

**RESOLUTION NO. 23-098**

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING AN ADDENDUM TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR AMENDMENTS TO MENDOCINO COUNTY CODE CHAPTERS 10A.17 AND 20.242 TO STREAMLINE CANNABIS CULTIVATION PROCESSES AND APPROVING AN AMENDED MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, on April 4, 2017, the Board of Supervisors adopted Ordinance Number 4381, adding Chapters 10A.17 and 20.242 to the Mendocino County Code, referred to as the Medical Cannabis Cultivation Regulation, which was subsequently renamed the Mendocino Cannabis Cultivation Regulation (Project); and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; CEQA) and the CEQA Guidelines (Title 14 California Code of Regulations section 15000 *et seq.*) an Initial Study was prepared, which determined that the Project will not have a significant effect on the environment with the implementation of mitigation measures, which supported the adoption of a Mitigated Negative Declaration (MND); and

WHEREAS, by Resolution Number 17-042, adopted on March 21, 2017, following a public review period as required by CEQA and the CEQA Guidelines, the Mendocino County Board of Supervisors adopted an MND for the Project; and

WHEREAS, Section 15164 of the CEQA Guidelines provides that an addendum to a previously adopted MND may be prepared if only minor technical changes or additions to the project are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent environmental impact report or MND have occurred; and

WHEREAS, following the adoption of the MND and receiving applications for medical cannabis cultivation, the Board of Supervisors adopted amendments to Chapters 10A.17 and 20.242 of the Mendocino County Code, by Ordinance Nos. 4381, 4392, 4405, 4408, 4411, 4413, 4420, 4422, 4438, 4463 and 4519, for all of which the Board of Supervisors adopted addenda pursuant to CEQA; and

WHEREAS, the Board of Supervisors is desirous of making additional certain changes to Chapters 10A.17 and 20.242 of the Mendocino County Code, as more specified in the agenda summary and ordinance accompanying this resolution; and

WHEREAS, an addendum to the MND for the Project (Addendum) related to the changes proposed to be made to Chapter 10A.17 has been prepared, which is attached hereto as Attachment A and incorporated herein by this reference, and an amended Mitigation Monitoring and Reporting Program (Amended MMRP) has been prepared based on minor modifications to mitigation measures as discussed in the Addendum, which is attached hereto as Attachment B and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors, based on the whole record before it, hereby makes the following findings:

1. The above recitals are true and correct and incorporated herein by this reference.
2. The Addendum to the previously adopted MND was prepared and reviewed in compliance with CEQA and the CEQA Guidelines.
3. The Board of Supervisors has independently reviewed, analyzed and considered the

previously adopted MND, the Addendum, the agenda summary and all attachments thereto, as well as all written documentation and public comments thereto.

4. The information and analysis contained in the MND and the Addendum reflects the County's independent judgment as to the environmental consequences of the Project.
5. That, based on the evidence submitted and as demonstrated by the analysis included in the MND and the Addendum, none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental negative declaration or environmental impact report have occurred, specifically:
  - a. The proposed amendments to Chapters 10A.17 and 20.242 would not result in any substantial changes from what was previously analyzed in the MND and would not involve new significant impacts or result in a substantial increase in the severity of previously identified impacts. The proposed amendments do not constitute a substantial change in the project.
  - b. There have been no substantial changes in the circumstances of the Project as considered in the MND.
  - c. The consistency of the proposed amendments with the environmental resource analysis of the MND is summarized in Section 6.0 of the Addendum. As discussed, the proposed amendments would not result in any new significant effects not discussed in the MND.
  - d. Based on the analysis presented in the Addendum, no supplemental environmental review is required for the proposed amendments to the Project in accordance with Public Resources Code section 21166 and CEQA Guidelines Sections 15162 and 15164.
  - e. To the extent that modified mitigation measures are identified in the Addendum, the County is incorporating those modifications to mitigation measures into the Amended MMRP.

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby approves and adopts the Addendum to the previously adopted Mitigated Negative Declaration for the Mendocino Cannabis Cultivation Regulation (Attachment A) and the amended Mitigation Monitoring and Reporting Program (Attachment B) and directs the Mendocino County Department of Planning and Building Services to attach the Addendum to the MND.

BE IT FURTHER RESOLVED that the Clerk of the Board is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Ukiah, California 95482.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Haschak, and carried this 23<sup>rd</sup> day of May, 2023, by the following vote:

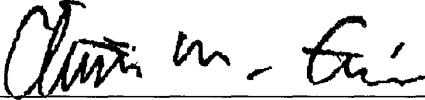
AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE  
Clerk of the Board

  
\_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CHRISTIAN M. CURTIS  
County Counsel

  
\_\_\_\_\_

  
\_\_\_\_\_  
GLENN MCGOURTY, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: DARCIE ANTLE  
Clerk of the Board

  
\_\_\_\_\_  
Deputy

## ADDENDUM TO MITIGATED NEGATIVE DECLARATION

The County of Mendocino, California, does hereby prepare, declare and publish this Addendum to an adopted Mitigated Negative Declaration (MND) for the following described project:

**PROJECT NAME:** Amendments to Mendocino Cannabis Cultivation Regulation (MCCR),  
Chapters 10A.17 and 20.242 of the Mendocino County Code  
**SCH NO.:** 2016112028

This Addendum to the adopted MND evaluates a proposal to modify the MCCR to streamline local cannabis cultivation permitting. In particular, many of the requirements presently part of the permit review process, as well as performance standards that apply following issuance of a permit, are being consolidated into the existing section regarding requirements for all permits. This is intended to streamline review of permit applications while maintaining environmental protection measures that were built into the ordinance as well as those added as mitigation measures by the MND. Certain requirements of the ordinance are also being deleted, largely due to the requirements being duplicative to those required for a license issued by the State.

The County of Mendocino has reviewed the proposed modifications to the MCCR and, on the basis of the whole record before it, has determined that there is no substantial evidence that the amendments to the MCCR, as identified in the attached Addendum, would have a significant effect on the environment beyond that which was evaluated in the adopted MND. A supplemental or subsequent EIR is not required pursuant to the California Environmental Quality Act of 1970 (Section 21000, et seq., Public Resources Code of the State of California).

The Addendum to the MND has been prepared pursuant to Title 14, Sections 15162 and 15164 of the California Code of Regulations. It may be reviewed at the offices of the Mendocino Cannabis Department, 125 East Commercial Street, Suite 230, Willits, California 95490, or on the County's website at:

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

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# **Addendum to Mitigated Negative Declaration for Mendocino Cannabis Cultivation Regulation**

SCH No. 2016112028

**Mendocino County**

Mendocino Cannabis Department  
125 East Commercial St., Ste. 230  
Willits, CA 95490  
(707) 234-6680

May 2023

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Exhibits: Exhibit A – Ordinance Change Table

Attachment A



**Streamlining Amendments to Mendocino Cannabis Cultivation Regulation  
Addendum to the Mitigated Negative Declaration  
SCH No. 2016112028**

1. PROJECT NAME

Streamlining amendments to the Mendocino Cannabis Cultivation Regulation (“MCCR”), Chapters 10A.17 and 20.242 of the Mendocino County Code.

2. PROJECT LOCATION AND ZONING

The MCCR applies throughout unincorporated areas of Mendocino County, exclusive of areas within the Coastal Zone. It establishes ten (10) permit types for the cultivation of cannabis. Mendocino County Zoning Ordinance Sections 20.242.040, 20.242.050 and 20.242.060 establish the appropriate locations for each permit type. The following zoning districts are identified as appropriate locations for one or more of the ten permit types:

- 1) RR5 (Rural Residential - 5 acre minimum);
- 2) RR10 (Rural Residential-10 acre minimum);
- 3) AG (Agriculture);
- 4) UR (Upland Residential);
- 5) RL (Rangeland);
- 6) FL (Forest Land);
- 7) TPZ (Timberland Production Zone);
- 8) I1 (Limited Industrial);
- 9) I2 (General Industrial); and
- 10) P-I (Pinoleville Industrial).

No new cultivation operations (established after April 1, 2021) are permitted in the FL, RL and TPZ Districts. The proposed amendments to the MCCR would not change the zones in which cultivation is permitted and would not change the types of permits offered beyond referring to them as Cannabis Cultivation Business Licenses (“CCBL’s”).

4. PROJECT DISCUSSION

4.1 Background

On March 21, 2017, the Board of Supervisors adopted Resolution No. 17-042, adopting a Mitigated Negative Declaration (“MND”) for Ordinance No. 4381, which added Chapter 10A.17 and 20.242 (then known as the “Medical Cannabis Cultivation Regulations”) to the Mendocino County Code. The MCCR established a largely ministerial permitting process for the issuance of cannabis cultivation permits pursuant to Chapter 10A.17, with some exceptions or locations only eligible for a permit following the issuance of an administrative or use permit pursuant to Chapter 20.242 of the Zoning Code.

Since the adoption of the MCCR and the MND, the County has approved multiple modifications to the MCCR for minor changes, including one change that renamed the project title to the Mendocino Cannabis

Cultivation Regulations, when the project was broadened to encompass both medical and adult-use cannabis cultivation. Previous modifications have had separate addenda filed under the previous and current title.

#### 4.2 Proposed Amendments to MCCR

This Addendum to the adopted MND evaluates a proposal to modify the MCCR to streamline local cannabis cultivation permitting. The MCCR was initially drafted prior to the establishment of any other cannabis permitting program, including that of the State of California. As such, the MCCR was written as if it were the last permit necessary prior to a person being able to cultivate cannabis. This is no longer the case, especially following the adoption of the State's discretionary cannabis cultivation regulatory program which requires compliance with local ordinances prior to issuance (Business and Professions Code Section 26055).

The MCCR currently requires the submission of many separate documents to the Mendocino Cannabis Department ("MCD") as part of the application for a Permit, many of which show only that the applicant is conforming with legal requirements of other state or federal agencies that the applicant would be required to follow whether or not the MCCR listed the submission of documentation. For example, work in or near a streambed may require a lake and streambed alteration agreement from the California Department of Fish and Wildlife ("CDFW") whether or not a Permit or CCBL is involved. These approvals from other governmental agencies are not subject to County review or approval.

The proposed amendments would remove the submission of these documents to MCD as part of the application (Section 10A.17.090) and place them in the existing ordinance section (Section 10A.17.070) which states the requirements for all cannabis cultivation permits. This reduces the amount of paperwork submitted to and reviewed by MCD as part of an application while retaining the overall requirement of the ordinance for compliance with relevant statutes and regulations. The environmental protective measure of requiring these approvals to be obtained is not lessened by removing the submission of paperwork to MCD. In addition, Section 10A.17.070 is also amended to more clearly provide that cultivation of cannabis may not commence until all requirements have been complied with. This is to clarify that approvals from many agencies may be required before a person can commence cultivating cannabis, even if a CCBL is issued, and cultivating without having all approvals in place would be a violation of the MCCR as well as the separate rules of the other governmental agency.

The amendments to the MCCR (the "Amendments") can be broken down into three categories:

1. Nomenclature changes, in particular changes related from MCD issuing Permits to issuing Cannabis Cultivation Business Licenses or "CCBL's".
2. Consolidation and modification of the Performance Standards section (Section 10A.17.110) and the Application and Zoning Review section (Section 10A.17.090), with requirements moving into the Requirements for All CCBL's section (Section 10A.17.070).
3. Deletion of certain requirements that are administrative in nature or otherwise duplicative of requirements in State law.

Attached as Exhibit A to this Addendum is a matrix of ordinance paragraphs affected by the proposed amendments, showing where certain paragraphs have moved or whether they have been deleted in their entirety.

#### 4.3 Administrative Changes Are Not A Project

This Addendum to the adopted MND evaluates a proposal to modify the MCCR to streamline local cannabis cultivation permitting. As noted in the previous section, certain requirements that are administrative in nature or duplicative of State law are being deleted; this would include criminal history background reviews, which are now being performed by the State as part of its permit program. Otherwise, requirements of the existing MCCR are being removed from the application review process and consolidated into the Requirements for All CCBL's section. The purpose of the Amendments is to streamline the permit process but not eliminate any of the environmental protection measures.

The California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; "CEQA") and its implementing Guidelines (14 Cal. Code Regs. 15000 *et seq.*; "CEQA Guidelines") apply to a project. The term "project" is defined in CEQA Guidelines Section 15378, and specifically excludes "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment."

The changes being proposed by the Amendments are administrative in nature and are not a project as defined by Section 15678. Cannabis cultivators remain subject to the environmental protective measures of the MCCR, which are being consolidated and modified in minor ways that do not lessen the requirement for compliance. Nevertheless, this Addendum reviews the changes proposed by the Amendments pursuant to CEQA Guidelines Section 15162.

## 5. APPROACH TO CEQA ANALYSIS

In the case of a modification to a project for which an MND has been approved (as is the case with the proposed Amendments), CEQA and the CEQA Guidelines require the lead agency to determine whether a supplemental or subsequent MND or environmental impact report ("EIR") is required. This requirement is codified in Public Resources Code section 21166 and also stated in CEQA Guidelines Section 15162. Section 15162 provides guidance in this process by requiring an examination of whether, since the certification of the MND and approval of the project, changes in the project or conditions have been made to such an extent that the proposal may result in substantial changes in physical conditions that are considered significant under CEQA. If so, the County would be required to prepare a subsequent or supplemental environmental review document. If only minor technical changes or additions are necessary, or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, an addendum may be prepared. The addendum should include a brief explanation of the decision not to prepare a subsequent or supplemental environmental document, supported by substantial evidence, and the lead agency's required findings on the project.

This Addendum examines the proposed Amendments in accordance with Section 15162. The evaluation concludes that the conditions set forth in Section 15162 are not present, and that an Addendum to the MND is the appropriate CEQA document pursuant to CEQA Guidelines Section 15164.

Each of the following standards, as set forth in Section 15162(a), are addressed in this Addendum.

- 1) Are substantial changes proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?
- 2) Have substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?

- 3) Is there new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, that shows any of the following:
- (a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (b) Significant effects previously examined will be substantially more severe than shown in the previous EIR (or negative declaration);
  - (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to CEQA, this Addendum evaluates the proposed Amendments to determine whether circumstances are present that could require a supplemental environmental document. Based on the Addendum, County staff recommends that: (a) the potential impacts of the Amendments are within the scope of those analyzed in the MND; (b) only minor revisions are required for the MND, and (c) as such, the MND provides a sufficient and adequate analysis of the potential environmental impacts of the Amendments.

#### 5.1 "Substantial Changes in the Project" Standard

Pursuant to Section 15162(a)(1) of the CEQA Guidelines, this section presents a discussion of whether substantial changes are proposed which will require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The Amendments are not altering the zones in which cannabis cultivation may occur or the size of the cultivation sites that may be developed in the County. Ordinance requirements discussed in the MND remain requirements of the ordinance, with many (but not all) being modified to reflect being moved to different sections of the ordinance. As will be reviewed in more detail in the remainder of the Addendum for each environmental factor, the primary change being made by the Amendments is in shifting requirements out of the permit review process but keeping them as required elements of obtaining a CCBL from the County. This will streamline application review but still provide for enforcement mechanisms where it is determined that a CCBL Holder has not complied with the requirements of the MCCR.

Shifting certain items from the application review portion of the MCCR to the requirements section will not create new significant environmental effects or create a substantial increase in the severity of previously identified significant effects. CCBL Holders will still be prohibited from cultivating cannabis without having all approvals required by the MCCR. The County will still conduct pre-CCBL issuance site inspections and has the ability to conduct additional inspections as warranted. The sensitive species habitat review ("SSHR") procedure, required by Mitigation Measure BIO-1 and Section 10A.17.090, continues to provide for consultation with and review of applications by the California Department of Fish and Wildlife ("CDFW"), which can assist in identifying the kinds of approvals warranted by a cultivation site. The County has access to satellite imaging software that provides greater ability for Department staff to research development of a cultivation site. In addition, now that Phase One is closed, there is a known cohort of Permittees and permit applicants for which the County has received applications. These

cultivation sites are known quantities and have already been subject to the requirements as part of the existing application process. Looking forward, the Amendments will have minimal effect because there is no provision in the MCCR for Phase Three applicants to cultivate prior to obtaining a CCBL and cannabis cultivators must also have obtained a license from the State prior to commencing cultivation.

Two minor changes are proposed to elements of the MCCR that are referenced in various sections of the MND but are not part of any mitigation measure or discussion of impacts. The MCCR contained requirements for cultivators to notify CDFW pursuant to Section 1602 of the California Fish and Game Code, relating to streambed alteration, and to provide a copy of the permit obtained from CDFW. This is proposed to be modified to a requirement that the CCBL Holder have notified CDFW and obtain all relevant approvals or authorizations, and moved this provision to the requirements section (Section 10A.17.070). This modification acknowledges that finishing the process with CDFW may take time and that CDFW is the lead agency on issuing such approvals and placing conditions on the cultivator. The MCCR also contained requirements for a cultivator to obtain Section 401 and 404 permits pursuant to the federal Clean Water Act; this is also proposed to be moved to Section 10A.17.070. These permits are still required to be obtained prior to commencing construction in streams and wetlands, unless otherwise allowed by the relevant agencies. Similar as to the CDFW requirement, the revised language acknowledges that certain requirements of the MCCR are dependent on permit processes of agencies other than the County, which agencies may allow for various ways to comply with regulations. These modifications have no environmental impact as the requirement to comply is unchanged.

The effect of the Amendments on the MCCR is analyzed in Section 6 below. As discussed, the proposed Amendments will not have one or more significant effects not discussed in the MND, and significant effects previously examined will not be substantially more severe than shown in the MND. There is no environmental impact as a result of no longer requiring submission of documents to the County. The Amendments do not constitute a substantial change to the MCCR requiring a subsequent or supplemental environmental document.

## 5.2 "Substantial Changes in the Circumstances" Standard

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this section presents a discussion of whether substantial changes have occurred with respect to the circumstances under which the project is undertaken since the approval of the MND that require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The MND was adopted in 2017 and covered the entire unincorporated area of Mendocino County. There have been no significant changes in land uses or zoning in the County since 2017. The project location and setting as described in the MND are essentially unchanged and the MND acknowledged a landscape that had been substantially altered by both legal and illegal cannabis cultivation sites. Since the adoption of the MND, the State of California has also adopted a regulatory license system for cannabis cultivation sites that requires compliance with many separate laws and regulations.

Legal development has occurred consistent with the requirements of the MCCR, but on a relatively small amount of acreage compared to the size of the County as analyzed in the MND. Since 2017, approximately 1,544 cannabis cultivation permits have been applied for under Phase One. Of that total, there are 127 active issued permits and 598 active applications for a total of 725 legal cultivation sites in the County. These numbers are relatively consistent with the estimates made by the project description in the MND, which anticipated "a minimum of several hundred applications, affecting a gross acreage of several thousand acres, with significantly fewer acres directly impacted by cultivation and related infrastructure development." (MND, p. 20.) Even assuming a full acre for all cultivation activities at each permitted or applied for cultivation site, no more than 844 acres have been or may be developed pursuant

to the MCCR. In discussing the project setting, the MND noted that almost 1.8 million acres of the County were technically available for cultivation during Phase One.

On April 20, 2021, the Board of Supervisors adopted Resolution No. 21-051, declaring a local emergency due to drought conditions in Mendocino County. After the winter of 2021/2022 also had lower than normal rainfall, Governor Newsom signed Executive Order N-7-22 on March 28, 2022, to assist in mitigating drought conditions. Executive Order N-7-22 included limitations on the issuance of permits for new or altered groundwater wells, including that a determination be made that the new or altered groundwater well be not likely to interfere with the production and functioning of existing nearby wells and not likely to cause subsidence that could adversely impact or damage nearby infrastructure. For new or altered wells in medium or high priority basins (Ukiah Valley is a medium priority basin), verification from a groundwater sustainability agency is required prior to permit issuance to show that the well would not be inconsistent with any groundwater sustainability plan adopted by that agency. These provisions were modified slightly by Executive Order N-3-23 issued on February 13, 2023. The MCCR, as it exists or as proposed to be amended, does not conflict with these executive orders. All applicants are required to show their legal water source for their cultivation site, and any new wells or modifications to existing wells needed by an applicant or Permittee would be subject to the requirements of the Executive Order. Phase Three applicants are similarly subject to these requirements, in addition to the watershed assessment or water availability analysis requirements of Section 10A.17.080(C), which are not affected by the proposed Amendments. Droughts are a known potential occurrence in Mendocino County, occurring as recently as 2014, just prior to the initial adoption of the MCCR, and the hydrology and water quality section of the MND found that the impacts of the MCCR would be less than significant with mitigation incorporated; as discussed herein, these mitigation measures are not affected by the Amendments. As of the date of preparation of this addendum, California and Mendocino County have also received above-average precipitation during winter 2022/2023.

There have been no substantial changes in the circumstances of the project as considered in the MND.

### 5.3 "New Information of Substantial Importance" Standard

Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this section includes a discussion of whether there is new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the MND was approved, showing any of the following: (1) one or more significant effects not discussed in the MND; (2) significant effects previously examined that are substantially more severe than shown in the MND; (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the County declines to adopt the mitigation measure or alternative; or (4) mitigation measures or alternatives that are considerably different from those analyzed in the MND and that would substantially reduce one or more significant effects on the environment, but the County declines to adopt the mitigation measure or alternative.

No mitigation measures previously identified in the MND were found not to be feasible. As documented in the MND, the adoption of the MCCR had a less than significant impact on the environment based on the incorporation of all mitigation measures. Because mitigation measures were identified that reduced all impacts on the environment to a less than significant level, there is no need to consider additional mitigation measures. The County is unaware of any new information that has become available after the MND was approved that is of substantial importance to the MCCR that was not previously available or knowable with the exercise of reasonable diligence that shows one or more significant effects not discussed in the MND or that potentially significant effects that were previously examined are substantially more severe than shown in the MND. As such, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable

diligence at the time the MND was approved showing any of the factors outlined in Section 15162(a)(3) of the CEQA Guidelines.

## 6. ENVIRONMENTAL FACTORS

### 6.1 Aesthetics

The MND determined that the MCCR would have a less than significant impact on Aesthetics with mitigation incorporated through one mitigation measure. Mitigation Measure AES-1 required for the MCCR to be modified prior to its adoption to require that all structures used for mixed-light cultivation to be constructed or retrofitted in a manner so as to fully contain any light or light glare involved in the cultivation process and required security lighting to be motion activated and fully shielded. These requirements are present in Section 10A.17.040(E) of the MCCR and are unaffected by the Amendments. Uses permitted pursuant to the MCCR are similar in nature to uses already allowed or allowed with permits in the zones where cannabis cultivation is permitted under the MCCR. In addition, none of the paragraphs of the MCCR being relocated or modified change requirements related to aesthetic issues reviewed by the MND. As such, the Amendments do not require major revisions of the MND due to the involvement of significant environmental effects or a substantial increase in the severity of previously identified environmental effects.

In conclusion, the MCCR as amended by the Amendments does not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the mitigation measures identified in the MND. The Amendments do not propose substantial changes to the MCCR that would affect aesthetics beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.2 Agriculture and Forestry Resources

The MND determined that the MCCR would have a less than significant impact on Agriculture and Forestry Resources with mitigation incorporated through four mitigation measures.

Mitigation Measure AG-1 required for the MCCR prior to its adoption to remove the requirement for a legal dwelling unit on all parcels which receive a cultivation permit in the AG, RL, FL and TPZ districts. This modification was made in Section 10A.17.070(E) and is unchanged by the Amendments.

Mitigation Measure AG-2 required Chapter 20.242 to be modified prior to its adoption to prohibit new medical cannabis cultivation permits in the RL District. Section 20.242.060 pertaining to new cannabis cultivation sites does not allow new permits to be issued in the Rangeland District and is unaffected by the Amendments.

Mitigation Measure AG-3 required the prohibition of issuance of cultivation permits 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. The Board of Supervisors amended its Policies and Procedures for Agricultural Preserves and Williamson Act Contracts by Resolution No. 17-041 on March 21, 2017, to include the cultivation of cannabis as a compatible but not qualifying agricultural use. This occurred prior to the adoption of the MCCR, which was adopted on April 4, 2017. This change is unaffected by the Amendments.

Mitigation Measure AG-4 required the MCCR to be modified prior to its adoption to prohibit removal of any commercial tree species as defined by Cal Fire and the removal of any true oak species for the purposes of developing a cannabis cultivation site. Paragraph (I) was added to Section 10A.17.040 prior to its adoption by Ordinance No. 4381, which due to subsequent amendments to the ordinance, has since been relettered paragraph (K). Paragraph (K) is unchanged by the Amendments.

Separate from paragraph (K) of Section 10A.17.040, paragraph (T) of Section 10A.17.090 speaks to tree removal related to a permit application. At the time of adoption, paragraph (T) provided that if an application included the conversion of timberland, as defined in the Public Resources Code, in order to create or expand a cultivation site, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection ("CalFire"). Alternately, the section then provided that for existing operations occupying sites created through prior unauthorized conversion of timberland, the applicant must provide evidence that environmental impacts have been mitigated, to the extent feasible, as required by the resource protection agencies including CalFire, the North Coast Regional Water Quality Control Board ("NCRWQCB") and the California Department of Fish and Wildlife ("CDFW"). This requirement was discussed in the MND as assisting in keeping impacts of the MCCR to a less than significant level for TPZ and FL lands.

Paragraph (T) of Section 10A.17.090 was amended by Ordinance No. 4392 on August 29, 2017, to read as follows:

No application shall be approved which identifies or would require the removal of tree species listed in paragraph (I) of Section 10A.17.040 after May 4, 2017, for the purpose of developing a cultivation site. For applications where trees were removed prior to May 4, 2017, applicants shall provide evidence to the Department that no trees were unlawfully removed to develop a cultivation site; such evidence may include, but is not limited to, a less-than-three-acre conversion exemption or timberland conversion permit issued by the California Department of Forestry and Fire Protection ("CalFire") and trees were removed prior to May 4, 2017. If during review of an application County staff determine that trees were unlawfully removed to develop a cultivation site, the County shall deny the application. Notwithstanding the foregoing, for cultivation sites created prior to May 4, 2017, through prior unauthorized conversion of timberland as defined in Public Resources Code section 4526, a Permit may be approved if the applicant provides evidence that environmental impacts of the tree removal have been mitigated to the extent feasible or otherwise resolved, as required by the resource protection agencies including CalFire, the NCRWQCB and the CDFW. County staff shall defer to the resource protection agencies referenced herein for determinations as to the unlawful removal of trees or unauthorized conversion of timberland or the sufficiency of any required remediation to address the environmental impacts. Nothing herein shall be construed to limit or condition in any way the regulatory or enforcement authority of the resource agencies listed herein.

An Addendum for the amendments made by Ordinance No. 4392, which was approved by Resolution No. 17-123, provided that the revisions to paragraph (T) of Section 10A.17.090 clarifies and enhances Mitigation Measure AG-4 by clarifying the effective date of the tree removal prohibition and definitively requiring permit denial of trees were removed after the effective date of Ordinance No. 4381.

Paragraph (T) of Section 10A.17.090 is proposed for deletion by the Amendments, to be replaced by paragraph (W) of Section 10A.17.070 (Requirements for All CCBL's), which is proposed to read as follows:

CCBL Holders are prohibited from engaging in the cultivation of cannabis on portions of property where tree species listed in paragraph (K) of Section 10A.17.040 have been unlawfully removed; provided, however, for cultivation sites created prior to May 4, 2017, where such trees were unlawfully removed, a CCBL Holder may cultivate cannabis on such portions of property when the CCBL Holder has evidence that the environmental



impacts of the tree removal have been mitigated to the extent feasible or otherwise resolved, as required by the resource protection agencies including CalFire, the NCRWQCB and CDFW.

The paragraph has been streamlined from its present language but continues the prohibition on the cultivation of cannabis where listed trees were unlawfully removed. The effective date of the MCCR, May 4, 2017, remains a dividing line. If a cultivation site is located where trees were unlawfully removed prior to May 4, 2017, a CCBL holder is still able to obtain approvals from resource protection agencies that would legitimize that cultivation site. Cultivation of cannabis on locations where listed trees were removed or are proposed to be removed on or after May 4, 2017, would be unlawful pursuant to the provisions of the MCCR itself, unless the trees were pruned for maintenance or removed to address safety or disease concerns. There is no environmental impact from the modifications and move of the subject paragraph, as the legal requirements remain the same.

While there is legally no change in ordinance requirements, it is worth noting that other mechanisms of the ordinance show that tree removal will not be ignored by the County. The County will still conduct pre-CCBL issuance site inspections and has the ability to conduct additional inspections as warranted, which could reveal evidence of tree removal. The SSHR procedure provides another avenue for determining whether trees have been removed. The County has access to satellite imaging software that provides greater ability to research when and where tree removal may have occurred. The overarching prohibition of paragraph (K) of Section 10A.17.040 has been in place since May 4, 2017. Any tree removals inconsistent with the requirements of the ordinance that have occurred since that point in time have been in violation of the ordinance and would prohibit the issuance of a CCBL if discovered during the CCBL review process, and any tree removals discovered after the fact would still remain subject to enforcement mechanisms already existing in Chapter 10A.17. Zoning districts where timberland is likely to be located (Rangeland, Forestland and Timber Production) remain ineligible for cannabis cultivation sites under Phase Three. Modifying and moving existing paragraph (T) of Section 10A.17.090 to Section 10A.17.070 does not constitute a substantial change that will require major revisions due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

In conclusion, the Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the mitigation measures identified in the MND. As to agricultural lands, the cultivation of cannabis remains consistent with and similar to other agricultural activities that occur on agricultural lands. As to forestry resources, the prohibitions put in place by the MND remain in effect. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. Implementation of the MCCR as modified by the Amendments would not introduce new agricultural or forestry related impacts or create more severe impacts than those analyzed in the MND. The Amendments do not propose substantial changes to the MCCR that would affect agricultural or forestry resources beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.3 Air Quality

The MND determined that the MCCR would have a less than significant impact on air quality with the incorporation of mitigation measures.

Mitigation Measure AIR-1 required the MCCR to be amended prior to adoption to include a requirement that the County consult with 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 MCAQMD is necessary. The mitigation measure further stated that applicants must obtain all approvals and permits required by the MCAQMD pursuant to federal, state and local laws, regulations, plans and policies prior

to the issuance by the County of a cannabis cultivation permit. The measure allowed that the consultation process could be eliminated if MCAQMD authorizes the County to determine when a permit or other approval by MCAQMD is required, based on an objective set of criteria developed by MCAQMD for such purposes.

Mitigation Measure AIR-1 was added as a third paragraph to Section 10A.17.090 as a required step in the permit review process. The Amendments propose to modify this paragraph to eliminate the requirement to consult with the MCAQMD and simply require that a CCBL Holder obtain all approvals and permits required by the MCAQMD pursuant to the same laws, regulations plans and policies referred to in existing Section 10A.17.090, and move the revised paragraph to Section 10A.17.070.

The procedure referred to in Mitigation Measure AIR-1 is more of a referral process than a traditional consultation. "Consultation" can imply the need for information and advice from a person or entity with expertise, but the only determination at issue in the mitigation measure is whether or not a permit is required by MCAQMD. The mitigation measure then requires the applicant to obtain the approval required by MCAQMD. The environmental protective measure of AIR-1 is not the referral to MCAQMD, but the applicant obtaining the approval required by MCAQMD. The discussion in the MND regarding air quality noted that existing regulations of the MCAQMD would reduce emissions and potential exposure to naturally occurring asbestos. The MND indicated that the consultation requirement was imposed to confirm that the various requirements of MCAQMD would be met. This concern was potentially relevant at the creation of a regulatory program for a product that had not previously been regulated. However, with several years of both County and State regulatory programs in operation, the proliferation of private cannabis licensing consultants, and prior informational efforts by the department, it is reasonable to expect that persons seeking to cultivate cannabis in the legal market be aware of relevant regulations and know to comply with them.

The mitigation measure as proposed to be modified would continue to require that a CCBL Holder obtain all approvals required by the MCAQMD prior to commencing cultivation on the cultivation site. There is no reduction in the actual environmental protection of the mitigation measure to comply with another entity's regulations as a result of the change. To the extent that a CCBL Holder is cultivating cannabis but has not complied with MCAQMD regulations, that applicant may be found in violation of the MCCR and subject to administrative penalties or termination of their CCBL, as well as referral to MCAQMD for its separate enforcement of noncompliance with its regulations.

Under CEQA Guidelines Section 15162(a)(1), the requirement to prepare a subsequent or supplemental environmental document, as opposed to an addendum, is triggered only when a proposed change is substantial and would require "major revisions" to the previous environmental document. The change proposed by the Amendments is not a substantial change that requires major revisions to Mitigation Measure AIR-1. The change merely removes the specific requirement for consultation between the County and MCAQMD but retains the requirement that all such approvals be obtained. Formal consultation between the County and MCAQMD is not necessarily more effective than simply requiring applicants to adhere to MCAQMD requirements. Compliance may be confirmed by the County as part of pre-CCBL issuance inspections or any inspection prompted by complaints or other referrals, as well as by MCAQMD following any complaints made to that entity directly. Therefore, it is proposed to modify Mitigation Measure AIR-1 to read as follows:

~~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.~~

The above change is reflected in an amended Mitigation Monitoring and Reporting Program (“Amended MMRP”) that has been prepared for approval at the same time as this addendum. The Amended MMRP will also be revised to update Code section references that are amended as a result of the Amendments or prior amendments and changes made as part of previous amendments and covered by previous addenda. The Amended MMRP will also update the word “permit” to “CCBL.”

This proposed change will not result in new significant environmental effects or a substantial increase in previously identified environmental effects because the requirement to obtain MCAQMD permits remains. Any activity without a required MCAQMD permit would be subject to enforcement measures by either MCAQMD under its own regulations, or by the County as violating the requirement of the MCCR to have obtained such MCAQMD approvals.

Mitigation Measure AIR-2 required the MCCR to be amended prior to adoption to require that all buildings, including greenhouses, used for the cultivation of cannabis pursuant to an “artificial light” permit 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. Mitigation Measure AIR-2 was previously numbered Mitigation Measure AIR-3, but the previous Mitigation Measure AIR-2 was eliminated by the Board of Supervisors by Resolution No. 17-042. This mitigation measure resulted in the addition of what is now paragraph (M) to Section 10A.17.110. The Amendments propose moving that paragraph from Section 10A.17.110 – Performance Standards, to paragraph (P) of Section 10A.17.070 – Requirements for All CCBL’s, without change to the wording.

The MND noted that several aspects of the MCCR were expected to reduce impacts to air quality, including that (1) newer cultivation sites would not be located in more rural areas without paved roads, (2) cultivation sites were to be setback from a variety of potentially sensitive receptors and neighboring parcels, (3) minimum parcel sizes would discourage a concentration of cultivation sites, (4) establishing maximum cultivation areas would limit the scale of potential emissions, (5) a prohibition on using generators as a primary source of power, and (6) requiring an identified water right sufficient to cultivate the site, reducing the potential of reliance on water delivery and thereby emissions from trucks. These provisions remain in the ordinance. The MND also stated that odors from agricultural operations on appropriately zoned parcels are a typical and anticipated circumstance and not typically defined as a nuisance, and this remains the same today.

In conclusion, the Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the mitigation measures identified in the MND. The mitigation measures, even as modified, continue to require compliance with regulations and requirements for odor control where cannabis cultivation is concentrated by indoor and greenhouse operations. Implementation of the MCCR as modified by the Amendments would not introduce new air quality impacts or create more severe impacts than those analyzed in the MND, and does not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect air quality beyond the effects analyzed in the MND or require major revisions to the MND.

Minor modifications are proposed for Mitigation Measure AIR-1, but the obligation to obtain all required air quality permits remains unchanged. This modification does not lessen the effectiveness of the mitigation measure.

#### 6.4 Biological Resources

The MND determined that the MCCR would have a less than significant impact on biological resources with the incorporation of mitigation measures.

Mitigation Measure BIO-1 was altered by the Board of Supervisors as part of Resolution No. 17-042 to read as follows: "Mendocino County shall amend the MCCR to require qualified County staff and/or qualified third party inspectors to review proposed permit 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 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. The County shall develop policies 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."

This mitigation measure was carried out by adding paragraph (A)(2) to Section 10A.17.100, as one of the steps that must occur before the issuance of a permit. The involvement of third-party inspectors was eliminated as part of a prior amendment to the ordinance, but this simply left inspections to County employees with no loss of effectiveness of the mitigation measure. Paragraph (A)(2) of Section 10A.17.100 is proposed for modification only to refer to a "CCBL" instead of a "Permit"; no substantive changes are made by the Amendments.

Mitigation Measure BIO-2 required the MCCR to be amended prior to adoption to require cultivators who were not otherwise required to maintain enrollment in North Coast Regional Water Quality Control Board Order No. 2015-0023 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 said Order. This mitigation measure was carried out by the addition of paragraph (G) to Section 10A.17.110 – Performance Standards.

The Amendments propose to move this paragraph to a new paragraph (I)(2) of Section 10A.17.070 – Requirements for All CCBLs, and to make minor administrative adjustments. It is proposed to add the phrase "or any superseding or substantially equivalent rule that may be subsequently adopted by the NCRWQCB, the County of Mendocino or other responsible agency" to the end of the existing sentence, to allow for the possibility that the 2015 rule may in fact be superseded or replaced. This additional language mirrors that of existing paragraph (I) of Section 10A.17.090 (which is being relocated with minor modification to a new paragraph (I)(1) of Section 10A.17.090) regarding enrollment in and compliance with the same NCRWQCB Order, "or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency."

Under CEQA Guidelines Section 15162(a)(1), the requirement to prepare a subsequent or supplemental environmental document, as opposed to an addendum, is triggered only when a proposed change is substantial and would require "major revisions" to the previous environmental document. The change proposed by the Amendments is not a substantial change that requires major revisions to Mitigation Measure BIO-2. The change merely allows for the possibility that the Order referred to may be superseded in the future. Therefore, it is proposed to modify Mitigation Measure BIO-2 to read as follows:

BIO-2: Mendocino County shall amend the MCCR to require cultivators—not otherwise required to maintain enrollment in the 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 Order, or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency.”

Mitigation Measure BIO-3 required the MCCR to be amended prior to adoption to require that any existing cultivation operation be restored in conjunction with an approved relocation during Phase 1, pursuant to a relocation plan with specified components. This mitigation measure was implemented by adding the relocation plan and restoration requirements to paragraph (B)(3) of Section 10A.17.080. No substantive changes are proposed to this paragraph by the Amendments; the only changes being made are changing all use of the word permit to CCBL.

Mitigation was also incorporated through Mitigation Measure HYD-1. Discussed in more detail below, this mitigation measure is not changed substantively by the Amendments.

The Biological Resources section of the MND also noted that the MCCR relies heavily on certain performance standards and on the standard conditions of the 2015 order of the NCRWQCB – these provisions have moved to Section 10A.17.070 but otherwise remain unchanged.

In conclusion, the Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the mitigation measures identified in the MND. As discussed in the MND, cannabis cultivation is occurring in an already degraded landscape. The MND required implementation of mitigation measures to ensure that a cultivation site would have a less than significant impact to sensitive species. Implementation of the MCCR as modified by the Amendments would not introduce new biological resource impacts or create more severe impacts than those analyzed in the MND. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect biological resources beyond the effects analyzed in the MND or require major revisions to the MND.

Minor modifications are proposed for Mitigation Measure BIO-2, but only to allow for the possibility that the Order referred to in the mitigation measure may be superseded, which should technically enhance the effectiveness of the mitigation measure.

#### 6.5 Cultural Resources and Tribal Cultural Resources

The MND determined that the requirements of state law and local ordinances as described in the MND would apply to any activities carried out pursuant to the MCCR and provide adequate protection of resources and guidance to property owners and others in the event of unexpected or inadvertent discovery of resources during grading or similar activities. The MND determined that the majority of paleontological resources in the County were located in the Coastal Zone and therefore not affected by the MCCR and identified no unique geologic features. In complying with its AB 52 consultation requirements, the County reached out to twenty-two tribal entities and only heard from one tribe, which telephoned to reserve their comments. As such, no response was received to indicate that the MCCR would have an effect on tribal cultural resources. The MND determined that no significant effect would occur and required no mitigation measures.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same state and local laws or ordinances identified in the MND. The Amendments do not propose substantial changes to the MCCR that would affect cultural resources beyond the effects analyzed in the MND or require major revisions to the MND.

## 6.6 Geology and Soils

The MND determined that the MCCR would have a less than significant impact on geology and soils with the incorporation of mitigation measures. However, the only mitigation measure noted for geology and soils was implemented through Mitigation Measure BIO-2. As noted previously, Mitigation Measure BIO-2 remains a requirement within the MCCR, subject to minor changes that acknowledge the 2015 Order named in the measure may be superseded. The MND noted that implementation of relevant conditions and best management practices of the 2015 Order will occur under local oversight during permitting and inspections by County staff, in coordination with other state and local agencies including CDFW and NCRWQCB. Inspections will continue to be performed prior to CCBL issuance and the County will continue to coordinate with relevant agencies when required by the MCCR. The MND found that the risk to people or structures from seismic issues or landslides was minimized by the fact that cannabis cultivation is generally an agricultural land use and so risks to people or structures, as well as compliance with the California Building Code and the need for watershed assessments for certain cultivation sites. These issues and requirements are unchanged by the Amendments.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND as well as Mitigation Measure BIO-2. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect geology or soils beyond the effects analyzed in the MND or require major revisions to the MND.

## 6.7 Energy and Greenhouse Gas Emissions

The MND determined that the MCCR would have a less than significant impact on greenhouse gas emissions with the incorporation of mitigation measures. However, these mitigation measures were AIR-1 and BIO-3. As discussed previously, these mitigation measures remain requirements of the MCCR, though Mitigation Measure AIR-1 is recommended for revision as part of this Addendum. The portion of the ordinance implementing Mitigation Measure BIO-3 is subject only to minor terminology updates.

The MND reviewed requirements of the MCCR that were expected to reduce GHG impacts that would also reduce the likelihood of wasteful, inefficient or unnecessary consumption of energy resources, such as establishing maximum cultivation area sizes to limit the scale of potential emissions from individual operations, prohibiting the use of a generator as a primary source of power, and prohibiting new cultivation in zoning districts farthest from urban centers. The Amendments have not eliminated any of these requirements. The MND also found that existing regulations to improve transportation and building energy efficiency would reduce impacts, and noted that these regulations are likely to become more restrictive over time as opposed to less restrictive.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND as well as Mitigation Measures AIR-1 and BIO-3. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect energy or greenhouse gas emissions beyond the effects analyzed in the MND or require major revisions to the MND.

## 6.8 Hazards and Hazardous Materials; Wildfire

The MND determined that the MCCR would have a less than significant impact on hazards and hazardous materials with the incorporation of mitigation measures. Impacts were lessened by compliance with existing regulations and the NCRWQCB 2015 Order, and mitigation was incorporated through the implementation of BIO-2, which, as discussed above, remains a requirement within the

MCCR, subject to minor changes that acknowledge the 2015 Order named in the measure may be superseded. In addition, Mitigation Measure HAZ-1 required the MCCR to be modified prior to adoption 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 abatement order that is established for the site.

Implementation of HAZ-1 was through the addition of what is currently paragraph (X) of Section 10A.17.090. The Amendments propose to move this requirement to a new paragraph (E)(8), where it will be a part of the cultivation and operations plan to be submitted as part of an application. No substantive changes are made to the requirement.

In discussing hazards relating to wildland fires, the MND determined that the MCCR’s requirement for compliance with Public Resources Code Section 4290, building codes (in particular for electrical connections), and the best management practices incorporated by BIO-2, the MCCR would have a less than significant impact and likely make for an improvement over baseline conditions. For pre-existing cultivation sites eligible for a Phase 1 CCBL, these requirements will lessen fire risk or possible downslope or downstream flooding or landslides as a result of runoff, slope instability or drainage changes. In reviewing transportation issues, the MND noted that the allowable zones for new cannabis cultivation sites in Phase 2 and Phase 3 encourage more intense cultivation in areas served by existing public infrastructure; these phases also prohibit new cultivation sites in zoning districts more likely to be affected by wildfire – Rangeland, Forestland and Timberland Production.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND as well as Mitigation Measure BIO-2. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect hazards or hazardous materials beyond the effects analyzed in the MND or require major revisions to the MND.

#### 6.9 Hydrology and Water Quality

The MND determined that the MCCR would have a less than significant impact on hydrology and water quality with the incorporation of mitigation measures. Impacts were lessened by compliance with existing regulations and the NCRWQCB 2015 Order, and mitigation was incorporated through the implementation of BIO-2, which, as discussed above, remains a requirement within the MCCR, subject to minor changes that acknowledge the 2015 Order named in the measure may be superseded. In addition, the following two mitigation measures were added:

Mitigation Measure HYD-1 required the MCCR to be modified prior to adoption to require that the watershed assessment (already specified in Section 20.242.070) 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. This mitigation measure was implemented by modifying paragraph (C)(1)(a) of Section 10A.17.080, which is specifically referred to by paragraph (B)(3)(d) of Section 10A.17.080, and referred to by paragraphs (C)(4) and (D)(4) of Section 20.242.070. No substantive changes are proposed by the Amendments related to this mitigation measure.

Mitigation Measure HYD-2 required the MCCR to be modified prior to adoption to require that a water availability analysis be completed prior to permit 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. This mitigation measure was implemented by adding paragraph (C)(1)(b) to Section 10A.17.080, which

is specifically referred to by paragraph (B)(3)(d) of Section 10A.17.080. No changes are proposed by the Amendments related to this mitigation measure.

Reference was made in the MND that the ordinance required compliance with State Water Resources Control Board (“SWRCB”) Order 2009-0009-DWQ related to discharges of storm water associated with construction, though not as part of any mitigation measure. It is proposed to move this requirement to Section 10A.17.070 and update this reference by requiring that CCBL Holders comply with any superseding, substantially equivalent or additional rule adopted by the SWRCB or other responsible agency. This change merely clarifies that orders may be updated by the relevant agencies and is not a significant change.

The Ukiah Valley Basin Groundwater Sustainability Agency (“UVBGSA”) adopted a Groundwater Sustainability Plan in December 2021, which identified Tier I projects and management actions, which are existing or ongoing projects, and Tier II projects, which are planned or potential future projects and management actions. Tier I projects all fall into the project type of supply augmentation and conjunctive use, water conservation projects, and water quality enhancement projects on specific properties within the Basin, none of which would be affected by the MCCR or the proposed Amendments. Tier II projects include a number of additional categories, including specific supply augmentation and aquifer recharge projects, and demand management and monitoring projects. Listed as in the planning phase is facilitation of alternative, lower evapotranspirative crops in the basin, to reduce total crop consumptive use. The GSP only calls for the creation of a project to develop and implement pilot studies with alternative crops, not presently identified. As this potential project is only in the planning phase, there is no conflict with or obstruction with the GSP by the MCCR or the Amendments. In addition, Phase One applicants/Permittees are a known cohort at this point in time and so will not increase in number by the time any such project is put into place by the UVBGSA, and Phase Three applications not in the Agricultural zoning district remain subject to the requirements of paragraph (C) of Section 10A.17.080, which require a specific demonstration of adequate water to service the cultivation site, either through a will serve letter from a water provider, a watershed assessment if surface water (or groundwater influenced by surface water) is used, or a water availability analysis if groundwater is used. These measures will assist in keeping the MCCR consistent with the GSP by requiring additional evidence of sufficient water before Phase Three permits will be issued.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements and mitigation measures identified in the MND. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect hydrology and water quality beyond the effects analyzed in the MND or require major revisions to the MND.

#### 6.10 Land Use and Planning

The MND determined that the MCCR would have a less than significant impact on land use and planning with the incorporation of mitigation measures. Mitigation was incorporated through the implementation of Mitigation Measures AIR-1, BIO-1, BIO-2 and HYD-1. As discussed above, AIR-1 and BIO-2 remain requirements within the MCCR, subject to modifications as described. Mitigation Measures BIO-1 and HYD-1 are not substantively affected by the Amendments.

The Land Use and Planning section of the MND includes a table reviewing certain Mendocino County General Plan policies and showing how specified provisions of the MCCR or mitigation measures assist with implementation of those policies. Certain of the implementing project regulations state that the “application” is required to include certain documentation or information – for example, that the applicant has enrolled in and in compliance with a specified NCRWQCB Order or a copy of an applicant’s statement



of water diversion or other similar permit, license or registration. The Amendments retain a requirement that such enrollment have occurred, and copies of documents are no longer necessarily required to be submitted to the County as part of the application. This is intended to reduce the amount of paperwork to be submitted without eliminating the substantive requirement of the applicant. The County would still have the ability to request to see any required documentation, and if an applicant or CCBL Holder is not in compliance with a substantive requirement, the County has enforcement mechanisms available to it, including termination of the CCBL. These are non-substantive changes to the ordinance, and do not impact the consistency of the MCCR with the General Plan.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements and mitigation measures identified in the MND. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect land use and planning beyond the effects analyzed in the MND or require major revisions to the MND.

#### 6.11 Mineral Resources

The MND determined that the MCCR would no impact on mineral resources. The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements and mitigation measures identified in the MND. The Amendments do not propose substantial changes to the MCCR that would affect mineral resources beyond the effects analyzed in the MND or require major revisions to the MND.

#### 6.12 Noise

The MND determined that the MCCR would have a less than significant impact on noise based on the requirements of the MCCR itself, in particular that cultivation sites are required to operate in compliance with the noise level standards stated in the County's General Plan and be subject to specified setbacks from neighboring properties. The MND did note that acoustical studies would be required for certain projects, which appears to be a reference to a requirement for an acoustical study for certain generator usage. Requirements related to generators have generally been consolidated in Section 10A.17.070 and the requirement for an acoustical analysis remains, though instead of using an accredited acoustical engineer, it allows for the County to create a list of approved substitute mechanisms or devices that can measure noise from the generator. Advancements in technology since the development of the ordinance in 2016 have made it easier for reliable noise readings to be taken, whether from handheld sound level meters or even applications that can be downloaded on a phone. This provision of the ordinance also applies to cultivators using generators during a specified phase out period that is already well underway for most cultivators. This change will not have increase the impact to beyond a less than significant level.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect noise beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.13 Population and Housing

The MND determined that the MCCR would have a less than significant impact on population and housing with mitigation incorporated through Mitigation Measure AG-1, which eliminated the requirement to establish a legal dwelling unit on parcels with a cultivation site in the AG, RL, TPZ and FL zoning districts. This mitigation measure is implemented through Section 10A.17.070(E) and is unchanged by the Amendments.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The zoning districts in which cultivation is allowed are unchanged. The Amendments do not propose substantial changes to the MCCR that would affect noise beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.14 Public Services

The MND determined that the MCCR would have a less than significant impact on public services, without mitigation measures. The MND noted that existing baseline conditions may have contributed to increased pressure of local fire and police services, sites participating in the MCCR should reduce the need for these services through compliance with MCCR requirements like having a security plan, compliance with applicable building codes and adherence to fire safety standards. These requirements are unchanged by the Amendments.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The Amendments do not propose substantial changes to the MCCR that would affect public services beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.15 Recreation

The MND determined that the MCCR would have a less than significant impact on recreation, without mitigation measures. The MND discussed that the MCCR would not increase the use of existing parks or recreational facilities such that they would deteriorate, as the MCCR will not induce substantial population growth either directly or indirectly, and the MCCR does not include the construction of any such facilities. The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The Amendments do not propose substantial changes to the MCCR that would affect recreation beyond the effects analyzed in the MND or require major revisions to the MND.

### 6.16 Transportation/Traffic

The MND determined that the MCCR would have a less than significant impact on transportation and traffic, without mitigation measures. The MND noted that while traffic may increase to new cannabis cultivation operations, the allowable zones for new cannabis cultivation encouraged more intense cultivation in industrial zones during both Phase 2 and Phase 3 that are served by existing public infrastructure and transportation networks. New cannabis cultivation operations are also not permitted in the Rangeland, Forestland or Timberland Production zoning districts, which are generally located further from population centers. Similarly, Phase 1 cultivation sites are primarily located on parcels with pre-existing cultivation sites, with relocation opportunities limited to Rangeland parcels that had pre-existing cultivation sites or parcels eligible for a Phase 3 permit. These cultivation sites are generally

part of the baseline environmental condition. All roads to cannabis cultivation sites are also required to meet the requirements of Public Resources Section 4290 in regards to road standards, which was found to be an improvement to existing baseline conditions.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The Amendments do not propose substantial changes to the MCCR that would affect transportation or traffic beyond the effects analyzed in the MND or require major revisions to the MND. The Amendments do not change land use designations or permit development beyond that already analyzed in the MND.

#### 6.17 Utilities and Service Systems

The MND determined that the MCCR would have a less than significant impact on utilities and service systems based on required compliance with existing regulations and with the implementation of Mitigation Measure UTIL-1. Mitigation Measure UTIL-1 required the MCCR to be amended prior to adoption to require the submittal of a will-serve letter for cultivation sites which receive or proposed to receive water and/or sewer from a community provider. This mitigation measure was implemented by the addition of what is currently paragraph (Y) of Section 10A.17.090. The Amendments propose moving this requirement to paragraph (E)(5) of Section 10A.17.090 (as part of the cultivation and operations plan), but make no substantive change to the language. The cultivation and operations plan also retains the requirement for a description of the legal water source for the cultivation site and projected water usage.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The Amendments do not change land use designations or permit development beyond that already analyzed in the MND. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect utilities and service systems beyond the effects analyzed in the MND or require major revisions to the MND.

#### 6.18 Mandatory Findings of Significance

The MND determined that the MCCR would have a less than significant impact on the topics covered by the mandatory findings of significance. The MND discussed that implementation of the MCCR, as amended by the mitigation measures of the MND, in concert with compliance with regional and State regulations, would reduce the environmental footprint of the cannabis industry in the County and generally enhance and not degrade the environment. The MND also noted that the existing County General Plan and Ukiah Valley Area Plan identified certain cumulative impacts but that both documents attributed the majority of the cumulative effects of implementation to the ongoing process of urbanization within the County and not due to the use of agricultural and rural parcels for cultivation, limiting the contribution of the operations authorized by the MCCR to already identified potentially considerable cumulative effects.

The Amendments proposed for the MCCR do not change the type or extent of development analyzed in the MND, and activity allowed under the MCCR as proposed to be amended remains subject to the same requirements identified in the MND. The Amendments do not change land use designations or permit development beyond that already analyzed in the MND. The modifications made by the Amendments do not affect the legal obligation to comply with the environmental protective measures of the MCCR. The Amendments do not propose substantial changes to the MCCR that would affect the mandatory findings of significance beyond the effects analyzed in the MND or require major revisions to the MND.



**Exhibit A - Ordinance Change Table**

<b><u>Original Code Section and Paragraph</u></b>	<b><u>Proposed Code Section and Paragraph</u> <b>(or if deleted, reason for deletion)</b></b>
10A.17.090, Fourth Paragraph: MCAQMD Consultation (MM AIR-1)	10A.17.070(U)
10A.17.090(C): Evidence of 21 years of age and older	Bus. & Prof. Code Section 26140
10A.17.090(D): Site Plan	10A.17.090(C)
10A.17.090(E): Phase One Application Proof of Prior Cultivation	10A.17.090(D)
10A.17.090(F): Cultivation and operations plan	10A.17.090(E)
10A.17.090(G): Copy of water diversion statement of other document filed with Division of Water Rights	10A.17.070(H)
10A.17.090(H): Irrigation plan and legal water source description	10A.17.090(E)(4)
10A.17.090(I): Copy of notice of intent and other documents filed with NCRWQCB	10A.17.070(I)(1)
10A.17.090(J): CDFW and Section 1602 compliance	10A.17.070(J)
10A.17.090(K): Well as water source	10A.17.090(E)(4)
10A.17.090(L): driver's license requirement	Bus. & Prof. Code Section 26140
10A.17.090(M): Criminal background check	Bus. & Prof. Code Section 26051.5(a)(1)
10.17.090(N): Security plan	10A.17.090(E)(6)
10A.17.090(O): Corporation/partnership information	Can be asked for as part of application process, if needed
10A.17.090(P): Intentionally omitted	Due to number of changes, has been reused
10A.17.090(Q): BOE Seller's Permit	Bus. & Prof. Code Section 26051.5(a)(6)

<b><u>Original Code Section and Paragraph</u></b>	<b><u>Proposed Code Section and Paragraph</u> <b>(or if deleted, reason for deletion)</b></b>
10A.17.090(R): Written consent for on-site inspections	10A.17.090(F)
10A.17.090(S): Electrical power source for indoor cultivation facilities; handling of waste discharge	10A.17.090(E)(1) and (7)
10A.17.090(T): Tree removal	10A.17.070(W)
10A.17.090(U): PRC 4290 compliance	10A.17.070(V)
10A.17.090(V): Clean Water Act permits	10A.17.070(K)
10A.17.090(W): Disturbance of 1 or more acres of soil to comply with SWRCB Order 2009-0009 DWQ	10A.17.070(L)
10A.17.090(X): Cortese List (MM HAZ-1)	10A.17.090(E)(8)
10A.17.090(Y): Water and sewer provider will-serve letters (MM UTIL-1)	10A.17.090(E)(5)
10A.17.100(E): Track & Trace	General compliance with State Track & Trace mandated by 10A.17.070(G)
10A.17.110(A): Cultivation as shown on site plan	10A.17.070(S)
10A.17.110(B): Comply with State licensing requirements	10A.17.070(M)
10A.17.110(C): Track & Trace Requirement	General compliance with State Track & Trace mandated by 10A.17.070(G)
10A.17.110(D): Division of Water Rights compliance	10A.17.070(H)
10A.17.110(E): Generator requirements	10A.17.070(F)
10A.17.110(F): Establish and maintain NCRWQCB enrollment	10A.17.070(I)(1)
10A.17.110(G): If enrollment with NCRWQCB not required, comply with BMPs (MM BIO-2)	10A.17.070(I)(2)
10A.17.110(H): Comply with CalFire defensible space requirements	10A.17.070(N)
10A.17.110(I): Comply with terms of CDFW streambed alteration permit	10A.17.070(J)

<b><u>Original Code Section and Paragraph</u></b>	<b><u>Proposed Code Section and Paragraph</u> <b>(or if deleted, reason for deletion)</b></b>
10A.17.110(J): Comply with weighing and measuring standards	10A.17.070(O)
10A.17.110(K): Consent to inspections	10A.17.070(F)
10A.17.110(L): dog/pet requirements	10A.17.070(Y)(3)
10A.17.110(M): Artificial light and filtered ventilation standards (MM AIR-2)	10A.17.070(P)
10A.17.110(N): Pesticide use regulations	10A.17.070(Q)
10A.17.110(O): Fuel storage	10A.17.090(E)(2) and (3)
10A.17.110(P): No disturbance to create area for propagation of starts	10A.17.060, first paragraph
10A.17.110(Q): Comply with conditions of any AP, UP or remediation plan	10A.17.090(T)

**Amended Mitigation Monitoring and Reporting  
Program County of Mendocino  
Mendocino Cannabis Cultivation Regulation (MCCR)**

**Attachment B**

Impact	Mitigation Measure <sup>1</sup>	Implementation Responsibility	Monitoring/Reporting Responsibility	Timing	Applies to Phase			Proposed MCCR Code Section where Mitigation is Incorporated <sup>2</sup>
					1	2	3	
Aesthetics	<b>AES-1:</b> 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(E)
Agriculture and Forestry Resources	<b>AG-1:</b> 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 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)
	<b>AG-2:</b> Mendocino County shall modify Zoning Chapter 20.242 prior to its adoption by the Board of Supervisors to prohibit new CCBL's in the RL Zoning District.	County of Mendocino	County of Mendocino	Prior to issuing CCBL's	✓*		✓	20.242.060, Table 2
	<b>AG-3:</b> Mendocino County shall prohibit the issuance of CCBL'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 CCBL's on Williamson Act lands	✓		✓	This does not require a change to the MCCR
	<b>AG-4:</b> 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 ssp. 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(K)
Air Quality	<b>AIR-1:</b> Mendocino County shall amend the proposed MCCR to provide that CCBL Holders shall obtain as may be required all approvals and permits required by the Mendocino County Air Quality Management District (MCAQMD) pursuant to state and federal laws, MCAQMD regulations, adopted air quality plans, MCAQMD policies and other applicable statutes.	County of Mendocino	County of Mendocino/ MCAQMD	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.070(U)

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

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

\*In Phase 1, these mitigation measures are limited to new disturbance, non-contiguous expansion of existing sites, and relocated sites.



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Impact	Mitigation Measure	Implementation Responsibility	Monitoring/ Reporting Responsibility	Timing	Applies to Phase			Proposed MCCR Code Section where Mitigation is Incorporated
					1	2	3	
<b>Air Quality</b>	<b>AIR-2:</b> Mendocino County shall modify the MCCR 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" 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	✓	✓	✓	10A.17.070(P)
<b>Biological Resources</b>	<b>BIO-1:</b> Mendocino County shall amend the MCCR to require qualified County staff to review proposed CCBL locations and identify where habitat suitable for sensitive species may exist. The County shall consult with CDFW prior to the issuance of a 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 CCBL. The County shall develop a policy in consultation with CDFW to 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. <sup>3</sup>	County of Mendocino	County of Mendocino/ CDFW	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.100(A)(2)

<sup>3</sup> 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.

\*In Phase 1, these mitigation measures are limited to new disturbance, non-contiguous expansion of existing sites, and relocated sites.

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Impact	Mitigation Measure	Implementation Responsibility	Monitoring/Reporting Responsibility	Timing	Applies to Phase			Proposed MCCR Code Section where Mitigation is Incorporated
					1	2	3	
<b>Biological Resources</b>	<b>BIO-2:</b> Mendocino County shall modify the MCCR 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, or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency.	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.070(I)(2)
<b>Biological Resources (cont.)</b>	<b>BIO-3:</b> 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 CCBL 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.							
<b>Cultural Resources</b>	No mitigation required.							
<b>Geology and Soils</b>	See Mitigation Measure BIO-2.							
<b>Greenhouse Gases</b>	See Mitigation Measures AIR-1 and BIO-3.							
	See Mitigation Measure BIO-2 and HAZ-1.							

\*In Phase 1, these mitigation measures are limited to new disturbance, non-contiguous expansion of existing sites, and relocated sites.

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Impact	Mitigation Measure	Implementation Responsibility	Monitoring/Reporting Responsibility	Timing	Applies to Phase			Proposed MCCR Code Section where Mitigation is Incorporated
					1	2	3	
<b>Hazards and Hazardous Materials</b>	Mendocino County shall modify the MCCR 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 <a href="http://www.calepa.ca.gov/SiteCleanup/CorteseList/">http://www.calepa.ca.gov/SiteCleanup/CorteseList/</a>	County of Mendocino	County of Mendocino	Prior to Adoption of the MCCR	✓	✓	✓	10A.17.090(E)(8)
<b>Hydrology and Water Quality</b>	<b>HYD-1:</b> 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)
	<b>HYD-2:</b> Mendocino County shall modify the MCCR prior to its adoption by the Board of Supervisors to require that a water availability analysis be completed prior to 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.							
<b>Land Use and Planning</b>	See Mitigation Measures AIR-1, BIO-1, BIO-2, and HYD-1.							
<b>Mineral Resources</b>	No mitigation required.							
<b>Noise</b>	No mitigation required.							

\*In Phase 1, these mitigation measures are limited to new disturbance, non-contiguous expansion of existing sites, and relocated sites.

**Amended Mitigation Monitoring and Reporting  
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Impact	Mitigation Measure	Implementation Responsibility	Monitoring/Reporting Responsibility	Timing	Applies to Phase			Proposed MCCR Code Section where Mitigation is Incorporated
					1	2	3	
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(E)(5)
Mandatory Findings of Significance	No mitigation required.							

\*In Phase 1, these mitigation measures are limited to new disturbance, non-contiguous expansion of existing sites, and relocated sites.