

# Buying Land to Grow Medical Cannabis in Mendocino County

## A Fact Sheet for Buyers and Real Estate Agents

*This document summarizes key facts in the Mendocino Medical Cannabis Ordinance that are relevant to purchasing real estate for cannabis cultivation. Interested parties would do well to consult the full Ordinance for more details and/or call the Mendocino County Agriculture Department: 707-234-6830. The Ordinance can be found at [http://www.co.mendocino.ca.us/bos/pdf/Ordinance\\_4381.pdf](http://www.co.mendocino.ca.us/bos/pdf/Ordinance_4381.pdf)*

### Limitations on Cannabis Cultivation

1. The cultivation of more than six marijuana plants and/or 100 square feet of medical cannabis on a parcel\* of land in Mendocino County requires a Medical Cannabis Cultivation Permit issued by the Mendocino County Agricultural Commissioner (MCAC). See **Permits and Requirements** below. In 2018, Cultivators will need to obtain an additional license from the State of California along with their local permit. .
2. During Phase 1 of the permitting process, which extends until December 31, 2017, only persons that can prove cultivation on a specific site prior to January 1, 2016 will qualify for a cultivation permit under the Medical Cannabis Cultivation Ordinance (MCCO). Proof of prior cultivation will need to be verified by submitting satellite images of cultivation site or other methods described on p.14 of the MCCO.
3. Phase 2 of the permitting process, which begins on January 1, 2018, will allow new cultivation permits to be issued only for indoor cultivation, Type 1A and Type 2A, as described on p. 10, in the following zoning districts: Limited Industrial, General Industrial, and Pinoleville Industrial. Proof of prior cultivation will not be required.
4. **PHASE 3: APPLICATIONS FOR NEW PERMITS, OTHER THAN THOSE IN THE INDUSTRIAL ZONES MENTIONED ABOVE, WILL NOT BE ACCEPTED UNTIL JANUARY 1, 2020.**
5. The removal of true oaks, tanoaks, and commercial tree species, such as Douglas fir or Redwood, for the purpose of cultivating cannabis is prohibited.
6. New cannabis cultivation sites may not be established in areas zoned Rangeland. A permitted cultivator may relocate to a site in Rangeland only if it is already a previous cultivation site.
7. New cannabis cultivation sites may not be established in areas R1, R2, R3, SR, RC, RR1, RR2, or on RR5 parcels that are less than 5 acres. Existing cultivation sites in those areas must be moved or abated by 2020 (with possible exceptions in communities such as Laytonville and Fort Bragg that may apply for an exemption.). See Table 2, below, for more on zoning.
8. Water may not be diverted from a spring, wetland, creek, stream, or river without a permit.
9. Cannabis cultivation will not be allowed within 1,000 feet of a youth-oriented facility, school, park, church, or residential treatment facility.
10. Setback requirements of 100-200 feet from other residences, and restrictions based on visibility and odor, are found on p. 7 of the MCCO. Note that some setbacks change from 100 feet to 200 feet in 2020. Indoor cultivation sites may have additional setbacks based on zoning.
11. Cannabis cultivation is compatible with the Williamson Act but is not a qualifying land use. Landowners would have to maintain qualifying agricultural activities to receive Williamson Act benefits.

\*A parcel is defined on Page 3 as "...a lot of real property created pursuant to the Subdivision Map Act prior to January 1, 2016 or for which a Certificate of Compliance was recognized and recorded prior to January 1, 2016.")

# Permits and Other Requirements

1. To obtain and maintain a **Mendocino County Medical Cannabis Cultivation Permit**, qualified applicants must:
  - a. File a Permit Application, which includes a Cultivation and Operations Plan, Property Owner Consent Form, Fingerprint Worksheet and DOJ Live Scan Form, Site Plan Checklist, Property profile, Cultural Resource Brochure, Fee Schedule, and County Tax Information.
  - b. Receive a site inspection by agents of the Mendocino County Agriculture Department.
  - c. Submit to Live Scan
  - d. Pay all applicable fees.
  - e. File a Notice of Intent to Grow Cannabis with North Coast Regional Water Quality Control Board (NCRWQCB), with required fees.
  - f. Obtain building permits and bring all structures up to applicable codes. Hoop houses that are supplied with electricity are considered greenhouses and must be permitted.
  - g. If required, receive inspection and be granted a permit by CalFire for fire safety compliance.
  - h. Provide a well permit from County of Mendocino, if applicable.
  - i. Obtain a water diversion permit or water right from California State Water Resources Control Board (SWRCB), if applicable.
  - j. Obtain a storm water permit from SWRCB if cannabis cultivation disturbs more than one acre.
  - k. Obtain a permit from Army Corps of Engineers and NCRWQCB if any work is to be done in wetlands or streambeds.
  - l. Obtain permit from California Department of Fish and Wildlife (CDFW) if any work is to be done in streambeds.
  - m. Participate in Track and Trace system approved by the County.
  - n. Expect to pay taxes for every growing cycle.
  - o. For cannabis to be labeled “Certified Mendocino County Grown,” it must be produced following standards used in the production of crops labeled as organic. Such crops will be subject to ongoing inspections by the Mendocino County Agriculture Department. See p. 25.
  - p. **All permits are non-transferable** to another person, except that a permit may be transferred to spouse/domestic partner, child or trust.

TABLE 2

Zoning Permit Requirement for New Medical Cannabis Cultivation by Zoning District and Medical Cannabis Cultivation Ordinance Permit Type

MCCO Permit Type	C Small Outdoor	C-A Small Indoor, Artificial Light		C-B Small Mixed Light	1 Medium Outdoor	1-A Medium Indoor, Artificial Light	1-B Medium Mixed Light	2 Large Outdoor	2-A Large Indoor, Artificial Light	2-B Large Mixed Light	4 Nursery
Min Parcel Area (ac)	2	2		2	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501 - 2,500	2,500	2,501- 5,000	2,501- 5,000	2,501- 5,000	5,001- 10,000	5,001- 10,000	5,001- 10,000	22,000
Zoning District	RR 5*	ZC	AP	UP	ZC	ZC	--	ZC	--	--	--
	RR 10	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC
	AG	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC
	UR	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC
	I1	ZC	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	I2	ZC	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	PI	ZC	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC

-- = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

\* Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

This table is found on p. 34 of the Ordinance. “PI” refers to Pinoleville Industrial. For further land use regulations, go to p. 32 of the MCCO: [www.co.mendocino.ca.us/bos/pdf/Ordinance\\_4381.pdf](http://www.co.mendocino.ca.us/bos/pdf/Ordinance_4381.pdf).