



**COUNTY OF MENDOCINO
CANNABIS DEPARTMENT**

860 NORTH BUSH STREET
UKIAH, CALIFORNIA 95482

CONTACT INFORMATION

PHONE: 707-234-6680

mcdpod@mendocinocounty.gov

<https://www.mendocinocounty.org/departments/cannabis-department>

MEMORANDUM

DATE: September 27, 2024
TO: Cannabis Cultivation Business Licenses ("CCBL") Applicants and Licensees
FROM: Steve Dunicliff, Interim Cannabis Director
SUBJECT: Factors Leading to CCBL Application Denial, and Notice of Violation, Administrative Citation, and/or Termination for CCBL Holders

PREVIOUS POLICY

None.

PURPOSE

This policy provides an outline for applying the various enforcement methods regarding Cannabis Cultivation Business License ("CCBL") processing and related violations. This policy is not all-inclusive and in no way limits the authority of the Mendocino Cannabis Department to deny or terminate an application or CCBL as inherently or explicitly provided by Mendocino County Code ("MCC") Chapter 10A.17.

DEFINITIONS

"Administrative Citation" or "Citation" means a civil citation issued pursuant to MCC §10A.17.140 stating that there has been a violation of one (1) or more provisions of MCC

"Cannabis Cultivation Business License" or "CCBL" means a business license issued to persons engaged in the cultivation of cannabis in Mendocino County pursuant to MCC Chapter 10A.17

"Compliance Plan" is an enforcement tool used to obtain code compliance from CCBL applicants with respect to violations directly related to Phase One and Phase Two CCBL applications

"Cultivation of cannabis" means any commercial activity involving the planting, growing, harvesting, drying, curing, grading, or trimming or processing of cannabis beyond what is exempt from a permit requirement pursuant to MCC Section 10A.17.030

"Cultivation site" means one (1) or more locations or facilities on one (1) legal parcel (or one (1) or more legal parcels if specifically allowed for by MCC Chapter 10A.17) subject to a single approved CCBL for the cultivation of cannabis where cannabis is planted, grown, harvested, dried, cured, graded, trimmed, or processed, or that does all or any combination of those activities



COUNTY OF MENDOCINO
CANNABIS DEPARTMENT
860 NORTH BUSH STREET
UKIAH, CALIFORNIA 95482

CONTACT INFORMATION

PHONE: 707-234-6680

mcdpod@mendocinocounty.gov

<https://www.mendocinocounty.org/departments/cannabis-department>

"Department" means the Mendocino County Cannabis Department or the authorized representatives thereof, or such other department, division, or representative as designated by the Board of Supervisors

"METRC" means "Marijuana Enforcement Tracking Reporting Compliance" which is the required tracking system used for reporting the movement of cannabis and cannabis products through the distribution chain established by the Department of Cannabis Control

"Notice of Application Stay" is a written notice submitted by an CCBL applicant to the Department that stays any application review and further processing for one (1) calendar year so the CCBL applicant can address any compliance issues

"Notice of Non-Cultivation" is a written notice submitted by an CCBL holder to the Department indicating that the CCBL holder will not cultivate cannabis at the licensed cultivation site for one (1) calendar year so the CCBL holder can address compliance issues

"Notice of Violation(s)" a written notice issued by the Department pursuant to MCC §10A.17.140 for failure to comply with MCC

"Plant canopy" or "square footage" or "total square footage of plant canopy" or "cultivation area" means the cumulative total of square footage occupied by growing cannabis plants as calculated by the Department but does not include aisles or other open areas outside the canopy area of growing cannabis plants

"Property Owner" means the record title owner of the legal parcel

"Track and Trace" means a monitoring system providing traceability throughout the production and distribution lifecycle of permitted cannabis utilizing a unique identifier pursuant to section 11362.777 of the Health and Safety Code to assist government with enforcing regulations and preventing the illegal diversion of cannabis

POLICY/PROCEDURE

CCBL Application or Renewal Application issues that typically result in **Application Denial** include, but are not limited to, the following:

- Property Owner consent revocation
- Cultivation of cannabis within the past six (6) months on the legal parcel(s) identified in the application, with legal deficiencies including but not limited to:
 - Cultivation of cannabis without an active Department of Cannabis Control ("DCC") License
 - Cultivation of cannabis within illegal and/or non-compliant structures
 - Cultivating cannabis or performing cannabis-related activities on the cannabis cultivation site that are not consistent with the CCBL application as submitted to the Department



**COUNTY OF MENDOCINO
CANNABIS DEPARTMENT**

860 NORTH BUSH STREET
UKIAH, CALIFORNIA · 95482

CONTACT INFORMATION

PHONE: 707-234-6680

mcdpod@mendocinocounty.gov

<https://www.mendocinocounty.org/departments/cannabis-department>

- Cultivation of cannabis within the allotted term of a Notice of Application Stay with the Department
- Cultivation of cannabis, or activities related to preparing a cultivation site, that are non-compliant with the requirements of Chapter 10A.17 or not consistent with the application as submitted, whether such issues are discovered during a pre-permit site inspection or other inspection of the property
- Incomplete CCBL application or renewal application; failure to address within the prescribed timeframe
- Failure to provide additional information or documentation within a prescribed timeline determined by the Department (Non-Responsiveness)
- Refusal/Failure to sign Compliance Plan and/or CCBL Affidavit within the prescribed timeframe
- Providing false or misleading information to the Department, County, or any other agency if such communication was made as a part of the CCBL application
- Not allowing the Department to perform scheduled site inspections or refusing access to all or part of the cannabis cultivation site within the prescribed timeframe
- An application may be denied if the applicant or any agent or employee of the applicant has engaged in or is engaging in activities related to the cultivation of cannabis that endangers the health or safety of people or property on the cultivation site
- Failure to pay all applicable fees adopted by the Board of Supervisors within a reasonable time shall be cause for application denial or non-renewal of a Person's license

*If an applicant is acting in good faith, as solely determined by the Department, to abide by the laws related to the CCBL, the Department may recommend the licensee submit a **Notice of Application Stay** to prevent the denial of a CCBL application, giving the applicant up to a year to resolve any compliance issues identified by MCD. Applicants who file a **Notice of Application Stay** shall cease cannabis cultivation activities at the cultivation site in excess of the limitations of MCC 10A.17.030 (B) & (C).

CCBL issues that typically result in the issuance of a **Notice of Violation "NOV"** include, but are not limited to, the following:

- Cultivation of cannabis in illegal and or non-compliant structures on the cultivation site within the past twelve (12) months
- Unreported modification of cultivation site including one or more of the following changes: license size; license type; cultivation area reconfiguration – relocation on the same parcel, new immature plant area.; water source; and/or add new cultivation related structure(s)
- Applicant or any agent or employee of the applicant has engaged in or is engaging in activities related to the cultivation of cannabis that endangers the health or safety of people or property
- Failure to enroll with METRC, and/or failure to comply with Track and Trace requirements while cultivating cannabis



COUNTY OF MENDOCINO
CANNABIS DEPARTMENT
860 NORTH BUSH STREET
UKIAH, CALIFORNIA 95482

CONTACT INFORMATION

PHONE: 707-234-6680

mcdpod@mendocinocounty.gov

<https://www.mendocinocounty.org/departments/cannabis-department>

- Diverting water without a water right as prepared by the State Water Resources Control Board Division
- Non-compliance with applicable laws and regulations regarding storage and use of fuel and/or pesticides
- Failure to store synthetic netting materials in compliance with the State Water Board Cannabis Policy
- Failure to abide by the applicable artificial light management plan

*NOVs may be issued at the Department's sole discretion, and depending on the extent of, the severity of, or conditions surrounding one (1) or more activities, such conditions or activities could be escalated to a denial of a CCBL application.

Administrative Citations may be issued by the Department pursuant to MCC §10A.17.140 if corrective action isn't taken regarding an issued NOV within the specified timeline and will result in an administrative penalty to be paid for by the responsible party. CCBL issues that typically result in an Administrative Citation include but are not limited to the following:

- The CCBL Holder has failed to correct any single code violation within ten (10) days of the initial notice, or such other time period otherwise specified in the pertinent notice of violation
- Cultivation of cannabis exceeding the maximum amount as outlined in the CCBL license or application type
- Applicant or any agent or employee of the applicant has engaged in or is engaging in activities related to the cultivation of cannabis that endangers the health or safety of people or property
- The extent of, the severity of, or conditions surrounding one (1) or more violations make it clear that the CCBL Holder was not acting in good faith to abide by the laws related to the CCBL
- Cultivation of cannabis or performing cannabis-related activities that are not consistent with the application as submitted to the Department

CCBL **Termination** may result from any number of issues, including but not limited to the following:

- Property Owner consent Revocation
- Cultivation of cannabis without an active Department of Cannabis Control ("DCC") License on a cultivation site within the past six (6) months on the parcel
- Cultivation of cannabis in any actively Fallowed areas
- Failure to abide by the items on a Compliance Plan including the inability to demonstrate meaningful progress with the Department
- Cultivation of cannabis while on a Notice of Non-Cultivation on the Cannabis Cultivation site
- Three (3) or more Notices of Violation or Administrative Citations, on separate occasions, from any Mendocino County Department, within a sixty (60) month period. The notices of



**COUNTY OF MENDOCINO
CANNABIS DEPARTMENT**
860 NORTH BUSH STREET
UKIAH, CALIFORNIA 95482

CONTACT INFORMATION

PHONE: 707-234-6680

mcdpod@mendocinocounty.gov

<https://www.mendocinocounty.org/departments/cannabis-department>

violations or administrative citations may or may not pertain to the same violation, recurring violation, or different violation(s)

- Providing false or misleading information to the Department, County, or any other agency if such communication was made as a part of the process of securing the CCBL

*If a CCBL holder is acting in good faith, as solely determined by the Department, to abide by the laws related to the CCBL, the Department may recommend the licensee submit a **Notice of Non-Cultivation** to prevent the termination of their license, giving the licensee up to a year to resolve any compliance issues identified by MCD. CCBL holders who file a **Notice of Non-Cultivation** shall cease cannabis cultivation activities at the cultivation site in excess of the limitations of MCC 10A.17.030 (B)(C) (personal/medical/caregiver). Notice of Non-Cultivation is governed by MCC 10A.17.08 (B)(6).

AUTHORITY

Policy Approved: _____

Date: _____

9/27/24

Steve Dunicliff, Interim Cannabis Department Director

