

~~Proposed-Amended~~ Mitigation Monitoring and
Reporting Program County of Mendocino
Mendocino ~~County-Medical~~ Cannabis Cultivation Regulation (MCCR)

Attachment B

Impact	Mitigation Measure ¹	Implementation Responsibility	Monitoring/ Reporting Responsibility	Timing	Applies to Phase			Proposed MCCR Code Section where Mitigation is Incorporated ²
					1	2	3	
Aesthetics	AES-1: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require that all structures used for mixed-light cultivation shall be constructed or retrofitted in a manner so as to fully contain any light or light glare involved in the cultivation process. Security lighting shall be motion activated and fully shielded.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.040(DE)
Agriculture and Forestry Resources	AG-1: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to remove the requirement for a legal dwelling unit on all parcels which receive a cultivation permit-CCBL in the AG, RL, FL and TPZ Districts.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓		✓	10A.17.070(E)
	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-permitsCCBL's in the RL Zoning District.	County of Mendocino	County of Mendocino	Prior to issuing Cultivation-PermitsCCBL's	✓*		✓	20.242.060, Table 2
	AG-3: Mendocino County shall prohibit the issuance of cultivation-permitsCCBL's on lands currently enrolled in the Williamson Act until the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts have been amended to address cannabis cultivation.	County of Mendocino	County of Mendocino	Prior to issuing Cultivation-PermitsCCBL's on Williamson Act lands	✓		✓	This does not require a change to the MCCR
	AG-4: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to prohibit removal of any commercial tree species as defined by California Code of Regulations Section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any oak species (Quercus spp. or Tan Oak (Notholithocarpus) for the purposes of developing a cannabis cultivation site.	County of Mendocino	County of Mendocino	Upon adoption of the MCCR	✓*		✓	10A.17.040(HK)
Air Quality	AIR-1: Mendocino County shall amend the proposed MCCR to include a requirement that the County consult with the provide that CCBL Holders shall obtain as may be required all approvals and permits required by the Mendocino County Air Quality Management District (MCAQMD) prior to the issuance of any Cultivation Permit to determine if a permit or other approval by the MCAQMD is necessary. Applicants shall obtain all approvals and permits required by the MCAQMD pursuant to state and federal laws, MCAQMD regulations, adopted air quality plans, MCAQMD policies and other applicable statutes prior to the issuance of a permit. The required consultation with MCAQMD may be eliminated if MCAQMD authorizes the County to determine when a permit or other approval by MCAQMD is necessary based on an objective set of criteria developed by MCAQMD for such purposes.	County of Mendocino	County of Mendocino/ MCAQMD	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.099070(U)

¹ Modifications made to update provisions pursuant to the Addendum approved on 5/22/23 and update terminology.

² Section references are updated to reflect modifications made to ordinance sections by various amendments to the MCCR.

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Air Quality	AIR-2: Mendocino County shall modify the MCCO prior to its adoption by the Board of Supervisors to require that all buildings, including greenhouses, used for the cultivation of medical cannabis pursuant to an "artificial light" permit-CCBL (generally Type C-A, Type 1-A, Type 2-A and Nursery as applicable) shall be equipped with filtered ventilation systems, permitted by the MCAQMD which rely on Activated Carbon Filtration, Negative Ion Generation, Ozone Generation or other odor control mechanism demonstrated to be effective in reducing cannabis odors.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10-A.17.110(M)070(P) 1
Biological Resources	BIO-1: Mendocino County shall amend the MCCR to require qualified County staff and/or qualified third-party inspectors to review proposed permit-CCBL locations and identify where habitat suitable for sensitive species may exist. The County shall consult with CDFW prior to the issuance of a Cultivation Permit CCBL to evaluate if there is a possibility for presence of sensitive species. Upon consultation, CDFW may recommend approval of the proposed development, ask to conduct a site inspection or request additional studies in order to make the determination that no impacts to sensitive species will occur. A cultivator that cannot demonstrate that there will be a less than significant impact to sensitive species will not be issued a Cultivation Permit CCBL. The County shall develop policies-a policy in consultation with CDFW to (1)-determine required qualifications of third-party inspectors and (2) define an objective set of criteria that applications can be checked against and when during Phases 1 and 2 a formal referral to CDFW is required to avoid impacts to sensitive species and natural communities. Following the development of the policy referred to in clause (2) of the preceding sentence, consultation with CDFW shall not be required but be performed pursuant to the policy. During Phase 3 all applications will be referred to CDFW. ³	County of Mendocino	County of Mendocino/ CDFW	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.100(B)A)(2)

³ Reflects modifications made by Ordinance No. 4392, adopted on August 29,2017, with an addendum adopted by Resolution No. 17-123 on August 22, 2017.

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Biological Resources	BIO-2: Mendocino County shall modify the MCCO prior to its adoption by the Board of Supervisors to require cultivators, not otherwise required to maintain enrollment in the Water Board Order, to adhere to the applicable "Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects" as presented in Appendix B of the Water Board Order, <u>or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency.</u>	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.110(G)070(I)(2)
Biological Resources (cont.)	BIO-3: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require that any existing cultivation operation be restored in conjunction with an approved on-site or off-site relocation during Phase 1. The applicant shall include a restoration plan, consistent with the standard conditions and BMPs listed in the Order, with the application for any <u>permit-CCBL</u> for which relocation of an existing operation is proposed. The restoration plan shall include the following: 1. Remove or repurpose buildings, greenhouses, fences, irrigation equipment, water intakes, pumps, storage tanks and other materials brought to the site for the purpose of cannabis cultivation; 2. Remove illegal dams, ponds or other in-stream water storage to restore natural stream flows; 3. Remove or compost agricultural wastes; 4. Remove trash and other debris; and 5. Re-vegetate cleared areas with native plants typical of nearby natural areas, including groundcover, shrubs and trees.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓			10A17.080.(B)(3)
	See Mitigation Measure HYD-1.							
Cultural Resources	No mitigation required.							
Geology and Soils	See Mitigation Measure BIO-2.							
Greenhouse Gases	See Mitigation Measures AIR-1and BIO-3.							
	See Mitigation Measure BIO-2 and HAZ-1.							

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Hazards and Hazardous Materials	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/	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.090 (A)(E)(8)
Hydrology and Water Quality	HYD-1: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require that the watershed assessment be an established "In Stream Flow Policy" as prepared by the State Water Resources Control Board Division of Water Rights or an equivalent document approved by that agency.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR			✓	10A.17.080(C)(1)
	HYD-2: Mendocino County shall modify the MCCO prior to its adoption by the Board of Supervisors to require that a water availability analysis be completed prior to permit-CCBL issuance for any new or relocated cultivation site outside of an AG district where an existing or new well is the proposed water source. The water availability analysis must address the adequacy of the proposed water supply, the direct effects on adjacent and surrounding water users, and possible cumulative adverse impacts of the development on the water supply within the watershed and show there is a sustained yield to support the proposed level of use.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.080(C)(1)
	See Mitigation Measure BIO-2.							
Land Use and Planning	See Mitigation Measures AIR-1, BIO-1, BIO-2, and HYD-1.							
Mineral Resources	No mitigation required.							
Noise	No mitigation required.							

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Population and Housing	See Mitigation Measure AG-1.							
Public Services	No mitigation required.							
Recreation	No mitigation required.							
Transportation	No mitigation required.							
Utilities and Service Systems	UTIL-1: Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require the submittal of a will-serve letter for cultivation sites which receive or propose to receive water and or sewer from a community provider.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.090 (F)(5) (5)
Mandatory Findings of Significance	No mitigation required.							