



County of Mendocino Local Jurisdiction Assistance Grant Program

Scope of Work

Executive Summary

The County of Mendocino Cannabis Department ("MCD") issues local authorization via a local regulatory structure that will operate in conformance with State licensing requirements for commercial cultivation and nursery operations of cannabis in the unincorporated area of the County. The Mendocino Cannabis Cultivation Regulation ("MCCR") is comprised of two complimentary chapters of the Mendocino County Code of Ordinances ("MCC"). The Mendocino Cannabis Cultivation Ordinance is found in MCC Sec. 10A.17¹ and the Cannabis Cultivation Sites chapter found in the Mendocino County Zoning Code under MCC Ch. 20.242².

The Mendocino County Treasurer Tax Collector ("TTC") issues a revocable, limited-term grant of permission to operate a cannabis processing, manufacturing, testing, retailing/dispensing, distributing, and/ or microbusiness within the County via issuance of a Cannabis Facility Business License ("CFBL"). The governing Code Section for CFBL's can be found in MCC Ch. 6.36³.

Through the CFBL application process, the Mendocino County Planning and Building Services Department ("PBS") regulates the processing, manufacturing, testing, dispensing, retailing, and distributing of cannabis within the unincorporated areas of Mendocino County. The Cannabis Facilities Code ("CFC") established a permitting pathway for all non-cultivation aspects of the supply chain and can be found in MCC Sec. 20.243⁴.

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

¹https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT10AAG_C H10A.17MECACUOR

²https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20ZOOR_DIVIMECOZOCO_CH20.242CACUSI

³https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT6BULIRE_CH6.36CAFABU

⁴https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20ZOOR_DIVIMECOZOCO_CH20.243CAFA

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

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

Program Description

To address the environmental impacts associated with commercial cannabis cultivation in the County of Mendocino, a CEQA compliant initial study was prepared for the MCCR. Based on the recommendations of the initial study, the Mendocino County Board of Supervisors ("BOS") adopted a Mitigated Negative Declaration⁵ ("MND") on March 21, 2017.

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

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

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

Environmental Compliance

Cultivation and Nursery Operations (CCBL)

MCD staff review applicable environmental documentation, which may include:

Phase One ⁶ *CCBL*'s – Required documents and measures for all Phase One CCBL's that are requesting to relocate the cultivation site:

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

Phase Two CCBL's - Required document:

Indoor Industrial Cultivation Questionnaire

All CCBL's - Required documents and measures if applicable to the project:

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

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

⁶https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT10AAG_C

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- Permit, license or registration, and the annual filing of a statement of diversion and use of surface water from a stream, river, underground stream, or other watercourse pursuant to Water Code Section 5101,
- General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009- 0009-DWQ (clearing, grading and disturbances),
- North Coast Regional Water Quality Control Board ("NCRWQCB") -
 - Establish and maintain enrollment in Tier 1, 2 or 3 with NCRWQCB Order No. 2015-0023.
 - CWA Section 401 water quality certification (for activities that involve construction and other work in Waters of the United States, that are not otherwise exempt or excluded, including streams and wetlands),
- Army Corps of Engineers
 - o Clean Water Act (CWA) Section 404 permit,
- Generator Management -
 - Leak prevention containment structure description within the cultivation and Operations plan,
 - Generator Maintenance Plan,
 - Generator Noise Analysis,
- Legal Water Source Verification -
 - Watershed assessment (If using surface water in Phase III) consist of an established "In Stream Flow Policy" as prepared by the State Water Resources Control Board Division of Water Rights or an equivalent document approved by that agency.
 - Small Irrigation Use Registration,
 - o Appropriative Water Right,
 - Will Serve Letter,
 - Well Completion Report,
 - Well Permit,
 - Pond Permit,
- Mendocino County Air Quality Management District ("MCAQMD") -
 - Questionnaire^{7*}.
 - o Filtered ventilation system permit, and
- Sensitive Species Habitat Review⁸ ("SSHR")

Non-Cultivation Cannabis Facilities (CFBL)

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

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

https://www.mendocinocounty.org/home/showpublisheddocument/54679/638060247427600000

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

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

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

Administrative Permits

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

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

Minor Use Permits

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

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Major Use Permits

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

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CCBL's In compliance (Cannabis Cultivation and Nursery Operations)

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

Annual CCBL's

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

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

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

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

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

Phase One CCBL Applications

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

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

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

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

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

CCBL's Compliance Underway

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

Annual CCBL's

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

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

Phase One CCBL Applications

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

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

CCBL's Not in Compliance

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

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

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

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

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

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

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

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

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

CFBL's Compliance Under Way

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

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

CFBL's Not in Compliance

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

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

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

Statement of Needs

MCD Needs:

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

Equity Program

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

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

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

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

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

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

Goals and Intended Outcomes

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

1. Programmatic EIR & other CEQA documents

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

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

Budget Items: F5 – Services: CEQA Contract

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

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

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

Budget Items: A1 – A13: Cannabis Program staff

F6 – Services: LACO contract

C1 - C9: County Administration staff

B1 – B20: 4-Leaf Contract Planners (See Contract Attached)

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

3. Informational Technology

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

Budget Items: D14 – Information Technology Systems: TRAKiT Service

D15 – Field Inspection Technology – Devices & Services D19 – Information Technology Systems: Planet Imagery

D20 - Information Technology Systems: Land Vision Aerial Imagery

D23 – Supplies: GIS Equipment

D24 – Information Technology Systems: DocuSign F1 – Services: Accela (See Contract Attached) F2 – Services: Avero-Accela Implementation

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

4. Goal: Direct Grant Programs

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

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