



**COUNTY OF MENDOCINO
CANNABIS DEPARTMENT**

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DATE: June 21, 2023
TO: Cannabis Department Staff/ Contact Planning Staff
FROM: Elora Babbini, Chief Planner
RE: Fencing Requirement

PURPOSE

Mendocino County Cannabis Department (“MCD”) is providing the following memorandum as an update regarding the most recent Cannabis Cultivation Ordinance amendment that streamlined the application review process. With board directive, MCD is working to streamline the current ordinance and direction for review to staff.

DEFINITIONS

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

ORDINANCE SECTION

Sec. 10A.17.040 – General Limitation on Cultivation of Cannabis

(H) All cannabis grown in Mendocino County (excluding indoor growing) must be within a secure fence of at least six (6) feet in height that fully encloses the garden area. The fence must include a lockable gate that is locked at all times when a qualified patient, caregiver or CCBL Holder (or their agent) is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.

Sec. 10A.17.100 – CCBL Review and Issuance

(C) Discovery of any violation(s) of the Mendocino County Code during the CCBL application process will be treated in a similar manner to violation(s) that are self reported during an active amnesty program. That is, the discovered violation(s) will still need to be corrected, but any investigative and/or penalty fees associated with an after-the-fact County permit will be waived.

(1) If the discovered violation(s) are directly related to a Phase One CCBL application, and/or if it is discovered that the CCBL would authorize a particular use for which a separate County permit is required but has not yet been obtained, the applicant shall be required to agree in writing to a compliance plan prior to issuance of the CCBL. Failure by applicant to agree in writing to a required compliance plan shall be grounds for denial of the CCBL.

(d) The compliance plan will identify the violation(s) and may suggest corresponding remedial action(s) that may be taken to correct the violation(s), will identify the required permit(s) based on the uses identified in the CCBL application, and will include timelines for achieving code compliance for all violations and/or for submitting completed applications for each required permit.

(b) In no event will more time be given to correct all violations, and/or submit a complete application for each required permit, than one (1) year after the date of issuance of the CCBL.

(c) After the applicant has signed the compliance plan, as presented by the Department in coordination with the appropriate County department(s), the Department may issue a CCBL restricted as indicated in the compliance plan, so long as no other barrier(s) to such issuance exists. Failure to abide by the compliance plan shall be grounds for CCBL termination, or non-renewal, pursuant to section 10A.17.140.

(d) The compliance plan will be the primary mechanism to obtain code compliance from CCBL applicants with respect to violations directly related to Phase One Permits applications. However, nothing in this section is intended to limit the use of any other applicable code enforcement provision or the ability of any County department with the appropriate authority from enforcing the Mendocino County Code.

STAFF INTERPRETATION

For Phase One applications already in operation, MCD Staff will review the application provided by the applicant and verify via site inspection if the fence requirement in 10A.17.040 (H) has been met. If a fence meeting the requirements of the Mendocino County Code is not present, or does not meet all of the requirements, the fence will be added to the compliance plan at time of issuance per 10A.17.100 (C). Upon annual renewal of the CCBL, the licensee will provide evidence to the department that the compliance plan has been met.

If setbacks cannot be met to meet the requirements of 10A.17, an administrative permit will be required per 20.242.040 (C) to fulfil the requirements in the compliance plan.

For Phase Three applications, there is no need for a compliance plan as all Phase Three applicants should not be operational and there would be no active 10A.17.040(H) violation during the pre-issuance site inspection.

AUTHORITY



Elora Babbini, Chief Planner
Mendocino County Cannabis Department

Date: 6/21/2023