



**COUNTY OF MENDOCINO
CANNABIS DEPARTMENT**

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MEMORANDUM

DATE: January 18, 2024
TO: Cannabis Cultivation Business License Administrative Permit Applicants
FROM: Steve Dunncliff, Interim Cannabis Director
SUBJECT: Cannabis Administrative Permit Flow Chart

Examples of Administrative Permit (“AP”) requirements found in Mendocino County Code (“MCC”) Chapter 10A.17 Mendocino Cannabis Cultivation Ordinance.

Sec. 10A.17.040 - General Limitations on Cultivation of Cannabis. (B) Applicants may seek a reduction in the setback described in paragraphs (A)(1) and (A)(5) upon issuance of an administrative permit pursuant to Chapter 20.242. See also sections 20.242.060(D) and 20.118.040(D), (E) and (F) for further exceptions to setback regulations.

AP Reason: Reduction in Setbacks.

Sec. 10A.17.070 - Requirements for All Cannabis Cultivation Business Licenses (“CCBL”). (E) Dwelling Unit Requirement. Legal parcels with a cultivation site are also required to have a dwelling unit; provided, however, that this requirement shall not apply to legal parcels within the following zoning districts: Upland Residential (U-R), Agricultural (A-G), Rangeland (R-L), Forest Land (F-L), Timberland Production (TPZ), Limited Industrial (1-1), General Industrial (1-2) Pinoleville Industrial (P-1). In addition, legal conforming parcels in Rural Residential, lot size ten (10) acres (R-R:L-10), shall also be exempt from the dwelling unit requirement of this paragraph, upon issuance of an administrative permit pursuant to Chapter 20.242.

AP Reason: Dwelling unit exemption.

Sec. 10A.17.080 - CCBL Phases and Requirements Specific to each Phase. (2)(b)(ii) A CCBL may be renewed and valid only until three (3) years following the effective date of the ordinance adopting this Chapter and any permits issued shall be void not later than three (3) years following said effective date; provided, however, that indoor cultivation sites (Types C-A, 1A or 2A) within two (2) miles of the Coastal Zone Boundary which, as of May 14, 2019, have been issued a CCBL (and issued any permit pursuant to Chapter 20.242) or have applied for a CCBL and are under CCBL review (and applied for and are under review for any permit pursuant to Chapter 20.242), may be issued and/or renew a CCBL until June 30, 2022, subject to the modification of the existing administrative or use permit for the indoor cultivation site.

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

AP Reason: Zoning



The Mendocino Cannabis Department (“MCD”) shall use the following flowchart pertaining to issuance and enforcement of CCBL requiring APs based on the applicant existing/proposed cultivation site/conditions.

- 1.) For CCBL applications that require Administrative Permits based on the applicant existing/proposed cultivation site/conditions, MCD should:
 - Shall notify the applicant of the AP requirement and the reason why an AP is required in writing.
 - Upon the issuance of the approved AP, and the satisfaction of all other MCC Ch. 10A.17 requirements, MCD shall issue the CCBL.
 - If the AP is not timely and/or not approved due to the applicant’s action or inaction, then the CCBL application is subject to MCD denial.
- 2.) For Renewals, modifications, investigating complaints submitted by the public, or investigation referrals from other agencies, MCD shall:
 - Verify AP compliance, including the AP conditions of approval, based on **MCC Sec. 10A.17.070 - Requirements for All CCBL's**. Unless specifically exempted, in addition to compliance with all other requirements of this Chapter, all CCBL Holder's shall comply with the requirements of this Section. (T)Cultivation shall comply with all provisions of this Chapter and any conditions that may apply as a result of an administrative or conditional use permit approved pursuant to Chapter 20.242, and any written remediation plan required by Section 10A.17.080(B)(3).
- 3.) If compliance is not achieved timely, MCD may use these tools to leverage compliance with the CCBL holder:
 - Notice of Violation
 - Administrative Citation
 - Property NOV Lien
 - Termination of the CCBL

Or develop and utilize an agreement with the Code Enforcement Division that would outline the following:

- The objectives of the agreement.
- The roles of MCD and Code Enforcement.
- How Enforcement referrals are made from MCD to Code Enforcement.
- What proper documentation and analysis is required for Code Enforcement to execute enforcement.
- How resources and associated costs are administered.