chapter" (or Standard Conditions Applicable to All Dischargers). Cultivation facilities proposed to be implemented under Phase 2 and Phase 3 of the proposed MCCR will be subject to the same standard conditions as Phase 1 (existing) sites.

Therefore, the impact is less than significant with mitigation incorporated (refer to Mitigation Measure BIO-2).

Geology and Soils d)

Building permit review typically includes evaluation of soils associated with foundation design. Expansive soils that could create substantial risks to life or property will be addressed through the Building Permit process. However, there may be situations in which activities conducted as part of remediation/cleanup/restoration activities on existing sites involve expansive soils. These types of activities may involve repairs to features such as road prisms, water storage pads or ponds, and/or swales or stream crossings with varying levels of damage caused by expansive soils. Existing cultivation sites requiring this level of cleanup will be enrolled pursuant to the Order under which the following management measures

(intended to reduce the associated risk of expansive soils on life and property) will be required as appropriate:

- 1) Site-specific water resource protection plans and cleanup plans will be prepared by a qualified professional;
- 2) The water resources protection plan shall consider expansive soils and include measures to minimize significant damage resulting from expansive soils if applicable;
- 3) Management measures including the removal of expansive soil, replacement with non-expansive fill, and lime treatment of expansive soil; and
- 4) Water storage facilities shall be properly located and designed to minimize failure potential and catastrophic discharge to surface waters.

These existing measures will minimize the impacts of expansive soils to less than significant levels. Therefore this impact would be less than significant.

Geology and Soils e)

Septic systems need to be appropriately sited and sized and have the correct number of leach lines to be effective and protective of human health and natural resources. Failure to do so has the potential to destabilize soils and result in contamination representing a serious threat to human health and the environment.

Remediation, cleanup, and restoration activities at existing sites under Phase 1 of the proposed MCCR and the development of new sites under Phase 2 and Phase 3 implementation may require the installation of septic tanks or alternate wastewater disposal systems on individual sites. Phase 2 cultivation facilities will only be located in industrial zoning districts, the majority of which will be served by public water and sewer, and are, therefore, less of a concern. For cultivation sites developed under Phase 3 implementation, each septic system will be required to be sited, designed, and constructed in accordance with County rules and regulations regarding soils, siting, and slope. In addition, existing and new cultivation facilities will be required to comply with the SWRCB's Onsite Wastewater Treatment System (OWTS) policy. Because the siting and design of wastewater disposal systems is governed by other existing requirements or policies, and will be determined on a case-by-case basis, the effect of inadequate soils on wastewater disposal is determined to be less than significant.

MITIGATION MEASURES

Mitigation is incorporated through the implementation of Mitigation Measure BIO-2.

FINDINGS

The Proposed Project will have a **Less than Significant Impact with Mitigation Incorporated** on Geology and Soils.

VII. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant impact on Greenhouse Gas Emissions if it would generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

REGULATORY SETTING

California's Legislature established the Air Resources Board (ARB) in 1967 to:

- 1) Attain and maintain healthy air quality.
- 2) Conduct research into the causes of and solutions to air pollution.
- 3) Systematically attack the serious problems caused by motor vehicles, which are a major cause of air pollution in the State (Air Resources Board, 2015).

The Federal Clean Air Act (FCAA) is the federal law passed in 1970, and last amended in 1990, which forms the basis for the national air pollution control effort. Basic elements of the act include stationary source emissions standards and permits. The ARB does not have authority to issue permits directly to stationary sources of air pollution. Primary responsibility for permitting all sources, except vehicular sources, rests with the local and regional air pollution control authorities known as Air Pollution Control Districts (APCD) or Air Quality Management Districts (AQMD).

Mendocino County is located with the Mendocino County Air Quality Management District (MCAQMD). The mission of the MCAQMD is to protect and manage air quality, an essential public resource upon which the health of the community depends as required by the FCAA. The MCAQMD has adopted a Particulate Matter (PM) Attainment Plan. The plan includes a description of local air quality, the sources of local PM emissions, and recommended control measures to reduce future PM levels. Projects are reviewed for compliance with the PM Attainment Plan; however, the PM Attainment Plan does not specifically address the cumulative effect of GHG emissions.

The framework for regulating GHG emissions in California is described under Assembly Bill (AB) 32. In 2006, the California Global Warming Solutions Act (AB 32) definitively established the State's climate change policy and set GHG reduction targets (health and Safety Code §38500 et seq.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions. The MCAQMD does not have rules, regulations, or thresholds of significance for non-stationary or construction-related GHG emissions.

As noted in the project description, there is no reliable data to indicate how many existing cultivation operations will seek permits in Phase 1, or how many applications will be received for new operations in Phase 2 and Phase 3. As such, calculating a numeric estimate of the generation of greenhouse gasses is overly speculative. However, there is sufficient information to consider the sources of GHG emissions for

typical indoor and outdoor operations and to identify available measures to reduce overall emissions on a project by project basis.

DISCUSSION

Medical cannabis cultivation may cause direct and indirect emissions of GHG from any of the following sources:

- 1) Portable diesel and gasoline generators used on a stationary basis operating for extended periods of time with local air quality impacts and associated high emissions;
- 2) Vehicle emissions from water delivery, fuel delivery, and transportation of people and materials to the site and transport of the harvest for sale and processing;
- 3) Burning of slash from site clearance and burning of agricultural waste;
- 4) Loss of a "carbon sink" and increase in emissions from the clearing and burning of trees and brush to accommodate new or relocated cultivation sites; and
- 5) Off-site emissions for electricity generation for heating, cooling and lighting of indoor artificial light and mixed-light operations.

The proposed MCCRs include the following provisions which are expected to reduce GHG impacts:

- 1) Prohibits new cultivation operations in TPZ and FL Districts, which are typically found farthest from urban centers and with few available paved roads increasing vehicle miles traveled;
- 2) Establishes maximum cultivation areas which limit the scale of potential emissions from individual operations;
- 3) Prohibits the use of a generator as a primary source of power;
- 4) Establishes a maximum lighting capacity for indoor artificial and mixed-light cultivation operations; and
- 5) Requires all cultivation operations to identify a water right sufficient to irrigate the cultivated area, reducing the potential to rely on water delivery.

Greenhouse Gas Emissions a)

The baseline condition includes substantial GHG emissions from existing cannabis cultivation throughout Mendocino County. In Phase 1, GHG impacts are expected to be modest as existing, unregulated, and unpermitted sites are inspected and practices to improve the sites are implemented pursuant to the provisions of the proposed MCCR and other federal, state and local regulations. The restoration of existing cultivation sites proposed to be relocated on-site or off-site in Phase 1, as described in Mitigation Measure BIO-3, the provisions of the restoration plan, consistent with the Order, will help to restore the natural function of forestland as a carbon sink.

In all phases, the cultivation of medical cannabis has the potential to generate substantial emissions of GHG. Existing regulations, such as Corporate Average Fuel Economy (CAFE) standards and other state and federal requirements to improve transportation and building energy efficiency and to reduce GHG emissions from energy production, will reduce such emissions. Additionally the incorporation of Mitigation Measures AIR-1 (require consultation with the MCAQMD) and AIR-2 (Prohibits burning of excess cannabis plant materials), will further assist in limiting GHG emission from cultivation related development.

Greenhouse Gas Emissions b)

The Lead Agency has not adopted any County-specific Climate Action Plans, policies or regulations which would be violated by the proposed MCCR. If all feasible measures to reduce GHG emissions from

permitted cultivation operations are implemented, the project will not interfere with adopted goals to reduce overall GHG emissions on a statewide basis.

GHG regulations are in continuous development at all levels of government and are likely to become more restrictive over the period in which the proposed MCCR is effective. There is a substantial potential that future regulations may affect agricultural practices, including the cultivation of medical cannabis. Ongoing consultation with regulatory agencies such as MCAQMD, the Mendocino Council of Governments (MCOG) will be necessary to avoid future conflicts.

MITIGATION MEASURES

Mitigation is incorporated through Mitigation Measures AIR-1, AIR-2, and BIO-3.

FINDINGS

The Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporated** on Greenhouse Gas Emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant impact on hazards and hazardous materials if it were to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. In addition, for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area; if the project is within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area. Finally, the project would have a significant impact to hazards and hazardous materials if it would impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands.

REGULATORY SETTING

Clean Water Act

As discussed in previous sections, Section 402 of the CWA (33 U.S.C. Sections 1251 – 1376) established the National Pollutant Discharge Elimination System (NPDES) permitting program for the discharge of any pollutant (except for dredged or fill material which is otherwise regulated) into waters of the United States. In Mendocino County, this permit program is administered by the NCRWQCB. For proposed projects with a footprint greater than 1 acre, it is necessary to obtain an NPDES General Construction Permit prior to any construction activities. One requirement for an NPDES permit is the development and implementation of a SWPPP that defines the site-specific BMPs that will be implemented to prevent the discharge of pollutants and sediments into receiving waters.

State agencies accept delegation of federal responsibility for the administration of hazardous materials and hazardous waste management. The Porter-Cologne Act allows the SWRCB and the State's nine RWQCBs to accept implementation responsibility for the CWA. The Hazardous Waste Control Act of 1977, and recent amendments to its implementing regulations, have given the California Department of Health Services the lead role in administering the Resource Conservation and Recovery Act (RCRA) program.

Hazardous Waste Control Act

The Hazardous Waste Control Act created the State Hazardous Waste Management Program. Hazardous wastes are defined as waste products with properties that make them dangerous or potentially harmful to human health or the environment. They can be the byproducts of manufacturing processes or simply discarded commercial products, like cleaning fluids or pesticides. The act is implemented by regulations set forth in 26 CCR, which describes the following required parameters for the proper management of hazardous waste: identification and classification; generation and transport; design and permitting of recycling, treatment, storage, and disposal facilities; treatment standards; operation of facilities and staff training; and closure of facilities and liability requirements.

These regulations list more than 800 materials that may be hazardous, and the regulations establish criteria for identifying, packaging, and disposing of the materials. Under this act and 26 CCR, a generator of hazardous waste must complete a manifest that accompanies the waste from the generator to the transporter to the ultimate disposal location. Copies of the manifest must be filed with Department of Toxic Substances Control (DTSC).

State and Federal Occupational Safety and Health Administration Regulations

Pursuant to the Occupational Safety and Health Act of 1970, the federal Occupational Safety and Health Administration (OSHA) has adopted numerous regulations pertaining to worker safety, contained in CFR Title 29. These regulations set the standards for safe work practices and work places, including standards relating to the handling of hazardous materials. The California Occupational Safety and Health Administration (Cal-OSHA) assumes primary responsibility for developing and enforcing standards for safe workplaces and work practices within the state. At sites known to be contaminated, a site safety plan must be prepared to protect workers. The site safety plan establishes policies and procedures to protect workers and the public from exposure to potential hazards at the contaminated site.

Cal-OSHA regulations are generally more stringent than federal OSHA regulations and are detailed in CCR Title 8.

Mendocino County Stormwater Management Program

The unincorporated areas in the vicinity of the City of Ukiah and the City of Fort Bragg are within the Mendocino County Municipal Separate Storm Sewer System (MS4). In those areas the County's stormwater management program require stormwater management BMPs (such as fiber rolls, jute matting, coverage of loose materials, silt fencing and other mechanisms to prevent erosion and sedimentation from construction site from exiting the construction site.

Existing Conditions

As previously discussed, existing cultivation is considered part of the project baseline conditions. Existing conditions in Mendocino County likely include thousands of cultivation sites, many that use and manage hazardous materials without any direct environmental regulatory oversight. To address this gap, the Order includes conditions requiring proper storage, handling, use, and disposal of chemicals, which are intended to reduce the potential for release of hazardous materials into the environment. Off the grid cultivation of cannabis typically relies on large generators to power lights and exhaust fans. Improperly contained fuels and other petroleum products; leaks and spills associated with their use and/or storage, can lead to contaminated soil and potential toxicity to public health and the environment. The Order coupled with the MCCR and State regulations that are currently being developed provide a pathway to compliance for operators who conform to the Standard Conditions, Applicable to all Dischargers.

Certain common activities conducted at cultivation sites have the potential to result in the release of hazardous substances as a result of routine transport, use, or disposal of hazardous materials. Activities conducted as part of remediation/cleanup/restoration activities also provide a potential threat. Various materials will likely be transported to project sites including gasoline and diesel to fuel equipment, hydraulic fluid associated with equipment operators and machinery, asphalt and oils for road surfacing, surface stabilizers, acids, solvents, degreasers, corrosives, antifreeze, hydraulic fluids and oils; and cementitious materials. These materials could leak during transport or discharge to land or surface waters if left unprotected from wind or rain or if inappropriately managed.

Relocation or demolition of inappropriately sited structures could result in the release of hazardous materials including, but not limited to, treated wood waste, lead-based paints, and asbestos. Any hazardous waste generated from the demolition of structures or impoundments would need to be disposed of in designated hazardous waste landfills. Finally, cultivation sites often use and manage fertilizers, herbicides, and pesticides. Compliance activities may require the relocation of hazardous products to areas that are more protective of water quality and other measures to reduce the potential for accidents or spills during site relocation or remediation/cleanup/restoration as well as during ongoing operations.

Recognized environmental concerns associated with hazards and hazardous materials as related to cannabis production include the following:

- 1) Use of petroleum products, fertilizers, and various pesticides;
- 2) Use of volatile compounds (pressurized gases such as propane or solvents) for cannabis manufacturing processes with associated risk of explosion or chemical release;
- 3) Improper storage of hazardous materials and/or storage above minimal amounts with no hazard response plan;
- 4) Fire risk associated with the operation of gasoline powered equipment in close proximity to dry vegetation;

- 5) Close interface with wildland areas and non-compliance with Fire codes and State Responsibility Area regulations. No sprinkler systems or defensible space;
- 6) Improper use and storage of petroleum products, fertilizers, herbicides, pesticides, automotive and machine-related fluids (acids, solvents, degreasers, corrosives, antifreeze, and hydraulic fluid), and construction materials (asphalt and oils, cementitious materials);
- 7) Improperly sited or hazardous water tanks; and
- 8) Improper disposal of petroleum products, fertilizers, herbicides, pesticides, automotive and machine-related fluids and construction materials.

Cannabis cultivation facilities generate wastes that can be classified as solid waste, compostable organic waste, or dangerous waste. It is the responsibility of the business owner/operator to evaluate their waste to determine its classification and proper management. If a waste product is determined to be a dangerous waste, specific requirements for storage and disposal will apply.

Understanding the environmental risk posed by pesticides, fungicides, and rodenticides requires an understanding of the exposure paths of the various organisms that could be exposed, with consideration as to the location where the various products would be applied. Users are required to follow the label approved by the California Department of Pesticide Regulation (DPR) regarding the type of products appropriate for particular uses, application methods and timing, worker safety, and environmental protections. Like any tool, these products must be used properly. At a minimum, users should be familiar with:

- 1) The types of wildlife and vegetation present, including endangered species;
- 2) The relative risk posed by the herbicide to different wildlife and plant taxa that may be present and the anticipated exposure scenarios;
- 3) The relative persistence of the herbicide in the environment, primarily in soil; and
- 4) The mobility of the herbicide in runoff water. Offsite movement in surface water and leaching to groundwater are both primarily influenced by the herbicide's water solubility and its tendency to adsorb to soils.

It should be noted that the types of chemicals commonly used in agricultural settings may not be appropriate for use in wildlands, and BMPs regarding appropriate application should vary based on site conditions (slope, species present, etc.) and proximity to wildland interface and waterways. Typically, EPA evaluates the product's risk to aquatic and terrestrial wildlife before the product may be registered for use in wildlands. Use of chemical products in wildlands can be mitigated by following the BMPs included Mitigation Measure BIO-2.

Pesticides and Fungicides

There are many plant diseases that affect the cannabis industry. Cannabis pests vary according to variety or "cultivar," whether the plants are grown indoors or outdoors, and where the plants are grown geographically. Primary pest problems associated with indoor cannabis cultivation include:

- 1) Abiotic disorders;
- 2) Pathogens (powdery mildew, Pythium root rots):
 - a. Conditions that contribute to mildew include high humidity, moderate temperature, and still air. Cannabis growers combat this condition through appropriate spacing of plants and the use of fungicides and fans; and
- 3) Arthropods (Two spotted spider mite, Hemp russet mite, rice root aphid, fungus gnats).

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) is a federal law that set the basic system of pesticide regulation in the United States. US EPA regulates the use of pesticides under provisions of law defined by FIFRA but has yet to establish a crop category for cannabis under pesticide laws because cannabis remains classified as a schedule 1 controlled substance under federal law.

Per MCCO section 10A.17.110.(L), under California law the only pesticide products not illegal to use on cannabis are those that contain an active ingredient labeled for a broad enough use to include use on cannabis, or those that are exempt from FIFRA section 25(b) and California Code of Regulations, Title 3, Section 6147.

Rodenticides

There are rodenticides that are not DPR-restricted materials or federally restricted use pesticides *and* are registered for a broad enough use to include use in or around cannabis cultivation sites. If using a rodenticide the operator should always read and follow the label and check to make sure that the target rodent is listed. Second-generation anticoagulant products are DPR-restricted materials not labeled for field use should never be used in or around cannabis cultivation sites. (DPR, 2015)

Solid Waste

Solid waste management is regulated at the local level by county health departments. Some active and abandoned cannabis cultivation sites are characterized by the illegal dumping or abandoning of solid waste or garbage. The types of waste typically left behind include (but are not limited to): *Irrigation tubing (often miles of it), water hoses, tarps, fertilizers, pesticides, rodenticides, firearms, toxic chemicals, butane canisters*, caution tape (to warn off trail hikers), seedling cannabis plants, and plastic starter trays.

Cannabis Plant Waste

Common practice is for cannabis cultivators to burn or otherwise dispose of cannabis plant waste. The BMPs presented in the Order No. 2015-0023 recommend that plants be composted on-site.

Fluorescent Bulbs (or other bulbs containing mercury)

Some lamps commonly used at cannabis cultivation facilities contain mercury and other metals. Such lamps include fluorescent, compact fluorescent, high-pressure sodium, mercury vapor and metal halide lamps. According to the EPA, testing of these lamps established that a high percentage of the lamps exhibit the toxicity characteristic for metals, particularly mercury. If the material in the lamps exceeds the toxicity level for mercury or any other heavy metals, used or waste lamps are regulated as a hazardous waste. Used or waste bulbs that are hazardous waste must be appropriately recycled, sent off for disposal as a hazardous waste, or sampled and tested to prove that the light bulbs do not exceed the quantity of mercury and other metals that would make them hazardous waste. Municipal solid waste landfills in California are not permitted to accept any quantity of non-residential hazardous waste for disposal. Waste lamps that are classified as hazardous waste must be brought to a permitted hazardous waste treatment, storage, or disposal facility. Hazardous waste lamps that are disposed of in the trash can result in an enforcement action with associated administrative penalties.

Lighting materials used in indoor cannabis cultivation have environmental risks if not properly managed for disposal. High-intensity discharge (HID) bulbs are not recyclable and each bulb contains approximately 30

mg of mercury and other toxins. Mercury is a neurotoxin, and is recognized as extremely toxic, particularly in gaseous form. A cannabis association in Washington (Okanogan Cannabis Association) estimated the potential for 30 mg of mercury pollution per kg of cannabis product if proper disposal is not practiced. (Moberg and Mazzetti, 2013).

Petroleum Leaks and Spills

Gas, diesel and oil are all highly toxic to aquatic life and careless handling of these products around cannabis cultivation sites is potentially problematic. Very small amount of these substances can kill aquatic invertebrates, coat the stream bottom, contaminate large expanses of soil, and pollute the drinking water supply. For example, just *one* litre of *oil* can *contaminate one* million litres of water (Oil Care, 2015). It is highly undesirable to have these substances leaching in to the soil and consequently introduced into ground water.

Hazards and Hazardous Materials a) and b)

The potential impacts associated with hazardous materials apply to Phase 1, 2, and 3 of the proposed project and to indoor as well as outdoor and mixed-light cultivation sites.

Implementation of the proposed project does have the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. During construction, fuel and small amounts of solvents, paints, oils, grease and caulking would be transported, used, and disposed in compliance with applicable regulations such as the Resource Conservation and Recovery Act (RCRA), Department of Transportation Hazardous Materials Regulations, and Mendocino County Office of Emergency Services Certified Unified Program Agency (CUPA) regulations. Compliance with regulations (which is assumed by CEQA) and implementation of these BMPs would minimize hazards to the public and environment and would reduce this impact to a less than significant level.

As discussed, it is common practice for cannabis cultivation facilities to consistently use hazardous materials including petroleum products, fertilizers, herbicides, and pesticides—as well as automotive and machine-related fluids and products including: acids; solvents; degreasers; corrosives; antifreeze; hydraulic fluid; materials associated with road construction and site improvements including asphalt and oils for road surfacing; and cementitious materials. If improperly stored or utilized, all of these materials can result in potentially significant environmental effects.

Pursuant to the Order, the NCRWQCB has applied applicable “standard conditions to address impacts from the storage and use of hazardous materials at cultivation sites through the implementation of measures and protocols to ensure that potential impacts (resulting from careless or unauthorized use or storage) are avoided. These include the following requirements:

- 1) Any pesticide or herbicide product application be consistent with product labeling and be managed to ensure that they will not enter or be released into surface or ground waters (Order section I.A.8);
- 2) Petroleum products and other liquid chemicals be stored in containers and under conditions appropriate for the chemical with impervious secondary containment;
- 3) Implementation of spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite (Order section I.A.9);
- 4) Standard construction BMPs be used during cleanup and restoration activities; and
- 5) Plans must be developed for any on-site water quality management or remediation/cleanup/restoration activities.

In the IS prepared for the Order, the NCRWQCB concludes:

"By increasing containment measures, requiring spill prevention measures, requiring appropriate application of chemicals (e.g. application of pesticides consistent with product labeling requirements), implementation of standard construction BMPs, and development of water resource protection plans and cleanup plans, the Regional Water Board anticipates that efforts to comply with the Order would generally reduce routine transport and use of chemicals. The potential risks of exposure to hazardous materials would be small, especially with proper handling and storage procedures. Therefore, the potential for the Order to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is mitigated to a less than significant level."

Phase 1 of the MCCR involves the permitting of operations in existence as of January 1, 2016; conditions in Mendocino County include an unknown number of cannabis cultivation facilities. As described in the Project Description, these activities are considered a part of the project baseline. Phase 1 implementation of the proposed project would bring these sites into compliance. The proposed MCCR applies the Standard Conditions of the Order to cannabis cultivation sites implemented under Phase 2 and Phase 3 and Mitigation Measure BIO-2 requires that BMPs specified in the Order be applied to all cultivation sites permitted under the MCCR.

By widening the scope and applicability of standard conditions and BMPs associated with the Order (through Mitigation Measure BIO-2) to operations smaller than 2,000 square feet of cultivation area and to Phase 2 and Phase 3 facilities, the impacts from Hazards and Hazardous Materials are further reduced. Compliance with federal, state, and local regulations, in combination with BMPs, would ensure that all hazardous materials are used, stored, and disposed properly, which would minimize potential impacts related to a hazardous materials release during the construction, remediation/cleanup/restoration, or operational phases of a specific project. Based on these regulatory requirements, with mitigation incorporated, there will be a less than significant impact.

Hazards and Hazardous Materials c)

The proposed MCCR includes a Special Use Setback that is based on the State's Alcoholic Beverage Control setbacks from youth oriented and community facilities (e.g., 1,000 feet from schools). The County's proposed setback mirrors the State's requirements and will apply to all types of cannabis cultivation sites including outdoor, indoor with artificial light, and mixed-light. Although the 1,000 foot buffer falls just short of one-quarter-mile from a school, the cultivation activities would not routinely involve emitting hazardous—or acutely hazardous—materials, substances, or waste.

While the permitting and potential expansion of cannabis cultivation facilities does have the potential to emit some ozone precursors including diesel particulate and sulfur dioxide associated with diesel-fueled backup generators (see Air Quality section for more information), the amount of ozone or sulfur dioxide that would potentially be emitted are essentially ozone precursors that would not be a potential threat to human health, particularly given the 1,000 foot setback requirements. Therefore, there would be a less than significant impact.

Hazards and Hazardous Materials d)

It is not expected that existing or proposed cultivation operations will include locations from the list of hazardous materials sites compiled pursuant to Government code section 65962.5. If an existing site is found to be contaminated during site inspections, an investigation will be opened to determine the extent of the contamination. These types of investigations are routinely handled by the Mendocino County Department of Environmental Health.

Under the proposed MCCR, medium and large outdoor cultivation sites will not be permitted in the industrial zoning district, however indoor and mixed-light will be. Industrial sites are frequently developed on abandoned mill sites from the timber industry or other high impact manufacturing facilities that may have some degree of soils contamination. Cannabis cultivation on industrial zones will likely use exclusively imported soils so there is little chance of existing subsurface contamination to impact the cultivation operation or those working at the site.

To help ensure that the cultivation site will not be located on hazardous materials site identified pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard to the public or the environment, Mitigation Measure HAZ-1 is proposed. This requires the MCCR to be amended to include "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.

With mitigation incorporated, a less than significant impact would occur.

Hazards and Hazardous Materials e) and f)

While there is the potential for cannabis cultivation facilities to be permitted within an airport land use plan, or within two miles of a public airport or public use airport, the heights of structures associated with the operations will be too low to affect airport hazards. Therefore there would be no impact.

Hazards and Hazardous Materials g) and h)

A high number of the areas where cultivation would be allowed under the proposed MCCR interface with wildlands. Under current baseline conditions, fires related to cultivation pose an increased hazard to first responders including but not limited to: unknown hazardous chemicals including pesticides, fuel (often stored in improper containers), large quantities of butane, improperly constructed (non-complying) buildings, hostile occupants, and weapons and ammunition. In addition, there are often poorly constructed roads and watercourse crossings not suited for fire-fighting equipment which may hamper ingress and egress during emergencies. Possible failure of roads and crossings expose first responders and equipment to injury. Lack of road and address signage results in increased emergency response time (CAL FIRE Early Consultation letter dated September 15, 2016). These current conditions conflict with Fire Safe standards specified in Public Resources Code 4290.

For any existing or new cultivation site to be permitted, the applicant must demonstrate compliance with Public Resources Code 4290. These requirements include but are not limited to:

- 1) Road standards for fire equipment access;
- 2) Standards for signs identifying streets, roads, and buildings;
- 3) Minimum private water supply reserves for emergency fire use; and
- 4) Fuel breaks and greenbelts.

By implementing these standards with existing and new cultivation sites, there will be an improvement over the baseline emergency access and response condition.

There is increasing evidence connecting fires with illicit electrical connections and faulty generator wiring associated with cannabis cultivators seeking to live off-grid, enhance grow sites, power fans, and connect power to wells, hot water heaters, etc. Four fires in Calaveras County between mid-June and mid-July 2015 were the result of “negligent use of equipment and improperly installed electrical systems on cannabis cultivation sites” according to Calaveras Enterprise report on CAL FIRE information. For example, the 2015 Rocky Fire which destroyed 43 homes and 53 outbuildings in Lake County was identified as “Outdoor Gas Water Heater Failure” as a result of a hot water heater secured to a tree.

Existing and new structures associated with cannabis cultivation approved by the MCCR will need to be compliant with California Building Code. Additionally, the BMPs incorporated by Mitigation Measure BIO-2 include measures for proper fuel storage and containment and specifics on road and stream crossing construction and maintenance. Air Quality Mitigation Measure AIR-2 prohibits the burning of plant waste. These reduce risk of wildland fire to a level that is less than significant.

Cultivation sites located in indoor structures will be required to comply with applicable building codes. All new development and commercial cannabis activities will be required to meet Fire Code standards through Use Permit and/or Building Permit review and requirements. Where necessary, sprinkler systems, defensible space, emergency access, and other fire related measures will be applied. With appropriate review of applications submitted pursuant to the proposed MCCR indoor cultivation associated with the project is anticipated to have a less than significant impact on the potential for injury or death from wildfires.

With mitigation incorporated there would be a less than significant impact.

MITIGATION MEASURES

HAZ-1: Mendocino County shall modify the MCCO 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 <http://www.calepa.ca.gov/SiteCleanup/CorteseList/>

Mitigation is incorporated through the implementation of AIR-2 and BIO-2.

FINDINGS

The Proposed Project will have a **Less than Significant Impact with Mitigation Incorporated** on Hazards or Hazardous Materials.

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on hydrology and water quality if it would violate any water quality standards or waste discharge requirements; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted); substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site; substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality. Significant impacts would also occur if the project would place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map; place housing within a 100-year flood hazard area as mapped on a federal Flood

Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map; place within a 100-year flood hazard area structures, which would impede or redirect flood flows; expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or result in inundation by seiche, tsunami, or mudflow.

REGULATORY SETTING

Clean Water Act

In 1972, Congress amended the Federal Water Pollution Control Act to control pollution from point sources (such as wastewater treatment plants) into waters of the United States through the issuance of National Pollutant Discharge Elimination System or NPDES permits. NPDES permits are based on “waste discharge requirements” that are either narrative or numeric standards designed to protect water quality. The Federal Water Pollution Control Act is known today as the Clean Water Act (CWA), and Congress has amended the Act several times. In 1987, Congress made it unlawful to discharge pollutants (including sediment) to waters of the United States from non-point sources (such as municipal storm water and industrial or construction sites) and directed non-point source dischargers to comply with the NPDES permit scheme. CWA sections applicable to the proposed MCCR are described below.

Section 402: National Pollutant Discharge Elimination System Permit

Pursuant to CWA Section 402(p) of the Clean Water Act and as related to the goals of the Porter-Cologne Water Quality Control Act, the SWRCB adopted a statewide NPDES General Permit for Storm Water Discharges Associated with Construction Activity (Order No. 2009-0009-DWQ, NPDES No. CAR000002) on September 2, 2009. Commonly referred to as the “Construction General Permit,” the regulation requires that any construction project that disturbs one or more acres of land surface (or is part of a common plan of development or sale that disturbs one or more acres of land surface) is required to obtain coverage under the Construction General Permit.

Section 303: Impaired Water Bodies (303(d) list) and Total Maximum Daily Loads

Under Section 303(d) of the CWA, the SWRCB is required to develop a list of impaired water bodies that do not meet water quality standards (promulgated under the National Toxics Rule [NTR] or the California Toxics Rule [CTR]) after the minimum technology-based effluent limitations have been implemented for all point and non-point sources. Impaired water bodies are priority ranked for Total Maximum Daily Load (TMDL) development and implementation based on the level of impairment and the beneficial uses that need to be protected. A TMDL is a calculation of the total maximum amount of a pollutant that a water body can receive on a daily basis and still meet water quality standards. The US Environmental Protection Agency (EPA) and California Regional Water Quality Control Boards (RWQCBs) are responsible for establishing TMDL waste-load allocations and incorporating improved load allocations into water quality control plans, NPDES permits, and waste discharge requirements (WDRs).

Waste Discharge Requirements Associated with Total Maximum Daily Load Implementation/Load Allocations

There are eleven (11) watersheds in Mendocino County which are currently listed as impaired by sediment and high instream temperatures. They include: Ten Mile River; Noyo/Pudding Creek; Big River and Berry Gulch; Albion River; Garcia River; Gualala River; Navarro River; Upper Russian River; Middle Fork Eel River; South Fork Eel River; and Middle Mainstem Eel River (North Coast RWQCB). Within these watersheds, Total Maximum Daily Load (TMDL) requirements (that are in various stages of development) will require

reductions in contributing sediment sources to achieve the load reductions necessary to protect beneficial uses (North Coast RWQCB).

In watersheds where a TMDL has been developed and approved—or is in process of being developed—watershed plans are required to achieve the load reductions called for in the TMDL. These plans are defined by US EPA in the National NPS Program Guidance and are intended to provide detailed information to ensure that priority activities are being undertaken to achieve water quality objectives and beneficial uses within a specific period of time. Watershed plans must address the following nine key elements:

- 1) Causes and Sources—Causes and sources of impairment (physical, chemical, and biological);
- 2) Expected Load Reductions—Estimate of load reductions expected to result from implementation of each of the management measures or BMPs;
- 3) Management Measures—Identification of critical areas and management measures/practices and associated costs necessary to achieve the estimated load reductions;
- 4) Technical and Financial Assistance—Estimate of technical and financial assistance needed, associated costs, and authorities that will be relied upon to implement the watershed plan;
- 5) Information/Education Schedule—How public understanding of the project and participation in selecting, designing, and implementing management measures will be achieved;
- 6) Schedule—Schedule for implementing management measures;
- 7) Measurable Milestones—Schedule of interim, measurable milestones for determining whether the management measures, BMPs, or other control actions are being implemented;
- 8) Evaluation of Progress—Criteria that can be used to determine whether load reductions are being achieved and if progress towards attaining water quality standards is being achieved. If not, criteria for determining whether the plan or TMDL (if established) needs to be revised; and
- 9) Monitoring—Evaluation of the effectiveness of the implementation efforts, measured against the criteria established in the Evaluation of Progress element.

Porter-Cologne Water Quality Control Act

The State of California's Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) (Porter-Cologne Act) provides the basis for water quality regulation in the State. The SWRCB administers water rights, water pollution control, and water quality functions throughout the state, while the nine Regional Water Quality Control Boards (RWQCBs) conduct planning, permitting, and enforcement activities. The Porter-Cologne Act authorizes the SWRCB to adopt, review, and revise policies for all waters of the state (including both surface and groundwater). Each RWQCB is required, by law, to develop, adopt, and implement a Basin Plan for their entire region that describes the beneficial uses that the RWQCB will protect, the water quality objectives necessary to protect the designated beneficial uses, and strategies and timelines for achieving them. Water quality objectives to protect beneficial uses of water bodies are typically achieved through the regulation of dischargers using "waste discharge requirements" or WDRs which are enforceable provisions of NPDES permits.

North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program (Order)

The Order establishes water resource protection requirements and provides a mechanism for cannabis cultivators to meet the requirements of the federal Clean Water Act, California Water Code, State Nonpoint Source Policy, and the Basin Plan for the North Coast region. Under the Order, operations with 2,000 square feet or more of cannabis canopy area, or any amount of cultivation that poses a threat to

water quality, that is located on private lands in the North Coast region are required to enroll in the program. The Order includes enforceable requirements which cultivators must meet to ensure that their operations do not impact water resources and includes "Standard Conditions" related to the following:

- 1) Site maintenance, erosion control and drainage;
- 2) Stream crossing maintenance and improvement;
- 3) Stream and wetland buffers;
- 4) Spoils management;
- 5) Water storage and use;
- 6) Irrigation runoff;
- 7) Fertilizers and soil amendments;
- 8) Pesticides;
- 9) Petroleum products and other chemicals;
- 10) Cultivation-related wastes;
- 11) Refuse and human waste; and
- 12) Remediation, cleanup, and restoration activities.

The Order specifically states that the over-diversion of surface water for cannabis cultivation creates a significant impact on instream water quality and beneficial uses. The RWQCB may therefore request that the DWR considers various water rights actions and can refer cases to the Office of Enforcement. Additionally, the RWQCB may require information pertaining to the diversion and use of surface water and make inspections of the discharge facilities.

Compliance with the Standard Conditions can be achieved through the implementation of site-specific pollution prevention measures or BMPs that are designed to protect water quality. All BMPs are considered enforceable conditions under the Order as applicable to a given site.

Based on the nature of the cannabis cultivation operation and associated threat to water quality, enrollees are placed into one of three "tiers" with Tier 1 having the least environmental effects and Tier 3 having the greatest environmental effects. Tier 2 and Tier 3 enrollees must have a Water Resource Protection Plan (WRPP) prepared by a qualified professional that identifies the development within the cultivation site that is subject to compliance with the Standard Conditions and specifies a monitoring and reporting program that complies with the Order. For any development within the cultivation site that does not comply with the Standard Conditions, BMPs are described that would bring the site into compliance with the Order, and a timeline for compliance is contained within the WRPP. All enrollees must monitor their sites periodically and prepare annual monitoring reports that include verification of conformance with the applicable Standard Conditions, the effectiveness of the BMPs being implemented, and compliance with a Water Resource Protection Plan which is required to be developed based on the site's specific conditions.

Per the Order, a WRPP must include the following elements:

- 1) Property map including: areas of operation, roads, water bodies, all cleared/developed areas, and general drainage patterns and directions;
- 2) Design drawings for watercourse structures, fish passages, roads, septic tanks, fill prisms, pads, ponds, or any constructed feature that has been designed or engineered;
- 3) Assessment of current conditions and identification of any features needing improvements to correct the function of roads or developed areas, drainage features, encroachments into riparian buffer areas, controllable sediment delivery sites, including stream crossings in need of correction;
- 4) Detailed list of specific management practices designed to meet the Standard Conditions, incorporating applicable BMPs necessary to bring the site into compliance with the Standard Conditions;

- 5) If problems are identified, a prioritization and implementation schedule for corrective action;
- 6) List of chemicals on site;
- 7) Monitoring plan; and
- 8) Water use plan detailing the water source, providing documentation of an approved water right, and a record of the amount of water used monthly (including any conservation measures). The water use plan is used to ensure that the quantity and timing of water use is not impacting water quality objectives or beneficial uses of the water body from which the diversion is taking place.

Enrollment in the program and compliance with the Order does not preclude the need for permits that may be required by other government agencies or supersede any requirements, ordinances, or regulations of any other regulatory agency.

It is important to note that the Order does not cover or authorize the expansion of existing cannabis cultivation sites or the development of new sites at previously undisturbed locations. New cultivation sites may be approved where prior activity such as residential or other construction has established roads, driveways, culvert crossings or similar features. The Order does not apply to land use activities subject to other permitting programs and does not apply to hazardous waste cleanup, certification and permitting for the application of pesticides and herbicides, or requirements related to the handling and disposal of solid and domestic wastes. In addition, cannabis cultivators that disturb more than one acre of land must also obtain coverage under the RWQCB General Permit for Dischargers of Storm Water Associated with Construction Activity (Construction General Permit 2009-0009-DWQ).

Division of Water Rights Permitting

A water right is legal permission to use a reasonable amount of water for a beneficial purpose such as swimming, fishing, farming or industry (State Water Resources Control Board 2016 (b)). A riparian right is a right to use the natural flow of water on riparian land. Only the natural flow of water can be diverted under a riparian right. Because a riparian right only allows the use of natural flow, it is possible to have water available under a riparian right during wetter years or months and not during drier years or months (State Water Resources Control Board (b) 2016). Conversely, an appropriative right allows someone to take water for use on adjacent lands or use water that would not be there under natural conditions (i.e. water storage for more than thirty (30) days). The right to divert surface water in California is based on the type of right being claimed and the priority date. Water right permits specify the season of use, purpose of use and place of use for the quantity of water authorized under the permit or license (State Water Resources Control Board 2016 (a)).

SWRCB Policy for Maintaining Instream Flows in Northern California Coastal Streams and Watershed-Specific Assessments

The Policy for Maintaining Instream Flows in Northern California Coastal Streams (Policy) establishes principles and guidelines for maintaining instream flows for the protection of fishery resources, while minimizing water supply impacts on other beneficial uses of water, such as irrigation, municipal use, and domestic use. The geographic scope of the Policy encompasses coastal streams from the Mattole River to San Francisco and coastal streams entering northern San Pablo Bay, and extends to five counties: Marin, Sonoma, and portions of Napa, Mendocino, and Humboldt Counties. The Policy applies to applications to appropriate water, small domestic use, small irrigation use, and livestock stockpond registrations, and water right petitions.

The Policy:

- 1) Establishes guidelines for evaluating the potential impacts of water diversion projects on stream hydrology and biological resources;
- 2) Includes principles to ensure that new water appropriations and changes to existing water right permits and licenses will not affect the instream flows needed for fish spawning, migration and rearing, or the flows needed to maintain natural flow variability, which protects the various biological functions that are dependent on that variability; and
- 3) Contains principles to ensure that migration paths to spawning and rearing habitats are not blocked.

The Policy does not establish specific instream flow requirements for particular rivers or streams, approve any particular water diversion projects, or specify the terms and conditions that will be incorporated into water right permits, licenses, or registrations (State Water Resources Control Board 2014).

Because the Policy only extends to coastal watersheds between the San Francisco Bay and the Mattole River, the SWRCB's Division of Water Rights is in the process of assessing "instream flow requirements" that extend regionally to watersheds (both coastal and inland) where cannabis is cultivated. It is anticipated the SWRCB will expand the Policy to involve inland watersheds. On a watershed basis a baseline or minimum flow that will be required to be sustained at all times regardless of water rights and will be established and relied upon to guide the issuance of water diversion permits to cannabis cultivators. As with the Policy, the flow requirements are intended to protect fish safety in the streams, and protect other functions such as first flush sediment dispersal. Development of the flow requirements will require an instream winter flow study and establishment of dry season requirements for hydrologically connected groundwater basins.

Under the instream flow requirement policies, cannabis cultivators will be required to estimate their annual water use requirements (both for domestic and irrigation purposes) and build storage to divert water during the low flows, typically in the summer months. The SWRCB, in consultation with CDFW, will use the mean annual flow and drainage area, along with data regarding senior water right holders, to determine a minimum bypass flow for a specific location. The cultivator will not be allowed to divert water when the watercourse reaches the minimum bypass flow. The cultivator, in consultation with the SWRCB and CDFW can determine appropriate water storage capacity depending on when the watercourse typically reaches the minimum bypass flow. Cultivators will not be allowed to obtain a CDFA license under its commercial cannabis program until they certify a legal source of water.

Once the flow requirements are in place, the SWRCB retains the authority to provide curtailment notices to water users when there is an insufficient amount of water available to support all water rights holders. In times of drought and limited supply, the most recent ("junior") right holder must be the first to discontinue use. Even more senior water right holders, such as some riparian and pre-1914 water right holders may also receive a notice to stop diverting water if their diversions are downstream of reservoirs releasing stored water and there is no natural flow available for diversion (State Water Resources Control Board (b) 2016) If a curtailment order or emergency regulation is enacted, cultivators will be required to cease direct diversion from a watercourse and rely upon water storage until the curtailment period has ended.

While some cultivators will have riparian water rights, they may need appropriative rights, which allow for water storage for more than thirty (30) days, to ensure they have a sufficient amount of water to cultivate throughout the entire growing season. In some cases, cultivators may not be able to obtain appropriative rights, depending on the number of senior water rights holders in the watershed and the baseline flow that is required to sustain beneficial uses. Instead, they will be directed to supplement their riparian water rights

by storing rainwater or using other non-jurisdictional water sources to subsist throughout the summer months.

Based on the results of the streamflow baseline, it is possible that there will not be enough water for all cultivators in a particular watershed. These cultivators will be limited to other water supply options, such as wells or rainwater capture, which are described in more detail below.

Rainwater Capture

The Rainwater Recapture Act of 2012 (2012 Cal. Stats. Ch. 537, Sec. 2) allows Californians to legally capture and use rainwater harvested from rooftops. The Act exempts the capture and use of rainwater from rooftops from the SWRCB's permitting authority over appropriations of water. The Act further provides that it is not intended to alter or impair existing rights, change existing water rights law, affect the use of rainwater on agricultural lands, or impair the authority of water suppliers to protect the public health and safety of public water supplies as authorized by California law.

Well Drilling

In California, permitting authority over well drilling activities that are hydrologically disconnected rests solely with the local well permitting agency. Wells that are hydrologically connected to surface waters may also be subject to permitting through the SWRCB and CDFW. In Mendocino County, this is the Division of Environmental Health. If using water from a well, the well must be permitted or approved by the Mendocino County Department of Health and Human Services.

Sustainable Groundwater Management Act of 2014

The Sustainable Groundwater Management Act (SGMA) (AB 1793, SB 1319 and SB 1168) provides a framework for sustainable management of groundwater supplies by local authorities with a limited role for state intervention only if necessary to protect the resource. The SGMA requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. The Act provides substantial time—20 years—for GSAs to implement plans and achieve long-term groundwater sustainability. The Act is intended to protect existing surface water and groundwater rights and does not impact current drought response measures. Mendocino County officials are currently setting up a new local water management district to monitor groundwater usage per the requirements of the SGMA. This district is expected to be active by June 2017 for the Ukiah Valley basin and will have a groundwater sustainability plan by 2022. The Mendocino County Resource Conservation District and the Mendocino County Water Agency are working toward gauging seasonal and long-term trends in area groundwater levels. The County anticipates additional basins within the County will be required to comply with SGMA with the release of an updated Bulletin 118 by the Department of Water Resources in 2020. The County will continue to meet the requirements for SGMA for all new basins coming into the program.

Mendocino County Flood Hazard – Development Standards and Floodplain Combining Districts

Mendocino County Code Section 20.500.030 establishes a general prohibition on new development within the 100-year floodway unless mitigation measures are included pursuant to Federal Emergency Management Agency (FEMA) guidelines and the FP Flood Plan Combining District (Inland) (County Code Section 20.120). All structural development in the 100-year flood zone requires a Development Permit which provides the County the opportunity to require appropriate development standards to protect people and structures; nonstructural agricultural uses are allowed in the 100 year flood zone. Such measures may

include anchoring, use of flood damage resistant construction materials and methods, elevation of structures above the Base Flood Elevation, or other means of flood proofing.

DISCUSSION

Water use and water pollution associated with cannabis cultivation is a significant statewide issue. Due to the current unpermitted nature of cannabis cultivation in Mendocino County, many cannabis cultivation sites have been developed and use water resources without any regulatory oversight. This has resulted in various levels of watercourse impairment associated with these activities. However, it is difficult to quantify impacts because the number of cultivation sites is unknown.

Hydrological and water quality concerns associated with unregulated irrigation associated with the cultivation of cannabis include the following:

Hydrology

- 1) Improper stream crossing design;
- 2) Alteration of drainage and runoff patterns (natural stream flows and floodwater flows);
- 3) Drying up of streams and alteration of watercourse channels;
- 4) Blocking or impeding natural stream flows or floodwater flows and the creation of habitat/migration barriers; and
- 5) Other adverse geomorphological changes.

Water Supply

1. Permitted and unpermitted surface water withdrawals from streams and rivers;
2. Illegal water storage, impoundment, and/or illegally constructed dams/diversions;
3. Reduced water access for some property owners with legitimate water rights;
4. Illegally constructed or unpermitted wells with associated impacts on neighboring well, surface water supplies, in-stream flows, and/or groundwater supply;
5. Impact of depleted water resources on beneficial uses; and
6. Trucking of water to grow sites.

Water Quality

1. Improper storing of fertilizers and pesticides creating the risk of or actual contamination of surface or groundwater;
2. Impact of erosion, transportable sediment, pesticides, and herbicides on water quality and beneficial uses;
3. Temperature impacts from riparian vegetation removal and improper hydro-modification;
4. Impact of compromised aquatic habitat on endangered fish;
5. Improper stream crossings that create a sediment source and create or exacerbate unstable features; and
6. Illegal dumping and improperly sited outhouses and disposal of human waste.

In addition, temporary, flexible water storage bladders are a threat to water quality because they photo-degrade and tend not to be properly maintained. Storage bladders run the risk of failure and discharging to surface waters, with associated erosion/sedimentation effects and impacts on downstream channels and neighbors. Per the Order, "Storage bladders are not encouraged for long term water storage reliability."

Hydrology and Water Quality a), c), d), and f)

The project has potential to violate water quality standards, alter existing drainage patterns, and cause runoff or otherwise degrade water quality, mitigation is proposed to avoid these impacts. As noted in the discussion there are many impacts to hydrology, water quality, and water quantity associated with existing cannabis cultivation. As a result, the majority of the streams in the North Coast are considered to be impaired by excess sediment and elevated temperatures as a result of nonpoint source pollution or polluted runoff. Sediment pollution is often associated with poorly planned forest clearing, earth-moving activities, and other land use practices. The exponential growth of cannabis cultivation throughout the North Coast has resulted in significant discharges of sediment and nutrients to surface waters, to the cumulative detriment of beneficial uses of water. The baseline condition is impaired watersheds which stand to improve with implementation of the MCCR by the County and regulatory requirements of other involved State agencies.

Under Phase 1 implementation of the proposed MCCR, certain management measures and remediation/cleanup/restoration activities at existing cultivation sites could potentially violate water quality standards or waste discharge requirements if they are not appropriately implemented. Activities necessary to achieve compliance with existing rules and regulations may involve the operation of heavy equipment; disturbance of soils; disruption of drainage conveyances and features; activities on and near unstable features; disturbance and removal of vegetation; creation of spoils; short-term exceedances of water quality objectives necessary to remove and replace instream structures; disruption of instream habitat; and the cleanup or removal of toxic substances. Soils made unstable and toxic substances have the potential to be mobilized in storm water or irrigation runoff and transported to surface waters, potentially violating water quality standards or waste discharge requirements. Implementation of standard construction BMPs (incorporated as Mitigation Measure BIO-2) and required under the Order, reduce the potential for remediation/cleanup/restoration activities to be detrimental to water quality and include the following:

- 1) Temporal restrictions on construction;
- 2) Limitations on earthmoving and construction equipment;
- 3) Guidelines for removal of plants and revegetation;
- 4) Conditions for erosion and sediment control;
- 5) Limitations on work in streams;
- 6) Protection of riparian and wetland areas;
- 7) Implementation of secondary containment and Spill Prevention Control and Countermeasure plans; and
- 8) Use of a qualified, licensed professional for design of watercourse replacements and development and oversight of remediation/cleanup/restoration plans.

Similarly, new development of cultivation sites in Phase 3 would be controlled by the Order's standard conditions and BMPs which provide suitable protections for water quality. With the incorporation of Mitigation Measure BIO-2, which requires appropriate BMPs, potential water quality impacts associated with site work will be reduced.

Because many of the watersheds in Mendocino County are impaired or do not have adequate data to assess the current state, without mitigation there is a potential for the issuing new cultivation permits in Phase 3 to be cumulatively significant water quality impact. Watershed specific information is needed to determine if it is appropriate to allow for increased water withdrawals and land disturbing activities that have the potential to release chemicals and sediment into watercourses. There are several programs in place at the state level to collect watershed specific information and assess the proper levels of land use activities and water use.

Proposed MCCR zoning section 20.242.070 requires a watershed assessment to be completed prior to issuing any permits for new cultivation in RR, RL and UR zoning districts. Note Mitigation AG-2 will help to minimize the MCCR water supply impacts by prohibiting new cultivation sites in the RL district. However, it is described at only the most basic level of establishing sufficient water supply to serve the proposed cultivation site and existing uses within the watershed. To provide adequate mitigation for water quality and quantity impacts, this requirement needs to be inclusive of all beneficial uses.

Per Business and Professions Code (§ 19332(d)), the SWRCB—in consultation with CDFW and CDFA—shall ensure that the individual and cumulative effects of water diversion and discharge associated with cannabis cultivation do not affect instream flows needed for fish spawning, migration, and rearing, and flows needed to maintain natural flow variability. Per Water Code (§13149), the SWRCB—in consultation with CDFW—shall adopt principles and guidelines for diversion and use of water for cannabis cultivation in areas where cultivation has the potential to substantially affect in stream flows. These principles and guidelines will include policies for water quality control and will be incorporated into agricultural permits issued by the CDFA under its commercial cannabis program. The principles and guidelines may include requirements that apply to groundwater extractions where the SWRCB determines those requirements are reasonably necessary. In addition, the SWRCB may update the interim principles and guidelines as necessary.

The purpose of the in stream flow requirements are to protect fish safety in the streams, and protect other functions such as first flush sediment dispersal. Development of the flow requirements will require an instream winter flow study and establishment of dry season requirements for hydrologically connected groundwater basins. TMDLs will be considered as part of the in-stream flow policy. Once the flow requirements are in place, the SWRCB will retain the authority to provide curtailment notices to water users when there is an insufficient amount of water available to support all water rights holders. The SWRCB, in consultation with CDFW, will use the mean annual flow and drainage area, along with data regarding senior water right holders, to determine a minimum bypass flow for a specific location (Division of Water Rights, 2016).

The SWRCB is currently developing regional boundaries for cannabis policy development. Currently, Mendocino County is included in both the “North Coast” region and the “AB2121 Policy Area” region. For each region, the SWRCB will develop interim flow requirements for priority areas expected to have high water demand for cannabis cultivation. These requirements will include a surface water diversion forbearance period (or periods) that is based on local climate and hydrology and flow requirements that will include requirements to maintain first flush flows, maintain spring recession flows, and maintain portions of other high flow events, as well as “forbearance” restrictions related to the dry season. Additional principles may include: dry season flow requirements for hydrologically connected groundwater diversions; fish screens for diversions; removal of fish passage barriers; off-stream storage requirements; secondary containment for water storage bladders; and riparian buffers. The SWRCB will be responsible for enforcement and will monitor flow requirements at compliance gauges. The program is expected to begin rolling out in 2017 (Division of Water Rights, 2016).

As mitigation to protect water quantity, quality, and hydrologic functions, Mitigation Measure HYD-1 is proposed. This mitigation measure applies to new cultivation sites, primarily in Phase 3 but possibly with relocation of an existing site in Phase 1, and requires that the “watershed assessment” described in the Zoning chapter be defined as the in-stream flow policy consistent with the State Water Resources Control Board program. In conjunction with Mitigation Measure AG-2, which prohibits new cultivation in the RL district, Mitigation Measure HYD-1 will prevent the issuance of new cultivation permits in RR and UR zoning districts until the in-stream flow policy is developed in the watershed. This mitigation is selected because it is

consistent with the State's approach to reduce cannabis cultivation impacts in watersheds, and is likely the best mechanism to obtain the most comprehensive information regarding water quality, quantity and beneficial uses within a watershed.

With mitigation incorporated there will be a less than significant impact on water quality standards, existing drainage patterns, run-off and water quality will not be otherwise degraded.

Hydrology and Water Quality b)

Groundwater is Mendocino County's main source for municipal and individual domestic water systems and contributes significantly to irrigation. Storage capacity estimates for the three largest basins are Ukiah Valley/90,000 acre-ft; Little Lake Valley/35,000 acre-ft; and Laytonville Valley/14,000 acre-ft (USGS, 2012).

The Ukiah Valley Groundwater Basin has been ranked by DWR as a medium priority basin requiring creation of a Groundwater Sustainability Agency and a Groundwater Sustainability Plan. Water in the Ukiah Valley for domestic and agricultural use has been determined to be fully allocated by the DWR. The Mendocino County RCD and the Mendocino County Water Agency are working toward gauging seasonal and long-term trends in area groundwater levels to better understand what is coming into and going out of this basin.

Per subsection B of Sec. 20.242.050 of the proposed MCCR zoning code amendments related to Existing Medical Cannabis Cultivation Sites:

"All medical cannabis cultivation sites located outside an industrial zoning district (I1, I2, and P1) must demonstrate there is adequate water to serve the cultivation site by providing evidence of an existing water right."

Per subsection C of Sec. 20.242.070 of the proposed MCCR zoning code amendments related to New Medical Cannabis Cultivation Sites:

"All new medical cannabis cultivation sites located outside an industrial zoning district (I1, I2, and P1) or AG (Agriculture) zoning district shall demonstrate there is adequate water to serve the cultivation site by providing (1) a watershed assessment that establishes there is adequate water to serve the cultivation site and existing uses within the watershed, and (2) a water right exists to serve the cultivation site."

Potential difficulties gaining or perfecting necessary water rights could inadvertently incentivize well drilling. Elements of the Order that may encourage the development of alternative water sources include requirements to remove instream impoundments and create off-stream water storage sufficient to provide adequate irrigation water for the size of the area to be cultivated. Based on current requirements, regulatory trends and initial concepts developed by the SWRCB Division of Water Rights, water used for the cultivation of cannabis will need to be sourced on-site from a surface water diversion, permitted well, or other water source (Cannabis Interim Principles and Guidelines).

Regulated cannabis cultivation represents an increased potential for increased groundwater pumping, with greater associated impacts during dry months and drought conditions. Anecdotal evidence provided by CDFW enforcement officials suggests that cannabis cultivators are shifting to groundwater wells to avoid surface water diversion restrictions (Mendocino County Resource Conservation District, 2016).

Potential impacts associated with an increase in groundwater pumping as a result of the new regulations will be somewhat reduced by requirements in the Order and provisions of the proposed MCCR. The Order requires the implementation of water conservation measures, irrigation at agronomic rates, and limiting groundwater withdrawals in consideration of beneficial use by other water users in the same watershed. In addition, cultivators registered with the RWQCB are required to implement water conservation practices to document their monthly water use and develop an approach to ensure water use is not impacting water quality.

Although water conservation provisions may reduce overall water use mitigation is required in order to prevent groundwater supplies from depleting. Mitigation Measure HYD-2 requires that a water availability analysis be completed 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. With mitigation incorporated, the impact would be less than significant.

Hydrology and Water Quality e)

The Order contains standard conditions designed to remedy existing site conditions that create or contribute to runoff. The MCCR incorporates the standard conditions from the Order for all approved cultivation sites. In some cases, improvements that are required to bring existing sites into compliance may include the construction of infiltration basins, grading activities, road improvements, and in-stream restoration. While each of these activities has the potential to cause or contribute to increased runoff, the improvements are required to be designed by a qualified professional and use BMPs that effectively minimize the contribution of additional runoff.

The potential for implementation of the proposed MCCR to create or contribute to an increase in runoff which would exceed the capacity of existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff is less than significant.

Hydrology and Water Quality g) and h)

The implementation of provisions in the proposed MCCR would not place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other hazard delineation map. While the proposed MCCR does require a legal residence to obtain most cultivation permits (as modified by Mitigation Measure AG-1), Mendocino County's Flood Ordinance does not allow such structures to be sited within the 100-year flood hazard zone. Therefore, there would be no impact.

Hydrology and Water Quality i) and j)

In Phase 1, all existing structures within the 100-year flood zone will be required to be brought into compliance with the Mendocino County Flood Hazard Ordinance. New structures in any phase will also be required to comply with those standards. The Mendocino County Flood Ordinance requires adequate measures such as elevation of foundations, use of flood resistant materials and methods and other means to protect people and structures from flood damage. Therefore, the risk of such damage is less than significant.

It is possible that cannabis cultivation sites permitted under the proposed MCCR could be inundated by mudflow, particularly on steep terrain. However, measures included in the Order are intended to avoid these conditions and will apply to all cultivators. The potential for the proposed MCCR to cause or be impacted by mudflow is therefore less than significant.

Existing conditions include illicit dams and impoundments of various types that have not been appropriately engineered or permitted. Removal of these structures has the potential to expose people or structures to risk from flooding. However, the Order requires that the construction, removal, or alteration of an impoundment be designed and overseen by licensed professional as part of a plan that incorporates standard construction BMPs and is approved by the Executive Officer of the RWQCB. These requirements will reduce the risk to people from flooding as the result of the failure of a levee or dam to a level that is less than significant with mitigation incorporated.

As previously described, the proposed MCCR permits the cultivation of medical cannabis in various zoning districts throughout Mendocino County, excluding the Coastal Zone. By excluding coastal properties, there is no risk of inundation by tsunamis.

MITIGATION MEASURES

Mitigation is incorporated through **BIO-2**.

HYD-1: Mendocino County shall modify the MCCR Zoning chapter prior to its adoption by the Board of Supervisors 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.

HYD-2: Mendocino County shall modify the MCCO prior to its adoption by the Board of Supervisors 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.

FINDINGS

The Proposed Project would have a **Less Than Significant Impact with Mitigation Incorporated** on Hydrology and Water Quality.

X. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) physically divide an established community; (b) conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or (c) conflict with any applicable habitat conservation plan or natural community conservation plan.

DISCUSSION

Land Use in the area covered by the proposed MCCR is primarily regulated by the Mendocino County General Plan, adopted in 2009, and the Ukiah Valley Area Plan, adopted in 2011. Together, the General Plan and Ukiah Valley Area Plan establish a set of planning principles and include guiding policies regarding a broad range of land use considerations. Note that the proposed MCCR does not permit cultivation of medical cannabis in any location within the Coastal Zone. As such, the Coastal Act, the Mendocino County Local Coastal Program, and related regulations do not apply.

The Mendocino County Inland Zoning Code (Division I of Title 20) is applicable to all properties within the unincorporated area of the County, exclusive of the Coastal Zone. All proposed medical cannabis cultivation operations will be required to comply with the Zoning Code as amended by the proposed project. The Zoning Code provides processing and review requirements for the Administrative Permits and Minor Use Permits as required by the proposed project.

While the cultivation of cannabis is not directly addressed in the current General Plan and UVAP, several of the planning principles and policies that address the Mendocino County's ongoing commitment to agricultural and timber production, resource protection and economic development, all of which are addressed directly or indirectly within the proposed MCCR.

Key planning principles which are relevant to the continued and regulated cultivation of medical cannabis include:

Principle 2-1a: Conservation of Mendocino County's natural resources, farmland, forest land, and open spaces is essential to the rural quality of life desired by residents and visitors alike.

- 1) Planned growth and compact development forms are essential to conserving environmental resources, farmland and open spaces.

- 2) Direct new commercial and residential growth to cities and community areas where development can be supported by existing or planned infrastructure and public services, and environmental impacts can be minimized.

Principle 2-1b: Mendocino County's natural, scenic, recreational, historic, and archaeological resources are vital to the quality of life and shall be protected for the enjoyment and economic prosperity of present and future generations.

- 1) Protection and enjoyment of the outstanding scenic, recreational and natural qualities of Mendocino County require long-term supportive economic and social systems.

Principle 2-2a: Emphasize long-term and sustainable economic and community needs over short-term gains.

- 1) Promote sustainable and innovative business practices and technologies that advance work force and community health, environmental protection, and use of clean, reliable and renewable energy sources.

Principle 2-2c: Support the county's resource-based economy and take actions that protect and enhance the county's diverse natural resources.

- 1) Support the protection and diversification of the county's agricultural and timber-based businesses;
- 2) Promote and enhance the county's tourism and recreational sectors, including tourism tied to historic resources;
- 3) Tourism and recreation-based activities must be located in areas with adequate access and services, and minimal impacts to surrounding areas and resources;
- 4) The use of County funds to attract companies to Mendocino County should be focused on those firms that can produce or utilize renewable energy; and
- 5) Promote small-scale or niche manufacturing using local resources for local or general use.

In addition, the following General Plan and UVAP policies are implemented by one or more provisions of the project or by mitigation measures proposed to address potential impacts of the project.

General Plan Policy Compliance

General Plan Document: Element	Policy Number	Policy Summary	Implementing Project Regulation or Mitigation Measure
General Plan: Development Element	DE-58	Adopt buffer provisions designed to limit incompatibilities between industrial and non-industrial operations.	<ul style="list-style-type: none"> Cultivation for nursery stock production shall be set back at least 100 feet from any parcel under separate ownership. All new MCCO cultivation sites are required to be setback 1,000 feet from identified sensitive uses. All new MCCO cultivation sites which are not fully enclosed (Type 1A and Type 2A) are required to be setback 100 feet from residences and 50 feet from property lines.
General Plan: Development Element	DE-64	Work cooperatively with all industries to identify greenhouse gas impacts from their operations and develop a long-term plan for reducing emissions.	<p>See Air Quality and GHG Sections.</p> <ul style="list-style-type: none"> Limit on lighting intensity for indoor and mixed-light cultivations. Prohibition on the use of generators as a primary source of power.
General Plan Resource Management Element	RM-1	Require adequate buffers for all projects potentially impacting stream corridors and/or their associated riparian habitat.	<p>See Biology and Hydrology and Water Quality Sections</p> <ul style="list-style-type: none"> Application required to include enrollment in and compliance with Tier 1, 2 or 3 North Coast Regional Water Quality Control Board Order 2015-023 or equivalent. Said Order establishes cultivation setbacks ranging from 50 feet to 200 feet based on the type of stream and type of cultivation. The Order includes a mechanism to establish site specific buffers as needed to protect water quality. Sites that do not require enrollment are still required to meet the standards conditions applicable to all dischargers. Additionally Mitigation Measure BIO- 2 requires the incorporation of applicable BMPs from the water board order for all cultivation permits which provide for adequate riparian buffers.

General Plan Document: Element	Policy Number	Policy Summary	Implementing Project Regulation or Mitigation Measure
General Plan Resource Management Element	RM-27	Identify and maintain wildlife movement corridors to support biodiversity and healthy natural processes.	<p>See Biology Section</p> <ul style="list-style-type: none"> • Application required to include enrollment in and compliance with Tier 1, 2 or 3 as described by the Order or equivalent. Said Board order establishes cultivation setbacks ranging from 50 feet to 200 feet based on the type of stream and type of cultivation. The Order includes a mechanism to establish site specific buffers as needed to protect water quality. • Mitigation Measure BIO-1 requires review by CDFW to confirm that there is not a negative impact to special status species. • Mitigation Measure HYD-1 requires in-stream flow policies to be met prior to issuing new cultivation permits in RR and UR Districts which provides for riparian habitat diversity and protects fish passage.
General Plan Resource Management Element	RM-29	The County shall require all public and private discretionary projects to avoid impacts to wetlands if feasible. If avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations.	<ul style="list-style-type: none"> • Direct impacts to wetlands are regulated by Section 401 and Section 404 of the US Clean Water Act. • Application is required to include enrollment in and compliance with Tier 1, 2 or 3 as described by the Order or equivalent. Said Order does not authorize dredge and fill activities that result in a permanent loss of wetlands. Further wetland protections in the Order require sensitive design and location of roads, clearings, fill prisms and terraced areas, a 50 foot setback from all wetlands, and maintenance of the essential functioning of wetlands. • Sites that do not require enrollment are still required to meet the standards conditions applicable to all dischargers. Additionally Mitigation Measure BIO- 2 requires the incorporation of applicable BMPs from the water board order for all cultivation permits. Per these provisions, cultivation sites are not allowed in wetlands.

General Plan Document: Element	Policy Number	Policy Summary	Implementing Project Regulation or Mitigation Measure
General Plan Resource Management Element	RM-35	Work with the Mendocino County Air Quality Management District, Mendocino County Solid Waste, and fire agencies to reduce outdoor burning impacts on populated areas.	<ul style="list-style-type: none"> Mitigation Measure AIR-2 prohibits the burning of excess plant products related to cannabis cultivation.
General Plan Resource Management Element	RM-43	Continue to inform applicants about Mendocino County Air Quality Management District dust control and grading requirements.	<ul style="list-style-type: none"> Mitigation Measure AIR-1 requires a referral to the MCAQMD and concurrence from MCAQMD that all air quality policies including fugitive dust rules are met. Applicants will be informed of MCAQMD standards through this process.
General Plan Resource Management Element	RM-50	Reduce Mendocino County's greenhouse gas emissions by adopting measures that reduce the consumption of fossil fuel energy resources	<p>See Air Quality and GHG Sections.</p> <ul style="list-style-type: none"> Limit on lighting intensity for indoor and mixed-light cultivations. Prohibition on the use of generators as a primary source of power.
General Plan Resource Management Element	RM-61	Prior to development, require evaluation of slope stability in areas with the potential for landslides, including structural foundation engineering and potential impacts to adjacent lands. The Building Official may waive this evaluation for existing single-family lots.	<p>See Hazards section</p> <ul style="list-style-type: none"> Special Findings required for Administrative Permits and Minor Use Permit require cultivations to avoid or minimize impacts on environmentally sensitive areas including hillsides exceeding 15 percent.
General Plan Resource Management Element	RM-79	Provide information to landowners, developers, and the public on the importance and value of maintaining wildlife corridors.	<p>See Biology Section</p> <ul style="list-style-type: none"> Application required to include enrollment in and compliance with Tier 1, 2 or 3 as described by the Order or equivalent. Said Board order establishes cultivation setbacks ranging from 50 feet to 200 feet based on the type of stream and type of cultivation. The Order includes a mechanism to establish site specific buffers as needed to protect water quality. This also provides for wildlife corridors.

General Plan Document: Element	Policy Number	Policy Summary	Implementing Project Regulation or Mitigation Measure
General Plan Resource Management Element	RM-98	Support State and Federal measures to protect and enhance the freshwater and marine ecology into the development process, such as: <ul style="list-style-type: none"> • Stream corridor protection and restoration. • Riparian vegetation protection and restoration. • Erosion and sediment control measures. • Surface mining controls. 	See Biology and Hydrology Sections <ul style="list-style-type: none"> • Application required to include enrollment in and compliance with Tier 1, 2 or 3 as described by the Order or equivalent. Said Order establishes cultivation setbacks ranging from 50 feet to 200 feet based on the type of stream and type of cultivation. The Order includes a mechanism to establish site specific buffers as needed to protect water quality. • Sites that do not require enrollment are still required to meet the standards conditions applicable to all dischargers. Additionally Mitigation Measure BIO- 2 requires the incorporation of applicable BMPs from the Order for all cultivation permits. This includes riparian protections. • All activities prohibited to create erosion or result in contaminated runoff into any stream, creek, river or body of water. • Mitigation Measure HYD-1 requires in-stream flow policies to be met prior to issuing new cultivation permits in RR and UR Districts which provides for riparian habitat diversity and freshwater ecology.
General Plan Resource Management Element	RM-98	Update all County application forms as needed to provide for indication of the source of water for all water development projects.	Permit application requirements include: <ul style="list-style-type: none"> • Copy of statement of water diversion or other permit, license or registration if applicable. • An irrigation plan and projected water usage as well as a description of legal water source.
General Plan Resource Management Element	RM-101	Develop vertical integration opportunities for adding value to natural resources, including local agricultural and timber processing facilities.	<ul style="list-style-type: none"> • Cultivation permitted in agricultural and industrial zones. • Mendocino County will have the opportunity to consider appropriate regulation of cannabis processing as State regulations are adopted.

General Plan Document: Element	Policy Number	Policy Summary	Implementing Project Regulation or Mitigation Measure
General Plan Resource Management Element	RM134	The County shall seek to protect the qualities of the nighttime sky and reduce energy use by requiring that outdoor nighttime lighting is directed downward, kept within property boundaries, and reduced both in intensity and direction to the level necessary for safety and convenience.	See Aesthetics Section <ul style="list-style-type: none"> Limit on lighting intensity for indoor and mixed-light cultivations. All lights used for the "mixed-light" cultivation of medical cannabis 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.
UVAP Water Management Chapter	WM 4.1	Streambank Protection Develop, adopt, and oversee Best Management Practices for bank stabilization and erosion control to prevent erosion and siltation in drainage swales and streams.	<ul style="list-style-type: none"> Application required to include enrollment in and compliance with Tier 1, 2 or 3 as described by the Order or equivalent. Said Board order establishes cultivation setbacks ranging from 50 feet to 200 feet based on the type of stream and type of cultivation. The Order includes a mechanism to establish site specific buffers as needed to protect water quality. (See Biology and Hydrology Sections). All activities prohibited to create erosion or result in contaminated runoff into any stream, creek, river or body of water.
UVAP Open Space and Conservation Chapter	OC 1.1	River Corridor Uses - Develop and adopt regulations establishing standards applicable to River Corridors. Until the regulations and the final Stream Setbacks are adopted, require that land use and development comply with the following principles. Allow or consider allowing the following uses within any River Corridor area: <ul style="list-style-type: none"> Streamside maintenance, fire fuel management, and restoration. Livestock grazing. Agricultural cultivation, but not within 100 feet of top of bank for the Russian River and 25 feet for Other Riparian Corridors. Public projects, including water-dependent public recreational facilities. Timber operations conducted in accordance with an approved timber harvest plan. Mining operations conducted in accordance with the County Surface Mining regulations. Road, street, and utility crossings. Streamside maintenance, fire fuel management, and restoration. 	Application is required to include enrollment in and compliance with Tier 1, 2 or 3 as described by the Order or equivalent. Said Order establishes cultivation setbacks ranging from 50 feet to 200 feet based on the type of stream and type of cultivation. The Order includes a mechanism to establish site specific buffers as needed to protect water quality. <ul style="list-style-type: none"> Such setbacks exceed the requirement of the General Plan.

General Plan Document: Element	Policy Number	Policy Summary	Implementing Project Regulation or Mitigation Measure
		<ul style="list-style-type: none"> • Permitted summer dams. • Equipment turnaround and access roads associated with agricultural cultivation, provided that the affected area is the minimum necessary for these turnaround and access roads and that a minimum 25' vegetative filter strip is provided and maintained between the affected area and the top of the bank. • Vegetation removal as part of an integrated pest management program administered by the Agricultural Commissioner. Prohibit, except as otherwise listed above, grading, vegetation removal, agricultural cultivation, structures, roads, utility lines and parking lots within any streamside conservation area. Consider an exception to this prohibition if: <ul style="list-style-type: none"> • It makes a lot unbuildable and if vegetation removal is minimized, or <ul style="list-style-type: none"> • The use involves only the maintenance, restoration, or minor expansion of an existing structure or other existing use, or • It can be clearly demonstrated through photographs or other information that the affected area has no substantial value for riparian functions, or <ul style="list-style-type: none"> • The use involves only the maintenance, restoration, or minor expansion of an existing structure or other existing use, or • It can be clearly demonstrated through photographs or other information that the affected area has no substantial value for riparian functions, or <ul style="list-style-type: none"> • A conservation plan is approved that provides for the appropriate protection of the biotic resources, water quality, flood management, bank stability, groundwater recharge, and other applicable riparian functions. 	

Note that, in addition to cannabis-specific requirements, a wide variety of existing local, state and federal laws and regulations apply to activities commonly associated with cultivation. Together, these regulations provide a comprehensive framework for the protection of resources and orderly land use as described in the General Plan and UVAP, cultivators will be required to comply with all of the following, as applicable:

Activity	Applicable Permit	Agency
Movement of earthen material in, or alteration of, the bed and/or banks of a watercourse	1602 Lake and Streambed Alteration Agreement (LSAA)	California Department of Fish and Wildlife (CDFW)
	401 Certification	North Coast Regional Water Quality Control Board (North Coast RWQCB)
	404 Certification	US Army Corps of Engineers
Clearing, grading, and/or conversion of land	Less-Than-Three-Acre Conversion	CAL FIRE
	Construction Storm Water General Permit	North Coast Regional Water Quality Control Board (NCRWQCB)
	Grading Permit	Mendocino County
Structural Development	Building Permit	Mendocino County
Water diversion from hydrologically connected waters of the state and/or storage	1602 Lake and Streambed Alteration Agreement (LSAA)	California Department of Fish and Wildlife (CDFW)
	Appropriative Water Right	State Water Resources Control Board (SWRCB) Division of Water Rights
	Building permit if storage tank is over 5,000 gallons	Mendocino County Planning and Building Services
Waste discharges resulting from Cannabis cultivation or operations with similar environmental effects	General Waiver	North Coast Regional Water Quality Control Board (N C RWQCB)
Human waste facilities, including outhouses and composting toilets.	On-site Wastewater Treatment System	State Water Resources Control Board (SWRCB)
		Mendocino County Environmental Health Division

Land Use and Planning a)

The project does not allow any specific activity or improvement on any specific site. A Zone Clearance, Minor Use Permit or Administrative Permit will be required prior to the issuance of a permit for cultivation or any development related to cannabis activities. New cultivation operations allowed by the proposed MCCR would be located in areas where similar uses are already allowed. No subdivision of land or installation of new infrastructure is included in the project description. No changes to general plan land use designations, zoning classifications, or substantial changes to the allowed uses or purpose of any zoning classification are proposed which could divide an established community. The minimum parcel size on which any cultivation may occur is two (2) acres and the maximum size of each individual operation is 22,000 square feet. Therefore, the project will not divide an established community and no impact would occur.

Land Use and Planning b) and c)

The project as proposed and mitigated would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including—but not limited to—the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

As shown in the Table above, the proposed MCCR, as mitigated, addresses and complies with all of the policies of the Mendocino County General Plan and Ukiah Valley General Plan identified as relevant to the proposed project.

The proposed project does not authorize any property owner to avoid or alter the requirements of an adopted habitat conservation plan or natural community conservation plan if they are applicable to a site. Therefore there would be no impact.

MITIGATION MEASURES

Mitigation is implemented through Mitigation Measures AIR-1, AIR-2, BIO-1, BIO-2 and HYD-1.

FINDINGS

The Proposed Project would have a **Less Than Significant Impact with Mitigation Incorporated** on Land Use and Planning.

XI. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or (b) result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

DISCUSSION

As noted in Chapter 4 (Resource Management Element) of the Mendocino County General Plan, a variety of mineral resources are known to exist in the County. The most predominant mineral resource found in the County is aggregate resource minerals, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits.

Cannabis cultivation is an agricultural activity which does not render the locations on which it occurs unavailable for future mineral extraction. As with other types of farming business (i.e. cattle ranching), mining extraction and cannabis cultivation could occur on the same or contiguous parcels assuming the minimum setback requirements and other operational standards are not impacted by comingling the activities. In some cases, onsite mineral extraction resources would be a cost-effective opportunity if a cultivator needs to complete any onsite restoration activities.

Mineral Resources a)

Though a variety of mineral resources are known to exist in the County, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. All medical cannabis cultivation operations would be subject to the provisions included in the proposed MCCR and would need to be consistent with all policies provided in the County General Plan. As such, the proposed project would not result in the loss of availability of a known mineral resource, and no impact would occur.

Mineral Resources b)

The proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Figure 4.6-5 (Aggregate and Mineral Resources) of Section 4.6 (Geology, Soils, and Mineral Resources) of the County of Mendocino General Plan Update EIR shows that a variety of mineral resources are known to exist in the County. However, as noted above, all medical cannabis cultivation operations would be subject to the provisions included in the proposed MCCR and would need to be consistent with all policies provided in the County General Plan. As such, no impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The Proposed Project will have **No Impact** on Mineral Resources.

XII. NOISE. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose persons to or generate excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) expose persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; (b) expose persons to, or generate, excessive ground borne vibration or ground borne noise levels; (c) result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the proposed project; (d) result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the proposed project; (e) expose people residing or working in the project area to excessive noise levels (only applicable if the proposed project is located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport); or (f) expose people residing or working in the project area to excessive noise levels (only applicable if the proposed project is located within the vicinity of a private airstrip).

REGULATORY SETTING

The Mendocino County General Plan includes policies to regulate noise impacts to sensitive receptors. The policies include the following provisions

- 1) Establishes maximum acceptable noise levels for a variety of land use types;
- 2) Establishes a standard threshold of significance of 5dB increase in CNEL or LDN;
- 3) Prohibits regulated uses from generating noise that would exceed the adopted acceptable noise levels and requires mitigation to achieve that goal;
- 4) Adopts State Noise Insulation Standards and other measures to reduce exposure to noise sources; and
- 5) Establishes requirements for acoustical studies for new development.

Appendix C of the Mendocino County Zoning Ordinance identifies exterior noise limit standards for various land use types, modified by the location and anticipated background noise levels.

DISCUSSION

One of the main impacts of cannabis cultivation on neighboring property owners and residents includes noise emitting from power generators and air circulation associated with greenhouse mixed-light operations which may significantly degrade the low noise environment found in most rural settings and to some extent may deprive property owners and residents the enjoyment and beneficial use of their yards and other outdoor areas.

Construction and operation of the medical cannabis operations permitted under the proposed MCCR would be anticipated to increase noise in the vicinity of these operations; however, the provisions established under County Code Chapter 10A.17 are intended to restrict the noise impacts of the permitted medical cannabis operations.

Noise a)

While construction and operation of the medical cannabis operations permitted under the proposed MCCR would be anticipated to increase noise in the vicinity of these operations, the proposed project would not expose persons to nor generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Pursuant to the proposed Agriculture Code amendment of the MCCR, Subsection E of Section 10A.17.040 (General Limitations of Cultivation of Medical Cannabis):

"All activities associated with the cultivation of medical cannabis shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103."

Policies DE-100, DE-101, and DE-103 of Chapter 3 (Development Element) of the County General Plan provide the County's standards for maximum exterior noise levels for residential land uses, the noise compatibility guidelines for use in determining the general compatibility of planned land uses, and the County's standards for acceptable indoor intermittent noise levels for various types of land uses, respectively.

The cultivation of medical cannabis would only be permitted in certain zoning districts in the proposed MCCR (pursuant to Section 20.242.020), and would be subject to established setbacks (pursuant to Section 20.242.060). However, a reduction in the setback from a legal parcel line may be allowed with an Administrative Permit. With the opportunity to review the project administratively, findings will be required that the project is compliant with all county noise standards.

Construction and installation of cultivation materials at approved medical cannabis cultivation sites may require earthwork and use of heavy equipment, which has the potential to result in a temporary increase of noise level in the project vicinity. These impacts are temporary in nature and can be mitigated through the permitting process where the time for conducting the activities can be restricted to business hours. Regarding generators, proposed Agriculture Code amendment in the MCCR, Subsection E of Section 10A.17.110 (Performance Standards) of Chapter 10A.17 requires that if a generator is used to support any aspect of the cultivation operations permitted:

"the generator shall be equipped with the manufacturer's specified muffler, shall be enclosed in a separate structure (other than the generator housing) designed for sound suppression, and shall comply with General Plan Policies DE100, 101 and 103."

Further, Subsection E of Section 10A.17.110 of the MCCR provides, in part, the following additional noise limitation on generators that may be operated in association with cannabis cultivation:

"...An analysis of the noise levels produced by the generator at full operational speed shall be performed by an accredited acoustical engineer. If this analysis indicates any violation of Mendocino County General Plan Policies DE100, 101 and 103, the generator shall be equipped with a hospital-grade muffler and a second acoustical analysis shall be performed by an accredited acoustical engineer. If this second analysis indicates a violation of Policies DE100, 101 and 103, the generator shall be enclosed in a separate structure (other than the generator housing) designed for sound suppression..."

Since all proposed medical cannabis operations would need to be in conformance with all established policies and regulations in order to be permitted, a less than significant impact would occur.

Noise b)

With the exception of temporary vibrations created from earthwork and use of heavy equipment that may be utilized during construction and installation of cultivation materials at approved medical cannabis cultivation sites, there will be no elements of the proposed project that would expose persons to or generate excessive ground borne vibration or ground borne noise levels. Therefore, a less than significant impact would occur.

Noise c) and d)

The proposed project would not result in a substantial permanent, temporary, or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. While construction and operation of the medical cannabis operations permitted under the proposed MCCR would be anticipated to increase noise in the vicinity of these operations, the proposed project would not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Pursuant to Subsection E of Section 10A.17.040 (General Limitations of Cultivation of Medical Cannabis):

"All activities associated with the cultivation of medical cannabis shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103."

Since all existing and proposed medical cannabis operations would need to be in conformance with all established policies and regulations in order to be permitted, a less than significant impact would occur.

Noise e) and f)

Per Chapter 3 (Development Element) of the Mendocino County General Plan, there are six public use airports in the County that provide for regional and interregional needs of commercial and general aviation, in addition to three private use airfields in the County. The following nine airports are located within the County of Mendocino:

Public Use Airports

- 1) Ukiah Municipal Airport;
- 2) Willits Municipal Airport (Ells Field);
- 3) Round Valley Airport, near Covelo;

- 4) Little River Airport, near the community of Little River;
- 5) Boonville Airport; and
- 6) Ocean Ridge Airport, northeast of Gualala.

Private Use Airports

- 1) Fort Bragg Airport;
- 2) Lofty Redwoods Airfield, north of Anchor Bay; and
- 3) Wilson's Field in Gualala.

Though there is the potential for the proposed project to result in medical cannabis cultivation sites being permitted within the vicinity of a private airstrip or within two miles of a public or public use airport, the proposed project would not expose people residing or working in the project area to excessive noise levels. As noted above, since all proposed medical cannabis operations would need to be in conformance with all established policies and regulations in order to be permitted, no impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The Proposed Project will have a **Less Than Significant Impact** on Noise.

XIII. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) induce substantial population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure); (b) displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, or (c) displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

DISCUSSION

The proposed project consists of the adoption of the proposed MCCR, which would permit new and existing medical cannabis cultivation sites within the County. No new homes are proposed under the project.

Population and Housing a)

The proposed project would not directly induce substantial population growth in an area by proposing new homes or businesses. However, as described in the Agricultural Section, above, the proposed MCCR may indirectly encourage new construction of housing through the provision that requires a legal dwelling unit on the same parcel as the cannabis cultivation site. Most cultivation permits outside of industrial zoning districts may only be issued on parcels which are developed with a legal dwelling unit. This requirement applies to existing cultivation permits issued outside of Industrial Zones during Phase 1 as well as to all new cultivation permits issued during Phase 3. New homes that may be constructed pursuant to this provision are expected to be located widely throughout the County, with no particular concentrations in any given area. The requirement for housing in resource production areas such as the AG or TPZ Districts has the potential to encourage population growth in areas that are neither planned nor designated for such development. While not expected to be concentrated, the addition of population in more remote areas with limited access to services is a potentially significant effect to population and housing. Mitigation Measure AG-1 will reduce this potential impact by removing the requirement to establish a legal dwelling unit in the AG, RL, TPZ and FL Districts. Therefore, with mitigation incorporated there will be a less than significant impact.

Population and Housing b)

The proposed project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The proposed MCCR would establish appropriate zoning classifications for each permit types as well as minimum parcel sizes and the type of zoning clearance necessary for each combination of permit type and zoning district, under Chapter 20.242 of the Mendocino County Zoning Ordinance (Inland). The Ordinance would allow for medical cannabis

cultivation sites within 11 specific zoning districts, though no new cultivation sites would be permitted in the FL and TPZ Districts (Section 20.242.050.D) and existing cultivation sites within these zoning district would only be permitted subject to limitations (Section 20.242.050.E).

All new permitted cultivation sites would require a minimum parcel size, ranging from a minimum of two acres for small scale operations (MCCO permit types C, C-A, and C-B) up to a minimum of 10 acres for large scale and nursery operations (MCCO permit types 2, 2-A, 2-B, and 4) would require a minimum parcel size of 5 to 10 acres. Furthermore, per Section 20.242.040(A)(3), the limited cultivation of medical cannabis by a qualified patient or caregiver is allowed as an accessory use to an existing legal dwelling—located on the same legal parcel—where the dwelling is a principal use in the Zoning District in which it is located; further (per Section 20.242.040(A)(5)), the cultivation of medical cannabis is not permitted within any habitable space (i.e., kitchen, bedroom, bathroom, living room, or hallway). Therefore, even though medical cannabis cultivation would be permitted under certain residential zoning districts, subject to these limitations, the proposed project would not displace substantial numbers of existing housing and would therefore not necessitate the construction of replacement housing elsewhere. As such, no impact would occur.

Population and Housing c)

The proposed project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. As noted above, under the proposed MCCR, the cultivation of medical cannabis would not be permitted within any habitable space (such as a kitchen, bedroom, bathroom, living room, or hallway), per Section 20.242.040(A)(5) of the Mendocino County Zoning Ordinance (Inland). Additionally, per the Zoning Code amendments proposed by the MCCR Section 20.242.040(A)(3), the cultivation of medical cannabis would be allowed as an accessory use to an existing legal dwelling, located on the same legal parcel, where the dwelling is a principal use in the zoning district in which it is located. As such, the proposed project would not displace substantial numbers of people, and no impact would occur.

MITIGATION MEASURES

Mitigation is incorporated through AG-1.

FINDINGS

The Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporation** on Population and Housing.

XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for (a) fire protection, (b) police protection, (c) schools, (d) parks, or (e) other public facilities.

DISCUSSION

As described in the project description, there is widespread unpermitted cultivation of cannabis occurring in Mendocino County. The current baseline does have an impact on public services, particularly on fire and police protection. In the baseline condition, many cultivation sites are located in remote, wooded areas. Due to the high monetary value placed upon cannabis, areas may experience a number of home invasion robberies, thefts, and murders related to cannabis cultivation which impacts law enforcement/services.

The proposed MCCR requires that all applications for permitted cultivation include a security plan (10A.17.090 (Q)). The security plan shall include a statement describing the proposed security measures for the facility that shall be sufficient to ensure the safety of the members and employees—and protect the premises from theft. Implementation of the proposed MCCR may result in the need for additional staffing at the Agricultural Commissioner's Office and the Department of Planning and Building Service in order to provide proper staffing levels to process the anticipated applications and provide monitoring as described in the proposed MCCR. However, these staffing increases are not likely to be so significant to require the physical alteration of existing facilities or construction of new facilities.

Public Services a) and b)

The proposed project will not create the need for additional police or fire protection facilities. The existing baseline conditions have certainly caused increased pressure on local fire and police services. However, for cultivation sites participating in the program described in the proposed MCCR, there should be a reduced need for these public services as compared to cultivation sites that do not come into compliance with the proposed MCCR and sites that are not eligible due to being illegal or trespass cultivation sites. For the cultivation sites that will be covered under the proposed MCCR, the proposed MCCR requires security

plans (10A.17.090 (Q)), compliance with applicable Building Codes (10A.17.090 (W)), and adherence to fire safety standards (10A.17.090 (Y)) which include proper road widths, road signage, emergency water supply, and fuel breaks—among other performance standards—intended to improve safety at the permitted sites and reduce the need police and fire protection services. There will be a less than significant impact as a result of the project.

Public Services c), d), and e)

The proposed project would not cause impacts that would require increased public services related to schools, parks or other public facilities. As the project does not include any form of development or use that would necessitate the development of these facilities. No impact is anticipated.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The Proposed Project will have a **Less than Significant Impact** on Public Services.

XV. RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, or (b) include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

DISCUSSION

As noted in Section 3-10 (Parks and Recreation) of Chapter 3 (Development Element) of the Mendocino County General Plan, Mendocino County is a predominately rural county, rich in lands and waters that provide a variety of recreational opportunities. The Mendocino National Forest occupies approximately 81,000 acres in the County, and offers an array of recreational opportunities including, but not limited to, fishing, camping, hiking, boating, wildlife viewing, winter snow play, hunting, wilderness experiences, and mountain biking. Numerous state parks (20 total) are located within the County, with the majority of these state parks (13) located along the coast; seven state parks are located in the inland areas of the County. Additionally, the Jackson Demonstration State Forest, totaling approximately 50,700 acres in size, is predominately used as an experimental forest for forest management techniques, but also provides recreational opportunities for the general public, is located within the County.

The Mendocino County parks system consists of seven (7) parks, plus two (2) public access areas, located throughout the County. These parks typically serve residents of local communities or neighborhoods, depending on the size of the park, improvements, and programs. County residents also have access to parks managed by the incorporated cities.

Recreation a)

The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. As discussed under Section XIII (Population and Housing) of this Initial Study, the proposed project would not induce substantial population growth in an area, either directly or indirectly. Therefore, the use of existing neighborhood and regional parks or other recreational facilities would not substantially increase, and a less than significant impact would occur.

Recreation b)

The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. As noted above, since the proposed project would not induce substantial population growth in an area, the use of existing neighborhood or regional parks or other recreational facilities would not substantially increase, necessitating the construction or expansion of recreational facilities. As such, no impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The Proposed Project will have a **Less Than Significant Impact** on Recreation.

XVI. TRANSPORTATION / TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestions management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; (b) conflict with an applicable congestion management program including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways; (c) result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; (d) substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); (e) result in inadequate emergency access; or (f) conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

DISCUSSION

The proposed project consists of the adoption of the proposed MCCR. As provided in Chapter 3 (Development Element) of the Mendocino County General Plan, the unincorporated areas of the County are served by state highways, county roads, and private roads. The state highway network, under the jurisdiction of the California Department of Transportation (Caltrans), provides interstate, interregional, and intra-county linkages. Highways in the state system include U.S. Highway 101 and State Routes (SR) 1, 20, 128, 162, 175, 222, 253, and 271. The County-maintained road system augments the state highway system

to serve the unincorporated areas of the County, which is primarily comprised of a network of two-lane roads for vehicular movement of goods and people and to provide facilities (such as sidewalks and bicycle lanes) for non-motorized traffic. Not all public roads are in the County-maintained road system. Unless the County accepts responsibility for maintenance, these roads are maintained by property owners or other entities. Additionally, an extensive private road network serves a wide variety of uses throughout the County, such as logging, ranching, and residential subdivisions.

While many private roads were adequate for their original uses, development generated by certificates of compliance and minor subdivisions in particular has resulted in increased traffic on roads with uncoordinated improvements and maintenance and limited circulation patterns. Conflicting road names and ambiguous or unmapped road locations hamper emergency services in some areas. Furthermore, substandard design and construction standards to serve increased development, especially excessive grades in the California Department of Forestry and Fire Protection (CAL FIRE) responsibility areas, restrict emergency vehicle access and raise questions of safety for daily travel. Lack of adequate drainage systems—and inadequate ditch and culvert maintenance—contribute to road deterioration and down slope flooding and water quality problems.

The Mendocino Transit Authority (MTA) provides public transportation services to residents of the County and its incorporated cities. A contract within Sonoma County Transit provides a transit link between the South Coast area and Santa Rosa. MTA also provides services to individuals with special needs, and Greyhound, a private company, provides interregional bus service. Rail service in the County is limited for both passengers and freight.

Six (6) public use airports in the County provide for regional and interregional needs of commercial and general aviation. There are also three private use airfields in the County. The airports play a vital role in the County's emergency service network and several are important to the economy of the areas served.

The greatest concentration of bicycle lanes, which are generally Class II or III, in the County are located within the City of Ukiah. All state routes in the County are open to bicycle traffic, although safety is a major concern. Since the County is predominately a rural county, this limits the opportunity for bikeways to serve large segments of the population or to provide a practical means of transportation for commuting purposes. Intercity routes are impractical due to low demand, distances between cities, and corridor limitations due to topography.

Sidewalks and pedestrian paths are located in communities in the County; however, some areas in the unincorporated county with minimal walkways or intermittent walkways could attract more pedestrian trips with enhanced pedestrian facilities. For pedestrian activity to continue as the County grows, it may be necessary to construct curbs, gutters, and sidewalks along existing and future roadways as areas are developed and provide connections for continuous, accessible pathways.

Proposed Zoning Code amendment in the MCCR includes Section 20.242, which establishes appropriate zoning classifications of each permit type, minimum parcel sizes for mid- sized (Type 1) and larger (Type 2) cultivations, and the type of zoning clearance necessary for each combination of permit type and zoning district. Additionally, to further alleviate potential impacts to the County's transportation system, more intense cultivation sites propose to be located in Industrial zones which are served by existing public infrastructure and transportation networks and may be permitted with a Zoning Clearance. Certain cultivation types are not permitted in certain residential zoning districts (such as RR-2 or RR-5) in order to discourage parcel aggregation or merger, which may reduce housing development which is the intended use with these residential districts.

Transportation/Traffic a)

The project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

As provided in Chapter 3 (Development Element) of the Mendocino County General Plan, the unincorporated areas of the County are served by state highways, county roads, and an extensive private road network. Additionally, MTA provides public transportation services to residents of the County and its unincorporated cities; six public use and three private use airfields are located within the County. Bicycle, sidewalks, and pedestrian paths are limited throughout the County.

Policies related to transportation are provided in Chapter 3 of the County General Plan. There are policies pertaining to the County transportation as a whole, with additional policies pertaining specifically to the road systems, pedestrian and bicycle systems, transit systems, rail, and airports within the County. While traffic may potentially increase due to new medical cannabis cultivation operations, all proposed operations would need to be in conformance with all established policies and regulations in order to be permitted. Furthermore, Zoning Code Section 20.242 was designed in such a way to encourage more intense cultivation sites to be located in industrial zones—which are served by existing public infrastructure and transportation networks—in order to further alleviate potential impacts to the County's transportation system. As such, a less than significant impact would occur.

Transportation/Traffic b)

There are no congestion management programs within the County that would be impacted by the proposed project. Therefore, no impact would occur.

Transportation/Traffic c)

Though several airports are located within the County, the proposed project is not expected to impact the circulation or approach patterns of any airports during construction and operation of new and existing medical cannabis cultivation sites. Therefore, no impact would occur.

Transportation/Traffic d) and e)

The proposed project would not substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Since all existing and proposed medical cannabis operations would need to be in conformance with all established policies and regulations in order to be permitted—specifically the requirements of Public Resource Code 4290 (included as Section 10A.17.090(Y) of the proposed MCCR Agriculture Code amendments) which requires from CAL FIRE regarding fire safe standards such as road widths, turnouts, turnarounds, and maximum slopes—a less than significant impact would occur. The proposed project would not result in inadequate emergency access. Although inadequate access is noted as a baseline condition, the standards already contained in the proposed MCCR offer improvements to this condition and require permitted cultivation sites to comply with adequate emergency access standards. As such, a less than significant impact would occur.

Transportation/Traffic f)

The project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Since all existing and proposed medical cannabis operations would need to be in conformance with all established policies and regulations in order to be permitted. No impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The Proposed Project will have a **Less Than Significant Impact** on transportation and traffic.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; (b) require or result in the construction of new water or wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; (c) require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; (d) have sufficient water supplies available to serve the project from existing entitlements and resources, or need new or expanded entitlements; (e) result in a determination by the wastewater treatment provider that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; (f) be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; or (g) comply with federal, state, and local statutes and regulations related to solid waste.

DISCUSSION

The proposed MCCR, considered herein, apply in a variety of zoning districts throughout the County (see project description). Generally speaking the cultivation sites located in TPZ, forest lands, range lands and agricultural zoning districts and many within the rural residential zones will be served by on-site septic systems and on-site water sources. Some cultivation sites—predominately those that could be located in industrial areas and some within rural residential areas—may be served by a Community Services District and have access to a community water or wastewater system. Storm water facilities will likely be provided on-site and may include existing infrastructure in rural residential and industrial zoning districts. Proposed Agriculture Code amendment in the MCCR, Ordinance Section 10A.17.090(l), requires that each application for a medical cannabis cultivation include a cultivation and operations plan describing how the operation will meet or exceed minimum legal standards for 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.

Utilities and Service Systems a)

The project will not result in applicable RWQCB wastewater treatment requirements being exceeded. The proposed Agriculture Code amendment in the MCCR (Section 10A.17.090(L)) requires that each applicant seeking to obtain a permit for medical cannabis cultivation demonstrates enrollment and compliance with (or proof of exemption from) the Order. For cultivation sites which do not require enrollment under the Order per section 10A.17.110—even cultivation sites for which no enrollment in the Order is required—shall still comply with the standard conditions set forth in the Order. As part of the standard conditions applied in the Order (I.A.11 Refuse and Human Waste), disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the RWQCB Onsite Wastewater Treatment System policy and shall not present a threat to water or groundwater. By implementing the project, it is likely that many existing on-site wastewater systems will be repaired and maintained in order to show eligibility for the permit—resulting in an overall benefit as the project is implemented. Therefore no impact would occur.

Utilities and Service Systems b) and e)

The proposed project could result in the construction of new water or wastewater facilities or expansion of existing facilities. Generally this will come in the form of on-site sewage disposal systems or wells or water withdrawals with approved water right. These potential impacts are covered in the Geology and Hydrology and Water Quality sections of this document. Some areas eligible for a cultivation permit have access to community water and sewer. In order to ensure that the applicable service district has capacity to serve the cultivation site—in terms of water use and waste disposal—Mitigation Measure UTIL-1 will be implemented, requiring a will-serve letter from the community water or sewer provider prior to permitting the cultivation site. Having a will-serve letter also allows the provider to review the project to determine that it has adequate capacity to serve the use given other commitments. With mitigation incorporated, there will be a less than significant impact.

Utilities and Service Systems c)

The proposed project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities; the construction of such facilities could cause significant environmental effects. For the vast majority of cultivation sites, storm-water will be handled on-site and addressed through the standard conditions of the RWQCB Order—specifically sections I.A.1 Site Maintenance, Erosion Control and Drainage features, and I.A.2. Irrigation Runoff. As mentioned previously, even cultivation sites that do not require enrollment under the Order are still required to meet the standard conditions. The industrially zoned cultivation sites may have storm water facilities that ultimately tie into municipal or other communal storm water systems. Handling all materials in a manner consistent with the Order standard conditions will ensure that inputs to the system are compliant. Therefore, a less than significant impact will occur.

Utilities and Service Systems d)

The permitting process for cultivation sites includes demonstrating that there are sufficient water supplies available to serve the existing or proposed level of cultivation and that the supply is legally available. This may require obtaining new or expanded entitlements for new cultivation sites or at existing cultivation sites

where legal water rights have not been secured. The Order standard condition I.A.5. Water Storage and Use requires that the size and scope of the cultivation operation be conducted in such a manner that the amount of water used shall not adversely impact water quality or beneficial uses and the implementation of water conservation measures. Therefore, a less than significant impact will occur.

Utilities and Service Systems f) and g)

It is anticipated that the project will result in implementation of management measures and remediation/cleanup/restoration activities at existing cultivation sites. This could result in an increase of solid waste disposed at landfills. Currently there are sites where waste is being stored and accumulated, but not properly disposed of in a timely manner (RWQCB Order IS, 2015). The Order, standard conditions I.A.10 (Cultivation related waste) and I.A.11 (Refuse and human waste), require that waste be handled in accordance with local and State laws. This could result in an influx to the local transfer stations and out of county landfills, but this is not expected to occur on a scale that would impact the capacities of the landfills accepting the waste (RWQCB Order IS). Therefore, a less than significant impact would occur.

MITIGATION MEASURES

UTIL-1: Mendocino County shall modify the MCCO 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.

FINDINGS

The Proposed Project will have a **Less than Significant Impact With Mitigation Incorporated** on Utilities and Service Systems.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory; (b) have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.); or (c) have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Background

The proposed MCCR will provide the entitlements and permitting mechanisms necessary to allow the commercial cultivation of cannabis for medical use within approved zoning districts within Mendocino County based on the cultivation site's size and growth methodology (outdoor, indoor, or mixed-light). Existing and future cannabis cultivation sites will be required to meet and adhere to all of the conditions in a variety of other regulations, some of which are still being developed (*), as described in previous sections. Other existing water quality and resource conservation regulations and required permits may—together with the proposed MCCR reduce the potential to affect the environment—include, but are not limited to, the following:

- 1) California Department of Food and Agriculture Medical Cannabis Cultivation Permits (available in 2018)*;
- 2) North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program Order No. R1-2015-0023 (The Order);
- 3) NPDES General Permit for Storm Water Discharges Associated with Construction Activity (Order No. 2009-0009-DWQ, NPDES No. CAR000002) (Construction General Permit);
- 4) Impaired Water Bodies (303(d) list) Total Maximum Daily Load waste load allocations*;
- 5) California Department of Fish and Wildlife Lake and Streambed Alteration Agreement (Section 1600);

- 6) State Water Resources Control Board Policy for Maintaining Instream Flows in Northern California Coastal Streams;
- 7) California Water Action Plan Instream Flow Requirements*;
- 8) Sustainable Groundwater Act of 2014;
- 9) Mendocino County Department of Public Health Well Drilling Permit;
- 10) Mendocino County Williamson Act Ordinance;
- 11) Mendocino County Grading Ordinance; and
- 12) North Coast Air Quality Management District Fugitive Dust Rules and other Regulations.

The adoption of the proposed MCCRs would reduce non-point pollutant discharge from existing cultivation facilities enrolled in the RWQCB program and would not result in the relaxation of water quality standards. The adoption of the proposed MCCR will not grant new water rights or relax regulations which require any person diverting and storing water from springs, streams, and rivers to:

- 1) File an initial statement of use and annual reporting with the SWRCB Division of Water Rights;
- 2) Measure and report how much water is being used annually; and
- 3) Secure an Appropriative Water Right from the SWRCB Division of Water Rights.

DISCUSSION OF IMPACTS

Mandatory Findings a)

The purpose of the proposed MCCR, as stated in the Project Description, is to provide the local complement to a variety of actions currently being taken by the State of California to provide a legal framework for the medical cannabis industry as existing cultivation sites are inspected and brought into compliance with state and local regulations, the proposed MCCR will result in a wide variety of environmental improvements, including reducing sediment inputs to creeks and streams; improving water quality; requiring secured water rights; improving channel stability; reducing hazards and unstable features; improving fish habitat; and preserving riparian habitat. These goals would be achieved through compliance with the Order (existing sites) and compliance with CDFA MCCR regulations currently being developed (new sites) as well as the performance standards of the proposed MCCR (as amended by mitigation measures as described in the individual resource sections).

In order to reduce and avoid potential impacts associated with Phase 2 and Phase 3 implementation (new sites). The proposed MCCR includes provisions requiring proof of a secured water right or other water source and sizing of cultivation area based on the amount of water that is available. The environmental impacts of new operations will be reduced through existing regulatory requirements and permitting processes described above and in the previous sections. In order to prevent possible cumulative impacts or conflicts with new regulations or new science, the proposed MCCR includes annual permit renewals at which time the terms or conditions of the permit may be adjusted.

The proposed MCCR applies the requirements, Standard Conditions, and recommended Best Management Practices in the Order to all permitted cultivation sites. As discussed in this Initial Study, the impacts of cannabis cultivation are generally associated with ongoing, operational, and short-term construction impacts which can be mitigated to a less than significant level through the implementation of performance standards and BMPs. The requirements and management measures in the Order, combined with the conservation measures in the proposed MCCR (as amended to comply with proposed mitigation measures) would not degrade the quality of the environment; reduce fish or wildlife habitat; cause fish or wildlife populations to drop below self-sustaining levels; threaten to eliminate a plant or animal community; reduce the number or restrict the range of a rare or endangered plant or animal; or eliminate important

examples of the major periods of California history or prehistory, but rather would serve to eliminate or minimize these impacts. Therefore there would be a less than significant impact.

Mandatory Findings b)

The permitted cultivation sites authorized by the proposed MCCR will be issued for parcels across a large portion of the Mendocino County landscape. In Phase 1, all issued permits will have the effect of upgrading and improving compliance from existing cultivation operations. Phase 2 and Phase 3 permit new operations but only in areas which are appropriately zoned (excluding TPZ and FL Zones) and where environmental risks can be minimized through appropriate regulation, and the requirements to demonstrate adequate water service, avoidance of likely habitat, and other measures are described in the proposed MCCR and in the proposed mitigation measures.

The Mendocino County General Plan EIR and Ukiah Valley Area Plan EIR include discussions of the cumulative effects to the environment expected from overall development within the County over an extended period. The General Plan EIR identifies the following cumulative impacts:

- 1) Air Quality;
- 2) GHG emissions;
- 3) Biological Resources;
- 4) Groundwater supply
- 5) Traffic noise;
- 6) Fire and emergency services protection;
- 7) Law enforcement; and
- 8) Traffic.
- 9)

The Ukiah Valley Area Plan identifies the following cumulative impacts:

- 1) Water Quality;
- 2) Construction of new storm drainage facilities;
- 3) Biological Resources (from urban runoff);
- 4) Cultural Resources;
- 5) Air Quality;
- 6) Noise;
- 7) Community visual character;
- 8) Night lighting;
- 9) Schools;
- 10) Police protection;
- 11) Emergency Medical Services;
- 12) Wastewater treatment;
- 13) Parks and recreation; and
- 14) Greenhouse gasses and global climate change.

The General Plan EIR and Ukiah Valley EIR both attribute the majority of the cumulative effects of implementation to the ongoing process of urbanization as population grows and demand for public services increases. These effects are generally not applicable to the use of agricultural and rural parcels for cultivation—limiting the contribution of the operations authorized by the proposed MCCR to the identified potentially considerable cumulative effects.

On a cumulative basis, the effect of the proposed MCCR will be to bring a substantial number of existing cultivation operations into compliance with a wide variety of resource protection laws and regulations or to relocate to environmentally superior locations. While individual cultivation operations approved through the permit process may have non-negligible but less than significant effects to the environment, the overall effect of the proposed MCCR is expected to reduce rather than increase the environmental footprint of the medical cannabis industry in Mendocino County. The proposed MCCR increases environmental protections and requires a reduction in sediment and runoff from existing and future cultivation sites as compared to industry practices in the absence of the regulation. Requirements to demonstrate adequate water supply, comply with a variety of state and local conservation regulations, setbacks from streams and sensitive uses, minimum parcel sizes, maximum cultivation sizes, energy efficiency requirements, limitations on the use of generators, and other restrictions will guide the industry over time to locate in less sensitive areas and to operate in a manner which will have fewer impacts than would otherwise occur.

Therefore, the proposed MCCR project will not have a cumulatively considerable effect on the environment when considered in the context of other projects.

Mandatory Findings c)

The proposed MCCR would not cause any substantial adverse effects to human beings, either directly or indirectly. The proposed MCCR provide a mechanism to correct an ongoing detrimental situation by allowing existing and future cultivators of medical cannabis to conduct their activities within a regulatory framework that provides for the appropriate siting of operations, manages interactions with neighboring uses, and offers resource protections. In the absence of such regulations, the informal and unregulated industry is likely to continue as it has been operating during the baseline condition with negative effects to environmental resources, water quantity and quality, and imposing increasing demands for public services in the enforcement of regulations and the resolution of conflicts. Therefore, the proposed project will have a less than significant impact on human beings, either directly or indirectly.

MITIGATION MEASURES

None Needed

FINDINGS

The Proposed Project will have a **LESS THAN SIGNIFICANT** Impact on Mandatory Findings of Significance

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FIGURES

MENDOCINO COUNTY, CALIFORNIA

EXHIBIT A

HUMBOLDT

TRINITY



TEHAMA

GLENN

LAKE

PACIFIC

OCEAN

- ▲ Major Towns & Places
-  Coastal Zone
-  Highways
-  Adjacent Counties



Percy

Leggett

Covelo

Dos Rios

Laytonville

Branscomb

Westport

Cleone

Fort Bragg

Brooktrails

Willits

Caspar

Mendocino

Little River

Comptche

Albion

Potter Valley

Redwood Valley

Calpella

Lake Mendocino

Ukiah

Talmage

Navarro

Elk

Philo

Boonville

Manchester

Hopland

Point Arena

Yorkville

Gualala

ATTACHMENT A

Chapter 10A.17 – Medical Cannabis Cultivation Ordinance.

Chapter 20.242 Medical cannabis Cultivation Site.

DRAFT – 10A.17_Version 10 (updates from 10-18-16 BOS mtg)

Chapter 10A.17 – Medical Cannabis Cultivation Ordinance

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Section 10A.17.010 – Purpose and Intent

This Chapter shall be known as the Medical Cannabis Cultivation Ordinance (MCCO). It is the purpose and intent of this Chapter to regulate the cultivation of cannabis intended exclusively for medical use (which may also be referred to herein as medical cannabis) within the unincorporated areas of Mendocino County in a manner that is consistent with current State law and with the State of California’s future implementation of the Medical Cannabis Regulation and Safety Act (“MCRSA”).

This Chapter is intended to address the County of Mendocino's prerogative to permit and control, in the unincorporated areas of the county, the cultivation of cannabis for medical use in a manner 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.

The intent of this Chapter is to offer persons wishing to cultivate cannabis for medical use the option to do so in the context of the parameters set forth within the MCRSA, including, but not limited to, the provisions of Business and Professions Code Sections 19315, 19316, 19320, 19322, 19332, and 19360, and Health and Safety Code Section 11362.777, in order to protect the public health, safety and welfare of the residents of the County of Mendocino. This Chapter is intended to operate in alignment with the future state licensing requirements for the cultivation of medical cannabis and to provide the local permitting structure that will be required to obtain a state license to cultivate cannabis for medical use, once state licenses become available.

All cultivation of medical cannabis within the jurisdiction of the County of Mendocino shall be controlled by the provisions of this Chapter, regardless of whether the cultivation site existed or occurred prior to the adoption of this Chapter.

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, 2) to allow the use or diversion of cannabis for nonmedical purposes, or 3) to 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 for medical use 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 upon qualified patients and their primary caregivers the right to create or maintain a public nuisance in the course of cultivating cannabis plants for medical purposes.

Nothing in this Chapter is intended, nor shall it be construed, to exempt the cultivation of cannabis for medical use, 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 for medical use.

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

Section 10A.17.020 - Definitions

As used herein the following definitions shall apply:

“Agricultural Commissioner” or “Agricultural Commissioner’s Office” means the Mendocino County Agricultural Commissioner’s Office or the authorized representatives thereof.

“Attorney General's Guidelines” means guidelines for the security and non-diversion of cannabis grown for medical use issued by the Attorney General in August 2008.

“Cannabis” means all parts of the plant Cannabis sativa Linnaeus, 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 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 Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

“Church” means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

“Collective” mean a Medical Marijuana Collective, as defined below.

“Cultivation of cannabis for medical use” means the planting, growing, harvesting, drying or processing at a cultivation site of cannabis plants or any part thereof.

“Cultivation site” means the location or a facility where medical cannabis is planted, grown, harvested, dried, cured, graded, trimmed, or packaged for transport, or that does all or any combination of those activities.

“Dwelling Unit” means a single unit 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.

“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, which allows solar radiation to penetrate the surface and affect the growing environment of the plants inside.

“Hoop House” means a structure that whose 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.

“Indoors” means within a fully enclosed and secure structure that complies with the California Building Code (CBC), 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 2" x 4" or thicker studs overlain with 3/8" 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, upon application, is eligible for a certificate of compliance or which was created pursuant to the Subdivision Map Act”.

“Licensee” means a person issued a state license under the MCRSA to engage in commercial cannabis activity.

“Medical Marijuana Collective” means qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients who associate by written agreement, or form a cooperative in accordance with Section 12300 of the Corporations Code within the unincorporated area of the County in order to collectively or cooperatively cultivate, store, and/or dispense cannabis for medical purposes, as provided in Health and Safety Code Section 11362.775. The term collective shall include "cooperative" unless the context clearly indicates otherwise.

“Mixed Light” means the use of both natural and artificial or supplemental lighting sources during the growing cycle to cultivate cannabis for medical use. Included in this definition is the process of solely manipulating natural light to cultivate cannabis for medical use.

“Nursery Producer” means a person that produces vegetative immature medical cannabis plants, through cloning, seed germination, or tissue culture. At no time shall a nursery producer have in their possession any cannabis plant that has developed to the point of initiating the process of developing flowers. Also see “Seed Producer”.

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

“Permittee” means a person (or persons) issued a permit to cultivate medical cannabis in Mendocino County pursuant to the entirety of this Chapter.

“Primary Caregiver” or “Caregiver” means an individual designated by a qualified patient who has consistently assumed responsibility for the housing, health, or safety of that patient and as defined in Health and Safety Code Section 11362.7(d).

“Processing” means, for the purposes of this Chapter, to harvest, dry, cure, grade, trim, or package for transport medical cannabis.

“Publically 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) - Definitions. “Qualified cardholder” or “Cardholder” means an individual who is a qualified patient who has applied for and received a valid identification card pursuant to sections 11362.7 – 11362.83 of the Health and Safety Code.

“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 sections 11362.71 – 11362.76 of the Health and Safety Code.

“Residential Treatment Facility” means a State licensed facility providing for treatment of drug and alcohol dependency.

“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.

“Seed Producer” means a person that grows medical cannabis plants for the expressed purpose of producing specific breeds or varieties of cannabis seeds for sale to other permittees or to develop unique strains or varieties for eventual sale to permittees.

“Sheriff” or “Sheriff’s Office” means the Sheriff’s Office of the County of Mendocino or the authorized representatives thereof.

“Third Party Inspector” means an individual that has been approved by the Agricultural Commissioner’s Office to conduct compliance consultations with permitted cultivators to assess compliance with this section.

“Track and Trace” means a monitoring system providing traceability of the movement of legal medical cannabis in the production lifecycle and distribution off the cultivation site utilizing a unique identifier pursuant to section 11362.777 of the Health and Safety Code and including reporting capabilities to assist government with enforcing regulations and preventing the illegal diversion of medical cannabis.

“Unique Identifier” or “Unique ID” means individual, non-repeating identification issued to a permittee and attached to the base of each medical cannabis plant permitted at a cultivation site during the cultivation period.

“Wildlife Exclusionary fence” means fencing that is designed to hinder the access of wild animals to the cultivation area by incorporating exclusionary measures designed to prevent the surface digging of wild animals under the upright portion of the fencing, the scaling of the fencing itself, and intrusion over the fencing. A number of methods are available to develop such fencing, including but not limited to: use of “no climb” wire fencing, addition of electrified “hot” wire(s) to the exterior of a solid fence, height extensions to a standard fence (where permissible) using hot wire or barbed wire strung between the extensions, etc.

“Youth-Oriented Facility” means elementary school, middle school, high school, public park, and 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.

“Zip-Ties” means plastic ties with individualized numbers stamped on them, issued by the Mendocino County Sheriff’s Office for the purpose of assisting in identifying a legal cannabis plant which is cultivated by a qualified patient or primary caregiver and for which a local permit or state license is not required.

Section 10A.17.030 – Cultivation Permit Required; Exemptions.

- (A) All cultivation of cannabis for medical use shall operate in compliance with this Chapter, as well as all applicable state and local laws.
- (B) Cultivation of cannabis for medical use shall be permitted only following the issuance of a Cultivation Permit pursuant to the provisions of this Chapter, and the issuance of a permit pursuant to the provisions of Chapter 20.242 of the Mendocino County Zoning Code, if required. Chapter 20.242 permits the cultivation of cannabis for medical use only in specifically enumerated zoning, as determined by permit type, subject either to zoning clearance or an administrative permit or use permit.
- (C) Persons or entities may apply for and hold a maximum of two (2) Cultivation Permits listed in Section 10A.17.070 at any given time.
- (D) Qualified patients or primary caregivers cultivating medical cannabis pursuant to this Section are exempt from the permit requirements of paragraph (B) of this Section provided that the qualified patient or primary caregiver shall register with the Agricultural Commissioner’s Office and must comply with the provisions of Sections 10A.17.040. Qualified patients or primary caregivers cultivating medical cannabis pursuant to this Section may voluntarily comply with Section 10A.17.050(B) hereof.

- (1) Any and all cannabis cultivated by a qualified patient shall be for the sole and exclusive use by the patient only. A maximum of 100 square feet of medical cannabis may be cultivated by a qualified patient.
- (2) 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. A maximum of 100 square feet of cultivation area of medical cannabis may be cultivated by a primary caregiver for each patient they are cultivating for, up to a maximum total of 200 square feet.

Section 10A.17.040 – General Limitations on Cultivation of Medical Cannabis.

- (A) The cultivation of medical 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, a park, or any church or residential treatment facility as defined herein.
 - (2) Outdoors or using mixed light within one hundred (100) feet of any occupied legal residential structure located on a separate legal parcel.
 - (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) In any location where the cannabis plants are visible from the public right of way or publicly traveled private roads.
 - (5) Outdoors or using mixed light within fifty (50) feet of a legal parcel under separate ownership.

The distance between the above-listed uses in Subsection (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 boundary line of the property on which the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs is located. The distance in Subsections (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.

- (B) The outdoor, indoor or mixed light cultivation of medical cannabis shall not subject residents of neighboring legal parcels who are of normal sensitivity to objectionable odors.

- (C) The use of light assistance for the indoor or mixed light cultivation of medical cannabis shall not exceed a maximum of 35 watts of lighting capacity per one square foot of growing area. The indoor or mixed-light cultivation of medical cannabis shall rely on the electrical grid or some form of alternative energy source for production. The indoor or mixed-light cultivation of medical cannabis shall not rely on a generator as a primary source of power. See Section 10A.17.110 (E) for details on when a generator may be used to support cultivation activities. If no grid power source is available and there is not an alternative power source supporting both the required legal dwelling unit and the indoor or mixed-light permit operations, a generator may be used only under the following conditions: 1) the permittee shall actively research and install an alternative power source that will meet at least one-half of the combined power requirements by the expiration of the first permit issued by the program and 2) it will be a condition of the re-issuance of a permit that the cultivator commit, in writing, to expand their alternative power source to fully meet the combined needs of the cultivation operations and the required legal dwelling unit by the end of the second permitted year.
- (D) All lights used for the “mixed light” cultivation of medical cannabis 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.
- (E) All activities associated with the cultivation of medical cannabis shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.
- (F) All cultivation of medical cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, or river.
- (G) The activities associated with the cultivation of medical cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.
- (H) All medical cannabis grown in Mendocino County (excluding indoor growing) must be within a secure, wildlife exclusionary fence of at least six (6) feet in height that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when a qualified patient, caregiver or permittee (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 medical cannabis is cultivated or stored shall be properly secured to prevent unauthorized entry.

- (J) Cultivation of medical cannabis by a qualified patient, caregiver or permittee shall be subject to the restrictions of Mendocino County Code Chapter 20.242.

Section 10A.17.050 – Unique Identifier; Track & Trace

- (A) All cannabis plants grown for medical use shall have a unique identifier tag affixed to the base of the plant. A Track and Trace (T&T) system will be used by the County of Mendocino to track the production of cannabis for medical use and all permitted cultivators will be required to either use that system or use another approved system that will upload identical information to the County's system. The unique ID tags will be generated by the T&T system for the cultivator's use. It is the responsibility of the permittee to affix each tag and maintain them in a readable state for movement tracking, data entry and compliance inspections. The permittee must then provide the appropriate data into the T&T system that accurately reflects the particulars and activities related to each plant, including, but not limited to, movement, harvest dates, harvest data, and destruction.
- (B) Qualified patients or primary caregivers that qualify for the permit exemption found in Section 10A.17.030(D) are not required to participate in the T & T system. However, to assist in the enforcement of this Chapter and to avoid unnecessary confiscation and destruction of medical cannabis plants, qualified patients or primary caregivers may purchase "zip-ties" from the Mendocino County Sheriff's Office. For patients and caregivers that wish to purchase "zip-ties", the Agricultural Commissioner's Office shall provide an embossed copy of their registration which can be used to obtain the ties. These "zip-ties" should be securely attached to the base of individual flowering cannabis plants. All applicants for "zip-ties" must present to the Agricultural Commissioner's Office a State-issued medical cannabis identification card or a valid medical recommendation, or those of the up to two (2) patients they are caregiving for. The fee for the "zip-ties" shall be set by the Mendocino County Board of Supervisors in accordance with all applicable laws and regulations and the Master Fee Policy. Any zip-tie fees may be discounted by fifty (50) percent for Medi-Cal, SSI, and CMSP recipients, and equivalent income-qualified veterans.

Section 10A.17.060 - Medical Marijuana Collectives

Medical marijuana collectives currently operate to produce medical cannabis for seriously ill Californians under an array of State law and guidelines established for that purpose, including Proposition 215 and Senate Bill 420 (2004). Under the provisions of MCRSA, the current collective/cooperative model for the production and dispensing of medical cannabis remains in effect until the moment an entity obtains the required State license issued under MCRSA for that activity. From that point forward, the State regulations developed in response to MCRSA will define the operational model for any entity conducting activities related to commercial medical cannabis cultivation.

Additionally, Health and Safety Code section 11362.775 (b) mandates that the current collective/cooperative model in California, as detailed above, will be repealed one (1) year from the date that the Department of Consumer Affairs posts on its public internet webpage a notice stating that State licenses are being issued for activities covered under MCRSA, at which point Health and Safety Code Section 11362.775 (a) will sunset. In addition to obtaining any required cultivation permit pursuant to this Chapter (10A.17), medical marijuana collectives engaged in cultivation shall also comply with all of the following:

- (A) Operate on a non-profit basis as set forth in Section IV B.1. of the Attorney General's Guidelines.
- (B) Employ only persons who are at least twenty one (21) years of age and comply with all applicable state and federal requirements relating to the payment of payroll taxes including federal and state income taxes and/or contributions for unemployment insurance, state workers' compensation and liability laws.
- (C) Follow the membership and verification guidelines as set forth in Section IV B.3. of the Attorney General's Guidelines, except that wherever "should" appears it shall be replaced with "shall".
- (D) Require all prospective members to complete and sign a written membership application acknowledging and agreeing to abide by all the rules of the collective and all applicable requirements of this Section.
- (E) Prohibit sales to non-members as set forth in Section IV B.5. of the Attorney General's Guidelines.
- (F) Allow reimbursements and allocations of medical cannabis as set forth in Section IV B.6. of the Attorney General's Guidelines.
- (G) Possess cannabis only in amounts consistent with the medical needs of the members of the collective; and only cultivate cannabis consistent with the limits set forth in this Ordinance.
- (H) Exterior signage shall not indicate or advertise the presence or availability of medical cannabis.

Section 10A.17.070 – Permit Types

The following types of cultivation permits will be offered at a maximum density of one (1) cultivation permit per applicant per legal parcel. However, if a single legal parcel is owned by multiple individuals residing in separate habitable residential units on that legal parcel, each owner may individually apply for a permit to cultivate medical cannabis, provided that the cumulative total square footage of cultivation of all owners shall not exceed the total maximum square footage allowed based on the permit type. All owners seeking to cultivate in this manner shall initiate the application process at the same time; any partial owner of the legal parcel not

cultivating medical cannabis shall provide a statement, as part of the application, that he or she will not so cultivate.

- (A) “Type C” for outdoor cultivation using no artificial lighting of a maximum of 2,500 square feet of total canopy size on one legal parcel.
- (B) “Type C-A” for indoor cultivation using exclusively artificial lighting not to exceed 2,500 square feet of cultivation area within a structure or structures on one legal parcel.
- (C) “Type C-B” for cultivation using a combination of natural and supplemental artificial lighting (mixed light) not to exceed 2,500 square feet of cultivation area within a structure or structures on one legal parcel.
- (D) “Type 1” for outdoor cultivation using no artificial lighting of 2,501 to 5,000 square feet of total canopy size on one legal parcel.
- (E) “Type 1A” for indoor cultivation using exclusively artificial lighting 2,501 to 5,000 square feet of cultivation area within a structure or structures on one legal parcel.
- (F) “Type 1B” for cultivation using a combination of natural and supplemental artificial lighting (mixed light) of 2,501 to 5,000 square feet of cultivation area within a structure or structures on one legal parcel.
- (G) “Type 2” for outdoor cultivation using no artificial lighting of 5,001 to 10,000 square feet of total canopy size on one legal parcel.
- (H) “Type 2A” for indoor cultivation using exclusively artificial lighting having a cumulative cultivation area within a structure or structures of 5,001 to 10,000 square feet on one legal parcel.
- (I) “Type 2B” for cultivation using a combination of natural and supplemental artificial lighting (mixed light) of 5,001 to 10,000 square feet of cultivation area within a structure or structures on one legal parcel on one legal parcel.
- (J) “Type 4” for the cultivation of medical cannabis solely as a nursery product to be sold to a permittee, a qualified patient or a primary caregiver. The nursery product may take the form of vegetative and non-flowering starts or may be in the form of seeds, if the applicant is applying as a seed producer under this type of permit. The cumulative cultivation area shall not exceed 22,000 square feet on one legal parcel.

Section 10A.17.080 – Cultivation Permits – Specific Requirements

This section contains specific requirements that apply to each of the permit types listed in Section 10A.17.070. In addition, Chapter 20.242 contains additional zoning permit requirements for each of the below cultivation permit types, which vary based on how the legal parcel is zoned. As provided in Section 10A.17.090, cultivation permit applications will be referred to the Department of Planning and Building Services to determine compliance with Chapter 20.242.

These cultivation permits are for the production of flowering medical cannabis plants and for nursery and seed production, as specifically defined in Section 10A.17.020. A permittee producing flowering medical cannabis plants may maintain a clone room or area where they may propagate their own starts from existing stock on hand., that is scaled appropriately for their operation. Clones produced in this manner shall be for the exclusive and personal use of the permittee only and the sale, trade, barter, etc. of such clones is expressly prohibited. The square footage of cultivation area dedicated to such a vegetative start (clone) production area will be included in measuring the cumulative total square footage allowed under a given permit.

In addition to any other requirements listed in this Chapter, the following limitations and requirements shall apply to cultivation permits issued pursuant to this Chapter:

- (A) “Type C” permits: (Small, outdoor (natural light only))
 - (1) Will be issued to qualifying applicants for a maximum of 2,500 square feet of total canopy size.
 - (2) Cultivation under this type of permit requires that there be a legal dwelling unit on the legal parcel used for cultivation, excluding legal parcels with the industrial zoning listed below.
 - (3) The permittee shall engage the services of an approved third party inspector and have a minimum of one (1) consultation inspection performed by that entity approximately 1/2 way through the total cultivation period for each harvestable crop.
 - (4) The legal parcel where cultivation is occurring must have one of the following inland zoning designations: Rural Residential R-R 2; Rural Residential “R-R 5”; Rural Residential “R-R 10”; Agriculture “A-G”; Upland Residential “U-R”; Rangeland “R-L”, Forest Land “F-L”, or Timberland Production “TPZ”; Limited Industrial “I-1”; General Industrial “I-2”; or Pinoleville Industrial “P-I”.
 - (5) Notwithstanding the limitations on zoning designation identified in Section (4), above, a Type C permit may be issued in any inland zoning district where a dwelling unit is a principally permitted use and if the permitted cultivation was in existence prior to January 1, 2016. A Type C permit issued in these zoning districts shall not allow for any increase in

canopy area and shall only be issued if the existing cultivation site was in conformance with the minimum requirements of 10A.17.040 (A) through (I) in this Chapter, with the exception that letter (C) is replaced with the following language: “The use of light assistance for the outdoor cultivation of marijuana shall not exceed a maximum of six hundred (600) watts of lighting capacity per one hundred (100) square feet of growing area.”. If a permit is granted in these zoning districts, any future lapse or revocation of that permit will extinguish the permittee’s ability to obtain a future permit at that location.

- (B) “Type C-A” permits: (Small, indoor (artificial light only))
- (1) The required pre-permit site inspection shall include a representative from the Department of Planning and Building Services to confirm that the structure used for the permit complies with the requirements stated in the definition of “Indoors” in Section 10A.17.020 and is suitable for support the proposed cultivation activity.
 - (2) Will be issued for qualifying applicants for a cumulative maximum of 2,500 square feet of cultivation area within a structure or structures on one legal parcel.
 - (3) Cultivation under this type of permit requires that there be a legal dwelling unit on the legal parcel used for cultivation, excluding legal parcels with the industrial zoning listed below.
 - (4) All structures used shall be constructed in a manner so as to fully contain any light or light glare involved in the cultivation process.
 - (5) No structure shall be used for cultivation under this type of permit that has undergone a conversion of habitable space to cultivation area.
 - (6) The permittee shall engage the services of an approved third party inspector and have a minimum of one (1) consultation inspection performed by the inspector at approximately the mid-point of the total cultivation period for each harvestable crop.
 - (7) The legal parcel where cultivation is occurring must have one of the following inland zoning designations: Rural Residential R-R 2; Rural Residential “R-R 5”; Rural Residential “R-R 10”; Agriculture “A-G”; Upland Residential “U-R”; Rangeland “R-L”; Forest Land “F-L”, Timberland Production “TPZ”; Limited Industrial “I-1”; General Industrial “I-2”; or Pinoleville Industrial “P-I”.
 - (8) Notwithstanding the limitations on zoning designation identified in Section (4), above, a Type C-A permit may be issued in any inland zoning

district where a dwelling unit is a principally permitted use and if the permitted cultivation was in existence prior to January 1, 2016. A Type C-A permit issued in these zoning districts shall not allow for any increase in canopy area and shall only be issued if the existing cultivation site was in conformance with the minimum requirements of 10A.17.040 (A) through (I) in this Chapter, with the exception that letter (C) is replaced with the following language: “The use of light assistance for the outdoor cultivation of marijuana shall not exceed a maximum of six hundred (600) watts of lighting capacity per one hundred (100) square feet of growing area.” and that the following condition is applied: “The indoor cultivation of marijuana plants shall be limited to no more than one hundred (100) contiguous square feet per parcel.”. If a permit is granted in these zoning districts, any future lapse or revocation of that permit will extinguish the permittee’s ability to obtain a future permit at that location.

(C) “Type C-B” permits: (Small, mixed light sources)

- (1) Will be issued for qualifying applicants for a maximum of 2,500 square feet of total cultivation area within a structure or structures on one legal parcel.
- (2) Cultivation under this type of permit requires that there be a legal dwelling unit on the legal parcel used for cultivation, excluding legal parcels with the industrial zoning listed below.
- (3) The permittee shall engage the services of an approved third party inspector and have a minimum of one (1) consultation inspection performed by the inspector at approximately the mid-point of the total cultivation period for each harvestable crop.
- (4) The legal parcel where cultivation is occurring must have one of the following inland zoning designations: Rural Residential R-R 2; Rural Residential “R-R 5”; Rural Residential “R-R 10”; Agriculture “A-G”; Upland Residential “U-R”; Rangeland “R-L”; Forest Land “F-L”, Timberland Production “TPZ”; Limited Industrial “I-1”; General Industrial “I-2”; or Pinoleville Industrial “P-I”.
- (5) Notwithstanding the limitations on zoning designation identified in Section (4), above, a Type C-B permit may be issued in any inland zoning district where a dwelling unit is a principally permitted use and if the permitted cultivation was in existence prior to January 1, 2016. A Type C-B permit issued in these zoning districts shall not allow for any increase in canopy area and shall only be issued if the existing cultivation site was in conformance with the minimum requirements of 10A.17.040 (A) through (I) in this Chapter, with the exception that letter (C) is replaced with the following language: “The use of light assistance for the outdoor

cultivation of marijuana shall not exceed a maximum of six hundred (600) watts of lighting capacity per one hundred (100) square feet of growing area.”. If a permit is granted in these zoning districts, any future lapse or revocation of that permit will extinguish the permittee’s ability to obtain a future permit at that location.

(D) “Type 1” permits: (Medium, outdoor (natural light only))

- (1) Will be issued to qualifying applicants for 2,501 to 5,000 square feet of total canopy size on one legal parcel.
- (2) The legal parcel size for cultivation under this permit shall be a minimum of five (5) acres.
- (3) The legal parcel where cultivation is occurring must have one of the following inland zoning designations: Rural Residential R-R 2; Rural Residential “R-R 5”; Rural Residential “R-R 10”; Agricultural “A-G”; Upland Residential “U-R”; Rangeland “R-L”; Forest Land “F-L”, or Timberland Production “TPZ”.
- (4) Cultivation under this type of permit requires that there be a legal dwelling unit on the legal parcel used for cultivation.
- (5) The permittee shall engage the services of an approved Third Party Inspector and facilitate a minimum of one (1) consultation inspection performed by the inspector at approximately the mid-point of the total cultivation period for each harvestable crop.
- (6) The permittee shall facilitate at least one on-site compliance inspection, and additional inspections if deemed necessary, with at least 24 hours prior notice, to be conducted by the Agricultural Commissioner during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.

(E) “Type 1A” permits: (Medium, indoor (artificial light only))

- (1) The required pre-permit site inspection shall include a representative from the Department of Planning and Building Services to confirm that the structure used for the permit complies with the requirements stated in the definition of “Indoors” in Section 10A.17.020 and is otherwise suitable to support the proposed cultivation activity.

- (2) Will be issued to qualifying applicants for a cumulative maximum of 2,501 to 5,000 square feet of cultivation area within a structure or structures located on one legal parcel.
 - (3) All structures used shall be constructed in a manner so as to fully contain any light or light glare involved in the cultivation process.
 - (4) The legal parcel where cultivation is occurring must have one of the following inland zoning designations: Limited Industrial “I-1”; General Industrial “I-2”; or Pinoleville Industrial “P-I”.
 - (5) The permittee shall engage the services of an approved Third Party Inspector and facilitate a minimum of one (1) consultation inspection performed by the inspector at approximately the mid-point of the total cultivation period for each harvestable crop.
 - (6) The permittee shall facilitate at least one annual on-site compliance inspection, and additional inspections if deemed necessary, with at least 24 hours prior notice, to be conducted by the Agricultural Commissioner during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.
- (F) “Type 1B” permits: (Medium, mixed light sources)
- (1) Will be issued to qualifying applicants for a cumulative maximum of 2,501 to 5,000 square feet of cultivation area within a structure or structures on one legal parcel.
 - (2) The legal parcel size for cultivation under this permit shall be a minimum of five (5) acres, excluding legal parcels with the industrial zoning listed below .
 - (3) The legal parcel where cultivation is occurring must have one of the following inland zoning designations: Rural Residential “R-R 5”; Rural Residential “R-R 10”; Agriculture “A-G”; Upland Residential “U-R”; Rangeland “R-L”; Forest Land “F-L”, Timberland Production “TPZ”; Limited Industrial “I-1”; General Industrial “I-2”; or Pinoleville Industrial “P-I”.
 - (4) Cultivation under this type of permit requires that there be a legal dwelling unit on the legal parcel used for cultivation, excluding legal parcels with the industrial zoning listed above.

- (5) The permittee shall engage the services of an approved Third Party Inspector and facilitate a minimum of one (1) consultation inspection performed by the inspector at approximately the mid-point of the total cultivation period for each harvestable crop.
 - (6) The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, with at least 24 hours prior notice, to be conducted by the Agricultural Commissioner during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.
- (G) “Type 2” permits: (Large, outdoor (natural light only))
- (1) Will be issued to qualifying applicants for 5,001 to 10,000 square feet of total canopy size on one legal parcel.
 - (2) The legal parcel size for cultivation under this permit shall be a minimum of ten (10) acres.
 - (3) The legal parcel where cultivation is occurring must have one of the following inland zoning designations: Rural Residential “R-R 10”; Agricultural “A-G”; Upland Residential “U-R”; Rangeland “R-L”; Forest Land “F-L”, or Timberland Production “TPZ”.
 - (4) Cultivation under this type of permit requires that there be a legal dwelling unit on the legal parcel used for cultivation.
 - (5) The permittee shall engage the services of an approved Third Party Inspector and facilitate a minimum of two (2) consultation inspections performed by the inspector at approximately uniform intervals through the total cultivation period for each harvestable crop.
 - (6) The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, with at least 24 hours prior notice, to be conducted by the Agricultural Commissioner during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.
- (H) “Type 2A” permits: (Large, indoor (artificial light only))

- (1) The required pre-permit site inspection shall include a representative from the Department of Planning and Building Services to confirm that the structure used for the permit complies with the requirements stated in the definition of “Indoors” in Section 10A.17.020 and is otherwise suitable to support the proposed cultivation activity.
 - (2) Will be issued to qualifying applicants for 5,001 to 10,000 square feet of cultivation area within a structure or structures located on one legal parcel.
 - (3) All structures used shall be constructed in a manner so as to fully contain any light or light glare involved in the cultivation process.
 - (4) The legal parcel where cultivation is occurring must have one of the following inland zoning designations: Limited Industrial “I-1”; General Industrial “I-2”; or Pinoleville Industrial “P-I”.
 - (5) The permittee shall engage the services of an approved Third Party Inspector and facilitate a minimum of two (2) consultation inspections performed by the inspector at approximately uniform intervals through the total cultivation period for each harvestable crop.
 - (6) The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, with at least 24 hours prior notice, to be conducted by the Agricultural Commissioner during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.
- (I) “Type 2B” permits: (Large, mixed light sources)
- (1) Will be issued to qualifying applicants for 5,001 to 10,000 square feet of cultivation area within a structure or structures on one legal parcel.
 - (2) The legal parcel size for cultivation under this permit shall be a minimum of ten (10) acres, excluding legal parcels with the industrial zoning listed below.
 - (3) The legal parcel where cultivation is occurring must have one of the following inland zoning designations: Rural Residential “R-R 10”; Agriculture “A-G”; Upland Residential “U-R”; Rangeland “R-L”; Forest Land “F-L”; Timberland Production “TPZ”; Limited Industrial “I-1”; General Industrial “I-2”; or Pinoleville Industrial “P-I”.
 - (4) Cultivation under this type of permit requires that there be an legal dwelling unit on the legal parcel used for cultivation, excluding legal parcels with the industrial zoning listed above.

- (5) The permittee shall engage the services of an approved Third Party Inspector and facilitate a minimum of two (2) consultation inspection performed by the inspector at approximately uniform intervals through the total cultivation period for each harvestable crop.
 - (6) The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, with at least 24 hours prior notice, to be conducted by the Agricultural Commissioner during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.
- (J) “Type 4” permits: (“Nursery” and/or “Seed” permits)
- (1) The applicant shall complete a supplemental “Application for Medical Cannabis Nursery / Seed Production” and file it with the Agricultural Commissioner’s Office. The applicant shall declare on this form if they intend to produce medical cannabis nursery stock or medical cannabis seeds or both.
 - (2) Type 4 permits will be issued to qualifying applicants for a cumulative maximum of 22,000 square feet of cultivation area within a structure or structures on one legal parcel for all activities.
 - (3) The legal parcel size for cultivation under this permit shall be a minimum of ten (10) acres, excluding legal parcels with the industrial zoning listed below.
 - (4) If the permittee is approved as a nursery producer, as defined herein, the permittee shall produce only tissue culture starts, vegetative starts (clones), or immature plants for the planting, propagation, and cultivation of medical cannabis by other permittees or state license holders or exempt individuals. If the permittee is approved as a nursery producer (the production of tissue cultures, clones, and immature plants), no consumable medical cannabis product of any kind shall be derived from the plants being cultivated under this permit.(5) Cultivation of nursery stock production under this type of permit requires that there be a legal dwelling unit on the legal parcel used for cultivation, excluding legal parcels with the industrial zoning listed above.
 - (6) If the permittee is approved as a seed producer, as defined herein, the medical cannabis plants intended to be grown to maturity for seed production shall be entered into the Track and Trace program by the permittee to document the end use (processing or dispensing) or

destruction of the medical cannabis plant material (flowers, leaf, stalk, etc.) derived from the plants once the seeds have been extracted.

- (7) A maximum of 5,000 square feet of canopy cover may be dedicated to medical cannabis seed production under this permit. This canopy cover shall be considered equivalent to cultivation area and counted towards the maximum allowable square footage allowed under this permit.
- (8) Cultivation for seed production under this type of permit requires that there be a legal dwelling unit on the legal parcel used for cultivation, excluding legal parcels with the industrial zoning listed above.
- (9) The legal parcel where cultivation is occurring must have one of the following inland zoning designations: Rural Residential "R-R 10"; Agriculture "A-G"; Upland Residential "U-R"; Rangeland "R-L"; Forest Land "F-L"; Timberland Production "TPZ"; Limited Industrial "I-1"; General Industrial "I-2"; or Pinoleville Industrial "P-I".
- (10) Any sales of nursery stock or seeds which were produced on and occur on a parcel within a TPZ or FL zoning district shall be limited to permitted cultivators only. Such sales are limited to individuals that are in possession of a permit to cultivate under this Chapter and in possession of a State license to cultivate medical cannabis, once they become available. At the time of sale, the nursery shall generate a manifest stating the date and time, nursery name, address, and permit number (and license number, when applicable), the buyers name, cultivation address, and permit number (and license number, when applicable). A copy of this manifest shall be retained by the purchaser and serve as a transport document for the purchaser to proceed directly from the nursery to the intended cultivation site. If the nursery is transporting nursery stock to the cultivator's location, this manifest shall be filled-out and in position of the nursery operator during transport. Both the nursery and the buyer shall retain these records for a period of two (2) years.
- (11) The permittee for either type of production agrees to abide by and operate in accordance with the requirements established by the Mendocino County Agricultural Commissioner relating to nursery and seed operations which pertain to the cultivation of medical cannabis. Such requirements shall be established in the Mendocino Cannabis Nursery and Seed Manual.
- (12) The permittee shall engage the services of an approved Third Party Inspector and facilitate one (1) consultation inspection for each six (6) month period of operation to be performed by the inspector.
- (13) The permittee shall facilitate two (2) on-site compliance inspections annually, and additional inspections if deemed necessary, with at least 24

hours prior notice, to be conducted by the Agricultural Commissioner during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall notify the appropriate county official to schedule the annual on-site compliance inspections.

Section 10A.17.090 – Cultivation Permit Application and Zoning Review

Any person or entity that wishes to engage in the cultivation of cannabis for medical use shall submit an application to the Agricultural Commissioner’s Office. Applications for Cultivation Permits shall be made upon such forms and accompanied by such plans and documents as may be prescribed by the Agricultural Commissioner’s Office so as to assure the fullest practical presentation of facts for the review of the application. An application fee will be due at the time the application is submitted and is non-refundable.

The Agricultural Commissioner’s Office 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 Cultivation Permit shall be approved without clearance or final permit approval as required by Chapter 20.242 .

Until January 1, 2020, the Agricultural Commissioner’s Office shall only consider applications for cultivation permits from persons or entities that were cultivating cannabis for medical use in Mendocino County prior to January 1, 2016. If such persons or entities move their cultivation site to a different legal parcel, the requirements listed as items I, II, and III immediately below then apply.

Starting January 1, 2020, applications from potential new cultivators will be accepted with the additional requirements listed below:

- I. The requirement set forth in Section 10A.17 .040 (A) (5) shall become 100 feet; and
- II. The requirement set forth in Section 10A.17 (A) (2) shall become 200 feet; and
- III. There will be a two (2) acre minimum parcel size for the Cottage type permits.

Starting January 1, 2018, the Agricultural Commissioner’s Office shall start accepting applications for Type 1A and Type 2A permits from individuals that were not cultivating in Mendocino County prior to January 1, 2016.

Applicants for a Cultivation Permit 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 medical 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 management of the collective is at least twenty-one (21) years of age;
- (D) Site plan showing the entire legal parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the legal parcel, with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. The site plan shall include dimensions showing that the distance from any school, youth oriented facility, church, public park, or residential treatment facility to the nearest point of the cultivation area is at least 1,000 feet.
- (E) Photographs of any cultivation activities that existed on the legal parcel prior to January 1, 2016, including: 1) ground level views of the cultivation activities and 2) aerial views from Google Earth, Bing Maps, Terraserver, or other comparable services showing: a) the entire legal parcel and b) the cultivation area in more detail. The date these images were captured shall be noted as well.
- (F) Photographs of any cultivation activities that currently exist on the legal parcel, including: 1) ground level views of the cultivation activities from at least three different vantage points, and 2) aerial views from Google Earth, Bing Maps, Terraserver, or other comparable services showing: a) the entire legal parcel and b) the cultivation area in more detail. The date these images were captured shall be noted as well.
- (G) At least one additional evidential document demonstrating proof of cultivation prior to January 1, 2016. A list of examples of the types of documentation that will be accepted to meet this requirement are found in Appendix B to the application. Any similarly reliable documentary evidence to that found in Appendix B, which is deemed satisfactory to the Agricultural Commissioner, which establishes that medical cannabis was planted and grown on the parcel to be permitted prior to January 1, 2016, will likewise be accepted.
- (H) The proof of prior cultivation enumerated in items (E), (F), and (G) above shall be assigned to the applicant relative to their prior cultivation location. If the applicant subsequently moves their cultivation to a different legal parcel, that proof of prior cultivation transfers with the applicant to the new location. The ability to cultivate medical cannabis at the previous location is extinguished when the applicant changes cultivation locations. Permits for the cultivation of medical cannabis on TPZ or FL zoned parcels will only be issued if proof of prior cultivation by the applicant, as detailed in items (E), (F), and (G) above, at the existing site on the parcel under consideration for permitting, can be demonstrated. Any permits granted in these zoning districts will require

additional setback and permitting requirements, as detailed in Chapter 20.242 of the Mendocino County Code.

- (I) 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.
- (J) 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.
- (K) 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 (J).
- (L) 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.
- (M) 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 §1602 of the Fish and Game Code and provide a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife.
- (N) If the source of water is a well, a copy of the County well permit, if available.
- (O) 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 the management of the cultivation operation.
- (P) Evidence that the applicant or any individual engaged in the management of, or employed by, the cultivator has not been convicted of a violent felony as defined in Penal Code section 667.5 (c) within the State of California, or a crime that would have constituted a violent felony as defined in Penal Code section 667.5 (c)

if committed in the State of California and is not currently on parole or felony probation. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

- (Q) 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.
- (R) 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 Partnership Agreement shall be attached to the application.
- (S) The applicant shall provide proof of either, a physician recommendation that the amount to be cultivated is consistent with the applicant's medical needs, the needs of the patients for whom the applicant is a caregiver, or a written agreement or agreements, that the applicant is authorized by one or more medical marijuana dispensing collectives or processors to produce medical marijuana for the use of the members of said collective(s) or processor(s).
- (T) That the Agricultural Commissioner is hereby authorized to require in the permit application any other information reasonably related to the application including, but not limited to, any information necessary to discover the truth of the matters set forth in the application.
- (U) Apply for and obtain a Board of Equalization Seller's Permit and collect and remit sales tax to the Board of Equalization if applicant intends to sell directly to qualified patients or primary caregivers.
- (V) Written consent for an onsite pre-permit inspection of the legal parcel by County officials at a prearranged date and time in consultation with the applicant prior to the approval of a permit to cultivate medical cannabis, and at least once annually thereafter.
- (W) 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, unused containers and other associated hardware, supplies, and garbage.
- (X) If the application would include the conversion of timberland as defined under Public Resources Code section 4526, 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, 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 NCRWQCB and the CDFW.

- (Y) If applicable, clearance from CalFire related to compliance with the requirements of Public Resources Code Section 4290 and any implementing regulations.
- (Z) For activities that involve construction and other work in Waters of the United States, that are not otherwise exempt or excluded, 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.
- (AA) For projects that disturb one (1) or more acres of soil or projects that disturb less than one 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.

Section 10A.17.100 – Permit Review and Issuance

The Agricultural Commissioner’s Office shall issue a Cultivation Permit pursuant to this Chapter only:

- (A) Following the referral to and clearance or permit approval pursuant to Chapter 20.242; and
- (B) After the Agricultural Commissioner’s Office, and other County and State agency staff, as appropriate, have performed a pre-permit site inspection to confirm adherence to the requirements established in this Chapter and the MCCO application process.

As a condition of approval for any cultivation permit, the owner or permittee 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 for medical use 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 for medical use.

If, during the pre-permit site inspection, violations of any building or other health, safety or other state or county statute, ordinance, or regulation are discovered, the applicant shall be required to submit a written plan to remediate, abate, or cure the violations at the earliest feasible date, but in no event more than one (1) year after the date of issuance of the Cultivation Permit; said plan shall be signed by the applicant, approved by the relevant enforcement agency or agencies, and compliance with said plan shall be a condition of the Cultivation Permit.

T & T unique identifiers will only be made available following the issuance of a Cultivation Permit by the Agricultural Commissioner's Office. The applicant will have 72 hours to register with the County designated T & T system. Upon T & T system registration, the system will provide unique identifiers. The unique identifiers shall be affixed to the individual plants within 72 hours of them being provided to the permittee.

Cultivation permits 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 10A.17.110 – Performance Standards

All Cultivation Permits issued by the Agricultural Commissioner's Office 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 MCRSA, and regulations promulgated thereunder covering a similar cannabis activity.
- (C) A unique identifier for compliance with the County's T&T system shall be affixed to each permitted medical cannabis plant cultivated in Mendocino County, in compliance with Section 10A.17.050. The approved Third Party Inspector retained by the permittee will, upon the initial consultation visit, confirm adherence to this section. The Agricultural Commissioner's Office will likewise confirm adherence to this section during any compliance inspection. It shall be the responsibility of the permittee to ensure complete and accurate entry of information into the T&T system within 24 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 5101

- (E) If a generator is used to support any aspect of the permitted cultivation operations, (excluding the conditions set forth in 10A.17.040 (C)), it shall be as a secondary or back-up power source. The use of the generator is only allowed when, under certain conditions, 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. In this manner, the generator will serve as a backup and provide for the primary power needs on site only until the extenuating circumstances cease or are remedied and the alternative power source can again become the primary source for power. The containment area construction and dimensions to contain any leak or spill that may develop or occur shall be identified. 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. Also, provide a maintenance plan for the generator that details 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. The generator shall be, at a minimum, equipped with the manufacturer's specified muffler. An analysis of the noise levels produced by the generator at full operational speed shall be performed by an accredited acoustical engineer. If this analysis indicates any violation of Mendocino County General Plan Policies DE100, 101 and 103, the generator shall be equipped with a hospital-grade muffler and a second acoustical analysis shall be performed by an accredited acoustical engineer. If this second analysis indicates a violation of Policies DE100, 101 and 103, the generator shall be enclosed in a separate structure (other than the generator housing) 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, which is set forth in Appendix A to this Chapter.
- (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 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 inspected by the Agricultural Commissioner in accordance with Mendocino County Code Chapter 10A.16.
- (K) Consent to facilitate and conduct the minimum prescribed number of visits by an approved Third Party Inspector, as detailed by the permit type issued and at least one (1) annual on-site compliance inspection, as detailed by the permit type, by the Agricultural Commissioner's office.
- (L) 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. At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and are either registered and labeled for a broad enough use to include use on cannabis, or exempt from registration requirements as a minimum risk pesticide under the Federal Insecticide Fungicide Rodenticide Act section 25(b) and California Code of Regulations, Title 3, Section 6147. All product labelling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters. 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 and to exclude large animals that may be attracted by odors.
- (M) 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.
- (N) Pay all applicable fees for application, unique identifiers, consultations, and inspections.
- (O) 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.17.100.

Section 10A.17.120 - Certifications

- (A) Permittees who demonstrate compliance with all of the requirements set forth in this Chapter will be issued a “Certified Mendocino County Grown” certificate through the Agricultural Commissioner’s Office. 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. Mendocino County’s cannabis certification would represent the County’s appellation of origin for medical cannabis grown in Mendocino County. It is unlawful and a violation of Business and Professions Code section 19332.5 for medical cannabis that was not produced in Mendocino County to be labeled, marketed or packaged as originating from Mendocino County. The Bureau of Medical Cannabis Regulation (BMCR), within the California Department of Consumer Affairs, has been designated as the agency that will be assigning appellations for medical cannabis produced throughout the state. The Agricultural Commissioner will work with local producers and industry groups to assist, where appropriate, in the process to establish unique cannabis appellations within Mendocino County.
- (B) In addition to the standard compliance requirements of the cultivation and operations plan applicable to all medical cannabis cultivators under this Chapter, the Agricultural Commissioner’s Office shall develop standards for a separate “Mendocino Sustainably Farmed” (MSF Certified) cannabis certification. 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. These standards shall be incorporated into the cultivation and operations plan. A fee for cost recovery associated with this certification process will be charged to the cultivator.

Section 10A.17.130 – Third Party Inspectors

The Agricultural Commissioner’s Office is authorized to allow third party inspectors to assist medical cannabis cultivators in complying with the provisions of this Chapter. By performing field checks with the cultivators, identifying potential or real points of concern, and working with the cultivators to correct the issues(s) at hand, while communicating with the Agricultural Commissioner’s office continually, adherence to the standards established by this Chapter will be greatly enhanced and the possibility of enforcement actions being initiated by the County are reduced.

Any third party inspector must receive approval by the Agricultural Commissioner’s Office in order to serve individual permittees and to be recognized as credible and ensuring compliance with the requirements of this Chapter. The Agricultural Commissioner shall have the authority to approve or deny any application to operate as a third-party inspector based on experience/ qualifications, education, incomplete applications, insufficient detail/scope of proposed work, conflicts of interest, and ability to perform. To ensure that a third party inspector is qualified to assist cannabis cultivators with the implementation of this Chapter, individuals desiring to be

third party inspectors must submit an application/ proposal to the Agricultural Commissioner's Office and successfully pass an oral appraisal interview. Third party proposals shall include, at a minimum, the following:

- (A) Program Purpose: Statement of the functions which the third party proposes to fulfill, including procedures to implement the proposed functions/roles.
- (B) Technical experience and qualifications of the third party program necessary for implementation of technical functions/roles.
- (C) Demonstration of organizational capacity and funding mechanisms to administer the program.
- (D) Framework for filing consultation reports, photo-documentation, etc. with the Agricultural Commissioner's Office. within 24 hours of an inspection.
- (E) Sample liability waiver that demonstrates that the responsibility falls to the landowner/operator of the site to meet the stated terms and conditions of the MCCO.
- (F) Framework for confirmation of adherence to standard conditions and developed plans and addressing non-compliance(s) by individual permittees.
- (G) Ability to provide proof of current and valid insurance for any vehicle used in the performance of Third Party Inspector duties.
- (H) If a third party application/proposal is approved, the Agricultural Commissioner will send an approval letter. All approved third party programs will be listed on the Mendocino County Department of Agriculture website. The approval is conditional and subject to a probationary period. Approvals for third party inspector status expire one year from the date of issuance and may be renewed, subject to a positive evaluation based on performance, by the Agricultural Commissioner.

The Agricultural Commissioner may establish additional criteria for third party programs and inspectors and may request any other information deemed reasonably related to verification of the qualifications of the third party program and/or inspector.

Successful candidates to become a Third Party Inspector will be required to sign an agreement letter with the County committing to certain conditions as part of being an approved Third Party Inspector.

All consultation inspection information and outcomes from Third Party Inspectors shall be forwarded to the Agricultural Commissioner's office within 24 hours of the completion of the inspection. Any dispute regarding findings or outcomes of Third Party inspections will be handled through the process established in the Third Party Inspector Program guidance and procedures manual.

Section 10A.17.140 – Cultivation Site Inspections: Violations and Enforcement

If the Third Party inspector determines that the site does not comply with the requirements established by this Chapter, the inspector shall serve notice to the permit holder with a written statement identifying the items not in compliance, and may suggest action(s) that the permit holder may take to cure the non-compliance(s). Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The time frame allowed for the permit holder to take appropriate actions to cure the non-compliance will be the shortest feasible time frame as determined by the inspector. The Agricultural Commissioner's office may amend the time frame if deemed inappropriate. A re-inspection by the Third Party inspector will be required to confirm and document the curative measure(s) taken by the permit holder. It is the responsibility of the permit holder to facilitate the above mentioned re-inspection by the end of the allowed timeframe. Failure to request re-inspection or to cure any items of non-compliance shall initiate an un-scheduled compliance inspection from the Department of Agriculture. Inspection fees shall be charged to the permittee for any additional compliance inspections required beyond those regularly scheduled and enumerated in Section 10A.17.080. All additional inspection fees shall consist of the hourly rate for an inspector from the Department of Agriculture for the travel and inspection time plus the standard IRS mileage rate for travel distance. If the non-compliance(s) are substantiated during the un-scheduled compliance inspection above, the Department of Agriculture shall notify other public agencies or County departments, including the Department of Planning and Building Services, of these findings. The cultivation permit issued pursuant to this Chapter shall be in suspension pending a final compliance re-inspection from the Department of Agriculture within seven (7) days. This final re-inspection will be to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request and facilitate this final re-inspection or to cure any items of non-compliance shall terminate the cultivation permit through the issuance of a "Notice to Terminate Permit". The permit shall be terminated immediately upon the expiration of any appeal period or, if an appeal to this determination and action is filed, per Section 10A.17.150, upon the final determination of the appeal.

The County shall additionally notify any state license authority, as defined by the MCRSA, whenever the County cultivation permit has been suspended or terminated, as appropriate.

Section 10A.17.150 – Cultivation Site Inspections and Appeals

If a "Notice to Terminate Permit" is issued to a permittee by the Agricultural Commissioner's office, the permittee may appeal said notice within ten (10) days after delivery. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The appeal shall be made in writing, on a form provided by the Agricultural Commissioner's Office. The fee for filing the appeal is \$100.00. The appeal shall be heard by a Hearing Officer using the procedures outlined in Chapter 8.75, as modified by the following provision:

(A) The appeal shall be heard by the Hearing Officer within ten (10) business days following the filing of the appeal. The Hearing Officer shall render a written ruling on the appeal within three (3) business days following the hearing.

Section 10A.17.160 – Public Nuisance

All of the remedies provided for in this Chapter shall be cumulative and not exclusive for violations of this Chapter. Any violation of this Chapter, including, but not limited to failure to obtain and maintain in good standing any permit required by this Chapter, compliance with any required element on which a permit was issued pursuant to this Chapter, or any violation of the provisions of this Chapter where a permit is not required, shall be, and the same hereby is declared to be, a public nuisance and unlawful and shall be subject to injunction, abatement or any other administrative or civil remedy available to the County under the applicable state and county laws, including but not limited to those set forth in Mendocino County Code and MCRSA .

The County may abate the violations of this Chapter in accordance with the provisions of County Code Section 8.75 or by the prosecution of a civil action, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this Chapter or requiring compliance with other terms.

The County may also abate the violation of this Chapter through the abatement process established by Government Code Section 25845.

Section 10A.17.170 – Attorneys' Fees

Pursuant to Government Code Section 25845(c), in any action, administrative proceeding, or matter commenced by the County to abate a nuisance, or to collect the cost of abatement or any penalty or fee related thereto, the prevailing party shall recover its attorneys' fees. The recovery of attorneys' fees under this Section is limited to those actions, administrative proceedings, or matters in which the County chooses at the initiation of the action, administrative proceeding, or matter to seek the recovery of its own attorneys' fees. In no event shall an award of attorneys' fees under this Section exceed the reasonable amount of attorneys' fees incurred by the County in the action or proceeding.

Section 10A.17.180 - Confidential nature of medical cannabis information – legislative intent

To the fullest extent authorized by State and Federal law, all use information received by and/or generated by the operation of this Chapter or prior iterations of cannabis cultivation ordinances of the County has always been intended to be treated and held by the County as confidential information. Notwithstanding the foregoing, information provided to the county may be released as required by law, judicial order, or subpoena, and could be used in criminal prosecution.

Section 10A.17.190 – Severability

If any provision of this Chapter, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this Chapter that can be given effect without the invalid provisions or application; and to this end, the provisions or application of this Section are severable.

Chapter 20.242 Medical Cannabis Cultivation Site

20.242.010 Intent.

This chapter is intended to provide land use regulations for the County of Mendocino where medical cannabis may be cultivated, subject to the limitations established of this chapter and the provisions of Mendocino County Code Chapter 10A.17, the Medical Cannabis Cultivation Ordinance (MCCO). The objective of this Chapter is allow the cultivation of medical cannabis in locations that are consistent with 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 of Mendocino.

Sec. 20.242.020 Application.

The cultivation of medical cannabis is prohibited in all zoning districts in Mendocino County, except as allowed by this Chapter.

Sec. 20.242.030 Definitions.

Unless otherwise defined in this chapter, the terms and phrases used in this chapter shall have the same definitions as provided in Chapter 10A.17.

Sec. 20.242.040 Exception.

- A) The cultivation of medical cannabis by qualified patients or primary caregivers is an allowed use subject to Mendocino County Code Chapter 10A.17 and all of the following restrictions:
1. The cultivator must have authorization as a qualified patient or as a primary caregiver to cultivate medical cannabis for medical use.
 2. Each legal parcel may have only one medical cannabis cultivation site regardless if the cultivation site is for personal use or any other allowed use allowed by this Chapter or Chapter 10A.17.
 3. The cultivation of medical cannabis is allowed as an accessory use to an existing legal dwelling, located on the same legal parcel, where the dwelling is a principal use in the Zoning District in which it is located.
 4. The cultivation of medical cannabis within an accessory structure shall be 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 medical cannabis in an accessory structure is not permitted prior to the construction of the legal dwelling on the parcel, and (b) cultivation of medical cannabis shall only be allowed on the same parcel as the allowed legal dwelling use.
 5. The cultivation of medical cannabis is not permitted within any habitable space (i.e., kitchen, bedroom, bathroom, living room or hallway) of a dwelling unit nor is it permitted within any required parking space.
 6. The cultivation of medical cannabis shall be limited to growing the plant from its vegetative state to maturity. The resulting flowers or crop may be trimmed or cured for direct consumption. The production of its legal byproducts for consumption is allowed provided it is incidental

and subordinate to allowed uses on the same site and that it does not involve any volatile substance or process.

Sec. 20.242.050 Existing Medical Cannabis Cultivation Sites

- A) Applications for zoning permits for existing cultivation sites shall include the Agriculture Commissioner's determination the site existed prior to January 1, 2016.
- B) All medical cannabis cultivation sites located outside an Industrial Zoning District (I1, I2, and PI) must demonstrate there is adequate water to serve the cultivation site by providing evidence of an existing water right.
- C) Existing medical cannabis cultivation site(s), operated in accordance with an MCCO permit, may be allowed on one (1) 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 1.

Table 1.
Zoning Permit Requirements for Existing Medical Cannabis Cultivation
by Zoning District and Medical Cannabis Cultivation Ordinance Permit Type

Permit 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)	NA	NA	NA	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501 - 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 2	ZC	AP	UP	ZC	ZC	--	--	--	--
	RR 5	ZC	AP	UP	ZC	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*	AP	AP	AP	AP	--	AP	AP	--	AP
	TPZ*	AP	AP	AP	AP	--	AP	AP	--	AP
	I1	--	ZC	ZC	ZC	--	ZC	ZC	--	ZC
	I2	--	ZC	ZC	ZC	--	ZC	ZC	--	ZC
	PI	--	ZC	ZC	ZC	--	ZC	ZC	--	ZC

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

* No new cultivation sites are permitted the FL and TPZ zoning districts and no cultivation sites may be transferred to a legal parcel in the FL and TPZ Districts (Section 20.242.050.E); existing cultivation sites are permitted to continue in these districts subject to limitations (Section 20.242.050.F).

- 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 the following planning permit and approval requirements.
- 1) Planning Permit Requirements:
 - a) Outdoor Cultivation (with an approved MCCO Type C Permit) not exceeding 2,500 requires an approved Zoning Clearance.
 - b) Indoor Artificial Light Cultivation (with an approved MCCO Type C-A Permit) not exceeding 500 square feet requires an approved Administrative Permit.
 - c) Indoor Artificial Light Cultivation (with an approved MCCO Type C-A Permit) between 501 and 2,500 square feet requires an approved Minor Use Permit.
 - d) Mixed Light Cultivation (with an approved MCCO Type C-B Permit) not exceeding 2,500 square feet requires an approved Zoning Clearance.
 - 2) Planning Approval Requirements:
 - a) The cultivation site was legally established under and adhered to County Ordinance 9.31 prior to January 1, 2016.
 - b) The cultivation site is located on a legal parcel.
 - c) The parcel on which it is located is a zoning district where a dwelling unit is a principally permitted use.
 - d) The cultivation site is not expanded beyond the area established under County Ordinance 9.31.
 - e) The cultivation site complies with the Development Standards of this section.
 - 3) Any future lapse or revocation of the MCCO permit will extinguish the permittee's ability to obtain a future permit to continue or resume an existing cultivation that is not within a zoning district listed in Table 1 of this section.
- E) No new cultivation site shall be established on nor shall an existing cultivation site be transferred to a legal parcel located within a FL (Forest Land) or TPZ (Timber Production Zone) zoning district.
- F) An existing cultivation site, which qualifies for a MCCO permit, may continue within the FL (Forest Land) or the TPZ (Timber Production Zone) zoning districts and may be expanded up to 10,000 square feet with an approved Administrative Permit, subject to the following limitations:
- 1) If the application would include the conversion of timberland as defined under Public Resources Code Section 4526, 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, 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 NCRWQCB and the Department of Fish and Wildlife.
 - 2) No application will be accepted to permit existing cannabis cultivation sites within the FL (Forest Land) or the TPZ (Timber Production Zone) zoning districts on or after January 1, 2018. Any

application submitted prior to that date and which remains incomplete because it lacks required information or fee, as determined by PBS, shall be void.

- G) An existing cultivation site may be transferred from the original legal parcel (“origin parcel”) to another legal parcel (“destination parcel”) at any time provided: (1) the location and operation of the proposed cultivation site on the destination parcel complies with zoning permit and development standard requirements that apply to a new cultivation site as specified in Section 20.242.070, and (2) prior to the issuance of the MCCO permit and zoning permit required by this chapter to commence cannabis cultivation at the destination parcel, the permittee shall provide the Agricultural Commissioner with a copy of a recorded covenant stating that the permittee releases any right to continue or resume medical cannabis cultivation on the origin parcel.

H) Development Standards

- 1) All medical cannabis cultivation sites shall be consistent with the General Limitations on Cultivation of Medicinal Cannabis, Section 10.17.040 of the MCCO.
- 2) Cultivation Site Setback Requirements. The following setbacks, which are based on MCCO permit types, are required in all zoning districts where a medical cannabis cultivation site is permitted.
 - a) Special Use Setback. All MCCO permitted cultivation sites shall be located 1,000 feet or greater from any youth oriented facility, a school, a park, or any church or residential treatment facility as defined in the MCCO.
 - b) Residential Setback. MCCO Type C, C-B, 1, 1B, 2, 2B and 4 permitted cultivation sites shall be located 100 feet or greater from any legal residential structure located on a separate parcel.
 - c) Legal Parcel Setback.
 - (1) MCCO Type C, C-B, 1, 1B, 2, 2B and 4 permitted cultivation sites shall be located 50 feet or greater from any adjoining property under separate ownership or access easement, whichever is most restrictive, unless a greater setback is required in this section or by the MCCO.
 - (2) MCCO Type C-A, 1A and 2A (all indoor, artificial light sites) cultivation sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located.

Sec.20.242.060 New Medical Cannabis Cultivation Sites Located in Industrial Zoning Districts

Establishment of a new medical cannabis cultivation site in the I1 (Light Industrial), I2 (Heavy Industrial), and Pinoleville (PI) zoning districts, for Type 1A and 2A MCCO permits, issued on or after January 1, 2018 may be permitted subject to the requirements of Section 20.242.070.

Sec. 20.242.070 New Medical Cannabis Cultivation Sites

- A) Except as provided in Section 20.242.060, on or after January 1, 2020 new medical cannabis cultivation sites may be permitted in accordance with this section.

All new medical cannabis cultivation sites shall be consistent with the General Limitations on Cultivation of Medicinal Cannabis, Section 10A.17.040 of the MCCO except as modified by Section 20.242.070.F.

- B) All new medical cannabis cultivation sites located outside an Industrial Zoning District (I1, I2, and PI) or AG (Agriculture) Zoning District shall demonstrate there is adequate water to serve the cultivation site by providing (1) a watershed assessment that establishes there is sufficient watershed supply to serve the proposed cultivation site and existing uses within the watershed, and (2) a water right exists to serve the cultivation site.
- C) All new medical cannabis cultivation sites shall obtain approval from the following agencies if applicable:
- 1) 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, comply with Clean Water Act (CWA) Section 404 by obtaining a federal permit from the Army Corps of Engineers and comply with CWA Section 401 by obtaining a water quality certification from the North Coast Regional Water Quality Control Board.
 - 2) For projects that disturb one (1) or more acres of soil, or projects that disturb less than one acre that are part of a larger common plan of development that in total disturbs one or more acres, 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.
- D) New medical cannabis cultivation site(s), operated in accordance with an MCCO permit, may be allowed on one (1) 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 Requirements for New Medical Cannabis Cultivation
by Zoning District and Medical Cannabis Cultivation Ordinance Permit Type

Permit Type	C	C-A		C-B	1	1-A	1-B	2	2-A	2-B	4
	Sm Outdoor	Sm Indoor, Artificial Light		Sm, Mixed Light	Med Outdoor	Med Indoor, Artificial Light	Med Mixed Light	Lg Outdoor	Lg Indoor, Artificial Light	Lg Mixed Light	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 2*	ZC	AP	UP	ZC	ZC	--	--	--	--	--
	RR 5*	ZC	AP	UP	ZC	ZC	--	ZC	--	--	--
	RR10*	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
	I1	--	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	I2	--	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	PI	--	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC

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

* = Watershed Assessment Required

E) Cultivation Site Setback Requirements. The following setback requirements shall apply in all zoning districts where a new medical cannabis cultivation site is permitted.

- 1) Residential Setback. MCCO Type C, C-B, 1, 1B, 2, 2B and 4 permitted cultivation sites shall be located 200 feet or greater from any legal residential structure located on a separate parcel.
- 2) Legal Parcel Setback. The following parcel line setbacks shall apply to any adjoining property under separate ownership or access easement, whichever is most restrictive, unless a greater setback is required in this section or by the MCCO.
 - a) MCCO Type C, C-B, 1, 1B, 2, 2B and 4 permitted cultivation sites shall be located 100 feet or greater from any adjoining property under separate ownership or access easement, whichever is most restrictive, unless a greater setback is required in this section or by MCCO.
 - b) MCCO Type C-A, 1A and 2A (all indoor, artificial light sites) cultivation sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located.
- 3) Setback Reduction. A reduction in the setback from a legal parcel line (Section 20.242.070.E.2) may be allowed with an Administrative Permit, approved according to Section 20.242.080.C, provided that the approved setback reduction is 50 feet or greater from an adjoining property under separate ownership or access easement, whichever is most

restrictive, and the location of the medical cannabis cultivation site continues to comply with the Residential Setback (Section 20.242.070.E.1).

Sec.20.242.080 -Planning Approval Required to Cultivate Medical Cannabis

- A) Planning Approval Procedure. Each medical cannabis cultivation site is subject to one of the following planning approvals that correspond to the applicable zoning district and MCCO Permit Type, as specified by Table 1 or Table 2 in Chapter 20.242.

The Agricultural Commissioner's Office shall refer completed MCCO permit applications to the Department of Planning and Buildings Services, which shall review the application in accordance with the applicable planning approval process. The Department will complete Zoning Clearance determinations within two-weeks of the referral date. If the MCCO permit application is incomplete or it requires an Administrative Permit or a Minor Use Permit, the Department will notify the Agricultural Commissioner's Office and the applicant.

- B) Zoning Clearance. The Department of Planning and Building shall review the MCCO permit application to confirm the medical cannabis cultivation site is allowed in zoning district, subject to the applicable requirements of this chapter. The Department shall provide any information as requested by the 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 medical cannabis cultivation sites based on the following special findings.
- 1) The medical 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 medical cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding 15%, prime soil, oak woodland, and timber resources.
 - 3) The medical cannabis cultivation will avoid or minimize odor and light impact on residential uses.
 - 4) For any new medical cannabis cultivation site established after January 1, 2020 and that is not located an Industrial Zoning District (I1, I2, and PI) or a AG (Agriculture) Zoning District, the submitted MCCO permit 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 CWA 404 permit from the Army Corps of Engineers or a CWA 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 medical cannabis cultivation site shall be limited to a period not to exceed 10 years. The Administrative Permit shall expire at the end of this

period unless it is renewed prior to the end of 10-year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.

- 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 medical cannabis cultivation site based on findings in Section 20.196.020 and the following special findings:
- 1) The proposed medical 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 medical cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceed 15%, prime soil, oak woodland, and timber resources.
 - 3) The proposed medical cannabis cultivation site will avoid or minimize odor and light impact on residential uses.
 - 4) For any new medical cannabis cultivation site established after January 1, 2020 and that is not located an Industrial Zoning District (I1, I2, and PI) or a AG (Agriculture) Zoning District, the submitted MCCO permit 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 CWA 404 permit from the Army Corps of Engineers or a CWA 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 medical cannabis cultivation site shall be limited to a period not to exceed 10 years. The Administrative Permit shall expire at the end of this period unless it is renewed prior to the end of 10-year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.

ATTACHMENT B

Standard Conditions Applicable to All Dischargers, Found in:

RWCQCB Order 2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Dischargers of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region.

THEREFORE, IT IS HEREBY ORDERED that pursuant to Water Code sections 13263, subdivision (a), 13267, and 13269, the Regional Water Board waives the requirement to submit a report of waste discharge and the requirement to establish waste discharge requirements [WDRs] for activities described in finding 4. Dischargers shall comply with the following:

- I.** As described in the findings above, dischargers will fall within one of three tiers. Discharger shall be in the tier that covers the most impactful part of the operations (i.e., different sections of a property cannot be divided among the tiers). All dischargers, regardless of Tier are subject to the standard conditions in section I.A, MRP section I.D., and General Terms, Provisions and Prohibitions. Tier 2 Dischargers are also subject to section I.B., and Tier 3 Dischargers are subject to sections I.A., I.B.(if cultivating cannabis), and I.C. The Executive Officer has sole discretion to determine that a given site belongs in a specific tier, or to require the submittal of an individual report of waste discharge under Water Code section 13260.

A. Standard Conditions, Applicable to All Dischargers

1. Site maintenance, erosion control and drainage features
 - a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.
 - b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.
 - c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.
 - d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected¹⁵, as feasible,

¹⁵ Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel. (http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf)

from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.
- f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

2. Stream Crossing Maintenance

- a. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.¹⁶
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.¹⁷

3. Riparian and Wetland Protection and Management

- a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands.

¹⁶ At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.

¹⁷ If infeasible to install a critical dip, an alternative solution may be chosen.

The Regional Water Board or its Executive Officer may apply additional or alternative¹⁸ conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.

- b. Buffers shall be maintained at natural slope with native vegetation.
- c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.
- d. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

4. Spoils Management

- a. Spoils¹⁹ shall not be stored or placed in or where they can enter any surface water.
- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.
- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

5. Water Storage and Use:

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12²⁰ watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.

¹⁸ Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated.

¹⁹ Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.

²⁰ See definition and link to maps at: <http://water.usgs.gov/GIS/huc.html>

- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.
- c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods (see also footnote 11).
- d. Water is applied using no more than agronomic rates.²¹
- e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.
- f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

6. Irrigation Runoff

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water.

In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

²¹ "Agronomic rates" is defined as the rates of fertilizer and irrigation water that a plant needs to enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth, without having any excess water or nutrient percolate beyond the root zone.

7. Fertilizers and Soil Amendments

- a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.
- b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates (see footnote on previous page).
- c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

8. Pesticides/Herbicides

At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labelling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters. (See also Appendix E.)

9. Petroleum products and other chemicals

- a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.
- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
- c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.

- d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.
- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

10. Cultivation-related wastes

Cultivation-related wastes including, but not limited to, empty soil/soil amendment/ fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored²² at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.

11. Refuse and human waste

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.
- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.
- c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

12. Remediation/Cleanup/Restoration

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outcropping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to

²² Plant waste may also be composted, subject to the same restrictions cited above for cultivation-related waste storage.

Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly.

Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.

These protection and mitigation measures have been developed to prevent or reduce the environmental impacts and represent minimum, enforceable standards by which cleanup activities shall be conducted under this Order.

B. Water Resource Protection Plan

Tier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff. Dischargers shall implement plans, including the identified management practices in a manner that is protective of water quality. If time is needed to meet standard conditions, the plan must include a timeline with measurable milestones.²³ Management practices shall be properly designed and installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Dischargers shall certify annually to the Regional Water Board individually or through an approved third party program that the plan is being implemented and is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this Order.

Any proposed work in streams and wetlands, as described in 3-5 below shall be submitted to the Regional Water Board for review and authorization 60 days prior to commencement. (See Appendix D.) In the alternative, dischargers may opt to seek authorization for instream work through other individual or general orders.²⁴

²³ Generally, compliance with standard conditions is expected in the shortest time possible, and no later than the expiration of this Order (five years). However, in recognizing the challenges associated cumulative water use and cleanup of legacy conditions (available resources, studies, additional permitting, etc.), compliance schedules for standard condition I.5.a, and standards for which corrective work is needed under Order section II.5.c may extend beyond Order expiration and continue through any reissuance of the Order.

²⁴ See e.g.

http://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification.shtml

ATTACHMENT C

Best Management Practices for Dischargers of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects, Found in:

RWCQCB Order 2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Dischargers of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region.

Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects

I. Introduction

Best management practices (BMPs) provided here may be applicable to prevent, minimize, and control the discharge of waste and other controllable water quality factors associated with site restoration/cleanup/remediation and site operations and maintenance. These BMPs are all considered enforceable conditions under the Order as applicable to a given site, and are referenced by and made conditions in the mitigated negative declaration (CEQA document) for the Order, as well.

This appendix to Order No. R1-2015-0023 includes section II. Standard BMPs for Construction, section III. BMPs for Site Maintenance and Operations (per standard conditions), and section IV. References. For additional BMP suggestions, staff encourage consultation of the various manuals listed in section IV. References, many of which are available online for free.

II. Standard BMPs for Construction

Where applicable during restoration, remediation, cleanup, or site maintenance activities, the following BMPs will be used.

A. General BMPs to Avoid or Minimize Adverse Impacts

Temporal Limitations on Construction

1. To avoid impacting migrating fish and causing erosion and sedimentation of the stream channel, the project work season shall be from May 1 to October 15. If operations are to be conducted during the winter period from October 15 to May 1, a winter period operating plan must be incorporated into the project work plan. This plan shall include specific measures to be taken in the winter operating period to avoid or substantially lessen erosion and sedimentation into surface waters.
2. A 2-day (48-hour) forecast¹ of rain shall be the trigger for temporary cessation of project activities and winterization/erosion protection of the work site.

¹ Any weather pattern that is forecasted by NOAA to have a 50% or greater probability of producing precipitation in the project area. The permittee shall obtain and keep for record likely precipitation forecast information from

Limitation on Earthmoving

3. Disturbance to existing grades and vegetation shall be limited to the actual site of the cleanup/remediation and necessary access routes.
4. Placement of temporary access roads, staging areas, and other facilities shall avoid or minimize disturbance to habitat.
5. Disturbance to native shrubs, woody perennials or tree removal on the streambank or in the stream channel shall be avoided or minimized. If riparian trees over six inches dbh (diameter at breast height) are to be removed, they shall be replaced by native species appropriate to the site at a 3:1 ratio. Where physical constraints in the project area prevent replanting at a 3:1 ratio and canopy cover is sufficient for habitat needs, replanting may occur at a lesser replacement ratio.
6. If shrubs and non-woody riparian vegetation are disturbed, they shall be replaced with similar native species appropriate to the site.
7. Whenever feasible, finished grades shall not exceed 1.5:1 side slopes. In circumstances where final grades cannot achieve 1.5:1 slope, additional erosion control or stabilization methods shall be applied as appropriate for the project location.
8. Spoils and excavated material not used during project activities shall be removed and placed outside of the 100-year floodplain, and stored/disposed of in compliance with Order conditions related to spoils management.
9. Upon completion of grading, slope protection of all disturbed sites shall be provided prior to the rainy season through a combination of permanent vegetative treatment, mulching, geotextiles, and/or rock, or equivalent.
10. Vegetation planting for slope protection purposes shall be timed to require as little irrigation as possible for ensuring establishment by the commencement of the rainy season.
11. Only native plant species shall be used with the exception of non-invasive, non-persistent grass species used for short-term vegetative cover of exposed soils.
12. Rock placed for slope protection shall be the minimum necessary to avoid erosion, and shall be part of a design that provides for native plant revegetation and minimizes bank armoring.

Limitations on Construction Equipment

13. Dischargers and/or their contractors shall ensure that chemical contamination (fuel, grease, oil, hydraulic fluid, solvents, etc.) of water and soils is prohibited during routine equipment operation and maintenance.
14. Heavy equipment shall not be used in flowing water. Please refer to BMPs 57 through 64 for dewatering of live streams.

the National Weather Service Forecast Office (e.g. by entering the zip code of the project's location at <http://srh.noaa.gov/forecast>).

15. When possible, existing ingress or egress points shall be used or work shall be performed from the top of the creek banks.
16. Use of heavy equipment shall be avoided or minimized in a channel bottom with rocky or cobbled substrate.
17. If project work or access to the work site requires heavy equipment to travel on a channel bottom with rocky or cobbled substrate, wood or rubber mats shall be placed on the channel bottom prior to use by heavy equipment.
18. Heavy equipment shall not introduce chemicals or foreign sediment to the channel (e.g., remove mud from tracks or cover channel work area with plastic sheeting prior to heavy equipment entry).
19. The amount of time this equipment is stationed, working, or traveling within the channel shall be minimized.
20. When heavy equipment is used, any woody debris and stream bank or streambed vegetation disturbed shall be replaced to a pre-project density with native species appropriate to the site. If riparian trees over six inches dbh are to be removed, they shall be replaced by native species appropriate to the site at a 3:1 ratio per BMP 5.
21. The use or storage of petroleum-powered equipment shall be accomplished in a manner that prevents the potential release of petroleum materials into waters of the state (Fish and Game Code 5650). To accomplish this, the following precautionary measures shall be followed:
 - Schedule excavation and grading activities for dry weather periods.
 - Designate a contained area for equipment storage, short-term maintenance, and refueling. Ensure it is located at least 50 feet from waterbodies.
 - Inspect vehicles for leaks and repair immediately.
 - Clean up leaks, drips and other spills immediately to avoid soil or groundwater contamination.
 - Conduct major vehicle maintenance and washing offsite (except as necessary to implement BMP 18).
 - Ensure that all spent fluids including motor oil, radiator coolant, or other fluids and used vehicle batteries are collected, stored, and recycled as hazardous waste offsite.
 - Ensure that all construction debris is taken to appropriate landfills and all sediment disposed of in upland areas or offsite, beyond the 100-year floodplain.
 - Use dry cleanup methods (e.g., absorbent materials, cat litter, and/or rags) whenever possible. If necessary for dust control, use only a minimal amount of water.
 - Sweep up spilled dry materials immediately.

Revegetation and Removal of Exotic Plants

22. The work area shall be restored to pre-project work condition or better.

23. All exposed soil resulting from the cleanup/restoration activities shall be revegetated using live planting, seed casting or hydroseeding.
24. Any stream bank area left barren of vegetation as a result of cleanup/restoration activities shall be stabilized by seeding, replanting, or other means with native trees, shrubs, and/or grasses appropriate to the site prior to the rainy season in the year work was conducted.
25. Soil exposed as a result of project work, soil above rock riprap, and interstitial spaces between rocks shall be revegetated with native vegetation by live planting, seed casting, or hydroseeding prior to the rainy season of the year work is completed.
26. The spread or introduction of exotic plant species shall be avoided to the maximum extent possible by avoiding areas with established native vegetation during cleanup/restoration activities, restoring disturbed areas with appropriate native species, and post-project monitoring and control of exotic species.
27. Removal of invasive exotic species is strongly recommended. Mechanical removal (hand tools, weed whacking, hand pulling) of exotics shall be done in preparation for establishment of native perennial plantings.
28. Revegetation shall be implemented after the removal of exotic vegetation occurs. Erosion control implementation shall be timed in accordance with BMPs 1 and 2.
29. Native plants characteristic of the local habitat shall be used for revegetation when implementing and maintaining cleanup/restoration work in riparian and other sensitive areas. Non-invasive, non-persistent grass species (e.g., barley grass) may be used for their temporary erosion control benefits to stabilize disturbed slopes and prevent exposure of disturbed soils to rainfall.
30. Annual inspections for the purpose of assessing the survival and growth of revegetated areas and the presence of exposed soil shall be conducted for three years following project work.
31. Dischargers and/or their consultant(s) or third party representative(s) shall note the presence of native/non-native vegetation and extent of exposed soil, and take photographs during each inspection.
32. Dischargers and/or their consultant(s) or third party representative(s) shall provide the location of each work site, pre- and post-project work photos, diagram of all areas revegetated and the planting methods and plants used, and an assessment of the success of the revegetation program in the annual monitoring report as required under the Order.

Erosion Control

33. Erosion control and sediment detention devices and materials shall be incorporated into the cleanup/restoration work design and installed prior to the end of project work and before the beginning of the rainy season. Any continuing, approved project work conducted after October 15 shall have erosion control works completed up-to-date and daily.

34. Erosion control materials shall be, at minimum, stored on-site at all times during approved project work between May 1 and October 15.
35. Approved project work within the 5-year flood plain shall not begin until all temporary erosion controls (straw bales or silt fences that are effectively keyed-in) are installed downslope of cleanup/restoration activities.
36. Non-invasive, non-persistent grass species (e.g., barley grass) may be used for their temporary erosion control benefits to stabilize disturbed slopes and prevent exposure of disturbed soils to rainfall.
37. Upon work completion, all exposed soil present in and around the cleanup/restoration sites shall be stabilized within 7 days.
38. Soils exposed by cleanup/restoration operations shall be seeded and mulched to prevent sediment runoff and transport.

Miscellaneous

39. During temporary stream crossing siting, locations shall be identified where erosion potential is low. Areas where runoff from roadway side slopes will spill into the side slopes of the crossing shall be avoided.
40. Vehicles and equipment shall not be driven, operated, fueled, cleaned, maintained, or stored in the wet or dry portions of a waterbody where wetland vegetation, riparian vegetation, or aquatic organisms may be impacted.
41. Riparian vegetation, when removed pursuant to the provisions of the work, shall be cut off no lower than ground level to promote rapid re-growth. Access roads and work areas built over riparian vegetation shall be covered by a sufficient layer of clean river run cobble to prevent damage to the underlying soil and root structure. The cobble shall be removed upon completion of project activities.
42. Avoidance of earthwork on steep slopes and minimization of cut/fill volumes, combined with proper compaction, shall occur to ensure the area is resilient to issues associated with seismic events and mass wasting. If cracks are observed, or new construction is anticipated, consultation with a qualified professional is appropriate.
43. Operations within the 100-year floodplain shall be avoided. Refuse and spoils shall not be stored within the hundred-year floodplain. If roads are located within the 100-year floodplain, they shall be at grade; bridges shall have vented approaches and bridge deck shall be above anticipated 100-year flood water surface elevations. Consultation with a qualified professional is required for project work within the floodplain. .
44. Project work-related dust shall be controlled. Dust control activities shall be conducted in such a manner that will not produce sediment-laden runoff. Dust control measures, including pre-watering of excavation/grading sites, use of water trucks, track-out prevention, washing down vehicles/equipment before leaving site, and prohibiting grading/excavation activities during windy periods, shall be implemented as appropriate.

45. Short term impacts from project work-related emissions can be minimized via retrofitting equipment and use of low emissions vehicles when possible.
46. Position vehicles and other apparatus so as to not block emergency vehicle access.

B. BMPs for Specific Activities

Critical Area Planting, Channel Vegetation and Restoration and Management of Declining Habitats

The following measures shall be employed:

47. Plant materials used shall be native to the site and shall be locally collected if possible.
48. Straw mulch shall be applied at a rate of 2 tons per acre of exposed soils and, shall be secured to the ground.
49. When implementing or maintaining a critical area planting above the high water line, a filter fabric fence, straw wattles, fiber rolls and/or hay bales shall be utilized to keep sediment from flowing into the adjacent water body.

Structure for Water Control and Stream Crossings

These practices shall be used generally to replace or retrofit existing culverts and to install culverts where water control is needed at a stream crossing or road ditch to restore natural hydrology, and to reduce potential diversions and road-related erosion. In addition to the general limitations set forth in the previous section, the following measures shall be employed for these types of projects:

50. Culvert fill slopes shall be constructed at a 2:1 slope or shall be armored with rock.
51. All culverts in fish-bearing streams and in streams where fish have historically been found and may potentially re-occur, shall be designed and constructed consistent with NMFS Southwest Region's Guidelines for Salmonid Passage at Stream Crossings (NMFS 2000) and CDFG's Culvert Criteria for Fish Passage (CDFG 2002).

Limitations on Work in Streams and Permanently Ponded Areas

52. If it is necessary to conduct work in or near a live stream, the work space shall be isolated to avoid project activities in flowing water.
53. Water shall be directed around the work site.
54. Ingress/egress points shall be utilized and work shall be performed from the top of the bank to the maximum extent possible.
55. Use of heavy equipment in a channel shall be avoided or minimized. Please refer to BMPs 57 through 64 for dewatering of live streams. The amount of time construction equipment is stationed, working or traveling within the creek bed shall be minimized.

56. If the substrate of a seasonal pond, creek, stream or water body is altered during work activities, it shall be returned to approximate pre-construction conditions after the work is completed.

Temporary Stream Diversion and Dewatering: All Live Streams

57. For project work in a flowing or pooled stream or creek reach, or where access to the stream bank from the channel bottom is necessary, the work area shall be isolated with the use of temporary cofferdams upstream and downstream of the work site and all flowing water shall be diverted around the work site throughout the project period.
58. Other approved water diversion structures shall be utilized if installation of cofferdams is not feasible.
59. Cofferdam construction using offsite river-run gravel and/or sand bags is preferred. If gravel materials for cofferdams are generated onsite, measures shall be taken to ensure minimal disturbance to the channel, such as careful extraction from elevated terraces. The upstream end of the upstream cofferdam shall also be reinforced with thick plastic sheeting to minimize leakage.
60. Gravity diversions are preferred to pumping as dewatering techniques. If pumping is required to supplement gravity diversions, care shall be taken to minimize noise pollution and prevent the pump or generator-borne pollution to the watercourse.
61. The diversion pipe shall consist of a large plastic HDPE or ADS pipe or similar material, of a sufficient diameter to safely accommodate expected flows at the site during the full project period.
62. The pipe shall be protected from project activities to ensure that bypass flows are not interrupted.
63. Continuous flow downstream of the work site shall be maintained at all times during project work.
64. When project work is complete, the flow diversion structure shall be removed in a manner that allows flow to resume with a minimum of disturbance to the substrate.

Protection of Sensitive Species

65. Sensitive species - Consult with federal, state and local agencies regarding location of rare, threatened or endangered species.
66. Prior to commencing work, designate and mark a no-disturbance buffer to protect sensitive species and communities.
67. All work performed within waters of the state shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize land disturbances that shall adversely impact the water quality of waters of the state. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.

68. All equipment, including but not limited to excavators, graders, barges, etc., that may have come in contact with extremely invasive animals (e.g. zebra mussels or new Zealand mud snails) or plant (e.g., Arundo donax, scotch broom, pampas grass) or the seeds of these plants, shall be carefully cleaned before arriving on site and shall also be carefully cleaned before removal from the site, to prevent spread of these plants.
69. Vegetation shall be established on disturbed areas with an appropriate mix of California native plants and/or seed mix. All initial plantings and seed shall be installed prior to completion of the project work.

III. BMPs for Site Maintenance and Operations (per standard conditions)

The following BMPs are intended to address compliance with the standard conditions. Individual or multiple BMPs may be selected to address compliance with a given standard condition depending on site-specific conditions. BMPs are considered enforceable conditions as applicable to a given site.

A. Site Maintenance, Erosion Control, Drainage Features

70. Drainage of roads, clearings, fill prisms, and terraced areas is critical to ensuring their integrity and to prevent or minimize sediment discharges to watercourses. Proper design and location of roads and other features is critical to ensuring that a road or other feature be adequately drained and is best accomplished through consultation with a qualified professional. If inspection identifies surface rills or ruts, surfacing and drainage likely needs maintenance.
71. Surfacing of exposed/disturbed/bare surfaces can greatly reduce erosion associated with runoff. BMP features such as vegetative ground cover, straw mulch, slash, wood chips, straw wattles, fiber rolls, hay bales, geotextiles, and filter fabric fences may be combined and implemented on exposed/disturbed/bare surfaces as appropriate to prevent or minimize sediment transport and delivery to surface waters. Non-invasive, non-persistent grass species (e.g. barley grass) may be used for their temporary erosion control benefits to stabilize bare slopes and prevent exposure of bare soils to rainfall. If utilized, straw mulch shall be applied at a rate of 2 tons per acre of exposed soils and, if warranted by site conditions, shall be secured to the ground. Consultation with a qualified professional is recommended for successful site-specific selection and implementation of such surface treatments. Guidance literature pertaining to such BMPs is referenced in section IV. of this document.
72. Road surfacing, especially within a segment leading to a watercourse, is critical to prevent and minimize sediment delivery to a watercourse and maintain road integrity for expected uses. Road surfacing can include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. Steeper sections of road require higher quality rock (e.g. crushed angular versus river-run) to remain in place.

73. Road shaping to optimize drainage includes out-sloping and crowning; shaping can minimize reliance on inside ditches. Drainage structures can include rolling dips and water bars within the road surface and ditch-relief culverts to drain inside ditches. Adequate spacing of drainage structures is critical to reduce erosion associated with runoff. Generally speaking, steep slopes require greater frequency of drainage structures. The drainage structures shall be maintained to ensure capture of and capacity for expected flow. The outlets of the structures shall be placed in such a manner as to avoid discharge onto fill, unstable areas, or areas that can enter a watercourse. If site conditions prohibit drainage structures at an adequate interval to avoid erosion, bioengineering techniques² are the preferred solution (e.g. live fascines), but other techniques may also be appropriate including armoring (i.e. rock of adequate size and depth to remain in place under traffic and flow conditions) and velocity dissipaters (e.g. gravel-filled “pillows” in an inside ditch to trap sediment). In the case that inside ditches need maintenance, grade ditches only when and where necessary, since frequent routine mechanical grading can cause erosion of the ditch, undermine banks, and expose the toe of the cutslope to erosion. Do not remove more leaves and vegetation than necessary to keep water moving, as vegetation prevents scour and filters out sediment.
74. Road drainage shall be discharged to a stable location away from a watercourse. Use sediment control devices, such as check dams, sand/gravel bag barriers, and other acceptable techniques, when it is neither practical nor environmentally sound to disperse ditch water immediately before the ditch reaches a stream. Within areas with potential to discharge to a watercourse (i.e. within riparian areas of at least 200 feet of a stream) road surface drainage shall be filtered through vegetation, slash, or other appropriate material or settled into a depression with an outlet with adequate drainage. Caution should always be exercised with catchment basins in the event of failure.
75. Any spoils associated with site maintenance shall be placed in a stable location where it cannot enter a watercourse. Sidecasting shall be minimized and shall be avoided on unstable areas or where it has the potential to enter a watercourse.
76. Do not sidecast when the material can enter the stream directly or indirectly as sediment. Sidecast material can indirectly enter the stream when placed in a position where rain or road runoff can later deliver it to a channel that connects with the stream.
77. Disconnect road drainage from watercourses (drain to hill slopes), install drainage structures at intervals to prevent erosion of the inboard ditch or gull formation at the hill slope outfall, outslope roads.

² A Primer on Stream and River Protection for the Regulator and Program Manager: Technical Reference Circular W.D. 02-#1, San Francisco Bay Region, California Regional Water Quality Control Board (April 2003) http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stream_wetland/streamprotectioncircular.pdf

78. Ditch-relief culverts shall also be inspected regularly, and cleared of debris and sediment. To reduce plugging, 15 to 24-inch diameter pipes shall be the minimum size considered for ditch relief culverts and shall be informed by site-specific conditions.
79. Grade ditches only when and where necessary, since frequent routine mechanical grading can cause erosion of the ditch, undermine banks, and expose the toe of the cutslope to erosion. Do not remove more grass and weeds than necessary to keep water moving, as vegetation prevents scour and filters out sediment.
80. Use sediment control devices, such as check dams, sand/gravel bag barriers, and other acceptable techniques, when it is neither practical nor environmentally sound to disperse ditch water immediately before the ditch reaches a stream.

B. Stream Crossing Maintenance

81. Proper maintenance of stream crossings is critical to ensure support of beneficial uses of water. Regular inspection and maintenance is necessary to identify, in a timely manner, if problems are occurring. Crossings include rock fords³, armored fills with culverts³, and bridges³.
82. Rock fords are appropriate when temporary and minor moisture or over-land flow is expected, not typically when a bed and bank is present; exceptions may be justified if warranted by site specific conditions. Additionally, rock fords are appropriate if aquatic life is not present. An adequate layer of crushed angular rock shall be maintained at rock fords such that soil compaction is minimized under expected traffic levels.
83. Stream crossings consisting of armored fills with culverts and bridges are appropriate for streams with defined bed and bank². They shall be sized to ensure the 100-year streamflow event can pass unimpeded. Additionally, crossings shall allow migration of aquatic life during all life stages potentially supported by that stream reach; water depth and velocity can inhibit migration of adult and juvenile fish species.
84. Stream crossing design and installation is best accomplished with the assistance of a qualified professional. Site conditions can change over time (e.g. channel filling or incision); consultation with a qualified professional is appropriate to evaluate maintenance or replacement needs and opportunities.
85. Regular inspection of the stream crossing is appropriate to identify changed conditions within the stream channel (e.g., bank erosion, headward incision, and channel filling).
 - If large wood is accumulated upstream or within the crossing that could impede or deflect flow and result in erosion or debris capture, the wood

³ Explanation of term, available within the following document (as of the date of the Order):
http://www.pacificwatershed.com/sites/default/files/handbook_chapter_download_page.pdf

- should generally be removed. In some cases, it may be appropriate to re-orient debris with the streamflow.
- If sediment or debris is accumulated within a culvert and limits flow capacity, the short term solution should generally be to clean out the culvert and place the debris and sediment in a stable location with no potential to discharge into a stream. In some cases a trash rack, post, or other deflection structure at the culvert inlet can reduce plugging.
 - If sediment is accumulated in a culvert without other debris accumulation and limits flow capacity, the long term solution may generally involve changing the culvert's slope, diameter, or embedment in the streambed.
86. The roadway adjacent to and over the crossing is an area of potential discharge. All road surfaces approaching a crossing shall be drained before the crossing, adequately filtered through vegetation or other material, and not discharged to a watercourse. If turbid water is discharged at a stream crossing, additional measures to control erosion at the source(s) or to remove sediment prior to discharge shall be implemented. Road surfaces shall be of rock, pavement, or other material appropriate for type and level of use.
87. If a culvert is used, the approaches and fill slopes shall be properly compacted during installation and shall be stabilized with rock or other appropriate surface protection to minimize surface erosion and slumping to the receiving waters. If possible, the road surface over the culvert shall have a critical-dip to ensure that if the culvert becomes plugged, water can flow over the road surface without washing away the fill prism. If site-specific conditions do not allow for a critical dip, alternatives such as emergency overflow culverts, oversized culverts, flared inlets, and debris racks may be warranted.

C. Riparian and Wetland Protection and Management:

88. Buffer width will be in compliance with Tier category.
89. Trees within riparian areas shall be retained for natural recruitment to streams. Large woody debris (LWD) shall be retained in stream or within riparian areas. The size of wood that can be beneficial to the stream will vary depending on the size of the stream (i.e., larger pieces of wood are necessary to withstand flows in large streams). In the event that LWD or trees are disturbed during excavation, care shall be taken to separate the LWD from soil. The pieces shall be stockpiled separately until they can be replaced in appropriate locations to enhance instream or riparian conditions. Placement of instream wood for habitat enhancement should be done under the consultation of a qualified professional and in conformance with applicable regulatory permits.
90. Avoidance of disturbance in riparian areas (within 200 feet of a watercourse) should result in protection and restoration of the quality/health of the riparian stand so as to promote: 1) shade and microclimate controls; 2) delivery of wood to channels, 3) slope stability and erosion control, 4) ground cover, and 5) removal of excess nutrients. This recognizes the importance of the riparian zone

with respect to temperature protection, sediment delivery, its importance with respect to the potential for recruitment of large wood, and removal of nutrients transported in runoff. In the event that past disturbance has degraded riparian conditions, replanting with native species capable of establishing a multi-storied canopy will ensure these riparian areas can perform these important ecologic functions.

D. Spoils Management

To ensure spoil pile stability and to reduce the potential for spoil pile slope failure or transport to waters of the state, the following measures shall be implemented when placing or disposing of spoils onsite:

91. Rip compacted soils prior to placing spoils to prevent the potential for ponding under the spoils that could result in spoil site failure and subsequent sedimentation;
92. Compact and contour stored spoils to mimic the natural slope contours and drainage patterns to reduce the potential for fill saturation and failure;
93. Ensure that spoil materials are free of woody debris, and not placed on top of brush, logs or trees.
94. Spoils shall not be placed or stored in locations where soils are wet or unstable, or where slope stability could be adversely affected.
95. Do not locate spoil piles in or immediately adjacent to wetlands and watercourses.
96. Store spoil piles in a manner (e.g. cover pile with plastic tarps and surround base of pile with straw wattle) or location that would not result in any runoff from the spoil pile ending up in wetlands and watercourses.
97. Separate organic material (e.g., roots, stumps) from the dirt fill and store separately. Place this material in long-term, upland storage sites, as it cannot be used for fill.
98. Keep temporary disposal sites out of wetlands, adjacent riparian corridors, and ordinary high water areas as well as high risk zones, such as 100-year floodplain and unstable slopes.
99. After placement of the soil layer, track walk the slopes perpendicular to the contour to stabilize the soil until vegetation is established. Track walking creates indentations that trap seed and decrease erosion of the reclaimed surfaces.
100. Revegetate the disposal site with a mix of native plant species. Cover the seeded and planted areas with mulched straw at a rate of 2 tons per acre. Apply jute netting or similar erosion control fabric on slopes greater than 2:1 if site is erosive.

E. Water Storage and Use**WATER USE**

101. Conduct operations on a size and scale that considers available water sources and other water use and users in the planning watershed.
102. Implement water conservation measures such as rainwater catchment systems, drip irrigation, mulching, or irrigation water recycling. (Also see BMPs for Irrigation, below)
103. Take measures to minimize water diversion during low flow periods.
104. Options for documentation of water diversions and/or water usage may include the use of water meter devices and date-stamped photographs of water meter readings.
105. Hauled water utilized for irrigation shall be documented via receipt or similar, and show the date, name, and license plate of the water hauler, and the quantity of water purchased.
106. Apply water at agronomic rates (do not overwater plants).

WATER STORAGE

107. If using a water storage tank, do not locate the tank in a flood plain or next to equipment that generates heat. Locate the tank so it is easy to install, access, and maintain.
108. Vertical tanks should be installed according to manufacturer's specifications and placed on firm, compacted soil that is free of rocks/sharp objects and capable of bearing the weight of the tank and its maximum contents. In addition, a sand or pea gravel base with provisions for preventing erosion is highly recommended. Installation sites for tanks 8,000 gallons or more must be on a reinforced concrete pad providing adequate support and enough space to attach a tank restraint system (anchor using the molded-in tie down lugs with moderate tension, being careful not to over-tighten), especially where seismic or large wind forces are present.
109. Horizontal tanks shall be secured with bands and/or hoops to prevent tank movement.
110. Design and construct storage ponds in properly sited locations, off-stream. Plant vegetation along the perimeter of the pond. Construct berms or excess freeboard space around the perimeter of the pond to allow for sheet flow inputs.
111. Provide adequate outlet drainage for overflow of ponds, including low impact designs, to promote dispersal and infiltration of flows.
112. Place proper lining or sealing in ponds to prevent water loss.

113. Storage bladders are not encouraged for long term water storage reliability. If they are utilized, ensure that they are designed to store water, and that they are sited to minimize potential for water to flow into a watercourse in the event of a catastrophic failure. Used bladders (e.g. military surplus bladders) shall be checked for interior residual chemicals and integrity prior to use. Inspect bladder and containment features periodically to ensure integrity.

F. Irrigation Runoff

114. Irrigate at rates to avoid or minimize runoff.
115. Regularly inspect for leaks in mains and laterals, in irrigation connections, or at the ends of drip tape and feeder lines. Repair any found leaks.
116. Design irrigation system to include redundancy (i.e., safety valves) in the event that leaks occur, so that waste of water is prevented and minimized.
117. Recapture and reuse irrigation runoff (tailwater) where possible, through passive (gravity-fed) or active (pumped) means.
118. Construct retention basins for tailwater infiltration; percolation medium may be used to reduce pollutant concentration in infiltrated water. Constructed treatment wetlands may also be effective at reducing nutrient loads in water. Ensure that drainage and/or infiltration areas are located away from unstable or potentially unstable features.
119. Regularly replace worn, outdated or inefficient irrigation system components and equipment.
120. Use mulches (e.g. wood chips or bark) in cultivation areas that do not have ground cover to prevent erosion and minimize evaporative loss.
121. Leave a vegetative barrier along the property boundary and interior watercourses to act as a pollutant filter.
122. Employ rain-triggered shutoff devices to prevent irrigation after precipitation.

G. Fertilizers, Soil Amendments, Pesticides, Petroleum Products, and Other Chemicals

123. Evaluate irrigation water, soils, growth media, and plant tissue to optimize plant growth and avoid over-fertilization.
124. Reference Department of Pesticide Regulations Guidance (see Attachments E-1 and E-2 of Order No. R1-2015-0023)
125. All chemicals shall be stored in a manner, method, and location that ensures that there is no threat of discharge to waters of the state.
126. Products shall be labeled properly and applied according to the label.
127. Use integrated pest management strategies that apply pesticides only to the area of need, only when there is an economic benefit to the grower, and at times when runoff losses are least likely, including losses of organic matter from dead plant material.

128. Periodically calibrate pesticide application equipment.
129. Use anti-backflow devices on water supply hoses, and other mixing/loading practices designed to reduce the risk of runoff and spills.
130. Petroleum products shall be stored with a secondary containment system.
131. Throughout the rainy season, any temporary containment facility shall have a permanent cover and side-wind protection, or be covered during non-working days and prior to and during rain events.
132. Materials shall be stored in their original containers and the original product labels shall be maintained in place in a legible condition. Damaged or otherwise illegible labels shall be replaced immediately.
133. Bagged and boxed materials shall be stored on pallets and shall not be allowed to accumulate on the ground. To provide protection from wind and rain throughout the rainy season, bagged and boxed materials shall be covered during non-working days and prior to rain events.
134. Have proper storage instructions posted at all times in an open and conspicuous location.
135. Prepare and keep onsite a Spill Prevention, Countermeasures, and Cleanup Plan (SPCC Plan) if applicable⁴.
136. Keep ample supply of appropriate spill clean-up material near storage areas.

H. Cultivation-Related Wastes

137. Cultivation-related waste shall be stored in a place where it will not enter a stream. Soil bags and other garbage shall be collected, contained, and disposed of at an appropriate facility, including for recycling where available. Pots shall be collected and stored where they will not enter a waterway or create a nuisance. Plant waste and other compostable materials be stored (or composted, as applicable) at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.
138. Imported soil for cultivation purposes shall be minimized. The impacts associated with importation of soil include, but are not limited to increased road maintenance and the increased need for spoils management. Use of compost increases the humic acid content and water retention capacity of soils while reducing the need for fertilizer application. In the event that containers (e.g. grow bags or grow pots) are used for cultivation, reuse of soil shall be maximized to the extent feasible.

⁴ SPCC plans are required for over 1,320 gallons of petroleum stored aboveground or 42,000 gallons below ground. Additionally, any type of storage container requires an SPCC if it is larger than 20,000 gallons, or if the cumulative storage capacity on-site exceeds 100,000 gallons (Health and Safety Code section 25270-25270.13) A sample SPCC can be found here:
<http://www.calcupa.net/civica/filebank/blobdload.asp?BlobID=3186>

139. Spent growth medium (i.e. soil and other organic medium) shall be handled to minimize discharge of soil and residual nutrients and chemicals to watercourses. Proper handling of spent soil could include incorporating into garden beds, spreading on a stable surface and revegetation, storage in watertight dumpsters, covering with tarps or plastic sheeting prior to proper disposal, and use of techniques to reduce polluted runoff described under Item F. Irrigation Runoff.
140. Other means of handling cultivation-related waste may be considered on a site-specific basis.

I. Refuse and Human Waste

141. Trash containers of sufficient size and number shall be provided and properly serviced to contain the solid waste generated by the project. Provide roofs, awnings, or attached lids on all trash containers to minimize direct precipitation and prevent rainfall from entering containers. Use lined bins or dumpsters to reduce leaking of liquid waste. Design trash container areas so that drainage from adjoining roofs and pavement is diverted around the area(s) to avoid run-on. This might include berming or grading the waste handling area to prevent run-on of stormwater. Make sure trash container areas are screened or walled to prevent off-site transport of trash. Consider using refuse containers that are bear-proof and/or secure from wildlife. Refuse shall be removed from the site on a frequency that does not result in nuisance conditions, transported in a manner that they remain contained during transport, and the contents shall be disposed of properly at a proper disposal facility.
142. Ensure that human waste disposal systems do not pose a threat to surface or ground water quality or create a nuisance. Onsite treatment systems should follow applicable County ordinances for human waste disposal requirements, consistent with the applicable tier under the State Water Resources Control Board Onsite Waste Treatment System Policy⁵.

⁵ Available at: http://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf (as of the date of the Order).

IV. References

Handbook for Forest, Ranch, & Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining, and Closing Wildland Roads
http://www.pacificwatershed.com/sites/default/files/handbook_chapter_download_page.pdf

A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds
<http://www.5counties.org/roadmanual.htm>

Construction Site BMP Fact Sheets
<http://www.dot.ca.gov/hq/construc/stormwater/factsheets.htm>

EPA Riparian/Forested Buffer
<http://water.epa.gov/polwaste/npdes/swbmp/Riparian-Forested-Buffer.cfm>

Creating Effective Local Riparian Buffer Ordinances
http://www.rivercenter.uga.edu/publications/pdf/riparian_buffer_guidebook.pdf

How to Install Residential Scale Best Management Practices (BMPs) in the Lake Tahoe Basin
<http://www.tahoebmp.org/Documents/Contractors%20BMP%20Manual.pdf>

Spoil Pile BMPs
http://michigan.gov/documents/deq/deq-wb-nps-sp_250905_7.pdf

Sanctuary Forest Water Storage Guide
http://agwaterstewards.org/images/uploads/docs/1213661598_Water_Storage_Guide.pdf

Natural Resources Conservation Service-USDA, "Ponds – Planning, Design, Construction", Agriculture Handbook
http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs144p2_030362.pdf

Division of Safety of Dams size requirements
<http://www.water.ca.gov/damsafety/jurischart/>

Water Tanks: Guidelines for Installation and Use
http://dnn7.snydernet.com/_pdf/_septic/Septic%20Catalog%202010.pdf

BEST MANAGEMENT PRACTICES (BMP's) University of California Cooperative Extension
http://www.waterboards.ca.gov/sandiego/water_issues/programs/wine_country/docs/updates081910/ucce_bmps.pdf

California Stormwater Quality Association
Section 4: Source Control BMPs
<https://www.casqa.org/sites/default/files/BMPHandbooks/sd-12.pdf>

CA DOT Solid Waste Management Plan
<http://www.dot.ca.gov/hq/construc/stormwater/WM-05.pdf>

State Water Resources Control Board Onsite Wastewater Treatment System (OWTS) policy
http://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf

California Stormwater Quality Association

Section 4: Source Control BMPs

<https://www.casqa.org/sites/default/files/BMPHandbooks/sd-32.pdf>

California Riparian Habitat Restoration Handbook

http://www.conservation.ca.gov/dlrp/watershedportal/InformationResources/Documents/Restoration_Handbook_Final_Dec09.pdf

The Practical Streambank Bioengineering Guide

http://www.nrcs.usda.gov/Internet/FSE_PLANTMATERIALS/publications/idpmcpu116.pdf

150728_KVG_ef_AppendixB_BMP

ATTACHMENT D

Summary Table Report California Department of Fish and Wildlife Natural Diversity database.

Queried on September 15, 2016.



Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

EXHIBIT A

Query Criteria: County> IS <(Mendocino)

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Abronia umbellata</i> var. <i>breviflora</i> pink sand-verbena	G4G5T2 S1	None None	Rare Plant Rank - 1B.1 BLM_S-Sensitive	5 40	57 S:11	0	3	1	0	0	7	5	6	11	0	0
<i>Accipiter cooperii</i> Cooper's hawk	G5 S4	None None	CDFW_WL-Watch List IUCN_LC-Least Concern	1,200 1,200	107 S:1	0	1	0	0	0	0	0	1	1	0	0
<i>Accipiter gentilis</i> northern goshawk	G5 S3	None None	BLM_S-Sensitive CDF_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive	525 4,400	428 S:8	0	2	0	0	2	4	5	3	6	1	1
<i>Accipiter striatus</i> sharp-shinned hawk	G5 S4	None None	CDFW_WL-Watch List IUCN_LC-Least Concern	1,180 1,180	22 S:1	0	1	0	0	0	0	0	1	1	0	0
<i>Agelaius tricolor</i> tricolored blackbird	G2G3 S1S2	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_EN-Endangered NABCI_RWL-Red Watch List USFWS_BCC-Birds of Conservation Concern	306 1,054	838 S:8	1	3	0	0	0	4	1	7	8	0	0
<i>Agrostis blasdalei</i> Blasdale's bent grass	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	36 200	58 S:20	0	1	3	2	0	14	8	12	20	0	0
<i>Alisma gramineum</i> grass alisma	G5 S3	None None	Rare Plant Rank - 2B.2	426 2,000	12 S:4	0	1	0	0	0	3	3	1	4	0	0
<i>Allium peninsulare</i> var. <i>franciscanum</i> Franciscan onion	G5T1 S1	None None	Rare Plant Rank - 1B.2	1,050 1,050	21 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Ammodramus savannarum</i> grasshopper sparrow	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	840 1,000	20 S:2	2	0	0	0	0	0	2	0	2	0	0
<i>Anisocarpus scabridus</i> scabrid alpine tarplant	G3 S3	None None	Rare Plant Rank - 1B.3 BLM_S-Sensitive USFS_S-Sensitive	5,900 6,870	16 S:7	1	1	0	0	0	5	6	1	7	0	0



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<i>Anodonta californiensis</i> California floater	G3Q S2?	None None	USFS_S-Sensitive	1,500 1,500	3 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Antrozous pallidus</i> pallid bat	G5 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	500 1,400	405 S:4	1	0	0	0	0	3	2	2	4	0	0
<i>Aplodontia rufa nigra</i> Point Arena mountain beaver	G5T1 S1	Endangered None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	20 400	38 S:38	2	18	2	0	1	15	13	25	37	1	0
<i>Arabis mcdonaldiana</i> McDonald's rockcress	G3 S3	Endangered Endangered	Rare Plant Rank - 1B.1 SB_BerrySB-Berry Seed Bank SB_RSABG-Rancho Santa Ana Botanic Garden	2,700 4,000	29 S:5	2	0	0	0	0	3	1	4	5	0	0
<i>Arborimus pomo</i> Sonoma tree vole	G3 S3	None None	CDFW_SSC-Species of Special Concern IUCN_NT-Near Threatened	40 2,800	221 S:113	3	7	9	0	0	94	83	30	113	0	0
<i>Arctostaphylos manzanita ssp. elegans</i> Konocti manzanita	G5T3 S3	None None	Rare Plant Rank - 1B.3		69 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Arctostaphylos nummularia ssp. mendocinoensis</i> pygmy manzanita	G3?THQ SH	None None	Rare Plant Rank - 1B.2	400 400	1 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Arctostaphylos stanfordiana ssp. raichei</i> Raiche's manzanita	G3T2 S2	None None	Rare Plant Rank - 1B.1 SB_RSABG-Rancho Santa Ana Botanic Garden SB_USDA-US Dept of Agriculture	1,600 3,500	10 S:7	0	0	0	0	0	7	6	1	7	0	0
<i>Ardea herodias</i> great blue heron	G5 S4	None None	CDF_S-Sensitive IUCN_LC-Least Concern	100 100	137 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Artemisiospiza belli belli</i> Bell's sage sparrow	G5T2T4 S2?	None None	CDFW_WL-Watch List USFWS_BCC-Birds of Conservation Concern	2,700 2,700	60 S:1	1	0	0	0	0	0	0	1	1	0	0



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<i>Ascaphus truei</i> Pacific tailed frog	G4 S3S4	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	40 2,000	373 S:70	0	16	3	1	0	50	8	62	70	0	0
<i>Astragalus agnicidus</i> Humboldt milk-vetch	G2 S2	None Endangered	Rare Plant Rank - 1B.1 BLM_S-Sensitive SB_BerrySB-Berry Seed Bank SB_RSABG-Rancho Santa Ana Botanic Garden	525 2,200	52 S:50	3	20	13	9	0	5	0	50	50	0	0
<i>Blennosperma nanum var. robustum</i> Point Reyes blennosperma	G4T2 S2	None Rare	Rare Plant Rank - 1B.2	40 40	13 S:1	0	1	0	0	0	0	0	1	1	0	0
<i>Bombus caliginosus</i> obscure bumble bee	G4? S1S2	None None	IUCN_VU-Vulnerable	15 4,200	181 S:20	0	0	0	0	0	20	20	0	20	0	0
<i>Bombus crotchii</i> Crotch bumble bee	G3G4 S1S2	None None		1,400 1,400	233 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Bombus occidentalis</i> western bumble bee	G2G3 S1	None None	USFS_S-Sensitive XERCES_IM-Imperiled	100 1,500	282 S:11	0	0	0	0	0	11	11	0	11	0	0
<i>Botrypus virginianus</i> rattlesnake fern	G5 S2	None None	Rare Plant Rank - 2B.2	3,440 4,390	34 S:2	1	0	0	0	0	1	0	2	2	0	0
<i>Brachyramphus marmoratus</i> marbled murrelet	G3G4 S1	Threatened Endangered	CDF_S-Sensitive IUCN_EN-Endangered NABCI_RWL-Red Watch List	300 1,600	110 S:3	0	0	0	0	0	3	2	1	3	0	0
<i>Brasenia schreberi</i> watershield	G5 S3	None None	Rare Plant Rank - 2B.3	1,646 3,500	33 S:5	0	0	0	0	0	5	4	1	5	0	0
<i>Calamagrostis crassiglumis</i> Thurber's reed grass	G3Q S2	None None	Rare Plant Rank - 2B.1	80 150	15 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Calamagrostis foliosa</i> leafy reed grass	G3 S3	None Rare	Rare Plant Rank - 4.2 BLM_S-Sensitive	25 50	22 S:3	0	0	0	0	0	3	3	0	3	0	0
<i>Calileptoneta wapiti</i> Mendocino leptonetid spider	G1 S1	None None		150 1,200	2 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Calystegia atriplicifolia ssp. buttensis</i> Butte County morning-glory	G5T3 S3	None None	Rare Plant Rank - 4.2	3,600 3,600	121 S:1	0	0	0	0	0	1	1	0	1	0	0



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<i>Calystegia collina ssp. tridactylosa</i> three-fingered morning-glory	G4T1 S1	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	2,000 2,300	3 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Calystegia purpurata ssp. saxicola</i> coastal bluff morning-glory	G4T2T3 S2S3	None None	Rare Plant Rank - 1B.2	40 200	30 S:8	1	2	2	1	0	2	2	6	8	0	0
<i>Campanula californica</i> swamp harebell	G3 S3	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	20 1,700	132 S:72	8	35	11	3	0	15	19	53	72	0	0
<i>Carex californica</i> California sedge	G5 S2	None None	Rare Plant Rank - 2B.3	120 1,100	28 S:28	2	4	1	0	0	21	25	3	28	0	0
<i>Carex comosa</i> bristly sedge	G5 S2	None None	Rare Plant Rank - 2B.1	982 982	29 S:1	0	1	0	0	0	0	0	1	1	0	0
<i>Carex lenticularis var. limnophila</i> lagoon sedge	G5T5 S1	None None	Rare Plant Rank - 2B.2		4 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Carex livida</i> livid sedge	G5 SH	None None	Rare Plant Rank - 2A	400 400	1 S:1	0	0	0	0	1	0	1	0	0	1	0
<i>Carex lyngbyei</i> Lyngbye's sedge	G5 S3	None None	Rare Plant Rank - 2B.2	3 650	29 S:5	2	0	0	0	0	3	2	3	5	0	0
<i>Carex saliniformis</i> deceiving sedge	G2 S2	None None	Rare Plant Rank - 1B.2	10 750	15 S:10	1	2	0	0	0	7	7	3	10	0	0
<i>Carex viridula ssp. viridula</i> green yellow sedge	G5T5 S2	None None	Rare Plant Rank - 2B.3	40 40	8 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Castilleja ambigua var. humboldtensis</i> Humboldt Bay owl's-clover	G4T2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	2 15	31 S:3	2	1	0	0	0	0	1	2	3	0	0
<i>Castilleja litoralis</i> Oregon coast paintbrush	G3 S3	None None	Rare Plant Rank - 2B.2	50 500	39 S:9	0	1	0	0	0	8	6	3	9	0	0
<i>Castilleja mendocinensis</i> Mendocino Coast paintbrush	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	10 220	47 S:46	2	15	6	1	0	22	20	26	46	0	0
<i>Ceanothus confusus</i> Rincon Ridge ceanothus	G1 S1	None None	Rare Plant Rank - 1B.1 BLM_S-Sensitive	800 3,300	33 S:2	0	0	1	0	0	1	1	1	2	0	0
<i>Ceanothus foliosus var. vineatus</i> Vine Hill ceanothus	G3T1 S1	None None	Rare Plant Rank - 1B.1	1,000 1,000	6 S:2	0	0	0	0	0	2	2	0	2	0	0



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<i>Cerorhinca monocerata</i> rhinoceros auklet	G5 S3	None None	CDFW_WL-Watch List IUCN_LC-Least Concern		10 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Charadrius alexandrinus nivosus</i> western snowy plover	G3T3 S2S3	Threatened None	CDFW_SSC-Species of Special Concern NABCI_RWL-Red Watch List USFWS_BCC-Birds of Conservation Concern	10 10	124 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Chorizanthe howellii</i> Howell's spineflower	G1 S1	Endangered Threatened	Rare Plant Rank - 1B.2	15 60	8 S:8	0	3	1	0	0	4	6	2	8	0	0
<i>Clarkia amoena ssp. whitneyi</i> Whitney's farewell-to-spring	G5T1 S1	None None	Rare Plant Rank - 1B.1	40 400	8 S:6	0	0	0	0	0	6	6	0	6	0	0
<i>Coastal and Valley Freshwater Marsh</i> Coastal and Valley Freshwater Marsh	G3 S2.1	None None			60 S:6	0	0	0	0	0	6	6	0	6	0	0
<i>Coastal Brackish Marsh</i> Coastal Brackish Marsh	G2 S2.1	None None			30 S:4	0	0	0	0	0	4	4	0	4	0	0
<i>Coastal Terrace Prairie</i> Coastal Terrace Prairie	G2 S2.1	None None		280 280	8 S:1	0	1	0	0	0	0	1	0	1	0	0
<i>Coelus globosus</i> globose dune beetle	G1G2 S1S2	None None	IUCN_VU-Vulnerable	10 20	49 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Collinsia corymbosa</i> round-headed Chinese-houses	G1 S1	None None	Rare Plant Rank - 1B.2	40 85	7 S:6	1	0	0	0	0	5	4	2	6	0	0
<i>Coptis laciniata</i> Oregon goldthread	G4 S3	None None	Rare Plant Rank - 4.2	40 1,670	122 S:63	13	32	6	1	0	11	2	61	63	0	0
<i>Cornus canadensis</i> bunchberry	G5 S2	None None	Rare Plant Rank - 2B.2	300 300	11 S:3	0	0	0	0	1	2	2	1	2	1	0
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	G3G4 S2	None Candidate Threatened	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	38 2,271	624 S:11	0	0	1	0	0	10	8	3	11	0	0



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<i>Cryptantha dissita</i> serpentine cryptantha	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	450 1,800	10 S:3	0	0	0	0	0	3	1	2	3	0	0
<i>Cryptantha excavata</i> deep-scarred cryptantha	G1 S1	None None	Rare Plant Rank - 1B.3 BLM_S-Sensitive		5 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Cuscuta jepsonii</i> Jepson's dodder	GH SH	None None	Rare Plant Rank - 1B.2		8 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Cuscuta pacifica</i> var. <i>papillata</i> Mendocino dodder	G5T1 S1	None None	Rare Plant Rank - 1B.2		5 S:4	0	0	0	0	1	3	3	1	3	1	0
<i>Danaus plexippus</i> pop. 1 monarch - California overwintering population	G4T2T3 S2S3	None None	USFS_S-Sensitive	120 230	378 S:3	0	0	0	0	0	3	0	3	3	0	0
<i>Dicamptodon ensatus</i> California giant salamander	G3 S2S3	None None	CDFW_SSC-Species of Special Concern IUCN_NT-Near Threatened	50 1,650	227 S:16	0	0	0	0	0	16	15	1	16	0	0
<i>Elanus leucurus</i> white-tailed kite	G5 S3S4	None None	BLM_S-Sensitive CDFW_FP-Fully Protected IUCN_LC-Least Concern	520 520	162 S:1	0	1	0	0	0	0	0	1	1	0	0
<i>Emys marmorata</i> western pond turtle	G3G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable USFS_S-Sensitive	50 3,840	1188 S:24	5	7	1	0	0	11	7	17	24	0	0
<i>Entosphenus tridentatus</i> Pacific lamprey	G4 S4	None None	AFS_VU-Vulnerable BLM_S-Sensitive CDFW_SSC-Species of Special Concern USFS_S-Sensitive	30 50	2 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Entosthodon kochii</i> Koch's cord moss	G1 S1	None None	Rare Plant Rank - 1B.3	900 900	4 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Epilobium nivium</i> Snow Mountain willowherb	G2 S2	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	5,560 6,400	16 S:3	0	0	1	0	0	2	2	1	3	0	0
<i>Epilobium oregonum</i> Oregon fireweed	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive USFS_S-Sensitive	6,200 6,300	48 S:2	0	0	0	0	0	2	2	0	2	0	0



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<i>Erigeron supplex</i> supple daisy	G2 S2	None None	Rare Plant Rank - 1B.2	20 600	21 S:13	1	4	2	1	0	5	5	8	13	0	0
<i>Eriogonum kelloggii</i> Kellogg's buckwheat	G2 S2	None Endangered	Rare Plant Rank - 1B.2 BLM_S-Sensitive	3,000 3,900	7 S:7	1	2	0	0	0	4	2	5	7	0	0
<i>Erysimum concinnum</i> bluff wallflower	G3 S3	None None	Rare Plant Rank - 1B.2	50 150	30 S:10	0	0	0	0	0	10	8	2	10	0	0
<i>Erysimum menziesii</i> Menzies' wallflower	G1 S1	Endangered Endangered	Rare Plant Rank - 1B.1 SB_RSABG-Rancho Santa Ana Botanic Garden	20 65	19 S:4	0	3	1	0	0	0	1	3	4	0	0
<i>Erythronium revolutum</i> coast fawn lily	G4G5 S3	None None	Rare Plant Rank - 2B.2	200 2,000	141 S:11	3	1	2	0	0	5	5	6	11	0	0
<i>Eucyclogobius newberryi</i> tidewater goby	G3 S3	Endangered None	AFS_EN-Endangered CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable	0 20	117 S:4	0	1	1	0	0	2	3	1	4	0	0
<i>Falco peregrinus anatum</i> American peregrine falcon	G4T4 S3S4	Delisted Delisted	CDF_S-Sensitive CDFW_FP-Fully Protected USFWS_BCC-Birds of Conservation Concern	1,600 1,600	54 S:1	1	0	0	0	0	0	0	1	1	0	0
<i>Fen</i> Fen	G2 S1.2	None None		40 40	6 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Fissidens pauperculus</i> minute pocket moss	G3? S2	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	770 770	22 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Fratercula cirrhata</i> tufted puffin	G5 S1S2	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern		17 S:3	0	0	0	0	0	3	3	0	3	0	0
<i>Fritillaria roderickii</i> Roderick's fritillary	G1Q S1	None Endangered	Rare Plant Rank - 1B.1 SB_RSABG-Rancho Santa Ana Botanic Garden	80 2,000	8 S:7	0	2	0	1	1	3	4	3	6	1	0
<i>Gentiana setigera</i> Mendocino gentian	G2 S1	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive USFS_S-Sensitive	3,500 3,500	10 S:1	1	0	0	0	0	0	0	1	1	0	0



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<i>Gilia capitata ssp. pacifica</i> Pacific gilia	G5T3 S2	None None	Rare Plant Rank - 1B.2	60 1,000	73 S:11	0	2	0	0	0	9	8	3	11	0	0
<i>Gilia millefoliata</i> dark-eyed gilia	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	20 50	38 S:6	0	0	0	1	0	5	3	3	6	0	0
<i>Glyceria grandis</i> American manna grass	G5 S3	None None	Rare Plant Rank - 2B.3	200 200	10 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Grand Fir Forest</i> Grand Fir Forest	G1 S1.1	None None		160 700	9 S:9	0	3	6	0	0	0	9	0	9	0	0
<i>Grimmia torenii</i> Toren's grimmia	G2 S2	None None	Rare Plant Rank - 1B.3	1,065 1,065	13 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Gulo gulo</i> California wolverine	G4 S1	None Threatened	CDFW_FP-Fully Protected IUCN_NT-Near Threatened USFS_S-Sensitive	4,000 6,800	173 S:3	0	0	0	0	0	3	3	0	3	0	0
<i>Haliaeetus leucocephalus</i> bald eagle	G5 S3	Delisted Endangered	BLM_S-Sensitive CDF_S-Sensitive CDFW_FP-Fully Protected IUCN_LC-Least Concern USFS_S-Sensitive USFWS_BCC-Birds of Conservation Concern	1,100 1,566	325 S:2	0	1	1	0	0	0	0	2	2	0	0
<i>Harmonia guggolziorum</i> Guggolz's harmonia	G1 S1	None None	Rare Plant Rank - 1B.1	595 600	2 S:2	0	0	0	0	0	2	0	2	2	0	0
<i>Helminthoglypta arrosa pomoensis</i> Pomo bronze shoulderband	G2G3T1 S1	None None	IUCN_DD-Data Deficient	2,000 2,000	3 S:3	0	0	0	0	0	3	3	0	3	0	0
<i>Hemizonia congesta ssp. congesta</i> congested-headed hayfield tarplant	G5T1T2 S1S2	None None	Rare Plant Rank - 1B.2		33 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Hesperovax sparsiflora var. brevifolia</i> short-leaved evax	G4T3 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	2 150	36 S:11	0	2	2	1	0	6	2	9	11	0	0
<i>Hesperocyparis pygmaea</i> pygmy cypress	G1 S1	None None	Rare Plant Rank - 1B.2 SB_RSABG-Rancho Santa Ana Botanic Garden	120 1,100	36 S:35	2	5	7	8	1	12	26	9	34	0	1



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<i>Hesperolinon adenophyllum</i> glandular western flax	G3 S3	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	1,440 3,900	40 S:9	0	2	0	0	0	7	7	2	9	0	0
<i>Horkelia bolanderi</i> Bolander's horkelia	G1 S1	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	2,350 2,350	13 S:1	0	1	0	0	0	0	0	1	1	0	0
<i>Horkelia marinensis</i> Point Reyes horkelia	G2 S2	None None	Rare Plant Rank - 1B.2	7 1,275	36 S:13	1	3	1	3	0	5	5	8	13	0	0
<i>Horkelia tenuiloba</i> thin-lobed horkelia	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_RSABG-Rancho Santa Ana Botanic Garden	150 1,300	27 S:11	0	2	4	0	0	5	4	7	11	0	0
<i>Howellia aquatilis</i> water howellia	G3 S2	Threatened None	Rare Plant Rank - 2B.2	3,600 4,500	6 S:6	2	3	0	0	0	1	1	5	6	0	0
<i>Hydroporus leechi</i> Leech's skyline diving beetle	G1? S1?	None None		5,370 5,370	13 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Icteria virens</i> yellow-breasted chat	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	1,300 1,300	92 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Iliamna bakeri</i> Baker's globe mallow	G4 S3	None None	Rare Plant Rank - 4.2	6,100 6,100	48 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Jaffueliobryum raui</i> Rau's jaffueliobryum moss	G4? S2?	None None	Rare Plant Rank - 2B.3	6,600 6,600	7 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Juncus supiniformis</i> hair-leaved rush	G5 S1	None None	Rare Plant Rank - 2B.2		3 S:3	0	0	0	0	0	3	3	0	3	0	0
<i>Kopsiopsis hookeri</i> small groundcone	G4? S1S2	None None	Rare Plant Rank - 2B.3	540 1,995	21 S:3	0	2	0	0	0	1	1	2	3	0	0
<i>Lasiurus blossevillii</i> western red bat	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern WBWG_H-High Priority	1,400 1,400	122 S:1	0	0	0	0	0	1	0	1	1	0	0



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<i>Lasiurus cinereus</i> hoary bat	G5 S4	None None	IUCN_LC-Least Concern WBWG_M-Medium Priority	1,400 1,400	235 S:3	0	0	0	0	0	3	2	1	3	0	0
<i>Lasthenia burkei</i> Burke's goldfields	G1 S1	Endangered Endangered	Rare Plant Rank - 1B.1 SB_RSABG-Rancho Santa Ana Botanic Garden	620 620	34 S:1	0	0	1	0	0	0	0	1	1	0	0
<i>Lasthenia californica ssp. bakeri</i> Baker's goldfields	G3TH SH	None None	Rare Plant Rank - 1B.2	60 300	14 S:7	0	0	0	0	1	6	7	0	6	1	0
<i>Lasthenia californica ssp. macrantha</i> perennial goldfields	G3T2 S2	None None	Rare Plant Rank - 1B.2	20 150	59 S:17	1	1	1	1	0	13	10	7	17	0	0
<i>Lasthenia conjugens</i> Contra Costa goldfields	G1 S1	Endangered None	Rare Plant Rank - 1B.1 SB_UCBBG-UC Berkeley Botanical Garden	100 100	33 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Lathyrus palustris</i> marsh pea	G5 S2	None None	Rare Plant Rank - 2B.2	450 450	13 S:2	0	1	0	0	0	1	1	1	2	0	0
<i>Lavinia symmetricus navarroensis</i> Navarro roach	G4T1T2 S2S3	None None	CDFW_SSC-Species of Special Concern	1 500	4 S:2	0	2	0	0	0	0	0	2	2	0	0
<i>Lavinia symmetricus parvipinnis</i> Gualala roach	G4T1T2 S2S3	None None	CDFW_SSC-Species of Special Concern	1 1	4 S:1	1	0	0	0	0	0	0	1	1	0	0
<i>Layia septentrionalis</i> Colusa layia	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	485 1,200	57 S:6	2	0	0	0	1	3	6	0	5	1	0
<i>Lewisia stebbinsii</i> Stebbins' lewisia	G2 S2	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	5,560 6,300	11 S:10	3	4	1	0	0	2	6	4	10	0	0
<i>Lilium maritimum</i> coast lily	G2 S2	None None	Rare Plant Rank - 1B.1	15 1,600	76 S:64	1	23	24	8	0	8	35	29	64	0	0
<i>Limnanthes bakeri</i> Baker's meadowfoam	G1 S1	None Rare	Rare Plant Rank - 1B.1 BLM_S-Sensitive SB_USDA-US Dept of Agriculture	580 2,990	21 S:21	5	7	2	1	1	5	11	10	20	0	1
<i>Lupinus antoninus</i> Anthony Peak lupine	G2 S2	None None	Rare Plant Rank - 1B.3 USFS_S-Sensitive	6,900 6,900	4 S:1	1	0	0	0	0	0	1	0	1	0	0



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<i>Lupinus milo-bakeri</i> Milo Baker's lupine	G1Q S1	None Threatened	Rare Plant Rank - 1B.1 SB_RSABG-Rancho Santa Ana Botanic Garden	1,260 1,405	10 S:9	0	0	2	0	0	7	8	1	9	0	0
<i>Lycopodium clavatum</i> running-pine	G5 S3	None None	Rare Plant Rank - 4.1	400 800	120 S:4	0	0	2	2	0	0	0	4	4	0	0
<i>Malacothamnus mendocinensis</i> Mendocino bush-mallow	GXQ SX	None None	Rare Plant Rank - 1A	700 700	1 S:1	0	0	0	0	1	0	1	0	0	1	0
<i>Margaritifera falcata</i> western pearlshell	G4G5 S1S2	None None		1,300 1,360	74 S:5	0	0	0	0	0	5	0	5	5	0	0
<i>Martes caurina humboldtensis</i> Humboldt marten	G5T1 S1	None Candidate Endangered	CDFW_SSC-Species of Special Concern USFS_S-Sensitive	4,500 6,873	44 S:4	0	1	0	0	0	3	3	1	4	0	0
<i>Mendocino Pygmy Cypress Forest</i> Mendocino Pygmy Cypress Forest	G2 S2.1	None None		120 600	25 S:24	1	2	1	3	2	15	24	0	22	0	2
<i>Microseris borealis</i> northern microseris	G5 S1	None None	Rare Plant Rank - 2B.1	150 150	3 S:1	0	0	0	0	1	0	1	0	0	1	0
<i>Microseris paludosa</i> marsh microseris	G2 S2	None None	Rare Plant Rank - 1B.2		39 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Mitellastris caulescens</i> leafy-stemmed mitrewort	G5 S4	None None	Rare Plant Rank - 4.2	20 500	21 S:8	2	2	0	1	0	3	3	5	8	0	0
<i>Myotis evotis</i> long-eared myotis	G5 S3	None None	BLM_S-Sensitive IUCN_LC-Least Concern WBWG_M-Medium Priority	1,400 1,400	107 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Navarretia leucocephala ssp. bakeri</i> Baker's navarretia	G4T2 S2	None None	Rare Plant Rank - 1B.1 BLM_S-Sensitive	620 1,540	58 S:8	1	3	2	0	0	2	2	6	8	0	0
<i>North Central Coast Fall-Run Steelhead Stream</i> North Central Coast Fall-Run Steelhead Stream	GNR SNR	None None		1,350 1,350	2 S:1	1	0	0	0	0	0	1	0	1	0	0
<i>North Central Coast Summer Steelhead Stream</i> North Central Coast Summer Steelhead Stream	GNR SNR	None None		3,100 3,100	2 S:1	0	1	0	0	0	0	1	0	1	0	0



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Northern Coastal Bluff Scrub Northern Coastal Bluff Scrub	G2 S2.2	None None		50 50	1 S:1	1	0	0	0	0	0	1	0	1	0	0
Northern Coastal Salt Marsh Northern Coastal Salt Marsh	G3 S3.2	None None			53 S:4	0	1	0	0	0	3	4	0	4	0	0
Northern Interior Cypress Forest Northern Interior Cypress Forest	G2 S2.2	None None		2,000 3,240	22 S:2	1	0	0	0	0	1	2	0	2	0	0
Noyo intersessa Ten Mile shoulderband	G2 S2	None None		10 25	3 S:2	0	0	0	0	0	2	2	0	2	0	0
Oceanodroma homochroa ashy storm-petrel	G2 S2	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_EN-Endangered NABCI_RWL-Red Watch List USFWS_BCC-Birds of Conservation Concern	128 128	21 S:1	0	0	0	0	0	1	1	0	1	0	0
Oenothera wolfii Wolf's evening-primrose	G2 S1	None None	Rare Plant Rank - 1B.1 BLM_S-Sensitive SB_BerrySB-Berry Seed Bank	10 100	29 S:3	0	1	0	0	0	2	2	1	3	0	0
Oncorhynchus gorbuscha pink salmon	G5 S1	None None		40 40	1 S:1	0	0	1	0	0	0	0	1	1	0	0
Oncorhynchus kisutch coho salmon - southern Oregon / northern California ESU	G4T2Q S2?	Threatened Threatened	AFS_TH-Threatened	1,080 1,080	5 S:1	0	0	0	0	0	1	1	0	1	0	0
Oncorhynchus kisutch coho salmon - central California coast ESU	G4 S2?	Endangered Endangered	AFS_EN-Endangered	250 580	22 S:3	0	0	1	0	0	2	0	3	3	0	0
Oncorhynchus mykiss irideus steelhead - northern California DPS	G5T2T3Q S2S3	Threatened None	AFS_TH-Threatened	12 975	6 S:6	0	2	1	0	0	3	0	6	6	0	0
Oncorhynchus mykiss irideus summer-run steelhead trout	G5T4Q S2	None None	CDFW_SSC-Species of Special Concern	550 1,506	20 S:2	0	0	0	0	0	2	1	1	2	0	0
Ophioglossum pusillum northern adder's-tongue	G5 S1	None None	Rare Plant Rank - 2B.2 USFS_S-Sensitive	3,760 4,290	4 S:2	0	1	0	0	0	1	0	2	2	0	0
Packera bolanderi var. bolanderi seacoast ragwort	G4T4 S2S3	None None	Rare Plant Rank - 2B.2		65 S:5	0	0	0	0	0	5	4	1	5	0	0



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<i>Pandion haliaetus</i> osprey	G5 S4	None None	CDF_S-Sensitive CDFW_WL-Watch List IUCN_LC-Least Concern	20 1,550	491 S:5	0	0	0	0	0	5	2	3	5	0	0
<i>Pekania pennanti</i> fisher - West Coast DPS	G5T2T3Q S2S3	Proposed Threatened Candidate Threatened	BLM_S-Sensitive CDFW_SSC-Species of Special Concern USFS_S-Sensitive	550 6,800	726 S:31	1	2	17	0	0	11	11	20	31	0	0
<i>Phacelia insularis</i> var. <i>continentis</i> North Coast phacelia	G2T2 S2	None None	Rare Plant Rank - 1B.2	1 60	15 S:9	0	4	1	1	0	3	4	5	9	0	0
<i>Pinus contorta</i> ssp. <i>bolanderi</i> Bolander's beach pine	G5T2 S2	None None	Rare Plant Rank - 1B.2	120 600	28 S:28	3	4	4	4	1	12	25	3	27	1	0
<i>Piperia candida</i> white-flowered rein orchid	G3 S3	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	175 3,800	113 S:34	0	13	11	1	0	9	6	28	34	0	0
<i>Plagiobothrys lithocaryus</i> Mayacamas popcornflower	GH SH	None None	Rare Plant Rank - 1A	950 950	2 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Plebejus idas</i> <i>lotis</i> lotis blue butterfly	G5TH SH	Endangered None	XERCES_CI-Critically Imperiled	240 240	1 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Pleuropogon hooverianus</i> North Coast semaphore grass	G2 S2	None Threatened	Rare Plant Rank - 1B.1 BLM_S-Sensitive SB_BerrySB-Berry Seed Bank SB_RSABG-Rancho Santa Ana Botanic Garden	160 3,800	26 S:19	2	10	4	0	0	3	2	17	19	0	0
<i>Potamogeton epihydrus</i> Nuttall's ribbon-leaved pondweed	G5 S2S3	None None	Rare Plant Rank - 2B.2	1,400 1,646	25 S:4	0	0	0	0	0	4	4	0	4	0	0
<i>Progne subis</i> purple martin	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	0 560	68 S:6	1	3	2	0	0	0	4	2	6	0	0
<i>Ptilidium californicum</i> Pacific fuzzwort	G4G5 S3S4	None None	Rare Plant Rank - 4.3 BLM_S-Sensitive	3,374 4,800	177 S:2	0	0	0	0	0	2	0	2	2	0	0
<i>Puccinellia pumila</i> dwarf alkali grass	G4? SH	None None	Rare Plant Rank - 2B.2	15 15	2 S:1	0	0	0	0	0	1	1	0	1	0	0



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<i>Ramalina thrausta</i> angel's hair lichen	G5 S2?	None None	Rare Plant Rank - 2B.1	590 1,400	14 S:3	0	0	0	0	0	3	3	0	3	0	0
<i>Rana aurora</i> northern red-legged frog	G4 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive	10 500	95 S:10	1	4	1	0	0	4	1	9	10	0	0
<i>Rana boylei</i> foothill yellow-legged frog	G3 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_NT-Near Threatened USFS_S-Sensitive	10 4,060	877 S:119	7	13	4	0	0	95	23	96	119	0	0
<i>Rana draytonii</i> California red-legged frog	G2G3 S2S3	Threatened None	CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable	20 1,500	1393 S:13	0	5	3	0	0	5	0	13	13	0	0
<i>Rhyacotriton variegatus</i> southern torrent salamander	G3G4 S2S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive	50 2,100	189 S:50	5	14	5	1	0	25	21	29	50	0	0
<i>Rhynchospora alba</i> white beaked-rush	G5 S2	None None	Rare Plant Rank - 2B.2	275 490	11 S:3	0	0	0	0	0	3	3	0	3	0	0
<i>Sanguisorba officinalis</i> great burnet	G5? S2	None None	Rare Plant Rank - 2B.2	50 200	22 S:3	0	0	1	0	1	1	2	1	2	1	0
<i>Sedum laxum ssp. eastwoodiae</i> Red Mountain stonecrop	G5T2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	3,000 3,700	6 S:6	1	0	0	0	0	5	3	3	6	0	0
<i>Serpentine Bunchgrass</i> Serpentine Bunchgrass	G2 S2.2	None None			22 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Setophaga petechia</i> yellow warbler	G5 S3S4	None None	CDFW_SSC-Species of Special Concern USFWS_BCC-Birds of Conservation Concern	1,300 1,300	65 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Sidalcea calycosa ssp. rhizomata</i> Point Reyes checkerbloom	G5T2 S2	None None	Rare Plant Rank - 1B.2	100 200	30 S:4	0	0	1	0	0	3	2	2	4	0	0
<i>Sidalcea malachroides</i> maple-leaved checkerbloom	G3 S3	None None	Rare Plant Rank - 4.2	20 950	136 S:33	1	2	11	10	0	9	9	24	33	0	0



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<i>Sidalcea malviflora ssp. patula</i> Siskiyou checkerbloom	G5T2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive		47 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Sidalcea malviflora ssp. purpurea</i> purple-stemmed checkerbloom	G5T1 S1	None None	Rare Plant Rank - 1B.2	57 280	19 S:7	1	2	0	0	0	4	4	3	7	0	0
<i>Sidalcea oregana ssp. hydrophila</i> marsh checkerbloom	G5T3 S3	None None	Rare Plant Rank - 1B.2	5,400 6,500	23 S:8	0	0	0	0	0	8	8	0	8	0	0
<i>Silene campanulata ssp. campanulata</i> Red Mountain catchfly	G5T3Q S3	None Endangered	Rare Plant Rank - 4.2 BLM_S-Sensitive	3,070 4,040	7 S:6	2	1	0	0	1	2	5	1	5	1	0
<i>Speyeria zerene behrensii</i> Behren's silverspot butterfly	G5T1 S1	Endangered None	XERCES_CI-Critically Imperiled	60 265	9 S:6	1	0	0	0	0	5	6	0	2	0	4
<i>Sphagnum Bog</i> Sphagnum Bog	G3 S1.2	None None		240 540	12 S:5	0	0	0	0	0	5	5	0	5	0	0
<i>Streptanthus glandulosus ssp. hoffmanii</i> Hoffman's bristly jewelflower	G4T2 S2	None None	Rare Plant Rank - 1B.3 BLM_S-Sensitive	485 1,300	10 S:3	0	0	0	0	0	3	3	0	3	0	0
<i>Taxidea taxus</i> American badger	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	1,800 2,300	517 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Thermopsis robusta</i> robust false lupine	G2 S2	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	2,000 2,520	84 S:4	1	0	1	1	1	0	0	4	3	1	0
<i>Tracyina rostrata</i> beaked tracyina	G1 S1	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	850 2,600	16 S:4	0	3	0	1	0	0	0	4	4	0	0
<i>Trichodon cylindricus</i> cylindrical trichodon	G4 S2	None None	Rare Plant Rank - 2B.2	5,400 6,300	14 S:2	0	0	0	0	0	2	1	1	2	0	0
<i>Trifolium buckwestiorum</i> Santa Cruz clover	G2 S2	None None	Rare Plant Rank - 1B.1 BLM_S-Sensitive SB_USDA-US Dept of Agriculture	330 1,680	23 S:11	0	3	0	0	0	8	6	5	11	0	0
<i>Trifolium trichocalyx</i> Monterey clover	G1 S1	Endangered Endangered	Rare Plant Rank - 1B.1 SB_USDA-US Dept of Agriculture	200 688	6 S:4	0	3	1	0	0	0	0	4	4	0	0
<i>Triquetrella californica</i> coastal triquetrella	G2 S2	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive		13 S:1	0	0	0	0	0	1	1	0	1	0	0



Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

EXHIBIT A



Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Upland Douglas Fir Forest Upland Douglas Fir Forest	G4 S3.1	None None		1,600 2,700	15 S:5	0	0	1	0	0	4	5	0	5	0	0
Usnea longissima Methuselah's beard lichen	G4 S4	None None	Rare Plant Rank - 4.2 BLM_S-Sensitive	160 4,800	206 S:32	0	9	13	8	0	2	3	29	32	0	0
Valley Oak Woodland Valley Oak Woodland	G3 S2.1	None None		1,325 1,365	91 S:5	0	0	0	0	0	5	5	0	5	0	0
Viburnum ellipticum oval-leaved viburnum	G4G5 S3?	None None	Rare Plant Rank - 2B.3	1,500 1,500	38 S:5	0	0	0	0	0	5	5	0	5	0	0
Viola palustris alpine marsh violet	G5 S1S2	None None	Rare Plant Rank - 2B.2	20 100	10 S:2	0	0	0	0	0	2	2	0	2	0	0

ATTACHMENT E

California native Plant Society Sensitive Species Search.

Queried on September 15, 2016.

EXHIBIT A

Scientific Name	Common Name	Family	Lifeform	Rare Plant Rank	State Rank	Global Rank	CESA	FESA	Elevation High (meters)	Elevation Low (meters)	CA Endemic
Abronia umbellata var. breviflora	pink sand- verbena	Nyctaginaceae	perennial herb	1B.1	S1	G4G5T2	None	None	10	0	F
Agrostis blasdalei	Blasdale's bent grass	Poaceae	perennial rhizomatous herb	1B.2	S2	G2	None	None	150	0	T
Alisma gramineum	grass alisma	Alismataceae	perennial rhizomatous herb	2B.2	S3	G5	None	None	1800	390	F
Allium peninsulare var. franciscanum	Franciscan onion	Alliaceae	perennial bulbiferous herb	1B.2	S1	G5T1	None	None	305	52	T
Angelica lucida	sea-watch	Apiaceae	perennial	4.2	S3	G5	None	None	150	0	F
Anisocarpus scabridus	scabrid alpine tarplant	Asteraceae	perennial herb	1B.3	S3	G3	None	None	2300	1650	T
Antirrhinum virga	twig-like snapdragon	Plantaginaceae	perennial herb	4.3	S3S4	G3G4	None	None	2015	100	T
Arabis mcdonaldiana	McDonald's rockcress	Brassicaceae	perennial herb	1B.1	S3	G3	CE	FE	1800	135	F
Arctostaphylos manzanita ssp. elegans	Konocti manzanita	Ericaceae	perennial evergreen shrub	1B.3	S3	G5T3	None	None	1615	395	T
Arctostaphylos nummularia ssp. mendocinoensis	pygmy manzanita	Ericaceae	perennial evergreen shrub	1B.2	SH	G3?THQ	None	None	200	90	T
Arctostaphylos stanfordiana ssp. raichei	Raiche's manzanita	Ericaceae	perennial evergreen shrub	1B.1	S2	G3T2	None	None	1035	450	T
Asclepias solanoana	serpentine milkweed	Apocynaceae	perennial herb	4.2	S3	G3	None	None	1860	230	T
Astragalus agnicidus	Humboldt County milk-	Fabaceae	perennial herb	1B.1	S2	G2	CE	None	800	120	T

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<i>Astragalus breweri</i>	Brewer's milk-vetch	Fabaceae	annual herb	4.2	S3	G3	None	None	730	90	T
<i>Astragalus rattanii</i> var. <i>jepsonianus</i>	Jepson's milk-vetch	Fabaceae	annual herb	1B.2	S3	G4T3	None	None	700	295	T
<i>Astragalus rattanii</i> var. <i>rattanii</i>	Rattan's milk-vetch	Fabaceae	perennial herb	4.3	S4	G4T4	None	None	825	30	T
<i>Blennosperma nanum</i> var. <i>robustum</i>	Point Reyes blennosperma	Asteraceae	annual herb	1B.2	S2	G4T2	CR	None	145	10	T
<i>Botrypus virginianus</i>	rattlesnake fern	Ophioglossaceae	perennial herb	2B.2	S2	G5	None	None	1355	715	F
<i>Brasenia schreberi</i>	watershield	Cabombaceae	perennial rhizomatous herb	2B.3	S3	G5	None	None	2200	30	F
<i>Bryoria pseudocapillaris</i>	false gray horsehair lichen	Parmeliaceae	fruticose lichen	3.2	S2	G3	None	None	90	0	F
<i>Bryum chryseum</i>	brassy bryum	Bryaceae	moss	4.3	S3	G5	None	None	600	50	F
<i>Calamagrostis bolanderi</i>	Bolander's reed grass	Poaceae	perennial rhizomatous herb	4.2	S4	G4	None	None	455	0	T
<i>Calamagrostis crassiglumis</i>	Thurber's reed grass	Poaceae	perennial rhizomatous herb	2B.1	S2	G3Q	None	None	60	10	F
<i>Calamagrostis foliosa</i>	leafy reed grass	Poaceae	perennial	4.2	S3	G3	CR	None	1220	0	T
<i>Calamagrostis ophitidis</i>	serpentine reed grass	Poaceae	perennial herb	4.3	S3	G3	None	None	1065	90	T
<i>Calandrinia breweri</i>	Brewer's calandrinia	Montiaceae	annual herb	4.2	S4	G4	None	None	1220	10	F
<i>Calochortus uniflorus</i>	pink star-tulip	Liliaceae	perennial bulbiferous herb	4.2	S4	G4	None	None	1070	10	F
<i>Calyptridium quadripetalum</i>	four-petaled pussypaws	Montiaceae	annual herb	4.3	S4	G4	None	None	2040	315	T
<i>Calystegia atriplicifolia</i> ssp. <i>buttensis</i>	Butte County morning-glory	Convolvulaceae	perennial rhizomatous herb	4.2	S3	G5T3	None	None	1524	565	T

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Calystegia collina ssp. oxyphylla	Mt. Saint Helena morning-glory	Convolvulaceae	perennial rhizomatous herb	4.2	S3	G4T3	None	None	1010	279	T
Calystegia collina ssp. tridactylosa	three-fingered morning-glory	Convolvulaceae	perennial rhizomatous herb	1B.2	S1	G4T1	None	None	600	0	T
Calystegia purpurata ssp. saxicola	coastal bluff morning-glory	Convolvulaceae	perennial herb	1B.2	S2S3	G4T2T3	None	None	105	10	T
Campanula californica	swamp harebell	Campanulaceae	perennial rhizomatous herb	1B.2	S3	G3	None	None	405	1	T
Carex arcta	northern clustered sedge	Cyperaceae	perennial herb	2B.2	S1	G5	None	None	1400	60	F
Carex californica	California sedge	Cyperaceae	perennial rhizomatous herb	2B.3	S2	G5	None	None	335	90	F
Carex comosa	bristly sedge	Cyperaceae	perennial rhizomatous herb	2B.1	S2	G5	None	None	625	0	F
Carex lenticularis var. limnophila	lagoon sedge	Cyperaceae	perennial herb	2B.2	S1	G5T5	None	None	6	0	F
Carex livida	livid sedge	Cyperaceae	perennial rhizomatous herb	2A	SH	G5	None	None	0	0	F
Carex lyngbyei	Lyngbye's sedge	Cyperaceae	perennial rhizomatous herb	2B.2	S3	G5	None	None	10	0	F
Carex saliniformis	deceiving sedge	Cyperaceae	perennial rhizomatous herb	1B.2	S2	G2	None	None	230	3	T
Carex viridula ssp. viridula	green yellow sedge	Cyperaceae	perennial herb	2B.3	S1.3	G5T5	None	None	1600	0	F
Castilleja ambigua var. ambigua	johnny-nip	Orobanchaceae	annual herb (hemiparasitic)	4.2	S4	G4T5	None	None	435	0	F

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Castilleja ambigua var. humboldtensis	Humboldt Bay owl's-clover	Orobanchacea e	annual herb (hemiparasitic)	1B.2	S2	G4T2	None	None	3	0	T
Castilleja litoralis	Oregon coast paintbrush	Orobanchacea e	perennial herb	2B.2	S3	G3	None	None	100	15	F
Castilleja mendocinensis	Mendocino Coast paintbrush	Orobanchacea e	perennial herb	1B.2	S2	G2	None	None	160	0	F
Ceanothus confusus	Rincon Ridge ceanothus	Rhamnaceae	perennial evergreen shrub	1B.1	S1	G1	None	None	1065	75	T
Ceanothus foliosus var. vineatus	Vine Hill ceanothus	Rhamnaceae	perennial evergreen shrub	1B.1	S1	G3T1	None	None	305	45	T
Ceanothus gloriosus var. exaltatus	glory brush	Rhamnaceae	perennial evergreen shrub	4.3	S4	G4T4	None	None	610	30	T
Ceanothus gloriosus var. gloriosus	Point Reyes ceanothus	Rhamnaceae	perennial evergreen shrub	4.3	S4	G4T4	None	None	520	5	T
Chorizanthe howellii	Howell's spineflower	Polygonaceae	annual herb	1B.2	S1	G1	CT	FE	35	0	T
Chrysosplenium glechomifolium	Pacific golden saxifrage	Saxifragaceae	perennial herb	4.3	S3	G5	None	None	220	10	F
Clarkia amoena ssp. whitneyi	Whitney's farewell-to-	Onagraceae	annual herb	1B.1	S1	G5T1	None	None	100	10	T
Clarkia gracilis ssp.	Tracy's clarkia	Onagraceae	annual herb	4.2	S3	G5T3	None	None	650	65	T
Collinsia corymbosa	round-headed Chinese-houses	Plantaginaceae	annual herb	1B.2	S1	G1	None	None	20	0	T
Collomia diversifolia	serpentine collomia	Polemoniaceae	annual herb	4.3	S4	G4	None	None	600	200	T
Coptis laciniata	Oregon goldthread	Ranunculaceae	perennial rhizomatous herb	4.2	S3	G4	None	None	1000	0	F
Cornus canadensis	bunchberry	Cornaceae	perennial rhizomatous herb	2B.2	S2	G5	None	None	1920	60	F

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Cryptantha dissita	serpentine cryptantha	Boraginaceae	annual herb	1B.2	S2	G2	None	None	580	395	T
Cryptantha excavata	deep-scarred cryptantha	Boraginaceae	annual herb	1B.3	S1	G1	None	None	500	100	T
Cuscuta pacifica var. papillata	Mendocino dodder	Convolvulaceae	annual vine (parasitic)	1B.2	S1	G5T1	None	None	50	0	T
Cypripedium californicum	California lady's-slipper	Orchidaceae	perennial rhizomatous herb	4.2	S4	G4	None	None	2750	30	F
Cypripedium fasciculatum	clustered lady's-slipper	Orchidaceae	perennial rhizomatous herb	4.2	S4	G4	None	None	2435	100	F
Cypripedium montanum	mountain lady's-slipper	Orchidaceae	perennial rhizomatous herb	4.2	S4	G4	None	None	2225	185	F
Entosthodon kochii	Koch's cord moss	Funariaceae	moss	1B.3	S1	G1	None	None	1000	180	T
Epilobium nivium	Snow Mountain willowherb	Onagraceae	perennial herb	1B.2	S2	G2	None	None	2500	795	T
Epilobium oreganum	Oregon fireweed	Onagraceae	perennial	1B.2	S2	G2	None	None	2240	500	F
Epilobium septentrionale	Humboldt County fuchsia	Onagraceae	perennial herb	4.3	S4	G4	None	None	1800	45	T
Erigeron biolettii	streamside daisy	Asteraceae	perennial	3	S3?	G3?	None	None	1100	30	T
Erigeron robustior	robust daisy	Asteraceae	perennial	4.3	S3	G3	None	None	610	200	T
Erigeron supplex	supple daisy	Asteraceae	perennial	1B.2	S2	G2	None	None	50	10	T
Eriogonum kelloggii	Kellogg's buckwheat	Polygonaceae	perennial herb	1B.2	S2	G2	CE	None	1250	579	T
Eriogonum strictum var. greenei	Greene's buckwheat	Polygonaceae	perennial herb	4.3	S4	G5T4	None	None	2100	800	T
Eriogonum umbellatum var.	bay buckwheat	Polygonaceae	perennial herb	4.2	S3	G5T3	None	None	2200	700	T
Erysimum concinnum	bluff wallflower	Brassicaceae	annual / perennial	1B.2	S3	G3	None	None	185	0	F
Erysimum menziesii	Menzies? wallflower	Brassicaceae	perennial herb	1B.1	S1	G1	CE	FE	35	0	T

Erythronium citrinum var. citrinum	lemon-colored fawn lily	Liliaceae	perennial bulbiferous herb	4.3	S3	G4T4	None	None	1300	150	F
Erythronium	giant fawn lily	Liliaceae	perennial	2B.2	S2	G4G5	None	None	1150	100	F
Erythronium revolutum	coast fawn lily	Liliaceae	perennial bulbiferous herb	2B.2	S3	G4G5	None	None	1600	0	F
Eschscholzia	San Benito poppy	Papaveraceae	annual herb	4.3	S4	G4	None	None	1500	200	T
Fissidens pauperculus	minute pocket moss	Fissidentaceae	moss	1B.2	S2	G3?	None	None	1024	10	F
Fritillaria agrestis	stinkbells	Liliaceae	perennial bulbiferous herb	4.2	S3	G3	None	None	1555	10	T
Fritillaria glauca	Siskiyou fritillaria	Liliaceae	perennial bulbiferous herb	4.2	S3	G3G4	None	None	2440	1735	F
Fritillaria purdyi	Purdy's fritillary	Liliaceae	perennial bulbiferous herb	4.3	S4	G4	None	None	2255	175	T
Fritillaria roderickii	Roderick's fritillary	Liliaceae	perennial bulbiferous herb	1B.1	S1	G1Q	CE	None	400	15	T
Gentiana setigera	Mendocino gentian	Gentianaceae	perennial herb	1B.2	S1	G2	None	None	1065	335	F
Gilia capitata ssp. pacifica	Pacific gilia	Polemoniaceae	annual herb	1B.2	S2	G5T3	None	None	1665	5	F
Gilia millefoliata	dark-eyed gilia	Polemoniaceae	annual herb	1B.2	S2	G2	None	None	30	2	F
Glehnia littoralis ssp. leiocarpa	American glehnia	Apiaceae	perennial herb	4.2	S3	G5T5	None	None	20	0	F
Glyceria grandis	American manna grass	Poaceae	perennial rhizomatous herb	2B.3	S3	G5	None	None	1980	15	F
Grimmia torenii	Toren's grimmia	Grimmiaceae	moss	1B.3	S2	G2	None	None	1160	325	T
Hackelia amethystina	amethyst stickseed	Boraginaceae	perennial herb	4.3	S4	G4	None	None	2315	1500	T

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Harmonia guggolziorum	Guggolz' harmonia	Asteraceae	annual herb	1B.1	S1	G1	None	None	195	160	T
Hemizonia congesta ssp. calyculata	Mendocino tarplant	Asteraceae	annual herb	4.3	S3	G5T3	None	None	1400	225	T
Hemizonia congesta ssp. congesta	congested-headed hayfield tarplant	Asteraceae	annual herb	1B.2	S1S2	G5T1T2	None	None	560	20	T
Hemizonia congesta ssp. tracyi	Tracy's tarplant	Asteraceae	annual herb	4.3	S4	G5T4	None	None	1200	120	T
Hesperrevax sparsiflora var.	short-leaved evax	Asteraceae	annual herb	1B.2	S2	G4T3	None	None	215	0	F
Hesperocyparis pygmaea	pygmy cypress	Cupressaceae	perennial evergreen	1B.2	S1	G1	None	None	600	30	T
Hesperolinon adenophyllum	glandular western flax	Linaceae	annual herb	1B.2	S3	G3	None	None	1315	150	T
Heteranthera dubia	water star-grass	Pontederiaceae	perennial	2B.2	S1	G5	None	None	1495	30	F
Horkelia bolanderi	Bolander's horkelia	Rosaceae	perennial herb	1B.2	S1	G1	None	None	1100	450	T
Horkelia marinensis	Point Reyes horkelia	Rosaceae	perennial herb	1B.2	S2	G2	None	None	755	5	T
Horkelia tenuiloba	thin-lobed horkelia	Rosaceae	perennial herb	1B.2	S2	G2	None	None	500	50	T
Hosackia gracilis	harlequin lotus	Fabaceae	perennial rhizomatous herb	4.2	S3	G4	None	None	700	0	F
Howellia aquatilis	water howellia	Campanulaceae	annual herb	2B.2	S2	G3	None	FT	1290	1085	F
Iliamna bakeri	Baker's globe mallow	Malvaceae	perennial herb	4.2	S3	G4	None	None	2500	1000	F
Iris longipetala	coast iris	Iridaceae	perennial rhizomatous herb	4.2	S3	G3	None	None	600	0	T
Jaffueliobryum raii	Rau's jaffueliobryum moss	Grimmiaceae	moss	2B.3	S2?	G4?	None	None	2100	490	F

Juncus supiniformis	hair-leaved rush	Juncaceae	perennial rhizomatous herb	2B.2	S1	G5	None	None	100	20	F
Kopsiopsis hookeri	small groundcone	Orobanchaceae	perennial rhizomatous herb	2B.3	S1S2	G4?	None	None	885	90	F
Lasthenia burkei	Burke's goldfields	Asteraceae	annual herb	1B.1	S1	G1	CE	FE	600	15	T
Lasthenia californica ssp. bakeri	Baker's goldfields	Asteraceae	perennial herb	1B.2	SH	G3TH	None	None	520	60	T
Lasthenia californica ssp. macrantha	perennial goldfields	Asteraceae	perennial herb	1B.2	S2	G3T2	None	None	520	5	T
Lasthenia conjugens	Contra Costa goldfields	Asteraceae	annual herb	1B.1	S1	G1	None	FE	470	0	T
Lathyrus glandulosus	sticky pea	Fabaceae	perennial rhizomatous herb	4.3	S3	G3	None	None	800	300	T
Lathyrus palustris	marsh pea	Fabaceae	perennial	2B.2	S2	G5	None	None	100	1	F
Layia septentrionalis	Colusa layia	Asteraceae	annual herb	1B.2	S2	G2	None	None	1095	100	T
Leptosiphon acicularis	bristly leptosiphon	Polemoniaceae	annual herb	4.2	S3	G3	None	None	1500	55	T
Leptosiphon latisectus	broad-lobed leptosiphon	Polemoniaceae	annual herb	4.3	S4	G4	None	None	1500	170	T
Leptosiphon rattanii	Rattan's leptosiphon	Polemoniaceae	annual herb	4.3	S4	G4	None	None	2000	1700	T
Lewisia stebbinsii	Stebbins' lewisia	Montiaceae	perennial	1B.2	S2	G2	None	None	2050	1600	T
Lilium maritimum	coast lily	Liliaceae	perennial bulbiferous herb	1B.1	S2	G2	None	None	475	5	T
Lilium rubescens	redwood lily	Liliaceae	perennial bulbiferous herb	4.2	S3	G3	None	None	1910	30	T
Limnanthes bakeri	Baker's meadowfoam	Limnanthaceae	annual herb	1B.1	S1	G1	CR	None	910	175	T
Listera cordata	heart-leaved twayblade	Orchidaceae	perennial herb	4.2	S4	G5	None	None	1370	5	F

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Lomatium engelmannii	Engelmann's lomatium	Apiaceae	perennial herb	4.3	S3	G4	None	None	2740	870	F
Lomatium tracyi	Tracy's lomatium	Apiaceae	perennial	4.3	S4	G4	None	None	1950	455	T
Lupinus antoninus	Anthony Peak lupine	Fabaceae	perennial herb	1B.3	S2	G2	None	None	2285	1220	T
Lupinus milo-bakeri	Milo Baker's lupine	Fabaceae	annual herb	1B.1	S1	G1Q	CT	None	430	395	T
Lycopodium clavatum	running-pine	Lycopodiaceae	perennial rhizomatous herb	4.1	S3	G5	None	None	1225	45	F
Malacothamnus mendocinensis	Mendocino bush-mallow	Malvaceae	perennial deciduous shrub	1A	SX	GXQ	None	None	575	425	T
Melica spectabilis	purple onion grass	Poaceae	perennial rhizomatous herb	4.3	S4	G5	None	None	2600	1200	F
Micranthes marshallii	Marshall's saxifrage	Saxifragaceae	perennial rhizomatous herb	4.3	S3	G5	None	None	2130	90	F
Microseris borealis	northern microseris	Asteraceae	perennial herb	2B.1	S1	G5	None	None	2000	1000	F
Microseris paludosa	marsh microseris	Asteraceae	perennial	1B.2	S2	G2	None	None	355	5	T
Mimulus nudatus	bare monkeyflower	Phrymaceae	annual herb	4.3	S4	G4	None	None	700	200	T
Mitellastrum caulescens	leafy-stemmed mitrewort	Saxifragaceae	perennial rhizomatous herb	4.2	S4	G5	None	None	1700	5	F
Navarretia cotulifolia	cotula navarretia	Polemoniaceae	annual herb	4.2	S4	G4	None	None	1830	4	T
Navarretia leucocephala ssp.	Baker's navarretia	Polemoniaceae	annual herb	1B.1	S2	G4T2	None	None	1740	5	T
Navarretia linearifolia ssp. pinnatisecta	pinnate-leaved navarretia	Polemoniaceae	annual herb	4.3	S4	G4G5T4	None	None	2200	300	T
Navarretia subuligera	awl-leaved navarretia	Polemoniaceae	annual herb	4.3	S4	G4	None	None	1100	150	F

<i>Oenothera wolfii</i>	Wolf's evening-primrose	Onagraceae	perennial herb	1B.1	S1	G2	None	None	800	3	F
<i>Ophioglossum pusillum</i>	northern adder's-tongue	Ophioglossaceae	perennial rhizomatous herb	2B.2	S1	G5	None	None	2000	1000	F
<i>Orobanche valida</i> ssp. <i>howellii</i>	Howell's broomrape	Orobanchaceae	perennial herb	4.3	S4	G4T4	None	None	1740	180	T
<i>Packera bolanderi</i> var. <i>bolanderi</i>	seacoast ragwort	Asteraceae	perennial rhizomatous herb	2B.2	S2S3	G4T4	None	None	650	30	F
<i>Perideridia gairdneri</i> ssp. <i>gairdneri</i>	Gairdner's yampah	Apiaceae	perennial herb	4.2	S4	G5T4	None	None	610	0	T
<i>Phacelia insularis</i> var. <i>continentis</i>	North Coast phacelia	Boraginaceae	annual herb	1B.2	S2	G2T2	None	None	170	10	T
<i>Pinus contorta</i> ssp. <i>bolanderi</i>	Bolander's beach pine	Pinaceae	perennial evergreen	1B.2	S2	G5T2	None	None	250	75	T
<i>Piperia candida</i>	white-flowered rein orchid	Orchidaceae	perennial herb	1B.2	S3	G3	None	None	1310	30	F
<i>Pityopus californicus</i>	California pinefoot	Ericaceae	perennial herb (achlorophyllo)	4.2	S4	G4G5	None	None	2225	15	F
<i>Plagiobothrys lithocaryus</i>	Mayacamas popcornflower	Boraginaceae	annual herb	1A	SH	GH	None	None	450	300	T
<i>Pleuropogon californicus</i> var. <i>davyi</i>	Davy's semaphore grass	Poaceae	perennial rhizomatous herb	4.3	S3	G5T3	None	None	610	150	T
<i>Pleuropogon hooverianus</i>	North Coast semaphore grass	Poaceae	perennial rhizomatous herb	1B.1	S2	G2	CT	None	671	10	T
<i>Pleuropogon refractus</i>	nodding semaphore grass	Poaceae	perennial rhizomatous herb	4.2	S4	G4	None	None	1600	0	F
<i>Potamogeton epihydrus</i>	Nuttall's ribbon-leaved pondweed	Potamogetonaceae	perennial rhizomatous herb	2B.2	S2.2?	G5	None	None	2172	369	F

EXHIBIT A

<i>Ptilidium californicum</i>	Pacific fuzz wort	Ptilidiaceae	liverwort	4.3	S3S4	G4G5	None	None	1800	1140	F
<i>Puccinellia pumila</i>	dwarf alkali grass	Poaceae	perennial	2B.2	SH	G4?	None	None	10	1	F
<i>Ramalina thrausta</i>	angel's hair lichen	Ramalinaceae	fruticose lichen	2B.1	S2?	G5	None	None	430	75	F
<i>Ranunculus lobbii</i>	Lobb's aquatic buttercup	Ranunculaceae	annual herb	4.2	S3	G4	None	None	470	15	F
<i>Rhynchospora alba</i>	white beaked-rush	Cyperaceae	perennial rhizomatous herb	2B.2	S2	G5	None	None	2040	60	F
<i>Ribes roezlii</i> var. <i>amictum</i>	hoary gooseberry	Grossulariaceae	perennial deciduous shrub	4.3	S4	G5T4	None	None	2300	120	T
<i>Ribes victoris</i>	Victor's gooseberry	Grossulariaceae	perennial deciduous shrub	4.3	S4	G4	None	None	750	100	T
<i>Sanguisorba officinalis</i>	great burnet	Rosaceae	perennial rhizomatous herb	2B.2	S2	G5?	None	None	1400	60	F
<i>Sedum laxum</i> ssp. <i>eastwoodiae</i>	Red Mountain stonecrop	Crassulaceae	perennial herb	1B.2	S2	G5T2	None	None	1200	600	T
<i>Sidalcea calycosa</i> ssp. <i>rhizomata</i>	Point Reyes checkerbloom	Malvaceae	perennial rhizomatous herb	1B.2	S2	G5T2	None	None	75	3	T
<i>Sidalcea malachroides</i>	maple-leaved checkerbloom	Malvaceae	perennial herb	4.2	S3	G3	None	None	730	0	F
<i>Sidalcea malviflora</i> ssp. <i>patula</i>	Siskiyou checkerbloom	Malvaceae	perennial rhizomatous herb	1B.2	S2	G5T2	None	None	880	15	F
<i>Sidalcea malviflora</i> ssp. <i>purpurea</i>	purple-stemmed checkerbloom	Malvaceae	perennial rhizomatous herb	1B.2	S1	G5T1	None	None	85	15	T
<i>Sidalcea oregana</i> ssp. <i>hydrophila</i>	marsh checkerbloom	Malvaceae	perennial herb	1B.2	S3	G5T3	None	None	2300	1100	T
<i>Silene campanulata</i> ssp. <i>campanulata</i>	Red Mountain catchfly	Caryophyllaceae	perennial herb	4.2	S3	G5T3Q	CE	None	2085	425	T

EXHIBIT A

<i>Stellaria littoralis</i>	beach starwort	Caryophyllaceae	perennial rhizomatous herb	4.2	S3	G3	None	None	40	5	T
<i>Streptanthus barbiger</i>	bearded jewelflower	Brassicaceae	annual herb	4.2	S3	G3	None	None	1070	150	T
<i>Streptanthus drepanoides</i>	sickle-fruit jewelflower	Brassicaceae	annual herb	4.3	S4	G4	None	None	1660	275	T
<i>Streptanthus glandulosus</i> ssp. <i>hoffmanii</i>	Hoffman's bristly jewelflower	Brassicaceae	annual herb	1B.3	S2	G4T2	None	None	475	120	T
<i>Thermopsis robusta</i>	robust false lupine	Fabaceae	perennial rhizomatous herb	1B.2	S2	G2	None	None	1500	150	T
<i>Toxicoscordion fontanum</i>	marsh zigadenus	Melanthiaceae	perennial bulbiferous herb	4.2	S3	G3	None	None	1000	15	T
<i>Tracyina rostrata</i>	beaked tracyina	Asteraceae	annual herb	1B.2	S1	G1	None	None	790	90	T
<i>Trichodon cylindricus</i>	cylindrical trichodon	Ditrichaceae	moss	2B.2	S2	G4	None	None	2002	50	F
<i>Trifolium buckwestiorum</i>	Santa Cruz clover	Fabaceae	annual herb	1B.1	S2	G2	None	None	610	105	T
<i>Trifolium trichocalyx</i>	Monterey clover	Fabaceae	annual herb	1B.1	S1	G1	CE	FE	240	30	T
<i>Triquetrella californica</i>	coastal triquetrella	Pottiaceae	moss	1B.2	S2	G2	None	None	100	10	F
<i>Usnea longissima</i>	Methuselah's beard lichen	Parmeliaceae	fruticose lichen	4.2	S4	G4	None	None	1460	50	F
<i>Veratrum fimbriatum</i>	fringed false-hellebore	Melanthiaceae	perennial herb	4.3	S3	G3	None	None	300	3	T
<i>Viburnum ellipticum</i>	oval-leaved viburnum	Adoxaceae	perennial deciduous shrub	2B.3	S3?	G4G5	None	None	1400	215	F
<i>Viola palustris</i>	alpine marsh violet	Violaceae	perennial rhizomatous herb	2B.2	S1S2	G5	None	None	150	0	F

EXHIBIT A

Wyethia longicaulis	Humboldt County wyethia	Asteraceae	perennial herb	4.3	S4	G4	None	None	1525	750	T
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ATTACHMENT F

**US Department of Fish and Wildlife Service List of Threatened
and Endangered Species that may Occur in Proposed
Project Location.**

Arcata and Sacramento Offices, September 15, 2016.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arcata Fish and Wildlife Office

1655 HEINDON ROAD

ARCATA, CA 95521

PHONE: (707)822-7201 FAX: (707)822-8411



Consultation Code: 08EACT00-2016-SLI-0280

September 15, 2016

Event Code: 08EACT00-2016-E-00200

Project Name: Mendocino Cannabis Cultivation Permitting

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Mendocino Cannabis Cultivation Permitting

Official Species List

Provided by:

Arcata Fish and Wildlife Office
1655 HEINDON ROAD
ARCATA, CA 95521
(707) 822-7201

Expect additional Species list documents from the following office(s):

Sacramento Fish and Wildlife Office
FEDERAL BUILDING
2800 COTTAGE WAY, ROOM W-2605
SACRAMENTO, CA 95825
(916) 414-6600

Consultation Code: 08EACT00-2016-SLI-0280

Event Code: 08EACT00-2016-E-00200

Project Type: AGRICULTURE

Project Name: Mendocino Cannabis Cultivation Permitting

Project Description: All Mendocino County unincorporated properties to be included as potential cultivation sites.

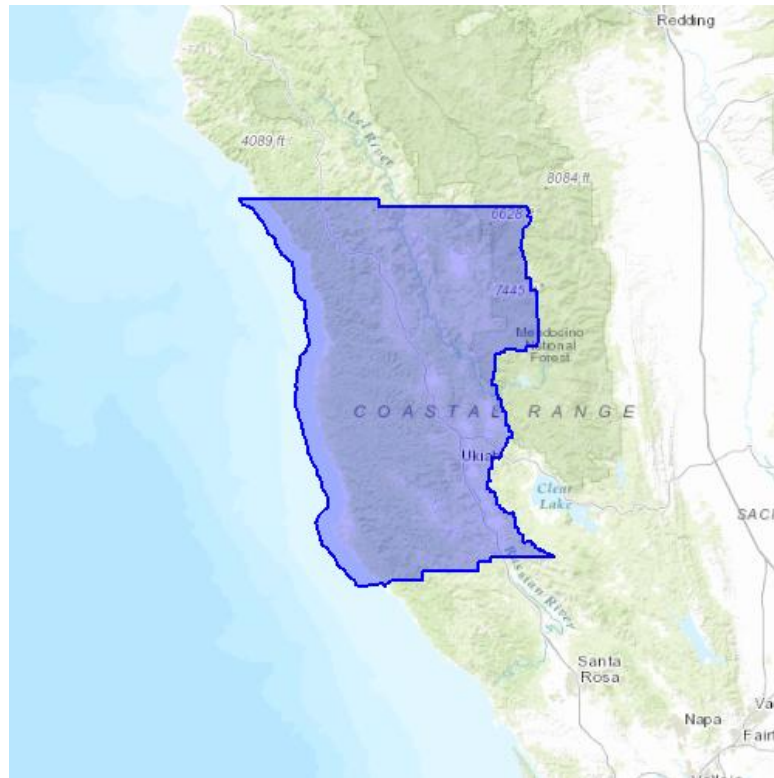
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: Mendocino Cannabis Cultivation Permitting

Project Location Map:



Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Mendocino, CA



United States Department of Interior
Fish and Wildlife Service

Project name: Mendocino Cannabis Cultivation Permitting

Endangered Species Act Species List

There are a total of 24 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
California red-legged frog (<i>Rana draytonii</i>) Population: Wherever found	Threatened	Final designated	
Birds			
Marbled murrelet (<i>Brachyramphus marmoratus</i>) Population: U.S.A. (CA, OR, WA)	Threatened	Final designated	
Northern Spotted owl (<i>Strix occidentalis caurina</i>) Population: Wherever found	Threatened	Final designated	
Short-Tailed albatross (<i>Phoebastria (=diomedea) albatrus</i>) Population: Wherever found	Endangered		
western snowy plover (<i>Charadrius nivosus ssp. nivosus</i>) Population: Pacific Coast population DPS&U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast)	Threatened	Final designated	
Yellow-Billed Cuckoo (<i>Coccyzus</i>)	Threatened	Proposed	



United States Department of Interior
Fish and Wildlife Service

Project name: Mendocino Cannabis Cultivation Permitting

<i>americanus</i> Population: Western U.S. DPS			
Crustaceans			
California Freshwater shrimp (<i>Syncaris pacifica</i>) Population: Wherever found	Endangered		
Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) Population: Wherever found	Endangered	Final designated	
Fishes			
Tidewater goby (<i>Eucyclogobius newberryi</i>) Population: Wherever found	Endangered	Final designated	
Flowering Plants			
Burke's goldfields (<i>Lasthenia burkei</i>) Population: Wherever found	Endangered		
Contra Costa goldfields (<i>Lasthenia conjugens</i>) Population: Wherever found	Endangered	Final designated	
Few-Flowered navarretia (<i>Navarretia leucocephala</i> ssp. <i>pauciflora</i> (=n. <i>pauciflora</i>)) Population: Wherever found	Endangered		
Howell's spineflower (<i>Chorizanthe howellii</i>) Population: Wherever found	Endangered		
Marsh Sandwort (<i>Arenaria paludicola</i>)	Endangered		



United States Department of Interior
Fish and Wildlife Service

Project name: Mendocino Cannabis Cultivation Permitting

Population: Wherever found			
McDonald's rock-cress (<i>Arabis macdonaldiana</i>) Population: Wherever found	Endangered		
Menzies' wallflower (<i>Erysimum menziesii</i>) Population: Wherever found	Endangered		
Monterey clover (<i>Trifolium trichocalyx</i>) Population: Wherever found	Endangered		
Showy Indian clover (<i>Trifolium amoenum</i>) Population: Wherever found	Endangered		
Slender Orcutt grass (<i>Orcuttia tenuis</i>) Population: Wherever found	Threatened	Final designated	
Water howellia (<i>Howellia aquatilis</i>) Population: Wherever found	Threatened		
Insects			
Behren's Silverspot butterfly (<i>Speyeria zerene behrensii</i>) Population: Wherever found	Endangered		
Lotis Blue butterfly (<i>Lycaeides argyrognomon lotis</i>) Population: Wherever found	Endangered		
Mammals			
Point Arena mountain beaver (<i>Aplodontia rufa nigra</i>) Population: Wherever found	Endangered		



United States Department of Interior
Fish and Wildlife Service

Project name: Mendocino Cannabis Cultivation Permitting

Reptiles			
Leatherback sea turtle (<i>Dermochelys coriacea</i>) Population: Wherever found	Endangered	Final designated	



United States Department of Interior
Fish and Wildlife Service

Project name: Mendocino Cannabis Cultivation Permitting

Critical habitats that lie within your project area

The following critical habitats lie fully or partially within your project area.

Amphibians	Critical Habitat Type
California red-legged frog (<i>Rana draytonii</i>) Population: Wherever found	Final designated
Birds	
Marbled murrelet (<i>Brachyramphus marmoratus</i>) Population: U.S.A. (CA, OR, WA)	Final designated
Northern Spotted owl (<i>Strix occidentalis caurina</i>) Population: Wherever found	Final designated
western snowy plover (<i>Charadrius nivosus ssp. nivosus</i>) Population: Pacific Coast population DPS&U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast)	Final designated
Fishes	
Tidewater goby (<i>Eucyclogobius newberryi</i>) Population: Wherever found	Final designated
Flowering Plants	
Contra Costa goldfields (<i>Lasthenia conjugens</i>) Population: Wherever found	Final designated



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office

FEDERAL BUILDING, 2800 COTTAGE WAY, ROOM W-2605

SACRAMENTO, CA 95825

PHONE: (916)414-6600 FAX: (916)414-6713



Consultation Code: 08ESMF00-2016-SLI-2226

September 15, 2016

Event Code: 08ESMF00-2016-E-04980

Project Name: Mendocino Cannabis Cultivation Permitting

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2)

of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Mendocino Cannabis Cultivation Permitting

Official Species List

Provided by:

Sacramento Fish and Wildlife Office
FEDERAL BUILDING
2800 COTTAGE WAY, ROOM W-2605
SACRAMENTO, CA 95825
(916) 414-6600

Expect additional Species list documents from the following office(s):

Arcata Fish and Wildlife Office
1655 HEINDON ROAD
ARCATA, CA 95521
(707) 822-7201

Consultation Code: 08ESMF00-2016-SLI-2226

Event Code: 08ESMF00-2016-E-04980

Project Type: AGRICULTURE

Project Name: Mendocino Cannabis Cultivation Permitting

Project Description: All Mendocino County unincorporated properties to be included as potential cultivation sites.

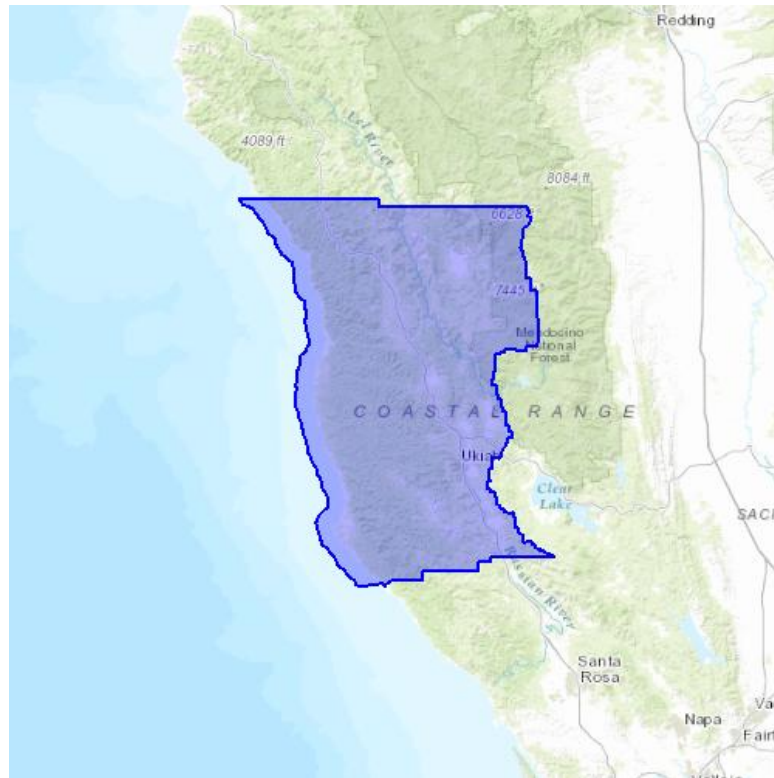
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United States Department of Interior
Fish and Wildlife Service

Project name: Mendocino Cannabis Cultivation Permitting

Project Location Map:



Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Mendocino, CA



United States Department of Interior
Fish and Wildlife Service

Project name: Mendocino Cannabis Cultivation Permitting

Endangered Species Act Species List

There are a total of 6 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
California red-legged frog (<i>Rana draytonii</i>) Population: Wherever found	Threatened	Final designated	
Birds			
Northern Spotted owl (<i>Strix occidentalis caurina</i>) Population: Wherever found	Threatened	Final designated	
Yellow-Billed Cuckoo (<i>Coccyzus americanus</i>) Population: Western U.S. DPS	Threatened	Proposed	
Fishes			
Delta smelt (<i>Hypomesus transpacificus</i>) Population: Wherever found	Threatened	Final designated	
steelhead (<i>Oncorhynchus (=salmo) mykiss</i>) Population: Northern California DPS	Threatened		
Flowering Plants			



United States Department of Interior
Fish and Wildlife Service

Project name: Mendocino Cannabis Cultivation Permitting

Burke's goldfields (<i>Lasthenia burkei</i>) Population: Wherever found	Endangered		
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United States Department of Interior
Fish and Wildlife Service

Project name: Mendocino Cannabis Cultivation Permitting

Critical habitats that lie within your project area

The following critical habitats lie fully or partially within your project area.

Amphibians	Critical Habitat Type
California red-legged frog (<i>Rana draytonii</i>) Population: Wherever found	Final designated
Birds	
Northern Spotted owl (<i>Strix occidentalis caurina</i>) Population: Wherever found	Final designated

POLICIES AND PROCEDURES FOR

AGRICULTURAL PRESERVES AND

WILLIAMSON ACT CONTRACTS



Effective Date: JANUARY 1, 2016

Board of Supervisors Adoption Date- October 6, 2015
Resolution No. 15-156 ♦ Ordinance No. 4345

Amended , 2017; Resolution No. 17-

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APPENDIX A

APPENDIX B

1.0 INTENT OF CALIFORNIA LAND CONSERVATION ACT

The legislature of the State of California, in enacting the California Land Conservation Act of 1965, also known as the Williamson Act, and subsequent amendments, found that the preservation of a maximum amount of a limited supply of prime agricultural land is necessary to the state's economic resources; that the discouragement of premature and unnecessary conversion of prime agricultural land to urban uses is a matter of public interest; that in a rapidly urbanizing society agricultural lands have a definite public value as open space; that the preservation of a maximum amount of the limited supply of agricultural land is necessary for the maintenance of the agricultural economy of the state and for an assurance of adequate, healthful and nutritious food for future residents of this state and the nation; that the agricultural work force is vital to sustaining agricultural productivity and that land within a scenic highway corridor or wildlife habitat has a value to the state because of its scenic beauty and its location adjacent to or within the view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.

2.0 PURPOSE OF RULES

It is essential to the objectives of the Williamson Act that an orderly system be established whereby property within Mendocino County may be incorporated into agricultural preserves and the owners of said property may, by contract, further restrict the use of their property to exclusively agricultural, recreational or open space purposes.

The Board of Supervisors first implemented the Williamson Act through the adoption of Ordinance No. 616 entitled "Resource Preserves" Chapter 22.08 in 1970. These rules comprehensively revise, update and supersede Chapter 22.08. These rules shall be applied to existing Williamson Act Contracts in place on the effective date of these Policies and Procedures, January 1, 2016.

3.0 DEFINITIONS

The following definitions shall apply with respect to the eligibility of any land proposed to be incorporated into an agricultural preserve:

- (A) "Agricultural commodity" means any and all agricultural plant and animal products produced in this state for commercial purposes, including plant products used for producing bio-fuels, but excluding cannabis.
- (B) "Agricultural preserve" means an area devoted to agricultural or open space uses and which is established in accordance with the provisions of the Williamson Act and these Policies and Procedures. Lands in an area devoted to either agriculture use, as defined in Subdivision (C), recreational use as defined in Subdivision (V) and Sections 9.4(C) and 9.6(B), or open space as defined in Subdivision (R), or any combination of such uses which is established in accordance with the provisions of these Policies and Procedures.
- (C) "Agricultural use" means use of land, including but not limited to greenhouses, for the purpose of producing an agricultural commodity for commercial purposes. Notwithstanding any provision of these Policies and Procedures to the contrary, "agricultural use" does not include or mean the use of land for the purpose of cultivating or producing cannabis or cannabis related products.
- (D) "Annual renewal date" means January 1st of each year.
- (E) "Assessor's Parcel Number (APN)" means a number assigned to parcels of a real Property by the assessor of a particular jurisdiction for purposes of identification and record-keeping. The assigned number is unique within the particular jurisdiction, may conform to certain formatting standards that convey basic identifying information such as the property type or location within the plat map.

(F) **"Cannabis"** means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or 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 Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this Uniform Rules, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

(G) "Clerk of the Board" means the Clerk of the Board of Supervisors.

(HG) "Compatible use" is any use determined by the County administering the preserve pursuant to Section 9.0 of these Policies and Procedures to be compatible with the agricultural, recreational, or open space use of the land within the preserve and subject to contract. "Compatible use" includes agricultural use, recreational use or open space use unless the Board finds after notice and hearing that such use is not compatible with the agricultural, recreational or open space use to which the land is restricted by contract pursuant to these Policies and Procedures.

(IH) "Contiguous" means sharing a common boundary or boundaries. Land shall be considered contiguous even if it is separated by roads, streets, utility fees or easements, or railroad rights-of-way.

(IJ) "Contracted land" means any agricultural or open space land restricted by a Williamson Act contract.

(JK) "County" means the county of Mendocino in the State of California.

(KL) "Devoted to Agricultural or Open Space uses" means when agricultural or open space land is used or maintained in compliance with the Eligibility Requirements of these Policies and Procedures commencing with Section 5.0.

(LM) "Director" means the Director of Planning and Building Services or his or her authorized representative.

(MN) "Dwelling" means single-family residence.

(NO) "General Plan" means the Mendocino County General Plan including the Mendocino Local Coastal Program.

(OP) "Immediate family member" means a spouse, natural or adopted child, parent, or sibling.

(PQ) "Managed wetland area" means an area, which may be an area diked off from the ocean or any bay, river or stream to which water is occasionally admitted and which, for at least three (3) consecutive years immediately prior to being placed within an agricultural preserve pursuant to these Policies and Procedures, was used and maintained as a water fowl hunting area or game refuse for an agricultural purpose.

(QR) "Non-prime agricultural land" means land in agricultural use that is not prime agricultural land (referred to as Type II agricultural land in the County General Plan).

(RS) "Open space use" (formerly referred to as a Type III Agricultural Preserve) is the use or maintenance of land in such a manner as to preserve its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife, or for the solar evaporation of seawater in the course of salt production for commercial purposes, if such land is within:

1. A scenic highway corridor, as defined in subdivision (X).

2. A wildlife habitat, as defined in subdivision (CC).
3. A salt pond, as defined in subdivision (W).
4. A managed wetland area, as defined in subdivision (P).
5. A submerged area, as defined in subdivision (Z).

- | (~~SI~~) "Parcel" means land under single ownership as described on a deed that may or may not be made up of one or more APN's.
- | (~~TU~~) "Primary dwelling" is a single-family residence occupied by the landowner or caretaker of the contracted land.
- | (~~UY~~) "Prime agricultural land" (referred to as Type I agricultural land in the County General Plan) means any of the following:
 1. All land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classification.
 2. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
 3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one (1) animal unit per acre. Animal Unit is defined as the quantity of forage required for good growth and production of one mature head of cattle or its equivalent in feed requirement; 4.8 tons of hay shall be deemed such feed requirement.
 4. Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period and meets the minimum income requirements in Table 5-2 of these Policies and Procedures.
 5. Land which has temporarily transitioned from the production of unprocessed agricultural plant products which meets the minimum income requirements in Table 5-2 of these Policies and Procedures.
- | (~~YW~~) "Recreational use" means the use of land in its natural or agricultural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting, equestrian uses or other outdoor games or sports for which facilities are provided for public participation. Any fee charged for the recreational use of the land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. Use equates to the Outdoor Sports and Recreation- Limited use type (Section 20.024.040(C)).
- | (~~WX~~) A "Salt pond" is an area which, for at least three (3) consecutive years immediately prior to being placed within an agricultural preserve pursuant to these rules, has been used for the solar evaporation of sea water in the course of salt production for commercial purposes.
- | (~~XY~~) "Scenic highway corridor" is an area adjacent to, and within view of, the right of way of:
 1. An existing or proposed state scenic highway in the state scenic highway system established by the Legislature pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which has been officially designated by the Department of Transportation as an official scenic highway; or
 2. A County scenic highway established pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code, if each of the following conditions have been met:

- (a) The scenic highway is included in an adopted General Plan of the County or city; and
- (b) The scenic highway corridor is included in an adopted specific plan of the County; and
- (c) Specific proposals for implementing the plan, including regulation of land use, have been approved by the Advisory Committee on a Master Plan for Scenic Highways, and the County highway has been officially designated by the Department of Transportation as an official County Scenic Highway.

- | (~~YZ~~) "Single-family residence" means a building designed and/or occupied exclusively by one family.
- | (~~ZAA~~) "Submerged area" is any land determined by the Board to be submerged or subject to tidal action and found by the Board to be of great value to the state as open space.
- | (~~AABB~~) "Timber/forestry land" means land in timber or forestry use with the applicable management or harvest plan in place.
- | (~~BBCC~~) Transient habitation- lodging (limited) means establishments primarily engaged in the provision of lodging services on a less than monthly basis with incidental food, drink and other sales and services intended for the convenience of guests. "Lodging (limited)" specifically refers to lodging services involving the provision of room and/or board and limited to three (3) to six (6) rooms.
- | (~~CCDD~~) "Wildlife habitat area" is a land or water area designated by the Board of Supervisors, after consulting with and considering the recommendation of the Department of Fish and Wildlife, as an area of great importance for the protection or enhancement of the wildlife resources of the State.
- | (~~DD EE~~) "Williamson Act" means the California Land Conservation Act of 1965 (Government Code Section 51200 et seq.).

4.0 AGRICULTURAL PRESERVES

Property within the County of Mendocino may be incorporated into agricultural preserves, and property within any agricultural preserve may be further restricted by Williamson Act contracts between the County of Mendocino and the owners of said property. An agricultural preserve may be created prior to or concurrently with the creation and execution of a Williamson Act contract restricting land within the preserve. However, all land under a Williamson Act contract must be located within an agricultural preserve.

4.1 Uniformity of Agricultural Preserves

Under the County's prior rules, the County had three different types of agricultural preserves - Type I, II, and III preserves. Type I preserves were for prime agricultural land, Type II preserves were for non-prime agricultural land and Type III preserves were for open space land. It is the intent of the Board of Supervisors in enacting these Policies and Procedures to eliminate the distinction between the three types of preserves. Under these Policies and Procedures, once an agricultural preserve is established, a Williamson Act contract may be executed for any qualifying agricultural or open space land within the preserve.

4.2 Requirements for Establishing, Disestablishing or Altering Agricultural Preserves

- (A) No agricultural preserve may be established or approved by the Board of Supervisors unless all properties within the proposed preserve boundaries has been approved by the Board of Supervisors for the following restrictive zoning: Agricultural (A-G), Rangeland (R-L), or Forestland (F-L).

- (B) An agricultural preserve shall consist of no less than 100 acres; provided that, in order to meet this requirement, two or more parcels may be combined if they are contiguous and further provided that no parcel containing less than 100 acres shall be combined for this purpose with any other parcels within an existing agricultural preserve unless the owners of all parcels included within the agricultural preserve have indicated their approval in writing on the petition. Agricultural preserves of less than 100 acres may be established if the Board of Supervisors finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area and that the establishment of preserves of less than 100 acres is consistent with the General Plan of the County.
- (C) An application to establish, disestablish or alter an agricultural preserve shall be filed on a County application form with the Department of Planning and Building Services and include all required fees and all information and materials required by the Department of Planning and Building Services. Only whole parcels shall be accepted into an agricultural preserve. Said application shall be executed by all property owners within the proposed preserve and shall contain the following:
1. Names and addresses of all parties of record title within the preserve.
 2. A legal description, or the assessor's parcel number, of the land which is proposed to be included within the preserve and a statement that it covers a minimum of one hundred (100) or more acres.
 3. Said application shall have affixed thereto a map of sufficient size to adequately reflect the following:
 - (a) Exterior boundaries of the proposed preserve and acreage.
 - (b) All individual parcels within the proposed preserve, approximate acreage of each, and assessor's parcel number.
 - (c) Names of the owners of each parcel.
- (D) No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and all required information and materials have been submitted.
- (E) A public hearing shall be held by the Planning Commission pursuant to legal notice and all relevant evidence shall be received and considered by the Commission. Within thirty (30) days after a recommendation has been made, the Planning Commission shall submit a report thereon to the Board of Supervisors; provided, however, that the Board of Supervisors may extend the time allowed for an additional period not to exceed thirty (30) days.
- (F) The Board of Supervisors, upon receipt of the Planning Commission report, shall hold a public hearing on the application for the agricultural preserve and the Planning Commission's report. The Board shall make a determination to establish, disestablish, or alter an agricultural preserve by a resolution, which shall determine the boundaries of those areas within which the Board may be willing to enter into Williamson Act contracts.
- (G) No agricultural preserve may be disestablished or altered to remove land from the preserve if such removal would cause or contribute to the premature or unnecessary conversion of agricultural land to urban uses or to significant encroachment of incompatible land uses into the immediate vicinity of contracted land. No agricultural preserve may be disestablished or altered to remove land from the preserve if to do so would breach a Williamson Act contract restricting land located within the preserve.

- (H) The fees for the processing of agricultural preserves shall be as set forth in the schedule adopted by resolution of the Board of Supervisors.
- (I) No application to establish, disestablish, or alter an agricultural preserve shall be approved unless the Board of Supervisors finds that the application is consistent with the General Plan and meets all of the applicable requirements in Section 5.2 of these Policies and Procedures.
- (J) An application to establish or alter an agricultural preserve may be considered concurrently with an application for a new or replacement contract pursuant to Section 10.4 of these Policies and Procedures. However, such concurrent application shall not alter the requirements of Government Code Section 51234.

4.3 Notice and Hearing Requirements

- (A) Notice of the public hearing to establish, disestablish, or alter an agricultural preserve shall be provided, which includes a legal description or the assessor's parcel number of the subject land, in compliance with all of the following:
 1. By publication of notice for one time in a newspaper of general circulation in Mendocino County pursuant to Government Code Sections 6060 and 6061;
 2. By written, mailed notice to the Mendocino County Local Agency Formation Commission at least 14 days prior to the hearing;
 3. By written, mailed notice to any city within one mile of the exterior boundaries of the agricultural preserve proposed to be established, disestablished, or altered at least 14 days prior to the hearing;
 4. By written, mailed notice to the applicant; and
 5. If land is to be removed from an agricultural preserve, by written notice sent by certified mail to each owner of contracted land within one mile of the exterior boundary of the land to be removed.

4.4 Agricultural Preserve Maps

Whenever an agricultural preserve is established, disestablished, or altered, the Clerk of the Board shall record the adopted resolution and map showing the agricultural preserve or preserves, as established, disestablished, or altered, with the County Recorder's Office.

5.0 ELIGIBILITY OF LAND FOR WILLIAMSON ACT CONTRACT

5.1 Introduction

Before land may qualify for a Williamson Act contract, it must meet the eligibility requirements specified in Section 5.2 of these Policies and Procedures. Once land is under contract, it must continue to meet those eligibility requirements for the duration of the contract.

5.2 Eligibility Requirements

No application for a new or replacement Williamson Act contract shall be approved by the Board of Supervisors unless all of the following requirements are met:

- (A) The land proposed to be restricted by the contract must be located within an existing agricultural preserve; provided, however, the Board of Supervisors may approve an

application for the establishment or alteration of an agricultural preserve concurrently with its approval of an application for a contract or contracts within the preserve.

- (B) The land proposed to be restricted by the contract must be agricultural or open space land devoted to agricultural or open space uses. Mere intent to devote agricultural or open space land to agricultural or open space uses shall be insufficient to qualify the land for a contract.

For the purposes of these Policies and Procedures, agricultural or open space land shall be deemed to be devoted to agricultural or open space uses when a minimum of 50 percent of the land is continuously used or maintained for agricultural uses, unless the Board of Supervisors finds that all of the following conditions apply:

1. More than 50 percent of the land is not suitable for agricultural or open space uses due to soil, slope, geologic, or other significant constraints.
2. The remainder of the land is continuously used or maintained for agricultural uses.
3. Placing the land under contract is consistent with the purpose and intent of the Williamson Act and these Policies and Procedures.

- (C) The land proposed to be restricted by the contract must be comprised of parcel(s) that meets the minimum parcel size requirements in Table 5-1.

Table 5-1 Minimum Parcel Size Requirements

Land Type	Minimum Parcel Size
Prime Agricultural Land	10 Acres
Non-Prime Agricultural Land, Open Space Land, Timber/Forestry Land	40 Acres

- (D) The land proposed to be restricted by the contract must meet the annual income requirements in Table 5-2. Except as otherwise specified in Table 5-2, annual income shall be computed on the basis of annual gross revenue per planted acre. For the purposes of these Policies and Procedures, annual income may be calculated using actual income data, or if actual data is not available, using projected income figures for existing permanent planted crops, and may be calculated as an average of three of the previous five years' annual income. Only income data from the agricultural use of the land, as defined in Section 3.0, shall be used to determine whether the annual income requirement is met.

Table 5-2 Annual Income Requirements *

Land Type/Crop Type	Annual Income **
Prime Agricultural Land - Vines and Bushes (e.g. Grapes, Berries, Hops)	Not less than \$ 1,000.00 per planted acre
Prime Agricultural Land - Fruit or Nut Trees (e.g. Apples, Olives, Pears, Walnuts)	Not less than \$300.00 per planted acre
Prime Agricultural Land – Other unprocessed Agricultural Plant Products	Not less than \$200.00 per planted acre
Prime Agricultural Land- Processed or unprocessed Animal Products, Grazing and Hay Production	Not less than \$2,000.00 Gross Total Income per Contract/Farm Operation (or an equivalent exchange of goods and services) plus \$2.50 Gross Income per acre
Non-Prime Agricultural Land - Grazing, Hay Production, Non-Permanent Row Crops, Livestock Production, Horse Breeding, or Other Unprocessed Agricultural Plant or Animal Products	Not less than \$2,000.00 Gross Total Income per Contract/Farm Operation (or an equivalent exchange of goods and services) plus \$2.50 Gross Income per acre
Open Space	Not Applicable
Timber/Forestry	Not Applicable

* The Assessor's Office, in consultation with other County departments, may propose to adjust the monetary thresholds based on environmental or other factors that may have affected the production capacity of property. The Assessor's Office shall submit for authorization to the Board of Supervisors the proposed adjustment to monetary thresholds.

** Evidence of substantial investment/development (whether incurred by a property owner or tenant), including capitalized improvements, maintenance and other costs related to qualified agricultural uses, may be substituted for annual income. The County may consider all qualifying agricultural income generated by the property, including tenant income, which shall be pro-rated based on the percentage of the year the property was used by the tenant.

- (E) Any use of the land proposed to be restricted by the contract, other than permitted agricultural or open space uses, as delineated in Sections 8.2 and 8.3 herein, must be a compatible use allowed under Section 9.0 of these Policies and Procedures.

6.0 WILLIAMSON ACT CONTRACT APPLICABILITY

6.1 Single Parcel and Multi-Parcel Contracts

- (A) A new or replacement Williamson Act contract may only restrict a single parcel or multiple contiguous parcels under the same ownership.
- (B) Any existing Williamson Act contract entered into prior to January 1, 2016, that restricts more than one parcel shall be subject to the following policies and requirements, consistent with Government Code section 51243:

1. The land under the contract shall be deemed divided and the contract shall apply separately and independently to each parcel under the contract, except that, at the election of the owner, multiple contiguous parcels under the contract may be considered a single undivided parcel for the purposes of determining contract eligibility and compliance when the parcels are: 1) in the same ownership; 2) farmed together; and 3) individually meet the minimum parcel size requirements in Section 5.2 (C) and Table 5-1 of these Policies and Procedures.
2. The contract shall be deemed to run with the land. Whenever land under the contract is divided by subdivision, transfer, sale, or recordation of a certificate of compliance or conditional certificate of compliance under the Subdivision Map Act, the owner of any parcel under the contract may exercise, independent of any other owner, any of the rights created by the original contract as it pertains to their parcel.
3. The owner of each parcel under the contract shall independently have all of the rights and responsibilities conferred by the contract, including the right to non-renew the contract pertaining to their parcel and the responsibility to comply with all requirements of the contract.
4. The County Assessor shall send, via certified and regular mail, notice that a replacement contract shall be required from the new owner for any qualifying parcel under the contract within one hundred twenty (120) days of the transfer or sale of said parcel.

6.2 Contract Term

Unless otherwise specified by the Board of Supervisors, all Williamson Act contracts shall have a term of 10 years, renewing automatically at the end of each year, unless a notice of nonrenewal has been timely recorded. Pursuant to the provisions of Government Code section 51244, amended by Assembly Bill 1265 in 2011, and subject to annual approval by the Board of Supervisors, the County may implement contracts that have a 9 year term in exchange for a 10 percent reduction in property tax relief enjoyed by the landowner.

7.0 WILLIAMSON ACT CONTRACT APPLICATIONS AND PROCESS

7.1 Application Filing and Processing

- (A) A landowner may file an application with the Department of Planning and Building Services for a new or replacement Williamson Act contract for qualifying agricultural or open space land. With the Director's approval, an application may also be filed by an authorized agent of the landowner, or other person with the written consent of the landowner.
- (B) Each application for a new or replacement Williamson Act contract shall be filed on a County application form and shall include all required fees, and all information and materials required by the Department of Planning and Building Services. No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid and all required information and materials have been submitted.
- (C) All applications for new or replacement Williamson Act contracts shall be processed in the same manner. A separate application shall be required for each new or replacement contract requested by the landowner.
- (D) A complete application for a new or replacement Williamson Act contract should be submitted on or before May 1st of the year prior to the year in which the contract is desired to take effect, or on such other date as established by the Director. Upon receipt of a complete application, the Department of Planning and Building Services shall review the application for compliance with the Williamson Act and these Policies and Procedures, schedule the

application for consideration by the Planning Commission which shall transmit a report and recommendation to the Board of Supervisors. If approved, the completed contract will be filed with the Clerk of the Board. Prior to the Board's consideration of the application, the landowner and any encumbrance holders under the contract must execute the contract and have their signatures notarized, and all legal descriptions must be reviewed and found to be accurate by the Assessor's Office. If the Board approves the application, the contract shall go into effect on January 1st following the date the contract is recorded.

- (E) No application for a new or replacement Williamson Act contract shall be approved unless the Board of Supervisors finds that the land proposed to be restricted by the contract meets all of the eligibility requirements in Section 5.2 of these Policies and Procedures.

7.2 Joint Applications for Preserve Designation and Contract

Applications for new or replacement Williamson Act contracts may be considered by the Board of Supervisors concurrently with applications for the establishment or alteration of an agricultural preserve, pursuant to Sections 4.0 through 4.4 of these Policies and Procedures. However, such concurrent application shall not alter the requirements of Government Code Section 51234.

7.3 Recording of Contracts

The Clerk of the Board shall record an executed Williamson Act contract along with a reference to the map showing the location of the agricultural preserve in which the property lies with the County Recorder's Office no later than 20 days after it is executed by the Board of Supervisors. This recording shall occur no later than December 31st of the calendar year in which the contract was executed.

8.0 AGRICULTURAL AND OPEN SPACE USES

8.1 Introduction

Land restricted by a Williamson Act contract must be devoted to commercial agricultural or open space uses. The following Section lists qualifying use types as defined by Title 20 of the County Code (Zoning Ordinance) deemed to be appropriate for placement into a Williamson Act contract.

8.2 Agricultural Uses

- (A) Qualifying agricultural uses. To be a qualifying agricultural use, a use must meet the definition of "agricultural use" under Section 3.0 and be one or more of the following:

1. Row and field crops (County Code Section 20.032.015).
2. Horticulture (County Code Section 20.032.010).
3. Tree crops (County Code Section 20.032.020).
4. Animal raising- general agriculture (County Code Section 20.032.025).
5. Forest production and processing- limited (County Code Section 20.032.045(A)). At least 50 percent of the parcel must be classified as timberland and be subject to an approved timber management or harvest plan. Excluded from these uses are curing and milling.
6. Other commercial agricultural uses deemed by the Board of Supervisors to be acceptable for purposes of meeting the minimum income qualifications.

(B) Accessory Agricultural Uses and Structures. The following uses and structures are allowed only if they are incidental, related, and subordinate to a qualifying agricultural use:

1. Packing and processing- limited (County Code Section 20.032.040(A)).
2. Forest production and processing- portable sawmills (County Code Section 20.032.045(D)).
3. Roadside sales of agricultural products (County Code Section 20.164.015(P)) Additional California Food and Agricultural Code and California Health and Safety Code sections also apply to roadside stands.
4. Facilities and structures utilized in conjunction with the preparation of an agricultural commodity described in Section 8.1 above such as windmills, silos, shops and barns.

8.3 Open Space Uses

Qualifying open space uses shall be limited to those uses that meet the definition of “open space use,” or the use or maintenance of land in such a manner as to preserve its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife, or for the solar evaporation of seawater in the course of salt production for commercial purposes, if such land is within:

1. A scenic highway corridor, as defined in subdivision (~~XY~~).
2. A wildlife habitat, as defined in subdivision (~~GGDD~~).
3. A salt pond, as defined in subdivision (~~WX~~).
4. A managed wetland area, as defined in subdivision (~~PQ~~).
5. A submerged area, as defined in subdivision (~~ZAA~~).

9.0 COMPATIBLE AND INCOMPATIBLE USES

9.1 Introduction

Land under a Williamson Act contract must be devoted to agricultural or open space uses. However, the County recognizes that it may be appropriate to allow other uses of contracted land that are compatible with the agricultural or open space uses on the land. This Section enumerates certain uses that the County considers compatible on contracted land if they are limited in area. This Section also enumerates certain uses that the County considers incompatible on contracted land. The limitation on area of compatible uses, as provided herein, may only be exceeded if the requirements of Section 9.3(B) of these Policies and Procedures are met.

To the extent these Policies and Procedures do not list certain uses as compatible uses that were listed as compatible uses in previous County ordinances or policies, existing contracts will not be affected. Compatible uses will be evaluated for new contracts or for applications to rescind an existing contract and reenter into a new contract.

9.2 General Principles and Restrictions

- (A) All property subject to Mendocino County Williamson Act contracts shall be restricted to the agricultural, open-space, recreational, and compatible uses herein below set forth for the particular zone within which such property has been classified; provided that no agricultural, open-space, recreational, or compatible use listed below shall be permitted under the

Williamson Act contract if not permitted by Title 20 of the Mendocino County Zoning Ordinance.

- (B) The Board of Supervisors may impose conditions on lands and land uses to be placed within agricultural preserves to permit and encourage compatible uses in conformity with the principles of compatibility in this section.
- (C) Any compatible use shall comply with the requirements of Government Code sections 51238.1 through 51238.3 and any amendments thereto (see Appendix B).

9.3 Area Limitation and Exceptions

- (A) The compatible uses enumerated under these Policies and Procedures may be allowed on contracted land if they collectively occupy no more than 15% of the contracted land as a whole, or 5 acres, whichever is less, excluding public roads, private access roads, and driveways.
- (B) The area limitation imposed by Subsection A above may be exceeded for a proposed compatible use only where the Board of Supervisors finds that:
 1. The use is enumerated as a compatible use by these Policies and Procedures;
 2. The contracted land will continue to be devoted to agricultural or open space uses;
 3. The use will not result in a significant increase in the density of the temporary or permanent human population that could hinder or impair agricultural operations on the contracted land;
 4. The use will not require and will not encourage the extension of urban services such as public sewer or water, or the upgrade of public roads to urban standards that could encourage premature conversion of agricultural land to non-agricultural uses;
 5. The use will not include a residential subdivision on the subject parcel;
 6. The use is consistent with the General Plan and Zoning Code; and
 7. The use will not significantly affect the operation of the agricultural or open space uses of the contracted land. In cases in which the character or appearance of the agricultural operation is impacted, a plan shall be submitted and approved by the Board of Supervisors detailing how the property is intended to be restored for future agricultural uses.

9.4 Compatible Uses – Agricultural Williamson Act Contracted Land

The following uses are considered compatible with qualifying agricultural uses (Section 8.2(A), above) on any Williamson Act contracted land, provided that no use listed below shall be permitted under the Williamson Act contract if not permitted by Title 20 of the Mendocino County zoning ordinance (see Section 9.2(C) above, also see Appendix B).

(A) Residential Uses

1. Family residential- single-family (County Code Section 20.016.010(A)).
2. Second residential unit (County Code Section 20.164.015(K)), subject to the following additional restrictions applicable to Williamson Act contracted lands, provided that:

- (a) The residence is incidental to the primary dwelling;
 - (b) The dwelling is not leased, subleased, rented, or sub-rented separately from the primary residence, nor divided by sale; and
 - (c) The dwelling is occupied by the farm operator or an immediate family member of the landowner or farm operator.
- 3. Farm employee housing (County Code Section 20.016.015).
- 4. Farm labor housing (County Code Section 20.016.020).
- 5. Accessory uses and structures. The following uses and structures, provided that they do not diminish a qualifying agricultural use and are incidental, related, and subordinate to a compatible residential use:
 - (a) Private garages.
 - (b) Children's playhouses, patios, porches, gazebos, and similar structures.
 - (c) Radio and television receiving antennas.
 - (d) Shops (nonbusiness purposes).
 - (e) Private swimming pools and hot tubs.
 - (f) Guest Cottage.
 - (g) Detached bedrooms.
 - (h) Room and board.
 - (i) Travel trailer or camper.
 - (j) Home occupation.
 - (k) Household pets.
 - (l) Wild animal keeping.
 - (m) Other necessary and customary uses.
 - (n) The parking of two (2) large vehicles or construction equipment upon private property. Additional vehicles and equipment are allowed to the extent that such vehicles and equipment are of a type and number customarily used by residents of the surrounding neighborhood for their own agricultural or home use on their own property.
 - (o) Family care home.
- (B) Agricultural Uses
 - 1. Packing and processing- winery (County Code Section 20.032.040(B)).
 - 2. Animal sales and services- auctioning (County Code Section 20.024.020(A)).
 - 3. Animal sales and services- horse stables (County Code Section 20.024.020(C)).

4. Animal raising – Personal. (County Code Section 20.032.030)
5. Animal sales and services- veterinary (large animals) (County Code Section 20.024.020(F)).

(C) Recreational Uses

1. Outdoor sports and recreation- limited (County Code Section 20.024.040(C)). Excluded from these uses are motorized boating, golf driving ranges and athletic fields (football, soccer and batting practice range).

(D) Extractive Uses

1. Mining and processing (County Code Section 20.036.010).

(E) Cannabis. The cultivation of cannabis, including the planting, growing, harvesting, drying, curing, grading or trimming of cannabis in its natural state. This compatible use category expressly excludes manufacturing, distributing (not including transport of product from the site for sale or delivery), and dispensing of cannabis or cannabis products.

~~(E)~~ (F) Miscellaneous

1. Minor impact utilities (County Code Section 20.020.080).
2. Major impact services and utilities (County Code Section 20.020.075), excluding uses such as sewage disposal facilities, sanitary landfills and water treatment plants.
3. Entertainment events or religious assembly (County Code Section 20.168.020).
4. Transient habitation- lodging (limited) (County Code Section 20.024.135(B), provided the use is located in a single-family dwelling or guest quarters associated with a qualified farming operation, with an on-site farmer in residence, and that meets all of the requirements of the Zoning Code.
5. Small family day care home providing day care to 8 or fewer children.
6. Any other use determined by the Board of Supervisors pursuant to Government Code Section 51238.1 to be compatible with the agricultural use of land within an agricultural preserve and subject to contract.

9.5 Incompatible Uses – Agricultural Williamson Act Contracted Land

The following uses are considered incompatible with agricultural uses on any Williamson Act contracted land:

- (A) Golf courses and driving ranges.
- (B) Public, commercial, or private club use of motorized boats, motorcycles, vehicles, aircraft, or similar motorized uses for recreation.
- (C) Public, commercial, or private club use of land for field sports, including baseball, softball, polo, soccer, lacrosse, and football, or similar activities.
- (D) Public, commercial, or private club use of land for camping. Tent platforms, structures, and other facilities to support camping are not permitted.

9.6 Compatible Uses – Open Space Williamson Act Contracted Land

The following uses are considered compatible with open space uses on any open space contracted land if allowed by the underlying zoning (see Section 9.2(C) above, also see Appendix B).

(A) Residential Uses

1. Family residential- single-family (County Code Section 20.016.010(A)).
2. Second residential unit (County Code Section 20.164.015(K)), subject to the following additional restrictions applicable to Williamson Act contracted lands provided that:
 - (a) The residence is incidental to the primary dwelling;
 - (b) The dwelling is not leased, subleased, rented, or sub-rented separately from the primary residence, nor divided by sale.
3. Accessory uses and structures. The following uses and structures, provided that they do not diminish a qualifying open space use and are incidental, related, and subordinate to a compatible residential use:
 - (a) Private garages.
 - (b) Children's playhouses, patios, porches, gazebos, and similar structures.
 - (c) Radio and television receiving antennas.
 - (d) Shops (nonbusiness purposes).
 - (e) Private swimming pools and hot tubs.
 - (f) Guest Cottage.
 - (g) Detached bedrooms.
 - (h) Room and board.
 - (i) Travel trailer or camper.
 - (j) Home occupation.
 - (k) Household pets.
 - (l) Wild animal keeping.
 - (m) Other necessary and customary uses.
 - (n) The parking of two (2) large vehicles or construction equipment upon private property. Additional vehicles and equipment are allowed to the extent that such vehicles and equipment are of a type and number customarily used by residents of the surrounding neighborhood for their own agricultural or home use on their own property.
 - (o) Family care home.

(B) Recreational Uses

1. Outdoor sports and recreation- limited (County Code Section 20.024.040(C)). Excluded from these uses are motorized boating, golf driving ranges and athletic fields (football, soccer and batting practice range).

(C) Agricultural Uses

1. Row and field crops (County Code Section 20.032.015).
2. Horticulture (County Code Section 20.032.010).
3. Tree crops (County Code Section 20.032.020)).
4. Animal raising- general agriculture (County Code Section 20.032.025).
5. Animal raising – Personal. (County Code Section 20.032.030)

(D) Miscellaneous

1. Small family day care home providing day care to 8 or fewer children.
2. Any other use determined by the Board of Supervisors pursuant to Government Code Section 51238.1 to be compatible with the open space use of land within an agricultural preserve and subject to contract.

9.7 Incompatible Uses – Open Space Williamson Act Contracted Land

(A) Permanent structures are considered incompatible with open space uses on any open space contracted land, except as provided in Section 9.6 of these Policies and Procedures.

(B) The following uses are considered to be uses incompatible with open space uses on any contracted land: (1) the cultivation of cannabis, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis; and (2) manufacturing, retail sales, distributing, dispensing, and marketing of cannabis or cannabis products.

10.0 WILLIAMSON ACT CONTRACT TERMINATION**10.1 Introduction**

A Williamson Act contract may only be terminated in a manner consistent with the Williamson Act and these Policies and Procedures.

10.2 Non-renewal

(A) Nonrenewal Initiated by Landowner

1. If a landowner desires in any year not to renew a Williamson Act contract, the landowner shall file an application with the Clerk of the Board for nonrenewal by the September 1st preceding the contract's annual renewal date. An application may also be filed by an authorized agent of the landowner, or other person with the written consent of the landowner. Such written consent must accompany the application.
2. Each application for nonrenewal shall be filed on a County application form and shall include all required fees, and all information and materials required by the County. No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and all required information and materials have been submitted.
3. Upon receipt of a complete application for nonrenewal, the Clerk of the Board shall transmit to the County Assessor the notice of nonrenewal who shall deliver the

notice to the applicant. To be effective, the notice of nonrenewal must be signed by the landowner and the signature notarized; and (ii) served by the landowner on the County by delivering it to the Clerk of the Board at least 90 days prior to the contract's annual renewal date. Service may be made in person, or by U.S. Mail postmarked no later than the 90th day before the contract's annual renewal date. The Clerk of the Board shall record the notice of nonrenewal with the County Recorder's Office within 20 days of receipt of the served notice of nonrenewal.

4. If a notice of nonrenewal is inadequate or rejected for recording by the County Recorder's Office, the Clerk of the Board shall return it to the landowner.
5. The County Assessor shall deliver a copy of the notice of nonrenewal to the California Department of Conservation within 30 days of receipt of the landowner's served notice of nonrenewal.
6. If a notice of nonrenewal is served after the applicable deadline in Section 10.2(A)(3) above, the notice shall be deemed to apply to the contract's next annual renewal date.

(B) Partial Nonrenewal Initiated by Landowner

1. If a landowner desires in any year not to renew a Williamson Act contract as to a portion of the landowner's land under the contract, the landowner shall file an application with the Clerk of the Board for authorization to serve a notice of partial nonrenewal. An application may also be filed by an authorized agent of the landowner, or other person with the written consent of the landowner. Such written consent must accompany the application.
2. Each application for authorization to serve a notice of partial nonrenewal shall be filed on a County application form and shall include all required fees, and all information and materials required by the County. No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and all required information and materials have been submitted.
3. Upon receipt of a complete application for authorization to serve a notice of partial nonrenewal, the County Department of Planning And Building Services shall review the application for compliance with the Williamson Act and these Policies and Procedures, schedule the application for consideration by the Board of Supervisors, and transmit a report and recommendation to the Board. In determining whether to approve the application, the Board may consider the effect of the proposed partial nonrenewal on the balance of the contracted land not subject to the nonrenewal, including whether the balance of the contracted land would continue to qualify for the contract. Notice of the Board meeting at which the application will be considered shall be provided to the owner(s) of all parcels subject to the contract. If the Board approves the application, the Clerk of the Board shall prepare the notice of partial nonrenewal and deliver the notice to the applicant. To be effective, the notice of partial nonrenewal must be (a) signed by the landowner and the signature notarized; and (b) served by the landowner on the County by delivering it to the Clerk of the Board at least 90 days prior to the contract's annual renewal date. Service may be made in person, or by U.S. Mail postmarked no later than the 90th day before the contract's annual renewal date. The Clerk of the Board shall record the notice of partial nonrenewal with the County Recorder's Office within 20 days of receipt of the served notice of partial nonrenewal.

4. If a notice of partial nonrenewal is inadequate or rejected for recording by the County Recorder's Office, the Clerk of the Board shall return it to the landowner and notify the County Assessor.
5. The County Assessor shall deliver a copy of the notice of partial nonrenewal to the California Department of Conservation, the Department of Planning and Building Services and the County Agricultural Commissioner within 30 days of receipt of the landowner's served notice of partial nonrenewal.
6. If a notice of partial nonrenewal is served after the applicable deadline in Section 10.2(A)(3) above, the notice shall be deemed to apply to the contract's next annual renewal date.

(C) Nonrenewal Initiated by County

1. If the Board of Supervisors desires in any year not to renew a Williamson Act contract, it shall adopt a resolution authorizing and directing the service of a written notice of nonrenewal upon each owner of the contracted land. Service shall be no later than 60 days prior to the contract's annual renewal date.
2. If a landowner objects to the nonrenewal of a Williamson Act contract initiated by the County, the landowner may file a written protest with the County Clerk of the Board within 15 days of the Board of Supervisor's action approving the service of the notice of nonrenewal, or within 15 days of the actual service of the notice of nonrenewal, whichever is later. Protests shall be filed with the County Clerk of the Board. The Board shall take action on a timely filed protest prior to the contract's annual renewal date. Pursuant to Section 426 of the Revenue and Taxation Code, a timely protest will ensure that the landowner is afforded the Williamson Act value on their contracted parcel until there is less than 6 years remaining on the contract during the nonrenewal period.
3. The Clerk of the Board shall record a notice of nonrenewal with the County Recorder's Office not later than December 31 after the County serves such notice.
4. The Board of Supervisors may, in its discretion, withdraw a recorded notice of nonrenewal at any time prior to the contract's annual renewal date by recording a notice of withdrawal of notice of nonrenewal.
5. The Clerk of the Board shall record a notice of withdrawal of notice of nonrenewal with the County Recorder's Office within 20 days after the County serves such notice. To prevent the notice of nonrenewal from becoming effective, the notice of withdrawal of notice of nonrenewal must be recorded prior to the contract's annual renewal date. If a nonrenewal becomes effective, the contract shall terminate at the natural expiration of its term. Notwithstanding the recording of a notice of nonrenewal of an existing contract, a landowner may apply for a new contract.
6. The County Assessor shall deliver a copy of the notice of nonrenewal to the California Department of Conservation, the Department of Planning and Building Services and the County Agricultural Commissioner within 30 days of receipt of the County's served notice of nonrenewal.
7. The Clerk of the Board shall deliver a copy of all recorded notices of nonrenewal and notices of withdrawal of a notice of nonrenewal to the landowners and the County Assessor's Office. Such copy shall show the date of recording and the County Recorder's instrument number.

8. If a notice of nonrenewal is served after the applicable deadline, the notice will be deemed to apply to the contract's next annual renewal date.

10.3 Cancellation

- (A) Applications for cancellation of a Williamson Act contract shall be processed in accordance with the requirements of the Williamson Act and these Policies and Procedures.
- (B) A landowner may file an application with the Department of Planning and Building Services for cancellation of a Williamson Act contract as to all or part of the landowner's contracted land. An application may also be filed by an authorized agent of the landowner, or other person with the written consent of the landowner. Such written consent must accompany the application.
- (C) Each application for cancellation of a Williamson Act contract shall be filed on a County application form and shall include all required fees, and all information and materials required by the Department of Planning and Building Services. No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and all required information and materials have been submitted.
- (D) The Board of Supervisors shall not approve any application for cancellation of a Williamson Act contract unless the cancellation fee equals the cancellation fee specified in Government Code section 51283(b), except in those cases where the Board, pursuant to Government Code section 51283(c), finds that it is in the public interest to waive all or part of, or extend time for payment of the cancellation fee. In the event the Board determines to waive all or part of the cancellation fee or extend the time for payment, the Board shall specify the cancellation fee payable. No cancellation shall be effective unless and until the cancellation fee is paid.
- (E) Notwithstanding any contract term to the contrary, cancellation shall not be required to terminate a Williamson Act contract as to all or a portion of contracted land that is acquired by a public agency by condemnation or eminent domain, or in lieu of condemnation or eminent domain. The provisions of Government Code Section 51290 et seq., governing public acquisitions of land within an agricultural preserve, or contracted land within a preserve, apply to contracted land within the county. Where required by Government Code Section 51290 et seq., the County shall deem a contract null and void as to the land area acquired by a public agency by condemnation or in lieu of condemnation.

10.4 Rescission and Replacement with New Williamson Act Contract

- (A) A landowner and the County may mutually agree to rescind an existing Williamson Act contract in order to simultaneously enter into a replacement contract or contracts, where the replacement contract or contracts would enforce or restrict the same land for an initial term at least as long as the unexpired term of the contract being so rescinded, but not less than 10 years unless otherwise specified by the Board of Supervisors. Applications for replacement contracts shall be reviewed and processed in accordance with the Williamson Act and these Policies and Procedures. Replacing a contract that is in nonrenewal with a replacement contract or contracts effectively terminates the nonrenewal process previously initiated.
- (B) If a parcel restricted by an existing multi-parcel Williamson Act contract is transferred or sold, the new owner and the County shall mutually agree to rescind the contract as to the transferred parcel and simultaneously replace it with a replacement contract, if the transferred parcel independently meets all requirements for a contract under these Policies and Procedures. If the transferred parcel does not meet all requirements for a contract under these Policies and Procedures, the County shall initiate nonrenewal of the contract as to the transferred parcel.

- (C) Any Boundary Line Adjustment (BLA) requiring rescission and replacement shall be consistent with Government Code Section 51257.

10.5 Easement Exchange

The County, upon an application by a landowner, may enter into an agreement with the landowner to rescind a Williamson Act contract in order to simultaneously place other land within the county under an agricultural conservation easement (Public Resources Code Section 10200 et seq.), provided that the requirements of Government Code Section 51256 are met.

10.6 Annexation by City

- (A) On the annexation by any city within the County of any land under a Williamson Act contract, the city shall succeed to (i.e. legally take over) all rights, duties, and powers of the County as a party to the contract, including the power to initiate nonrenewal of the contract. Under certain limited circumstances defined in Government Code Section 51243.5, a city may elect not to succeed to the rights, duties, and powers of the County under the contract.
- (B) Whenever part of the land under a Williamson Act contract is removed from the County's jurisdiction through annexation to a city, the part remaining under contract in the County's jurisdiction must be able to independently meet the eligibility requirements in Section 5.0 of these Policies and Procedures to remain under contract. In the event that unqualified land is left subject to contract, the County shall immediately serve a notice of nonrenewal for the contract, unless a notice of nonrenewal has already been recorded and the contract is in the process of phasing out.
- (C) In cases of annexation of land under a Williamson Act contract, coordination is encouraged between the annexing city, the Mendocino County Local Agency Formation Commission, the County, and the landowner to ensure that proper protocol is followed and that all parties are provided the opportunity to comment and work towards the best possible outcome for all parties involved.

10.7 Eminent Domain or Public Acquisitions in lieu of Eminent Domain

Pursuant to the Williamson Act, a Williamson Act contract becomes void for land that is acquired by a federal, state, or local government agency for necessary public uses and facilities via eminent domain or by acquisition in lieu of eminent domain. Notwithstanding contract language to the contrary, there is no requirement that the acquiring or condemning federal, state, or local government agency seek or obtain cancellation of the contract as to the land so acquired.

The Williamson Act contains policies and restrictions to avoid public acquisitions of land subject to Williamson Act contracts or containing prime agricultural land. The Williamson Act imposes certain requirements on public agencies seeking to acquire contracted land or place public improvements within an agricultural preserve, or on contracted land. For example, state and local governments proposing to acquire land within an agricultural preserve are required by the Williamson Act to refer proposals for such acquisitions to the California Department of Conservation for its review and response prior to acquisition.

11.0 Land Divisions, Boundary Line Adjustments, and Certificates of Compliance

11.1 Subdivision of Contracted Land

- (A) No land subject to a Williamson Act contract shall be subdivided unless the Board of Supervisors finds that:
 1. The subdivision is consistent with the General Plan and Zoning Code;
 2. Each resulting parcel will separately qualify for a Williamson Act contract and be consistent with the requirements of the Williamson Act and these Policies and Procedures; and

- 3 The subdivision and each resulting parcel will conform with the requirements of the Subdivision Map Act, including Government Code section 66474.4.

- (B) The County shall require an owner of contracted land that has been or will be subdivided to apply, pursuant to Section 10.4 of these Policies and Procedures, for rescission of the existing contract and simultaneous replacement of that contract with a separate new contract for each qualifying parcel resulting from the subdivision. This requirement may be waived by the County if a notice of nonrenewal has been recorded for the contract restricting the land that has been or will be subdivided, and the phase out period has begun.

11.2 Boundary Line Adjustments Involving Contracted Land

- (A) To facilitate a boundary line adjustment of contracted land, a landowner and the County may mutually agree to rescind a Williamson Act contract or contracts and to simultaneously enter into a new contract or contracts, provided that:
 1. The new contract or contracts satisfy all requirements of the Williamson Act and these Policies and Procedures; and
 2. The Board of Supervisors makes the findings required by Government Code section 51257.
- (B) The Subdivision Committee shall condition any approval of a boundary line adjustment of a Williamson Act contracted property on the approval by the Board of Supervisors of an application to rescind a Williamson Act contract or contracts and to simultaneously enter into a new contract or contracts.
- (C) If the Board of Supervisors is unable to make the findings required by Government Code section 51257, it shall not approve an application to rescind a Williamson Act contract or contracts and to simultaneously enter into a new contract or contracts.

11.3 Certificates of Compliance

- (A) On or after January 1, 2016, prior to the issuance of any certificate of compliance by the County for property subject to a Williamson Act contract, the Department of Planning and Building Services shall review the lots to determine if they were merged pursuant to the County's merger provisions in Article XV of Title 17 of the Mendocino County Code relating to Division of Land Regulations.
- (B) If the lots did not merge pursuant to the above-mentioned merger provisions, a certificate of compliance shall only be issued if the Department of Planning and Building Services finds that:
 1. Each resulting parcel is consistent with the Williamson Act and these Policies and Procedures;
 2. Each resulting parcel independently meets all requirements for a contract under these Policies and Procedures;
 3. Each resulting parcel is entitled to a certificate of compliance or conditional certificate of compliance under the Subdivision Map Act.

12.0 WILLIAMSON ACT CONTRACT COMPLIANCE AND ENFORCEMENT**12.1 Williamson Act Compliance Determination Required Before Permit Issuance****(A) Compliance Determination by the Department of Planning and Building Services**

Prior to issuance of any permit for development or use of contracted land, other than qualifying agricultural or open space uses, the landowner shall obtain clearance from the Department of Planning and Building Services that the contracted land is in compliance with the Williamson Act contract, and that the proposed development or use will comply with the contract and these Policies and Procedures. The Department of Planning and Building Services shall not issue any permit for development or use of contracted land if the contracted land is not in compliance with the contract, or the proposed development or use will not comply with the contract and these Policies and Procedures.

(B) Administrative Appeals

Any interested person may appeal any determination made pursuant to Section 12(A) above. An appeal must be filed within 10 days after the decision with the Department of Planning and Building Services and be accompanied by payment of the required appeal fee. The appeal process will follow the procedures defined in Mendocino County Code Chapter 20.208.

12.2 Reporting Statements / Information Requests

(A) The Assessor's Office shall mail agricultural preserve questionnaires to the owners of contracted land no less than every 4 years, but may mail questionnaires or requests for information pursuant to Revenue and Taxation Code Section 441 at any time. Each owner of contracted land receiving a questionnaire shall return the completed questionnaire to the Assessor's Office within 30 days after receipt of the questionnaire, unless an extension of time is obtained from the Assessor's Office. Those properties for which a completed questionnaire was not returned, and those properties for which information indicates a potential breach, may be subject to an investigation by the Assessor's Office regarding whether the property is in compliance with the Williamson Act contract restricting it, the Williamson Act, these Policies and Procedures, and other state and local laws, regulations, and guidelines. The Assessor's Office may use the annual tree and vine report in lieu of mailing a Williamson Act agricultural preserve questionnaire.

(B) The Assessor's Office may mail requests for information concerning contract compliance to the owners or users of contracted land. Each owner or user of contracted land receiving a request for information shall return the completed request to the Assessor's Office within 30 days after receipt of the request, unless an extension of time is obtained from the Assessor's Office.

(C) Any income or production data submitted to the Assessor's Office pursuant to this Section shall be proprietary and shall be confidential.

12.3 Audits and Inspections

(A) The County may audit any contracted land for compliance with the Williamson Act contract, these Policies and Procedures, and other state and local laws, regulations, and guidelines. Such audits may include reviewing available documentation such as aerial photographs, completed agricultural preserve questionnaires and contacting the landowner or manager to obtain additional information or documentation. The County is authorized to develop procedures and guidelines for the conduct of audits under this Section.

- (B) If the County has probable cause to suspect that contracted land is not in compliance, it may contact the landowner to arrange for an inspection of the property by the County's officers, employees, contractors, or agents. The County shall give the landowner at least 48 hours written notice of the inspection date, approximate time, the person(s) who will be participating in the inspection, and the reason for the inspection. When scheduling an inspection, the County must make a reasonable attempt to accommodate the landowner's schedule. Any such inspection shall occur during normal business hours (Monday through Friday, 8:00 A.M. to 5:00 P.M.).

12.4 Material Breaches

The County will fulfill its enforcement responsibilities for material breach of Williamson Act contracts pursuant to Government Code Section 51250.

12.5 Enforcement

Williamson Act contracts are binding agreements between landowners and the County that require the terms of the contract to continue to be met in exchange for reduced property tax assessments based on the contract restriction. As such, landowners must remain in compliance during the entire life of the contract, even after transfer of ownership or during phase out after nonrenewal has been initiated. If, at any time, the County finds that the terms of a contract, including the requirements set forth in the Williamson Act and these Policies and Procedures, are no longer being met, the Board of Supervisors may serve a notice of nonrenewal pursuant to Section 10.2(C) of these Policies and Procedures. The County may also, in addition to non-renewal, take other appropriate action to enforce the terms of the contract and these Policies and Procedures. Pursuant to Government Code Section 51251 the County or landowner may bring any action in court necessary to enforce any contract, including, but not limited to, an action to enforce a contract by specific performance or injunction. The County may elect to sue for liquidated damages as set forth in the contract which sum is equal to 25% of the full cash value, as defined by Revenue and Taxation Code Section 110, of the land when relieved of the restriction, as found by the Assessor.

12.6 Severability

If any article, section, subsection, paragraph, sentence, clause or phrase of these Policies and Procedures, which is reasonably severable from the remaining portion of these Policies and Procedures is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portion of these Policies and Procedures, it being herein expressly declared that these Policies and Procedures and each article, section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more sections, subsections, paragraphs, clauses or phrases be declared invalid or unconstitutional.

Appendix A

Use Type Definitions- County Code Title 20, Division I

(Note: The following definitions are subject to periodic Zoning Code amendments and are provided for reference only.)

Animal raising- general agriculture (County Code Section 20.032.025): "Animal raising—general agriculture" means the raising of crops or livestock on parcels greater than forty thousand (40,000) square feet or zoned A-G, R-L, U-R, F-L or TPZ and shall include:

- (A) Grazing of livestock and feeding and caring incidental thereof;
- (B) Animal husbandry including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits, and poultry, including egg production;
- (C) Sale of agricultural products grown, raised, or produced on the premises;
- (D) 4-H, FFA or similar projects shall be permitted in all zoning districts.

Animal raising – personal (County Code Section 20.032.030): "Animal raising—personal" means the raising of hen chickens or rabbits for personal use on parcels forty thousand (40,000) square feet or less in size in accordance with the following criteria:

- (A) No more than six (6) of any one (1) or combination of such animals on the lot;
- (B) Maintained in coops or pens located at a distance of fifty (50) feet or more from buildings used for human habitation;
- (C) Coops or pens shall be located only on the rear one-third (1/3) of the lot;
- (D) Coops or pens shall be located no closer than five (5) feet from the side or rear property line.

Animal sales and services- auctioning (County Code Section 20.024.020(A)): Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding seventy-two (72) hour periods. Typical uses include animal auctions or livestock auction yards.

Animal sales and services- horse stables (County Code Section 20.024.020(C)): Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their nonpaying guests. Typical uses include boarding stables or public stables.

Animal sales and services- veterinary (large animals) (County Code Section 20.024.020(F)): Veterinary services for large animals. Typical uses include animal hospitals (large animals) and veterinary hospitals (large animals). Typical uses include clinics for the treatment of sheep, cattle, horses, goats and similar large animals.

Entertainment events or religious assembly (County Code Section 20.168.020): The temporary gathering of people for a circus, carnival, concert, rodeo, community festival, lecture, art or antique show, religious purposes or other similar activities may be permitted upon the issuance of a use permit in compliance with the following provisions:

- (A) Location. A circus, carnival, concert, rodeo, community festival, lecture, art or antique show, religious assembly or other similar activities may be permitted in any zone except R-1 and R-2.
- (B) Duration. The period of operation of the circus, carnival, concert, rodeo, community festival, lecture, art or antique show, religious assembly or other similar activities shall not exceed five (5) days in any six (6) month period.
- (C) Permits.

Appendix A

Use Type Definitions- County Code Title 20, Division I

- (1) Gatherings of one hundred (100) to one thousand (1,000) persons shall be required to obtain an administrative permit.
- (2) Gatherings of over one thousand (1,000) persons shall be required to obtain a minor use permit.
- (D) The requirements of this Section shall not be intended to supersede provisions in Mendocino County Code Chapter 6.16.
- (E) Exclusions. The provisions of this Section are not intended to include or regulate private gatherings such as weddings, housewarmings, family gatherings, barbeque, etc.

Family residential- single-family (County Code Section 20.016.010(A)): The use of a parcel for only one (1) dwelling unit.

Farm employee housing (County Code Section 20.016.015): Occupancy by a farm employee and his/her family within a single-family dwelling, or trailer coach which occurs exclusively in association with the performance of agricultural labor for a bona-fide agricultural operation. Farm employee housing shall be limited to one (1) unit per ownership, shall be required to obtain an administrative permit and shall not be required to meet density requirements. Housing for more than one (1) farm employee and his/her family is classified as farm labor housing.

Farm labor housing (County Code Section 20.016.020): Occupancy on a parcel in one (1) or more dwelling units or trailer coaches by more than one (1) farm employee and his/her families which occurs exclusively in association with the performance of agricultural labor. Farm labor housing shall not be required to meet density requirements.

Forest production and processing- limited (County Code Section 20.032.045(A)): Refers to the growing, harvesting, curing, milling, packaging, packing, shipping and selling of forest products, produced on the premises. (See Policy Number 8.2(A)(5) for exclusions.)

Forest production and processing- portable sawmills (County Code Section 20.032.045(D)): Refers to the operation of small portable milling machines for production of rough-sawed lumber subject to the following limitations:

- (1) Logs or other material to be sawed may come from timber produced on the premises or imported from off-site sources;
- (2) Combined horsepower of all engines or motors used in the milling process shall not exceed seventy-five (75);
- (3) Planing or other remanufacturing of lumber shall not be allowed.
- (4) A maximum of three (3) workers/employees including the owner/operator;
- (5) Production shall not exceed three thousand (3,000) board feet in any day or thirty thousand (30,000) board feet in any month;
- (6) Milling machinery shall not be located closer than two hundred (200) feet from the nearest property line;
- (7) Log/lumber storage and similar uses accessory to the milling operation shall not be located closer than fifty (50) feet from the nearest property line;
- (8) All equipment and materials associated with the milling operation shall not be located closer than one hundred (100) feet from any Class I or Class II stream, and shall not be located within a one hundred-year (100-year) flood plain;

Appendix A

Use Type Definitions- County Code Title 20, Division I

- (9) Minimum parcel size shall be ten (10) acres;
- (10) Maximum area encompassed by operation shall not exceed one (1) acre;
- (11) Maximum building area shall not exceed 5,000 square feet if the structure is pre-existing, and that any new building area shall be limited to 2,000 square feet as per cottage industries. Pre-existing (legal) facilities must pre-date July 1, 1999;
- (12) Noise created by the operation shall not exceed the levels specified in Appendix C.

Horticulture (County Code Section 20.032.010): "Horticulture" means premises devoted to horticultural and floracultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. Typical uses include wholesale/retail nurseries limited to the sale of horticulture and horticulture specialties grown on site and in green houses.

Major impact services and utilities (County Code Section 20.020.075): "Major impact services and utilities" means services or utilities which may have a substantial impact. Such uses may be conditionally permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are power generating facilities, sewage disposal facilities, septage disposal facilities and sites, sanitary landfills and water treatment plants, and radio, telephone and other commercial communication transmission towers and antennas. (See Policy Number 9.4(E)(2) for exclusions.)

Mining and processing (County Code Section 20.036.010): The mining and processing use type refers to places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic materials, geothermal development, oil or gas together with essential processing of only nonmetallic mineral products. Except where conducted within a Mineral Processing Combining District, and subject to the requirement for a major use permit, all such processing shall be of a temporary nature and carried on in conjunction with, and only for the duration of a specific construction project (except that portable screening and crushing equipment need not be related to a specific construction project). The sale of additional materials may be allowed for other off-site uses where such materials do not exceed ten (10) percent of that volume specified for the primary construction project. Typical places or uses include borrow pits, gravel bars, rock quarries, oil and gas drilling rigs, or portable crushing, screening, washing, and mixing plants.

Minor impact utilities (County Code Section 20.020.080): "Minor impact utilities" means public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations and transmission distribution lines. Radio, telephone and other commercial communication transmission towers and antennas are not included.

Outdoor sports and recreation- limited (County Code Section 20.024.040(C)): Recreational activities that are compatible with and not detrimental to the agricultural use of the property, specifically meaning the use of land by the public, with or without charge, for any of the following recreational uses: Walking, hiking, picnicking, swimming, boating, fishing, hunting, equestrian uses or other outdoor games such as golf driving ranges, tennis courts (grass only), par course (physical fitness) and athletic fields (football, soccer and batting practice range). This recreational use is limited as follows:

- (1) A duration of two (2) years, subject to renewal.
- (2) No permanent structures may be constructed to support this use.
- (3) No soil shall be moved to support this use.
- (4) Use must be in compliance with Williamson Act contract restrictions and with the use as specified in Mendocino County Code Section 22.08.071.

(See Policy Number 9.4(C)(1) for exclusions.)

Appendix A

Use Type Definitions- County Code Title 20, Division I

Packing and processing- limited (County Code Section 20.032.040(A)): Packing or processing of crops grown on the premises.

Packing and processing- winery (County Code Section 20.032.040(B)): Crushing of grapes and fermentation, storage, and bottling of wine from grapes grown on or off the premises. Said use type also includes tasting rooms in conjunction with a winery and breweries provided said tasting room occupies less than twenty-five percent (25%) of the floor space of the winery.

Roadside sales of agricultural products (County Code Section 20.164.015(P)): Operation of a single roadside stand for a display and sales of only those products produced on the premises, or on other property owned or leased by the vendor, as permitted by this Division, provided that the stand does not exceed an area of two hundred (200) square feet, and is located not nearer than fifteen (15) feet to any, street or highway, and provided further that such stands shall be permitted only in the S-R, R-R, A-G, U-R, R-L, F-L, and T-P districts.

Row and field crops (County Code Section 20.032.015): "Row and field crops" means premises devoted to the cultivation for sale of agricultural products grown in regular or scattered patterns such as vines, field, forage and other plant crops intended to provide food or fibers.

Second residential unit (County Code Section 20.164.015(K)): A second residential unit shall be permitted in all zoning districts which allow single-family dwellings subject to the following standards and criteria:

- (1) The lot contains an existing single-family dwelling unit or a building permit for the single-family dwelling unit (primary residence) has been applied for.
- (2) An adequate water system as approved by the Division of Environmental Health is available to serve the second residential unit.
- (3) An adequate sewage disposal system as approved by the Division of Environmental Health is available to serve the second residential unit.
- (4) The second unit shall conform to height, setback, lot coverage, architectural review, site plan review, off-street parking, fees, charges and other zoning requirements generally applicable to residential construction within the zone in which the second residential unit is located.
- (5) The second residential unit shall comply with appropriate local building code requirements.
- (6) A second residential unit shall not be allowed if more than one (1) dwelling unit (including farm employee housing, farm labor housing, temporary family care unit) is located on the parcel, or if there currently exists two (2) accessory residential units (any combination of guest cottages and detached bedrooms) on the parcel.
- (7) Where dwelling group or parcel clustering is approved, no second residential unit shall be allowed.
- (8) Nothing in this Section shall prohibit a detached bedroom, guest house or family care unit from being converted into a second residential unit, consistent with the other provisions of this Section.
- (9) Second residential units may be either attached to the existing dwelling or they may be detached, separate structures.
- (10) Attached or detached second residential units are not intended for sale but may be rented.

(See Policy Number 9.4(A)(2) for additional restrictions.)

Appendix A**Use Type Definitions- County Code Title 20, Division I**

Transient habitation- lodging (limited) (County Code Section 20.024.135(B)): Lodging services involving the provision of room and/or board. Typical uses include hotels, motels, inns, or transient boarding houses with three (3) to six (6) rooms. (See Policy Number 9.4(E)(4) for additional restrictions.)

Tree crops (County Code Section 20.032.020): "Tree crops" means premises devoted to the cultivation for sale at wholesale of tree-grown agricultural products such as pears, apples, walnuts and Christmas trees but excluding other forestry products.

Appendix B
Government Code Sections 51238.1 to 51238.3

(Note: The following Government Code sections are subject to periodic amendments and are provided for reference only.)

51238.1. (a) Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:

- (1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
- (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
- (3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use. In evaluating compatibility a board or council shall consider the impacts on non-contracted lands in the agricultural preserve or preserves.
 - (b) A board or council may include in its compatible use rules or ordinance conditional uses which, without conditions or mitigations, would not be in compliance with this section. These conditional uses shall conform to the principles of compatibility set forth in subdivision (a) or, for nonprime lands only, satisfy the requirements of subdivision (c).
 - (c) In applying the criteria pursuant to subdivision (a), the board or council may approve a use on nonprime land which, because of onsite or offsite impacts, would not be in compliance with paragraphs (1) and (2) of subdivision (a), provided the use is approved pursuant to a conditional use permit that shall set forth findings, based on substantial evidence in the record, demonstrating the following:
 - (1) Conditions have been required for, or incorporated into, the use that mitigate or avoid those onsite and offsite impacts so as to make the use consistent with the principles set forth in paragraphs (1) and (2) of subdivision (a) to the greatest extent possible while maintaining the purpose of the use.
 - (2) The productive capability of the subject land has been considered as well as the extent to which the use may displace or impair agricultural operations.
 - (3) The use is consistent with the purposes of this chapter to preserve agricultural and open-space land or supports the continuation of agricultural uses, as defined in Section 51205, or the use or conservation of natural resources, on the subject parcel or on other parcels in the agricultural preserve. The use of mineral resources shall comply with Section 51238.2.
 - (4) The use does not include a residential subdivision.

For the purposes of this section, a board or council may define nonprime land as land not defined as "prime agricultural land" pursuant to subdivision (c) of Section 51201 or as land not classified as "agricultural land" pursuant to subdivision (a) of Section 21060.1 of the Public Resources Code.

Nothing in this section shall be construed to overrule, rescind, or modify the requirements contained in Sections 51230 and 51238 related to non-contracted lands within agricultural preserves.

51238.2. Mineral extraction that is unable to meet the principles of Section 51238.1 may nevertheless be approved as compatible use if the board or council is able to document that (a) the underlying contractual commitment to preserve prime agricultural land, as defined in subdivision (c) of Section 51201, or (b) the

Appendix B
Government Code Sections 51238.1 to 51238.3

underlying contractual commitment to preserve land that is not prime agricultural land for open-space use, as defined in subdivision (o) of Section 51201, will not be significantly impaired.

Conditions imposed on mineral extraction as a compatible use of contracted land shall include compliance with the reclamation standards adopted by the Mining and Geology Board pursuant to Section 2773 of the Public Resources Code, including the applicable performance standards for prime agricultural land and other agricultural land, and no exception to these standards may be permitted.

For purposes of this section, "contracted land" means all land under a single contract for which an applicant seeks a compatible use permit.

51238.3. (a) The requirements of Sections 51238.1 and 51238.2 shall not apply to compatible uses for which an application was submitted to the city or county prior to June 7, 1994, provided that the use constituted a "compatible use" as that term was defined by this chapter either at the time the application was submitted, or at the time the Williamson Act contract was signed with respect to the subject contract lands, whichever is later.

(b) Neither shall the requirements of Sections 51238.1 and 51238.2 apply to land uses of contracted lands in place prior to June 7, 1994, that constituted a "compatible use" as the term "compatible use" was defined by this chapter either at the time the use was initiated, or at the time the Williamson Act contract was signed with respect to the subject contract lands, whichever is later.

(c) (1) Neither shall the requirements of Sections 51238.1 and 51238.2 apply to uses that are expressly specified within the contract itself prior to June 7, 1994, and that constituted a "compatible use" as the term "compatible use" was defined by this chapter at the time that Williamson Act contract was signed with respect to the subject contract lands, or at the time the contract was amended to include the uses, whichever is later. For purposes of this subdivision, the requirements of Sections 51238.1 and 51238.2, effective January 1, 1995, shall apply to contracts for which contract nonrenewal was initiated and was withdrawn after January 1, 1995.

(2) For purposes of this chapter, a compatible use is considered to be expressly specified within the contract only if it is specifically enumerated within the four corners of the Williamson Act contract either without the benefit of referenced documents, or with respect to Williamson Act contracts signed on or before June 7, 1997, with the benefit of referenced documents as those documents existed at the time the Williamson Act contract was initially signed. This subdivision shall be narrowly construed to be consistent with the purposes of this chapter.

- Exhibit C -

See Attachment A of Exhibit A (page 138) in this document.