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Attorney for the Plaintiffs

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ANN MARIE BORGES and CHRIS GURR,  
individually and doing business as GOOSE  
HEAD VALLEY FARMS,

Plaintiffs,

v.

COUNTY OF MENDOCINO, SUE  
ANZILOTTI, JOHN McCOWEN, CARRE  
BROWN, GEORGEANNE CROSKEY,  
MASON HEMPHILL and Does 1 – 25  
inclusive,

Defendants.

Case No. 3:20-cv-04537-SI

**FIRST AMENDED COMPLAINT FOR  
DAMAGES, DECLARATORY AND  
INJUNCTIVE RELIEF**

**[42 U.S.C. § 1983]**

***JURY TRIAL DEMAND***

Plaintiffs Ann Marie Borges and Chris Gurr, dba Goose Head Valley Farms, allege as follows:

## JURISDICTION & VENUE

1. This action is brought pursuant to 42 U.S.C. § 1983 and the Equal Protection Clause and the Due Process Clause of the Fourteenth Amendment to the United States Constitution. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343.

2. The claims alleged herein arose in the County of Mendocino in the State of California. Venue for this action lies in the United States District Court for the Northern District of California under 28 U.S.C. §1391(b)(2).

## PARTIES

3. Plaintiffs Ann Marie Borges and Chris Gurr (hereinafter “Plaintiffs”) are residents of Mendocino County, California. In August 2016 they purchased property in Ukiah, California zoned AG40/agricultural use. In 2017 they formed a business entity, Goose Head Valley Farms, for the purpose of growing medical cannabis at their 11 acres farm located at 1181 Boonville Road, Ukiah, California.

4. Defendant County of Mendocino is a public entity situated in the State of California and organized under the laws of the State of California. Based on recent State of California law providing authorization, the County of Mendocino created a cannabis program that went into effect in the spring of 2017. The program was supervised and managed by the Commissioner of the Department of Agriculture for the County of Mendocino. At that time Diane Curry was the Interim Commissioner of the Department of Agriculture.

5. Defendant Sue Anzilotti is sued in her individual capacity as a private actor who conspired with state actors. At all times mentioned herein she was a neighbor of the Plaintiffs residing at 1551 Boonville Road, Ukiah, California. Defendant Anzilotti conspired with County officials, County employees and other state actors, acting under color of state law, to deprive the Plaintiffs of certain constitutional rights.



1 business owner and franchise owner. He was primarily involved in the sales of IT Solutions and  
2 Services.

3 11. They reconnected at their 40<sup>th</sup> high school reunion and have been a couple ever since.  
4 Chris Gurr relocated to Mendocino County in May 2016. They decided to partner in a business  
5 venture to become licensed to cultivate medical cannabis on a suitable farm in Mendocino County  
6 near Ukiah and outside the City limits. The business entity came to be known as Goose Head  
7 Valley Farms.

8 12. Plaintiffs thoroughly reviewed the Mendocino County guidelines for the existing  
9 Cannabis Program and reached out to the Department of Agriculture. Plaintiffs also attended  
10 numerous meetings featuring County and State agency representatives. This information helped  
11 guide the plaintiffs to the eleven (11) acres farm they purchased in August 2016 on a private road  
12 off Boonville Road. It was ideal because it was zoned AG40/Agricultural with an excellent well  
13 listed on County records. It also was level land without erosion issues and had proper sun  
14 without having to remove trees.

15 13. While in escrow the plaintiffs hired Bob Franzen of Redwood Water System to  
16 perform a well test. They learned the water well produced 22 GPM and was dug 30 feet deep.  
17 The plaintiffs also consulted with three licensed cannabis farmers who visited the site.

18 14. Plaintiffs property was zoned agricultural (AG40) as opposed to residential,  
19 commercial, recreational, environmental or other designated purpose. From a zoning perspective  
20 the plaintiffs were desirable applicants. On May 1, 2017 plaintiffs completed their application to  
21 cultivate medical cannabis. On May 4, 2017 – while accompanied by an attorney – plaintiffs met  
22 with Commissioner Diane Curry and Christina Pallman of her staff. Their B-3 application to  
23 relocate to a new site was conditionally approved by Commissioner Curry based on the  
24 information contained in the application, documents provided, and proof of prior cultivation  
25 experience.

26 15. Plaintiffs were given an “Application Receipt” signed by Commissioner Curry dated  
27

1 May 4, 2017. See Exhibit A attached. It is essentially a temporary permit. It provides, in part,  
2 that; “The garden at this site is considered to be in compliance, or working toward compliance,  
3 until such time as a permit is issued or denied.” The plaintiffs were told by Commissioner Curry  
4 they could immediately begin cultivation activities; and they did.

5 16. During 2017 and prior to her resignation in March 2018 Commissioner Curry was  
6 given broad discretion as the final decisionmaker for the County of Mendocino to interpret and  
7 implement the new ordinance allowing qualified applicants to receive permits to cultivate  
8 cannabis in the County. During that time Commissioner Curry approved permits for numerous  
9 (B)(3) applicants, including but not limited to the plaintiffs, to immediately cultivate cannabis on  
10 relocation sites in the County so long as the relocation site met zoning requirements.

11 17. Beginning on or about June 20, 2017 Defendant Sue Anzilotti contacted Steve White  
12 of the California Department of Fish and Wildlife (CDFW) on behalf of “concerned  
13 homeowners” who lived adjacent to Plaintiffs’ property. She made false allegations that the  
14 water source for Plaintiffs’ approved cultivation site was not approved for use in commercial  
15 cultivation operations. Steve White, in furtherance of a conspiracy with Anzilotti, decided to use  
16 a false allegation of water diversion as a pretext to obtain a warrant and seize the plaintiffs’  
17 property.

18 18. During July 2017 Commissioner Curry contacted CDFW agents and requested an  
19 opportunity to meet with them on Plaintiffs’ property in order to better understand the  
20 requirements relating to creeks located near cannabis farms. On July 25, 2017 two CDFW  
21 employees came to the property unannounced, and without prior notice, after cancelling  
22 appointments scheduled through Commissioner Curry. Without performing any tests, they  
23 concluded it was likely water was being diverted from the creek and sent a letter to Commissioner  
24 Curry stating that they suspected water diversion. At that time the Plaintiffs offered to turn off the  
25 well and purchase water for irrigation while this issue was further investigated.

26 19. On or about July 26, 2017 Plaintiffs hired a hydrologist, Donald G. McEdwards, to  
27

1 take samples from the well and the creek in order to perform an extensive hydrology study. The  
2 samples were provided to Alpha Labs in Ukiah. Plaintiffs were advised the results would be  
3 available on or about August 10, 2017.

4 20. On August 10, 2017 at approximately 10:30 a.m. a convoy of CDFW vehicles arrived  
5 at Plaintiffs' property and agents, with guns pointed, immediately placed the Plaintiffs in  
6 handcuffs. Plaintiffs informed Steve White, the CDFW team leader, they had an application  
7 receipt from the County and were in full compliance with all County regulations. They also  
8 informed him that they were awaiting a report from Alpha Labs for tests of the creek water and  
9 the well water. The CDFW team, without any evidence, claimed they believed the water was  
10 being diverted from the nearby creek and proceeded to cutdown and eradicate marijuana, i.e., 100  
11 plants growing indoors under a hoop and 171 plants growing outdoors in an approved location of  
12 10,000 square feet. The garden was within County guidelines and took up approximately one  
13 quarter acre on the 11 acres farm.

14 21. During the August 10, 2017 search CDFW agent Mason Hemphill, under the  
15 direction and supervision of Steve White, searched the property and the home of the plaintiffs.  
16 Defendant Hemphill took custody and possession of (1) a blue spiral notebook, (2) a purple spiral  
17 notebook, (3) a white 3 ring binder with documentation, (4) random marijuana samples, (5)  
18 firearms, (6) mushrooms in a plastic bag, (7) white powder substance in gum wrapper, (8) a 10  
19 pound random marijuana sample, (9) 163 living marijuana plants and (10) 98 living marijuana  
20 plants. (See Exhibit B attached, Evidence Inventory Report signed by Mason Hemphill.)

21 22. The marijuana plants and samples identified above were grown with a license and  
22 subject to state regulation. It was and is property protected by state law and was seized under  
23 color of state law. By licensing and taxing production, distribution and sales of cannabis, the  
24 State of California has created a property interest in cannabis products produced for distribution  
25 and sale in the State of California. In *Diaz v. Gates*, 420 F.3d 897, 899 (9<sup>th</sup> Cir. 2005) (en banc)  
26 the Ninth Circuit cited *Doe v. Roe*, 958 F.2d 763, 768 (7<sup>th</sup> Cir. 1992) in support of its holding that  
27

1 “While federal law governs most issues under RICO, whether a particular interest amounts to  
 2 property is quintessentially a question of state law. See *Logan v. Zimmerman Brush Co.*, 455  
 3 U.S. 422, 430 (1982).” (“The hallmark of property . . . is an individual entitlement grounded in  
 4 state law. . .”); *Board of Regents v. Roth*, 408 U.S. 564, 577 (1972) (property interests “are  
 5 created and their dimensions are defined by sources such as state law.”)

6 23. In *Gonzales v. Raich*, 545 U.S. 111 (2005), the Court did not directly address the  
 7 existence *vel non* of a property interest in production, distribution, sales or possession of cannabis  
 8 aka marijuana. Instead, the Court focused on whether Article I, Section 8 of the United States  
 9 Constitution -- the interstate commerce clause -- empowered the federal government to  
 10 prohibit the production, possession, distribution and sale of cannabis, relying on its decision in  
 11 *Wickard v. Filburn*, 317 U.S. 111, 178 (1942):

12 Our case law firmly establishes Congress’ power to regulate purely local activities  
 13 that are part of an economic ‘class of activities’ that have a substantial effect on  
 14 interstate commerce. 545 U.S. at 17

15 24. The Court stated its equation drawn between red winter wheat in *Wickard* and  
 16 marijuana in *Gonzales v. Raich* as follows:

17 In both cases, the regulation is squarely within Congress’ commerce power  
 18 because production of the commodity meant for home consumption, be it wheat or  
 19 marijuana, has a substantial effect on supply and demand in the national market for  
 20 that commodity. (emphasis supplied) 545 U.S. at 19

21 25. As a matter of fact, law and logic that contention is no longer valid because there  
 22 is no legal “national market” for marijuana produced, possessed, distributed and sold in California  
 23 pursuant to licenses granted by the State of California. Conversely, marijuana produced,  
 24 possessed, distributed or sold pursuant to license(s) granted by the State of California is subject to  
 25 federal regulation if, but only if, that marijuana is transported beyond the State of California, i.e.  
 26 is destined for or part of said illicit “national market.” The *Gonzales v. Raich* Court explained its  
 27 rationale:

28 In assessing the scope of Congress’ authority under the Commerce Clause, we  
 stress that the task before us is a modest one. We need not determine whether

respondents' activities, taken in the aggregate, substantially affect interstate commerce in fact, but only whether a "rational basis" exists for so concluding. (citations omitted) Given the enforcement difficulties that attend distinguishing between marijuana cultivated locally and marijuana grown elsewhere, 21 U.S.C. §801(5), and concerns about diversion into illicit channels, we have no difficulty concluding that Congress had a rational basis for believing that failure to regulate the intrastate manufacture and possession of marijuana would leave a gaping hole in the Controlled Substances Act. 545 U.S. at 22 (emphasis supplied)

26. Obviously, marijuana produced, possessed, distributed, or sold in California without compliance with the State of California's licensing statutes is not properly protected from federal prohibition. Because marijuana produced, possessed, distributed or sold in California is readily distinguishable from unlicensed marijuana based on its labelling, tracing, taxation and comprehensive enforcement by the State of California, the Court's rational basis is no longer rational.

27. The "gaping hole" on which Congress and the Court relied in the prohibition of intrastate manufacture and possession of marijuana has been filled by the State of California's implementation of its own comprehensive regulation, including ". . . distinguishing between marijuana cultivated locally (pursuant to a license) and marijuana grown elsewhere" -- or anywhere without a license. Accordingly, the plaintiffs had the right to cultivate and distribute cannabis subject to the restrictions contained in the temporary permit issued by Commissioner Curry.

28. On or about August 13, 2017 Plaintiffs received the results of the water tests. See Exhibit C attached. After a careful analysis of water samples from the creek and the well it was determined that; "Of the sixteen constituent values compared, twelve are greater in the well sample than in the creek sample. This means that the water in the well is distinct from the water in the creek. Of particular note is the presence of iron and manganese in the well sample and their absence in the creek sample."

29. On or about August 14, 2017 Plaintiff Ann Marie Borges met with Commissioner Curry and provided proof of prior cultivation from the town of Willits in the County, an area not



1 included in the coastal zone.

2       30.       On or about September 16, 2017 Plaintiffs were contacted by Commissioner Curry  
3 and notified their permit application was finally approved. On September 19, 2017 the Plaintiffs  
4 went to Commissioner Curry's office to pick up the permit. The anticipated handoff was  
5 prevented by Deputy County Counsel Matthew Kiedrowski. He informed the Plaintiffs that in  
6 order to receive the (B)(3) permit issued by Commissioner Curry they needed to provide  
7 additional proof that the site of prior cultivation in Willits was no longer able to resume cannabis  
8 cultivation. No other reason was given for being denied a permit. Plaintiffs hired a local land use  
9 attorney, Tina Wallis, to resolve this remaining issue. On or about October 31, 2017 Tina Wallis,  
10 on behalf of the Plaintiffs, submitted to Matthew Kiedrowski a signed Agreement Not to Resume  
11 Cannabis Cultivation at the prior cultivation site in Willits. See Exhibit D attached. It was  
12 anticipated the permit would then be delivered.

13       31.       Beginning on or about November 2017 defendant Sue Anzilotti colluded with her  
14 neighbors and conspired with defendants John McCowen, Carre Brown and Georgeanne Croskey  
15 to cause the County to create an "opt-out" zone that would change the County zoning plan. It was  
16 intended to target the Plaintiffs and preclude them from cultivating cannabis on their property. In  
17 January 2018 the County initiated a sham process to create opt-in and opt-out zones in the County  
18 regarding the cultivation of cannabis. County officials intentionally excluded plaintiff Chris Gurr  
19 from participating in the process as well as other residents who were not opposed to plaintiffs'  
20 cultivation of cannabis.

21       32.       On November 22, 2017 Plaintiff Chris Gurr made a formal complaint against Sue  
22 Anzilotti to the Enforcement Division of the Fair Political Practices Commission. See Exhibit E  
23 attached. The allegations centered on Sue Anzilotti's use of her position as an unsworn  
24 administrator with the Sheriff's Office to obtain access to private information, including illegally  
25 background checks, and misuse of her government position to conduct personal business to  
26 influence decisions by County officials and employees that would personally benefit her.

38. On August 10, 2020 the three -year statute of limitations passed to prosecute the plaintiffs for any crimes they may have committed in relation to the search by defendant Hemphill and other CDFW agents on August 10, 2017. Soon thereafter plaintiff Chris Gurr

1 contacted defendant Mason Hemphill and requested that the assets and property he seized during  
2 the August 10, 2017 search be returned to the plaintiffs. Plaintiff Gurr was informed that  
3 plaintiffs' property would not be returned until defendant Hemphill and CDFW received an order  
4 from a court.

5  
6 **ADDITIONAL FACTS RE CONSPIRACY CLAIM**

7 39. The conspiracy was initially formed between defendant Anzilotti and co-conspirator  
8 Steve White for the purpose of depriving the plaintiffs of their property (cannabis) under false  
9 pretenses, i.e., suspected water diversion from a local creek. Thereafter, the conspiracy evolved  
10 to include members of the Board of Supervisors, John McCowen and Carre Brown, with the goal  
11 of depriving the plaintiffs of a permit to cultivate cannabis approved by Commissioner Curry as  
12 the final decisionmaker for the County. In furtherance of the conspiracy, John McCowen  
13 recruited Assistant County Counsel Matthew Kiedrowski to prevent the permit approved by  
14 Commissioner Curry from being delivered to the plaintiffs. The conspiracy then evolved to also  
15 include defendant Georgeann Croskey. The goal was to change the County zoning plan to create  
16 an "opt-out" provision to targeting the plaintiffs. As a result of the new ordinance, plaintiffs were  
17 the only qualified persons in the County who were prohibited from cultivating cannabis in an  
18 agricultural zone.

19 40. Defendant Sue Anzilotti was politically connected to members of the Mendocino  
20 County Board of Supervisors, John McCowen and Carre Brown. When Sue Anzilotti began to  
21 complain publicly against the Plaintiffs to various state and local agencies she also complained  
22 privately to many officials - including John McCowen and Carre Brown.

23 41. Co-conspirator John McCowen played a leading and influential role among a majority  
24 of the Board of Supervisors. With that apparent authority he formed a special relationship with  
25 Deputy County Counsel Matthew Kiedrowski, another co-conspirator. Matthew Kiedrowski was  
26 assigned by County Counsel Kit Elliot to oversee the Cannabis Program that was under the  
27 jurisdiction of the Commissioner of the Department of Agriculture.

1           42.     Sometime after the Plaintiffs submitted their application in May 2017 Commissioner  
2 Curry was informed by Matthew Kiedrowski that John McCowen would never allow the  
3 Plaintiffs' project to be approved.

4           43.     After the Plaintiffs amended their application to include an inland site in Willits to  
5 satisfy the prior cultivation requirement, Commissioner Curry decided to issue the (B)(3) permit  
6 and informed the Plaintiffs of this decision. However, co-conspirator Matthew Kiedrowski  
7 intervened and prevented the permit from being delivered. He claimed the permit could not be  
8 delivered until the Commissioner received proof that cultivation had ceased and would not be  
9 resumed at the origin site.

10          44.     The Plaintiffs hired an attorney and the requested "Agreement Not to Resume  
11 Cannabis Cultivation" was provided to Matthew Kiedrowski. See Exhibit D attached.  
12 Nevertheless, the approved permit was now being held hostage, under color of state law, by  
13 Matthew Kiedrowski in furtherance of the conspiracy between Sue Anzilotti and John McCowen.  
14 In addition, co-conspirators McCowen and Kiedrowski were acting as de facto final decision  
15 makers for the County of Mendocino improperly negating the decision of the Commissioner.

16          45.     Beginning on or about November 2017, and in furtherance of the conspiracy, John  
17 McCowen and Carre Brown, at the request of defendant Anzilotti and other neighbors of the  
18 plaintiffs, participated in a process to create an "opt-out" zone designed to prevent the plaintiffs  
19 from cultivating cannabis on their property notwithstanding plaintiffs' permit being approved by  
20 Commissioner Curry.

21          46.     In March 2018 Commissioner Curry retired from her position as Interim  
22 Commissioner of the Department of Agriculture. This is not the only case where members of the  
23 Board of Supervisors attempted to influence Commissioner Curry through Deputy County  
24 Counsel Matthew Kiedrowski.

25          47.     Commissioner Curry was ultimately succeeded by Harinder Grewal. Commissioner  
26 Grewal signed a letter prepared by Matthew Kiedrowski dated July 9, 2018. The letter was sent  
27

1 by the County of Mendocino on or about that date officially notifying the Plaintiffs their  
2 application for a permit was denied with the purported reason for the denial. See Exhibit G  
3 attached. The reason proffered for the denial is both false and pretextual.

4 48. The “opt-out” amendment included as part of Ordinance No. 4420, (Exhibit H  
5 attached), Section 11, at page 24, targeted only two neighborhoods in the entire County. Of the  
6 two, the plaintiffs’ property was located in the Boonville/Woodyglen CP District, an area zoned  
7 agricultural. This unprecedented political experiment gave a right to plaintiffs’ neighbors to  
8 decide whether to “opt-out” of the zoning plan and thus prevent plaintiffs from exercising their  
9 right to cultivate cannabis on their property. Plaintiffs were the only qualified persons in an  
10 agricultural zone in the County adversely affected by the “opt-out” amendment to the zoning  
11 plan.

12 49. In furtherance of the conspiracy, on December 4, 2018 a new ordinance was passed by  
13 defendants John McCowen, Carre Brown and Georgeanne Croskey. It created an “opt-out” zone  
14 designed to prohibit the plaintiffs from cultivating cannabis on their property. This zoning  
15 decision was made for no legitimate reason and was based on impermissible motives. On  
16 information and belief, this was the first time a County in the State of California created an opt-  
17 out zone in the zoning plan that prevented a property owner from cultivating cannabis based  
18 solely on the vote of neighbors.

#### 19 **STATEMENT OF DAMAGES**

20 50. As a result of the acts and/or omissions alleged herein, Plaintiffs Ann Marie Borges  
21 and Chris Gurr dba Goose Head Valley Farm suffered, and continue to suffer, economic damages  
22 to their business and property. In addition, Plaintiffs suffered and continue to suffer general  
23 damages, including emotional distress, in an amount to be determined according to proof.

24 51. As a result of the acts and/or omissions alleged herein, Plaintiffs Ann Marie Borges  
25 and Chris Gurr dba Goose Head Valley Farm suffered past and future lost earnings and lost  
26 earning capacity in an amount to be determined according to proof.

52. As a further result of defendants conduct, plaintiffs Ann Marie Borges and Chris Gurr dba Goose Head Valley Farm suffered and will continue to suffer general damages including fear, anxiety, humiliation, and emotional distress in an amount to be determined according to proof.

53. The acts and omissions of Sue Anzilotti, John McCune, Carre Brown and Georgeanne Croskey were willful, wanton, reckless, malicious, oppressive and/or done with a conscious or reckless disregard for the rights of Plaintiffs. Plaintiffs therefore pray for an award of punitive and exemplary damages in an amount according to proof.

54. Plaintiffs have retained private counsel to represent them in this matter and are entitled to an award of attorneys' fees and costs.

#### CAUSES OF ACTION

##### FIRST CAUSE OF ACTION

##### **[42 U.S.C. §1983 – CLASS OF ONE/EQUAL PROTECTION – COUNTY OF MENDOCINO ONLY]**

55. Plaintiffs incorporate herein by reference the proceeding paragraphs of this complaint as though fully set forth herein.

56. The County of Mendocino denied the Plaintiffs' application for a permit to cultivate medical cannabis for irrational, arbitrary and impermissible reasons in violation of the Equal Protection Clause of the Fourteenth Amendment. Plaintiffs are the only AG40 applicants denied a permit who met the necessary requirements under category (B)(3) of the Ordinance and were approved for a permit by Diane Curry acting as the Interim Commissioner of the Department of Agriculture and final decisionmaker for the County.

57. In addition, during 2018 the County of Mendocino created an "opt-out" zone that became law on December 4, 2018. Ordinance No. 4420, Section 11, specifically targeted the Plaintiffs as the only qualified applicants in an agricultural area prohibited from cultivating cannabis based on change in zoning.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

**SECOND CAUSE OF ACTION****[42 U.S.C. §1983 – CLASS OF ONE/EQUAL PROTECTION – CONSPIRACY  
BETWEEN THE COUNTY OF MENDOCINO, SUE ANZILOTTI, JOHN MCCUNE,  
CARRE BROWN, AND GEORGEANNE CROSKEY]**

58. Plaintiffs incorporate herein by reference the proceeding paragraphs.

59. Defendant Sue Anzilotti, a private actor, conspired with John McCowen, a state actor, to achieve a common goal, i.e., prevent the Plaintiffs from becoming licensed by the County of Mendocino to grow medical cannabis at the farm they had recently purchased. The 11 acres farm is zoned AG40 for agriculture and was an ideal site for cannabis cultivation in rural Mendocino County.

60. Supervisor John McCowen, as an influential member of the Board of Supervisors, then enlisted Deputy County Counsel Matthew Kiedrowski to join the conspiracy. In furtherance of the conspiracy Matthew Kiedrowski obstructed and prevented the Plaintiffs from receiving the (B)(3) permit approved by Commissioner Curry in September 2017.

61. After Commissioner Curry retired in March 2018, and in furtherance of the conspiracy, Matthew Kiedrowski influenced Commissioner Grewal to sign a letter dated July 9, 2018 notifying the Plaintiffs that their application was denied. The pretextual reason given for the denial is false.

62. In furtherance of the conspiracy between defendant Anzilotti and co-conspirators McCowen, Brown and Croskey, plaintiffs' neighbors were recruited to lobby members of the Board of Supervisors for the adoption of an "opt-out" provision in the zoning plan designed to deprive the plaintiffs of their property rights. This change in zoning was approved by defendants McCune, Brown and Croskey for no legitimate reason and was the result of impermissible motives.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

**THIRD CAUSE OF ACTION****[42 U.S.C. §1983 – SUBSTANTIVE DUE PROCESS – COUNTY OF MENDOCINO ONLY]**

63. Plaintiffs incorporate herein by reference the proceeding paragraphs of this complaint

as though fully set forth herein.

64. Plaintiffs have a property interest in the right to farm their property zoned AG40.

65. The County of Mendocino has the authority to regulate agricultural activities in the County limited, in part, by the laws and Constitution of the United States.

66. The County of Mendocino arbitrarily and capriciously and with impermissible motives denied Plaintiffs a permit to cultivate medical cannabis in violation of the Due Process Clause of the Fourteenth Amendment. The decision to deny the permit was made by Commissioner Grewal, acting in concert with County Counsel, as the final decision maker(s) for the County of Mendocino.

67. The County of Mendocino denied the Plaintiffs' application for a permit to cultivate medical cannabis for irrational, arbitrary and impermissible reasons in violation of the Due Process Clause of the Fourteenth Amendment. Plaintiffs are the only AG40 applicants denied a permit who met the necessary requirements under category (B)(3) of the Ordinance and were approved for a permit by Diane Curry acting as the Interim Commissioner of the Department of Agriculture and final decisionmaker for the County.

68. In addition, during 2018 the County of Mendocino created an "opt-out" zone that became law on December 4, 2018. Ordinance No. 4420, Section 11, specifically targeted the Plaintiffs as the only qualified applicants in an agricultural area prohibited from cultivating cannabis based on change in zoning.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

#### **FOURTH CAUSE OF ACTION**

#### **[42 U.S.C. §1983 – SUBSTANTIVE DUE PROCESS – CONSPIRACY BETWEEN THE COUNTY OF MENDOCINO, SUE ANZILOTTI, JOHN MCCUNE, CARRE BROWN, AND GEORGEANNE CROSKEY]**

69. Plaintiffs incorporate herein by reference the proceeding paragraphs as though fully set forth herein.

70. Defendant Sue Anzilotti, a private actor, conspired with John McCowen, a state actor,



1 to achieve a common goal, i.e., prevent the Plaintiffs from becoming licensed by the County of  
2 Mendocino to grow medical cannabis at the farm they had recently purchased. The 11 acres farm  
3 is zoned AG40 for agriculture and was a near perfect site for cannabis cultivation in rural  
4 Mendocino County.

5 71. Supervisor John McCowen, as Chairman of the Board of Supervisors, then enlisted  
6 Deputy County Counsel Matthew Kiedrowski to join the conspiracy. In furtherance of the  
7 conspiracy Matthew Kiedrowski obstructed and prevented the Plaintiffs from receiving the  
8 temporary permit approved by Commissioner Curry in September 2017.

9 72. After Commissioner Curry retired in March 2018, and in furtherance of the  
10 conspiracy, Matthew Kiedrowski influenced Commissioner Grewal to sign a letter dated July 9,  
11 2018 notifying the Plaintiffs that their application was denied. The reason given for the denial is  
12 false and pretextual.

13 73. In furtherance of the conspiracy between defendant Anzilotti and co-conspirators  
14 McCowen, Brown and Croskey, plaintiffs' neighbors were recruited to lobby members of the  
15 Board of Supervisors for the adoption of an "opt-out" provision in the zoning plan designed to  
16 deprive the plaintiffs of their property rights. This change in zoning was approved by defendants  
17 McCune, Brown and Croskey for no legitimate reason and was the result of impermissible  
18 motives.

19 WHEREFORE, plaintiffs pray for relief as hereinafter set forth.

20 **DECLARATORY RELIEF SOUGHT**

21 74. Plaintiffs request that this court declare that Section 11 of Ordinance 4420 null and void  
22 because it deprives Plaintiffs of their property rights without legal authority and in violation of the  
23 Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. The change  
24 in zoning, directly impacting the Plaintiffs, was made for no legitimate reason and was the result  
25 of impermissible motives.

26 WHEREFORE, plaintiffs pray for relief as hereinafter set forth.

**INJUNCTIVE RELIEF SOUGHT**

75. The items identified in paragraph 21 which were seized by defendant Hemphill on August 10, 2017, have been retained by defendant Hemphill despite Plaintiffs' repeated requests that he return the items. Even assuming *al arguendo* there once was probable cause to believe any, some or all of said items constituted (1) evidence of a crime, (2) contraband, (3) fruits of crime, (4) or other items illegally possessed, (5) property designed for use, intended for use, or used in committing a crime, the 3 year statute of limitations for prosecution of the crimes enumerated on the warrant has expired. Accordingly, even assuming *ad arguendo* that probable cause existed to justify seizing the items, there is no longer probable cause to retain any of the items, which are Plaintiffs' property, possession of which they are entitled immediately. Pursuant to Fed.R.Crim.P. Rule 41(g) and Fed.R.Civ.P., Rules 64 and 65 the Plaintiffs request that this Court enter an Order compelling Defendant Mason Hemphill to forthwith return all items of Plaintiffs' property seized August 10, 2017 (except the firearms seized) and wrongfully retained by him under color of state law.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

**PRAYER FOR RELIEF**

Plaintiffs pray for relief as follows:

1. For an order declaring Section 11 of Ordinance 4420 null and void;
2. For an order requiring Mason Hemphill to return all property belonging to the Plaintiffs seized on August 10, 2017 with the exception of any firearms seized;
3. For compensatory and economic damages according to proof;
4. For general damages according to proof;
5. For an award of exemplary or punitive damages against Sue Anzilotti, John McCune, Carre Brown, and Georgeanne Croskey;
6. For an award of attorneys' fees and costs as permitted by law; and
7. For such other and further relief as the Court may deem necessary and appropriate.

**JURY TRIAL DEMANDED**

Plaintiff hereby requests a jury trial on all issues so triable.

Dated: October 23, 2020

**SCOTT LAW FIRM**

By: /s/ John Houston Scott  
John Houston Scott  
Attorney for Plaintiffs

## INDEX TO EXHIBITS

**Exhibit A** is a true and correct copy of an “Application Receipt” signed by Commissioner Curry dated May 4, 2017.

**Exhibit B** is a true and correct copy of an Evidence Inventory Report signed by Mason Hemphill dated August 10, 2017

**Exhibit C** is a true and correct copy of Plaintiffs results of the water tested dated August 13, 2017.

**Exhibit D** is a true and correct copy of a signed Agreement Not to Resume Cannabis Cultivation submitted on by Tina Wallis, on behalf of the Plaintiffs and submitted to Matthew Kiedrowski dated October 31, 2017.

**Exhibit E** is a true and correct copy of a formal complaint against Sue Anzilotti to the Enforcement Division of the Fair Political Practices Commission dated November 21, 2017

**Exhibit F** is a true and correct copy Temporary of a Temporary Cannabis Cultivation License from the California Department of Food and Agriculture Valid January 23, 2018 – March 23, 2019.

**Exhibit G** is a true and correct copy of a Letter from the County of Mendocino, Department of Agriculture notifying Plaintiffs that their application to cultivate medical cannabis has been denied dated July 9, 2018.

**Exhibit H** is a true and correct copy of Ordinance No. 4420 dated December 4, 2018. It includes the “op-out” designation on page 24, Section 11, impacting the plaintiffs who reside in the Woodyglen area which is zoned agricultural.

# **Exhibit A**



Mendocino County  
Department of Agriculture  
890 N. Bush St.  
Ukiah CA 95482  
(707) 234-6830

File No: AG\_2017-0069  
Cultivation site: 1181 BOONVILLE RD, UKIAH, CA 95482  
Permit Type: 2B LARGE MIXED LIGHT  
Date: 5/4/2017

## Application Receipt

This receipt, when signed and embossed, certifies that the Department of Agriculture is in receipt of an application to cultivate cannabis at the above listed address. The garden at this site is considered to be in compliance, or working towards compliance until such time as a permit is issued or denied.

Receipt issued to: GOOSE HEAD VALLEY CO.  
GURR CHRISTEN  
1181 BOONVILLE RD, UKIAH, CA 95482

Signed: \_\_\_\_\_

*Diane C. Curry*

Diane Curry, Interim Agricultural Commissioner



## **Exhibit B**

CALIFORNIA  
DEPARTMENT OF FISH AND GAME  
**EVIDENCE INVENTORY REPORT**

WARDEN: W. MOORE  
BADGE NO.: 9817

SEARCH WARRANT NUMBER: \_\_\_\_\_  
COURT OF ORIGIN: STANISLAUS COUNTY SUPERIOR COURT  
PAGE: \_\_\_\_\_ OF 1

Item No.	Qty.	Evidence Description/Location Found	Type of Examination	Rec. By	Date	Loc.
1		BLUE SPIRAL NOTEBOOK (FOUND ON MASTER BED)				
2		PURPLE SPIRAL NOTEBOOK (FOUND ON MASTER BED)				
3	5	RANDOM MARIJUANA LEAF / BUD SAMPLES				
4		1010. 2 RANDOM MARIJUANA SAMPLE				
5		THE MARLIN FIRE ARMS MOOF 336 CAL. 30-30 (FOUND IN GUNSAFE) T19651				
6		BROWNING SHOTGUN 9 GAUGE 66175 (FOUND IN GUNSAFE)				
7		RUGER 380 AUTO LCP WITH 100 MAGAZINE 370-15206 (FOUND IN GUNSAFE)				
8		SMITH & WESSON .38 S&W 62797 (FOUND ON JOE OF BIO)				
9		WHITE POWDER SUBSTANCE IN GUN MAGAZINE (FOUND IN MASTER BATHROOM)				
10		MUSHROOMS IN PLASTIC BAG (FOUND IN MASTER BATHROOM)				
11		WHITE 3 RING BINDER W/ DOCUMENTS				

Address or Location

1191 BOWLING RD. AVIAH

Vehicle License:

State:

W. MOORE, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all property taken by me on the warrant. (P.C. § 1535, 1536, 1537, 1538)

Signature: W. Moore

Date: 02/10/17





## **Exhibit C**

**THE McEDWARDS GROUP**

1025 Hearst Willits Road  
Willits, CA 95490  
License #743428  
707/354-4618  
themcedwardsgroup@comcast.net

August 13, 2017  
Job No. 2040.01.01

Anne Marie Borges and Christian Gurr  
1181 Booneville Road  
Ukiah, CA 95482

Pumping of Irrigation Well  
1181 Boonville Road  
Ukiah, California

Dear Ms. Borges and Mr. Gurr,

This letter reviews a July 25, 2017 State of California Department of Fish and Wildlife (CDFW) memorandum from Wesley Stokes to Warden Hemphill regarding the irrigation well on your property at 1181 Boonville Road affecting the flow in nearby Richardson Creek.

Mr. Stokes states that the well is located in a broad flood plan, is about 30 feet deep, has a static water level about 15 feet deep, is located about 175 feet from the creek, is equipped with a two-horsepower pump that, in his experience, is capable of producing 50 gallons per minute, and that Mr. Gurr informed him that about 1500 gallons per day (gpd) was pumped from the well to irrigate crops. Mr. Stokes also states that the water level in the creek is about 10 feet below the adjacent floodplain and that flow in the creek was visually estimated to be about 100 gallons per minute (gpm). It appears that based on these observations alone, that Mr. Stokes concluded that "... this water withdrawal is likely a substantial diversion of natural streamflow." Mr. Stokes goes on to define substantial diversions as "those that occur during periods of low flow or cause a visual or measurable change in streamflow." Mr. Stokes then states that such substantial diversions "... are subject to CDFW's Lake or Streambed Alteration Program pursuant to Fish and Game Code section 1602(a)."

We have several comments regarding Mr. Stokes' conclusions and statements. We also have additional comments that may help to better understand the physical setting. These comments are presented below in no particular order.

**1. Flow Rate of Well**

1500 gpd from the well is very nearly 1 gpm ( $60 \times 24 = 1440$ ) continuous flow, which amount is 1 percent of the 100 gpm creek flow estimated visually by Mr. Stokes. Assuming that the 1gpm is actually diverted from the creek, which we dispute, we ask if 1 percent of the 100 gpm "visually estimated" streamflow flow is considered "substantial" by CDFW. A flow of 1 gpm is 1/5 to 1/10 of the flow from a garden hose under normal water pressure.

**2. Depth of Water in Creek**

The reported water depth of about 10 feet in the creek is 5 feet less than the reported static water level depth in the well. This indicates that Robinson Creek is a losing creek which means water may be flowing from the creek into its banks. It does not mean that this difference in water depth is caused by diversion (capture) of creek water by the well pumping at 1 gpm located about 170 feet distant from the creek.

**3. Subsurface Streamflow**

Mr. Stokes states "Based upon its shallow depth and floodplain location, it is likely that the well is intercepting subsurface streamflow ..."

The term "subsurface streamflow" is misleading. Mr. Stokes appears to consider groundwater flow toward the creek as "subsurface streamflow" as if the flow is destined solely to replenish the creek and for no other purpose such as irrigation via a well, and any interception of a portion of this flow is diversion. There is no such thing as subsurface streamflow except below the streambed in the stream channel. By his misguided understanding, almost every well can be considered diverting water from a stream, no matter its location, because all groundwater eventually flows to streams or to lakes/ponds which are drained by streams.

Mr. Stokes has done no hydrogeologic studies to determine the 1 gpm capture zone (discussed below) of the well as affected by the hydraulic gradient of the groundwater flow regime. He states that diversion is "likely" and based on this assumption determines that filing of a Form 1602(a) is required. With a pumping rate of 1 gpm at a location 170 feet from the creek, substantial diversion of water from the creek flowing at 100 gpm is not even remotely likely.

#### 4. Diversion in Excess of Surface Flow

Mr. Stokes states "Based on the estimates of the pump capacity and water demand, the diversion could divert an amount of water that is in excess of surface flow during seasonally low flow periods."

This statement is without foundation. As explained above, there is no diversion of water from the creek - there is only pumping of groundwater that resides within the sediments of the floodplain, which groundwater, if left unaffected, would eventually (years from now) reach the creek. Mr. Stokes does not understand the physical mechanisms at work. He seems to think that because the well pump may be able to pump 50 gpm it will be pumped at 50 gpm. The well will be pumped at the demand rate that he reported. Pumping beyond this demand rate would be uneconomical and would not be sensibly done.

#### 5. No Visible or Measurable Change Reported

That diversion is not occurring by pumping from the irrigation well is further supported by Mr. Stokes not reporting any visible or measurable change in flow in Richardson Creek.

#### 6. Capture Zone Analysis

A cone of depression in the groundwater table forms around a well when it is pumped. This cone combines with the slope of the water table to establish a groundwater capture zone. The attached Figure 6, taken from the publication *A Systematic Approach for Evaluation of Capture Zones at Pump and Treat Systems* (EPA 600/R-08/003) illustrates this concept. Knowing the transmissivity, hydraulic gradient (slope of water table), and the pumping rate, the steady-state dimensions of the capture zone can be calculated. The attached Figure 14 of the EPA publication shows these calculations. Although these calculations apply to a confined aquifer, they can be used to approximate the flow conditions in an unconfined aquifer having high transmissivity. Based on the limited drawdown at a high pumping rate shown in a recent pump test on the well, we believe the 30 foot deep well penetrates a gravel and/or a coarse sand. A reasonable value for hydraulic conductivity for these materials is 0.1 feet per minute. Multiplying 0.1 feet per minute by a well depth of 30 feet gives a transmissivity,  $T$ , of 3 feet squared per minute. A reasonable value for the hydraulic gradient,  $i$ , is 0.001. For a flow rate of 1 gpm or 1/7.48 cubic feet per minute we get a capture zone width at the well of 22 feet  $1/7.48/2/3/0.001$  - see Figure 14). Using these same numbers, we get the distance to the stagnation point to be 7 feet. This means that greater and seven feet downgradient of the well, groundwater is not pumped by the well and is not hydraulically connected to the well flow. Under any reasonably representative values for transmissivity and hydraulic gradient, the well pumping at 1 gpm will not be hydraulically connected to the creek.

Based on the topography of the floodplain, we believe the local groundwater flow direction to be at an acute angle to the creek. This means that distance downgradient from the well to the creek may be greater than the 175 feet distance to the creek mentioned in the memorandum.



**7. Neighboring Wells Are Also Near the Creek**

Below are photographs of three neighboring wells that also relatively close to the creek.







Below is a Google Earth image of the locations of the three wells and the Gurr well showing their distances from the creek.



As is evident in the image, Well 2 and Well 3 are closer to creek than is the Gurr well and Well 1 is only 10 feet more distant than the Gurr well. All three of these wells are plainly visible when driving to the Gurr residence, yet CDFW did not require their owners to file a Form 1602(a) or take any administrative action against them. We question what is special about the Gurr well that required the filing of Form 1602(a). It appears that what is different about the Gurr well is that it was used to irrigate cannabis plants. This appears to be a case of punitive enforcement of questionably applicable regulations by the CDFW.

#### 8. Water Sample Analysis Results

Standard mineral analysis was done on water samples from the creek and from the Gurr well. The laboratory results and chain-of-custody form are attached. A tabulation of sixteen constituent values that can be compared between wells is given below. Concentration units are milligrams per liter unless otherwise stated.

	Robinson Creek	Gurr Well	Detection Limit	Well/Creek % Ratio
<b>Metals</b>				
Calcium	22	21	1.0	95
Iron	<0.1	3.9	0.1	3900
Magnesium	9.0	12.0	1.0	133
Manganese	<0.02	0.4	0.02	2200
Potassium	1.3	1.0	1.0	77
Sodium	8.4	14	1.0	167
<b>Conventional Chemistry</b>				
Bicarbonate	110	130	5.0	181
Hardness, Total	92	101	5.0	110
Total Dissolved Solids	110	140	10	127
Total Alkalinity as CaCO <sub>3</sub>	89	100	5.0	112
Specific Conductance	210	240	20 umhos/cm	114
Total Anions	2.15	2.40		112
Total Cations	2.24	2.64		118
<b>Anions</b>				
Chloride	5.5	6.5	0.05	118
Fluoride	0.15	0.13	0.10	87
Sulfate as SO <sub>4</sub>	10.0	7.3	0.50	72

Of the sixteen constituent values compared, twelve are greater in the well sample than in the creek sample. This means that the water in the well is distinct from the water in the creek. Of particular note is the presence of iron and manganese in the well sample and their absence in the creek sample.

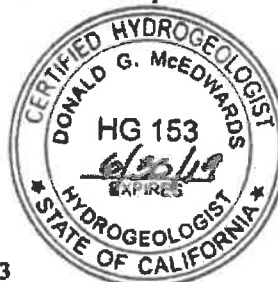
If you have any questions, please call.

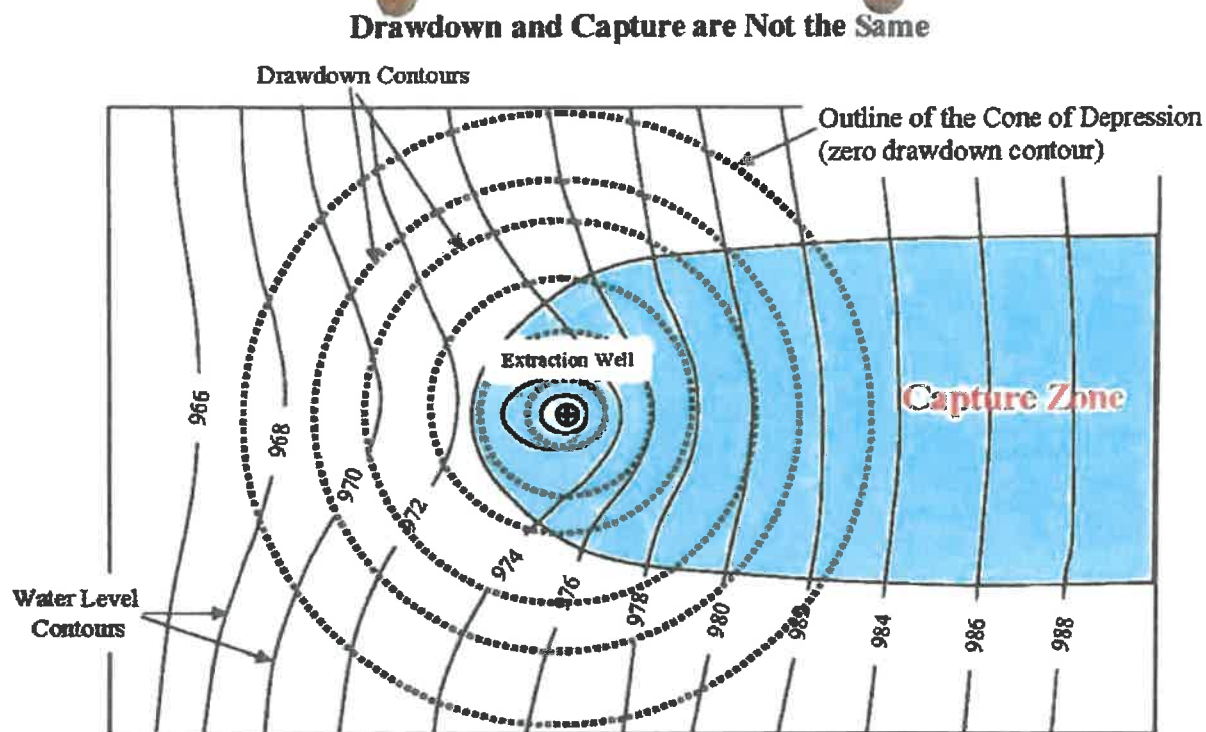
Very Truly Yours,  
The McEdwards Group

*Donald G. McEdwards*

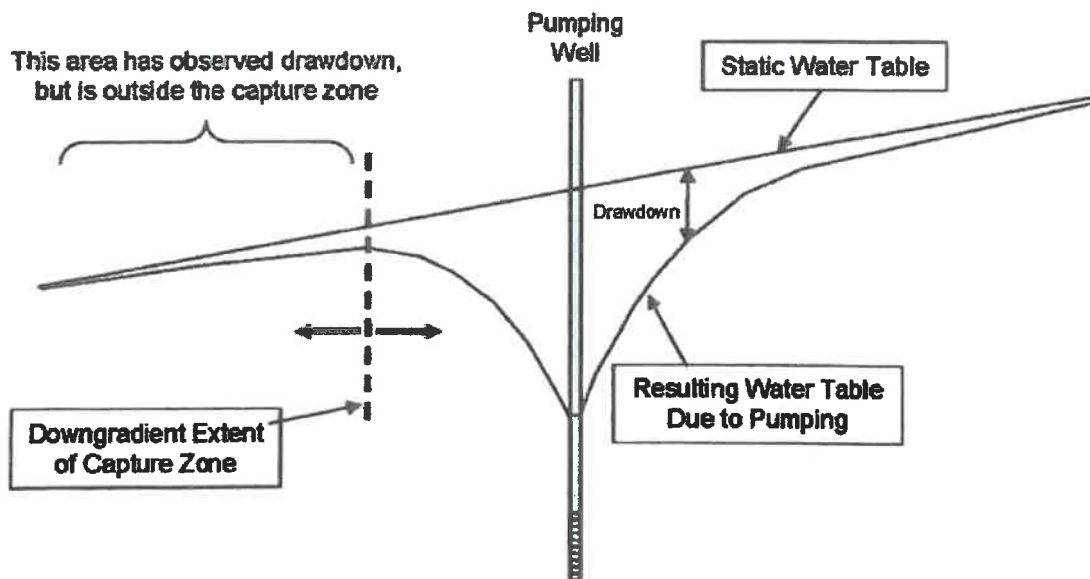
Donald G. McEdwards, Ph.D., CE 28088, RG 3872, EG 1208, HG 153

Attachments: Figures 6 and 14 of EPA 600/R-08/003  
Alpha Analytical Laboratory report and Chain-of-Custody form  
Resume of Donald G. McEdwards





### Cross-Section View: Difference Between Drawdown and Capture



**Drawdown** is the change of water level due to pumping. It is calculated by subtracting water level under pumping conditions from the water level without pumping.

**Cone of Depression** is the region where drawdown due to pumping is observed.

**Capture Zone** is the region that contributes the ground water extracted by the extraction well(s). It is a function of the drawdown due to pumping and the background (i.e., without remedy pumping) hydraulic gradient. The capture zone will only coincide with the cone of depression if there is zero background hydraulic gradient.

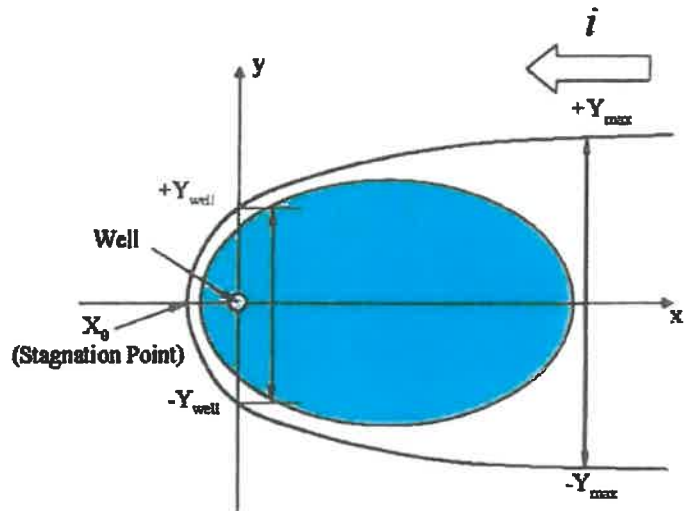
**Figure 6. Drawdown and capture are not the same**



## Capture Zone Width Calculation, One Extraction Well

### Assumptions:

- homogeneous, isotropic, confined aquifer of infinite extent
- uniform aquifer thickness
- fully penetrating extraction well(s)
- uniform regional horizontal hydraulic gradient
- steady-state flow
- negligible vertical gradient
- no net recharge, or net recharge is accounted for in regional hydraulic gradient
- no other sources of water introduced to aquifer due to extraction (e.g., from rivers or leakage from above or below)



$$x = \frac{-y}{\tan\left(\frac{2\pi Ti}{Q} y\right)} \quad - \text{or} - \quad y = \pm \left(\frac{Q}{2Ti}\right) - \left(\frac{Q}{2\pi Ti}\right) \tan^{-1}\left(\frac{y}{x}\right)$$

$$X_0 = -Q/2\pi Ti \quad ; \quad Y_{\max} = \pm Q/2Ti \quad ; \quad Y_{\text{well}} = \pm Q/4Ti$$

(must use consistent units, such as "ft" for distance and "day" for time)

### Where:

- $Q$  = extraction rate  
 $T$  = transmissivity,  $K \cdot b$   
 $K$  = hydraulic conductivity  
 $b$  = saturated thickness  
 $i$  = regional (i.e., pre-remedy-pumping) hydraulic gradient  
 $X_0$  = distance from the well to the downgradient end of the capture zone along the central line of the flow direction  
 $Y_{\max}$  = maximum capture zone width from the central line of the plume  
 $Y_{\text{well}}$  = capture zone width at the location of well from the central line of the plume

The above equation is used to calculate the outline of the capture zone. Solving the equation for  $x = 0$  allows one to calculate the distance between the dividing streamlines at the line of wells ( $2 \cdot Y_{\text{well}}$ ) and solving the equation for  $x = \infty$  allows one to calculate the distance between the dividing streamlines far upstream from the wells ( $2 \cdot Y_{\max}$ ). One can also calculate the distance from the well to the stagnation point ( $X_0$ ) that marks the downgradient end of the capture zone by solving for  $x$  at  $y = 0$ . For any value of  $y$  between 0 and  $Y_{\max}$ , one can calculate the corresponding  $x$  value, allowing the outline of the capture zone to be calculated.

Figure 14. Capture zone width calculation, one extraction well.



**Alpha Analytical Laboratories Inc.**

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Central Valley: 9090 Union Park Way, Suite 113, Elk Grove, CA 95624 • Phone: (916) 686-5190 • Fax: (916) 686-5192

ELAP Certificates 1551, 2728, and 2922

11 August 2017

The McEdwards Group

Attn: Don McEdwards

1025 Hearst-Willits Rd

Willits, CA 95490

RE: Standard Mineral

Work Order: 17G2655

Enclosed are the results of analyses for samples received by the laboratory on 07/28/17 11:15. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Jeanette L. Poplin For Sheri L. Speaks

Project Manager


**Alpha Analytical Laboratories Inc.**

 e-mail: [clientservices@alpha-labs.com](mailto:clientservices@alpha-labs.com)

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 The McEdwards Group  
 1025 Hearst-Willits Rd  
 Willits, CA 95490

 Project Manager: Don McEdwards  
 Project: Standard Mineral  
 Project Number: [none]

 Reported:  
 08/11/17 16:25

**ANALYTICAL REPORT FOR SAMPLES**

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
1811 Stream	17G2655-01	Water	07/28/17 10:45	07/28/17 11:15
1811 Well	17G2655-02	Water	07/28/17 10:40	07/28/17 11:15

*The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.*



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The McEdwards Group  
1025 Hearst-Willits Rd  
Willits, CA 95490

Project Manager: Don McEdwards  
Project: Standard Mineral  
Project Number: [none]

Reported:  
08/11/17 16:25

	Result	Reporting Limit	Dilution	Batch	Prepared	Analyzed	Method	Note
1811 Stream (17G2655-01)		Sample Type: Water			Sampled: 07/28/17 10:45			
Metals by EPA 200 Series Methods								
Calcium	22 mg/L	1.0	1	AG74166	07/31/17 06:37	08/09/17 16:32	EPA 200.7	P-02
Iron	ND mg/L	0.10	1	AG74166	07/31/17 06:37	08/09/17 16:32	EPA 200.7	
Magnesium	9.8 mg/L	1.0	1	AG74166	07/31/17 06:37	08/09/17 16:32	EPA 200.7	
Manganese	ND mg/L	0.020	1	AG74166	07/31/17 06:37	08/09/17 16:32	EPA 200.7	
Potassium	1.3 mg/L	1.0	1	AG74166	07/31/17 06:37	08/09/17 16:32	EPA 200.7	
Sodium	8.4 mg/L	1.0	1	AG74166	07/31/17 06:37	08/09/17 16:32	EPA 200.7	
Conventional Chemistry Parameters by APHA/EPA Methods								
Bicarbonate	118 mg/L	5.0	1	AH73217	08/03/17 08:00	08/03/17 17:00	SM2320B	
Carbonate	ND mg/L	5.0	1	AH73217	08/03/17 08:00	08/03/17 17:00	SM2320B	
Hardness, Calcium	55 mg/L	3	1	AG74166	07/31/17 06:37	08/09/17 16:32	SM2340B	
Hardness, Magnesium	37 mg/L	3	1	AG74166	07/31/17 06:37	08/09/17 16:32	SM2340B	
pH	8.02 pH Units	1.68	1	AH73216	07/28/17 16:00	07/28/17 17:00	SM4500-H+ B	T-14
Specific Conductance (EC)	210 umhos/cm	20	1	AH73216	07/28/17 16:00	07/28/17 17:00	SM2510B	
Total Anions	2.15 meq/l	1.00	1	AH73258	08/03/17 09:29	08/10/17 15:52	SM1030E	
Total Cations	2.24 meq/l	1.00	1	AG74166	07/31/17 06:37	08/09/17 16:32	SM1030E	
Total Dissolved Solids	118 mg/L	10	1	AH73186	08/02/17 08:20	08/11/17 10:30	SM2540C	
Turbidity	0.50 NTU	0.10	1	AH73216	07/28/17 16:00	07/28/17 17:00	SM2130B	
Bicarbonate Alkalinity as CaCO3	89 mg/L	5.0	1	AH73217	08/03/17 08:00	08/03/17 17:00	SM2320B	
Carbonate Alkalinity as CaCO3	ND mg/L	5.0	1	AH73217	08/03/17 08:00	08/03/17 17:00	SM2320B	
Hydroxide Alkalinity as CaCO3	ND mg/L	5.0	1	AH73217	08/03/17 08:00	08/03/17 17:00	SM2320B	
Total Alkalinity as CaCO3	89 mg/L	5.0	1	AH73217	08/03/17 08:00	08/03/17 17:00	SM2320B	
Hardness, Total	92 mg/L	5	1	AG74166	07/31/17 06:37	08/09/17 16:32	SM2340B	

The results in this report apply to the samples analysed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.



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The McEdwards Group  
1025 Hearst-Willits Rd  
Willits, CA 95490

Project Manager: Don McEdwards  
Project: Standard Mineral  
Project Number: [none]

Reported:  
08/11/17 16:25

	Result	Reporting Limit	Dilution	Batch	Prepared	Analyzed	Method	Note
1811 Stream (17G2655-01)								
Sample Type: Water				Sampled: 07/28/17 16:45				
Anions by EPA Method 300.0								
Chloride	5.5 mg/L	0.50	1	AG74156	07/29/17 01:54	07/29/17 01:54	EPA 300.0	
Fluoride	0.15 mg/L	0.10	1	AG74156	07/29/17 01:54	07/29/17 01:54	EPA 300.0	
Nitrate as N	ND mg/L	0.20	1	AG74156	07/29/17 01:54	07/29/17 01:54	EPA 300.0	
Sulfate as SO4	10 mg/L	0.50	1	AG74156	07/29/17 01:54	07/29/17 01:54	EPA 300.0	
1811 Well (17G2655-02)								
Sample Type: Water				Sampled: 07/28/17 16:40				
Metals by EPA 200 Series Methods								
Calcium	21 mg/L	1.0	1	AG74166	07/31/17 06:37	08/09/17 16:36	EPA 200.7	P-02
Iron	3.9 mg/L	0.10	1	AG74166	07/31/17 06:37	08/09/17 16:36	EPA 200.7	
Magnesium	12 mg/L	1.0	1	AG74166	07/31/17 06:37	08/09/17 16:36	EPA 200.7	
Manganese	0.44 mg/L	0.020	1	AG74166	07/31/17 06:37	08/09/17 16:36	EPA 200.7	
Potassium	ND mg/L	1.0	1	AG74166	07/31/17 06:37	08/09/17 16:36	EPA 200.7	
Sodium	14 mg/L	1.0	1	AG74166	07/31/17 06:37	08/09/17 16:36	EPA 200.7	
Conventional Chemistry Parameters by APHA/EPA Methods								
Bicarbonate	130 mg/L	5.0	1	AH73217	08/03/17 08:00	08/03/17 17:00	SM2320B	
Carbonate	ND mg/L	5.0	1	AH73217	08/03/17 08:00	08/03/17 17:00	SM2320B	
Hardness, Calcium	51 mg/L	3	1	AG74166	07/31/17 06:37	08/09/17 16:36	SM2340B	
Hardness, Magnesium	50 mg/L	3	1	AG74166	07/31/17 06:37	08/09/17 16:36	SM2340B	
pH	7.36 pH Units	1.68	1	AH73216	07/28/17 16:00	07/28/17 17:00	SM4500-H+ B	T-14
Specific Conductance (EC)	240 umhos/cm	20	1	AH73216	07/28/17 16:00	07/28/17 17:00	SM2510B	
Total Anions	2.40 meq/L	1.00	1	AH73258	08/03/17 09:29	08/10/17 15:52	SM1030E	
Total Cations	2.64 meq/L	1.00	1	AG74166	07/31/17 06:37	08/09/17 16:36	SM1030E	
Total Dissolved Solids	140 mg/L	10	1	AH73186	08/02/17 08:20	08/11/17 10:30	SM2540C	
Turbidity	16 NTU	0.10	1	AH73216	07/28/17 16:00	07/28/17 17:00	SM2130B	
Bicarbonate Alkalinity as CaCO3	100 mg/L	5.0	1	AH73217	08/03/17 08:00	08/03/17 17:00	SM2320B	
Carbonate Alkalinity as CaCO3	ND mg/L	5.0	1	AH73217	08/03/17 08:00	08/03/17 17:00	SM2320B	
Hydroxide Alkalinity as CaCO3	ND mg/L	5.0	1	AH73217	08/03/17 08:00	08/03/17 17:00	SM2320B	
Total Alkalinity as CaCO3	100 mg/L	5.0	1	AH73217	08/03/17 08:00	08/03/17 17:00	SM2320B	
Hardness, Total	101 mg/L	5	1	AG74166	07/31/17 06:37	08/09/17 16:36	SM2340B	

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.



Alpha Analytical Laboratories Inc.

e-mail: clientservices@alpha-labs.com

Corporate: 208 Mason St., Ukiah, CA 95482 • Phone: (707) 468-0401 • Fax: (707) 468-5267

Bay Area: 6398 Dougherty Rd., Suite 35, Dublin, CA 94568 • Phone: (925) 828-6226 • Fax: (925) 828-6309

Central Valley: 9090 Union Park Way, Suite 113, Elk Grove, CA 95624 • Phone: (916) 686-5190 • Fax: (916) 686-5192

The McEdwards Group  
1025 Hearst-Willits Rd  
Willits, CA 95490

Project Manager: Don McEdwards  
Project: Standard Mineral  
Project Number: [none]

Reported:  
08/11/17 16:25

	Result	Reporting Limit	Dilution	Batch	Prepared	Analyzed	Method	Note
1811 Well (17G2655-02)		Sample Type: Water			Sampled: 07/28/17 16:40			
Anions by EPA Method 300.0								
Chloride	6.5 mg/L	0.50	1	AG74156	07/29/17 03:32	07/29/17 03:32	EPA 300.0	
Fluoride	0.13 mg/L	0.10	1	AG74156	07/29/17 03:32	07/29/17 03:32	EPA 300.0	
Nitrate as N	ND mg/L	0.20	1	AG74156	07/29/17 03:32	07/29/17 03:32	EPA 300.0	
Sulfate as SO4	7.3 mg/L	0.50	1	AG74156	07/29/17 03:32	07/29/17 03:32	EPA 300.0	

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.



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e-mail: [clientservices@alpha-labs.com](mailto:clientservices@alpha-labs.com)

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Central Valley: 9090 Union Park Way, Suite 113, Elk Grove, CA 95624 • Phone: (916) 686-5190 • Fax: (916) 686-5192

The McEdwards Group  
1025 Hearst-Willets Rd  
Willets, CA 95490

Project Manager: Don McEdwards  
Project: Standard Mineral  
Project Number: [none]

Reported:  
08/11/17 16:25

#### Notes and Definitions

- P-02 Sample acidified to pH <2 and allowed to sit 24 hours before further processing.
- T-14 Residual chlorine, dissolved oxygen, and pH must be analyzed in the field to meet the EPA specified 15 minute hold time.
- ND Analyte NOT DETECTED at or above the reporting limit
- dry Sample results reported on a dry weight basis
- RPD Relative Percent Difference



[illegible]



## **Standard Mineral**

The following numbers are what the state recommends as maximum for drinking water. These are meant to give you a guideline only.

<u><b>Analysis</b></u>	<u><b>State recommends</b></u>
Bicarbonate	Not regulated by state
Carbonate	Not regulated by state
Chloride	250 mg/L
Specific Conductance	Acceptable..... 0 – 800 micromhos High in dissolved.. Over 800 micromhos minerals
Fluoride	1.4 mg/L
Nitrate as N	10 mg/L
pH	Acid..... Under 6.5 Slightly Acid..... 6.5 to 6.9 Neutral..... 7.0 Slightly Alkaline 7.1 to 8.0 Alkaline..... Over 8.0
Sulfate	250 mg/L
Total Dissolved Solids	Acceptable..... 0 – 500 mg/L High in dissolved.. Over 500 mg/L Minerals
Alkalinity	No recommended number
Turbidity	No recommended number
Calcium	No recommended number
Iron	EPA suggests a maximum of 0.3 mg/L for Public water systems
Hardness	Soft..... 0 – 50 mg/L Medium..... 50 – 100 mg/L Hard..... 100 – 200 mg/L Very Hard..... Over 200 mg/L
Potassium	No recommended number
Magnesium	No recommended number
Sodium	No official guidelines. Heart Association Suggests a maximum of 20 mg/L for People on sodium restricted diets.

**THE McEDWARDS GROUP**

1025 Hearst Willits Road

Willits, CA 95490

License #743428

Phone: (707) 354-4618

Fax: (707) 459-1084

**RESUME**

**DONALD G. McEDWARDS**

**Principal Hydrogeologist/Engineer**

**EXPERIENCE SUMMARY**

Dr. McEdwards has extensive experience in ground-water supply and ground-water quality investigations including site characterizations, water supply well siting, monitoring well design and installation, aquifer characterization, ground-water flow and contaminant transport modeling, and design and permitting of site remediation programs. He has managed projects involving assessing the extent of contamination; remediating soil and ground-water contamination by excavation, soil vacuum extraction, air sparging, groundwater containment by extraction, and inground bioremediation; verification monitoring; and site closure. He also has experience in surface water hydrology investigations, design of drainage facilities, mitigation of debris flow damage, and cost allocation of multi-source contaminant plumes. He has provided expertise in support of attorneys involved in litigating soil and groundwater contamination issues.

**EDUCATION**

University of California, Berkeley

Ph.D., Engineering Science, 1979

M.S., Engineering Science, 1973

California State University, Northridge

B.S., Geology, 1972

**REGISTRATION  
& LICENSES  
(California)**

Registered Geologist No. 3872

Certified Engineering Geologist No. 1208

Registered Civil Engineer No. 28088

Certified Hydrogeologist No. 153

Class A General Engineering Contractor (#743428)

Hazardous Materials Certification

Asbestos Abatement Certification

**HAZARDOUS WASTE TRAINING**

Forty-hour course following EPA requirements. Included training in physical, chemical, and toxicological properties of hazardous materials; hazard evaluation and control; selection and use of personal protective equipment, including self-contained breathing apparatus and fully encapsulating suits; sampling and monitoring techniques and equipment; and site entrance and decontamination procedures.

**EXPERIENCE**

1995 - Present

The McEdwards Group, Willits, CA

Principal Hydrogeologist

1988 - 1995

Trans Tech Consultants, Santa Rosa, CA

Principal Hydrogeologist

1985 - 1987

Geohydrologic Services, Petaluma, CA

Principal Engineer/Geologist

1984 - 1985

TERA Corporation, Berkeley, CA

Senior Project Hydrogeologist

**Donald G. McEdwards-Resume**

1979 - 1984	Harding Lawson & Associates, Novato, CA Associate Engineer
1977 - 1979	Lawrence Berkeley Laboratory, Earth Sciences Division Berkeley, CA Staff Scientist II
1975 - 1977	Lee and Praszker, San Francisco, CA Senior Engineering Aide, University of California and Staff Engineer

**REPRESENTATIVE PROJECTS**

**2260 ORDINANCE ROAD - Santa Rosa, CA**

Installed six monitoring well to define the extent of gasoline and diesel contamination. Conducted well tests using the wells and found the shallow aquifer to be moderately permeable and amenable to biodegradation. Using the well test data and proprietary computer programs, the flow rates, ground-water flow lines, and capture areas were calculated for an in-situ bioremediation program. Developed a remediation plan to extract clean water from perimeter wells, amend the water with nutrients and oxygen to promote bacterial growth, and inject the water into the tank excavation where the fuel leak occurred. The system was operated for a period of seven months, during which time the concentration of contaminants decreased from free floating product to laboratory reporting limits.

**5580 ST. HELENA ROAD - Santa Rosa, Ca**

Directed excavation of a septic tank contaminated with diesel fuel (delivery of diesel was made directly into the septic tank). Directed bioremediation of the tank contents to allow disposal as conventional septage. Managed investigation to determine extent of diesel contamination. Prepared and implemented an insitu bioremediation plan involving circulating amended water through the zone of contamination in a closed loop between injection and extraction trenches.

**128 KENTUCKY STREET - Petaluma, CA**

Managed excavation of diesel contaminated soil to 14 feet deep in area bounded an historic three-story building, a city vehicular right of way, a four-story building, and a pedestrian alley. To support the adjacent buildings and pavement, a series of cast-in-place concrete piles with cross bracing were installed on the perimeter of the excavation area. Oversaw preparation of structural drawings, obtained the necessary building permits, prepared contractor bid specifications, oversaw work of the excavation contractor, and arranged for disposal of excavated soil. Confirmation samples indicated that all contaminated soil was removed.

**Harris Quarry, Willits, CA**

Designed retention structure to accommodate storm water from a 20 year, 1 hour precipitation event for a hard rock quarry in Willits. Made use of the Intensity, Duration, and Frequency Curve Programs provided by the Office of Project Planning and Design, Department of Transportation, State of California. Represented quarry owners before the Sonoma County Planning Commission. Quarry permit to operate was approved.

**GROUND-WATER CONTAMINATION STUDY - Livermore, CA**

Assisted in the interpretation of hydrologic and chemical data from over 130 wells completed to depths ranging from 70 to 140 feet. Directed and analyzed well tests for newly installed wells. Directed abandonment of water supply wells that were cross-contaminating several aquifers.

Donald G. McEdwards-Resume

**SURFACE WATER RUNOFF AND DEBRIS FLOW CHARACTERIZATION - San Rafael, CA**

Evaluated probable frequency and volumes of debris flows and developed 100 year, 24 hour storm runoff for sizing debris catch basins for a residential development. Compared Soil Conservation Service Method with Rational Method and compared rain fall intensity data developed by USGS with rain fall intensity data used by CALTRANS.

**PCB CONTAMINATION/GROUND WATER STUDY - Cloverdale, CA**

Defined site stratigraphy and hydrogeology by installing borings and monitoring wells, conducting and interpreting pump tests and slug tests, and measuring ground-water levels. Characterized ground-water flow and contaminant migration. Prepared remedial action plan for submission to the California Regional Water Quality Control Board.

**REMEDIAL ACTION DESIGN - Sonoma County, CA**

Remedial Action Design, Sonoma County California. Developed flow model to calculate extraction well sweep areas for choosing optimum well placement and pumping rates for contaminated water removal at a wood treatment plant.

**NUMERICAL SIMULATION STUDY - Santa Clara County, CA**

Evaluated alternative ground-water extraction schemes and wrote final report for removal of chemical-laden ground water at a large industrial site in San Jose. The study involved simulating ground-water flow and chemical transport within a large ground-water basin and providing quantitative comparisons of alternative extraction schemes.

**GROUND-WATER PROTECTION PLAN - Santa Clara County, CA**

Defined stratigraphy and hydrogeology of site by installing monitoring wells, geophysically logging test borings and wells, conducting aquifer tests, and interpreting aquifer tests.

**REMEDIAL ACTION MODELING/EXTRACTION WELL DESIGN - Point Molate, CA**

Developed steady state model of ground-water flow around various structures for use in designing an extraction well system for petroleum-contaminated ground water at a U.S. Navy Fuel Depot.

**AQUIFER CHARACTERIZATION - Bethel, AK**

Managed field demonstration and wrote aquifer characterization plan for aquifer thermal energy storage demonstration project. Designed wells and well field, pressure and temperature instrumentation, well logging and well testing program, and laboratory testing program.

**WATER RESOURCES STUDY, WATER RESOURCES DEPARTMENT - Diego Garcia**

Analyzed precipitation data, soil hydraulic conductivity, and depth to fresh water-sea water mixing zone to recommend safe yield flow rate for wells supplying water for fire protection.

**GROUND WATER RESOURCES DEVELOPMENT - Bridgeport, CA**

Sited, logged, and pump-tested exploratory water well for U.S. Marine Corps Training Camp.

**GEOHERMAL WELL PRODUCTION AND INTERFERENCE TESTING - Imperial Valley, CA**

Analyzed observation well pressure changes caused by several production wells flowing at various rates. Determined global values of aquifer transmissivity and storativity.

**CITY WATER WELL SITING - Rio Vista, CA**

Conducted well interference tests on three city wells to locate a new city water well.

**IT BENICIA LANDFILL E.I.R. - Benicia, CA**

Developed analytical precipitation-ground-water discharge balance model to estimate the effective permeability of the native soils.

**Donald G. McEdwards-Resume**

**GROUND-WATER CONTROL SYSTEM - Bakersfield, CA**

Designed ground-water control system drainage blanket for drilling waste landfill.

**GEOLOGICAL HAZARDS STUDY - Contra Costa County, CA**

Conducted geological hazards study and capacity analysis for proposal sanitary landfill.

**WELL TEST PROGRAM - Russian River, CA**

Designed well test program to determine effective yield of proposed water supply wells sited in the channel.

**EAST MESA GEOTHERMAL FIELD - Imperial Valley, CA**

Conducted and analyzed several well production and interference tests at the field.

**STRIPA MINE - Stora, Sweden**

In support of nuclear storage studies, designed and assembled uphole instrumentation system to measure flow rate and pressures of double packer borehole injection tests in fractured granite.

**Miscellaneous Projects**

Wrote multiple-well variable-flow-rate well test analysis programs ANALYZE and PANAL. ANALYZE treats completely penetrating wells in isotropic confined aquifer; PANAL treats partially completed or limited-entry wells in anisotropic confined aquifer.

Conducted numerous fuel release site investigations and remediations involving drilling test borings, and installing, developing, and sampling monitoring wells.

Analyzed hydrologic well test data and wrote User's Guides to two computer programs: A well test analysis program (ANALYZE) and a two-phase geothermal reservoir simulation program (SHAFT 79).

Reviewed International Atomic Energy Commission draft document SG-S7 entitled "Nuclear Power Plant Siting - Hydrogeological Aspects" and provided extensive corrections and comments.

**PUBLICATIONS**

- 1976 Results of interference tests from two geothermal reservoirs. LBL-4484, SPE-6052, August 1976 (with T. N. Narasimhan and P. A. Witherspoon).
- 1976 Analysis of well tests with variable discharge. Presented at Geothermal Reservoir Engineering Workshop, Stanford University, Stanford, California, December 1976 (with C. F. Tsang).
- 1977 Results of reservoir evaluation tests, 1976 East Mesa Geothermal Field, California. LBL-6364, July 1977 (with T. N. Narasimhan).
- 1977 Variable flow well test analysis by a computer assisted matching procedure. LBL-5994, SPE-6547, April 1977 (with C. F. Tsang, T. N. Narasimhan, and P. A. Witherspoon).
- 1977 Variable-rate multiple-well testing analysis. LBL-7027, Proc., Invitational Well Test Symposium, October 19-21, 1977, Berkeley, California (with C. F. Tsang).
- 1977 Recent results from tests on the Republic geothermal wells, East Mesa, California. LBL-7017, December 1977 (with T. N. Narasimhan, R. C. Schroeder, C. G. Goranson, D. A. Campbell, and J. H. Barkman).

**Donald G. McEdwards-Resume**

- 1978     Results of two injection tests at the East Mesa KGRA. Proc., Second Invitational Well Test Symposium, 1978, Berkeley, California (with S. Benson).
- 1978     Geothermal resource and reservoir investigations of U.S. Bureau of Reclamation leaseholds at East Mesa, Imperial Valley, California. LBL-7094, October 1978 (Section 3 and Appendixes A, B, and C, with S. Benson).
- 1979     Multiwell variable rate well test analysis. Ph.D. dissertation, University of California, Berkeley, California.
- 1979     Multiwell variable rate well test analysis. SPE-8293, presented at the 54th Annual Conference in Las Vegas, Nevada, September 23-26, 1979.
- 1979     Multiple well variable rate well test analysis of data from the Auburn Thermal Energy Storage Program. LBL-10194, November 1979.
- 1981     User's Manual for ANALYZE - A variable-rate multiple-well least squares matching routine for well test analysis. LBL-10907, July 1981 (with S. Benson).
- 1984     Quantitative Comparison of Simulated Aquifer Restoration Schemes. Proc., National Water Well Association Conference on Practical Applications of Ground Water Models, August 15-17, 1984, Columbus, Ohio.
- 1988-     Computer programs CAPTURE, MATCH2, and MATCH3.  
1991
- CAPTURE - Plots flow paths and travel times of ground-water particles to display the areal extent of ground-water capture at specified times.
- MATCH2 - Performs a least-squares fit of observed and calculated water level elevations to find values of aquifer permeability, thickness, and storage, and the elevation, gradient, and flow direction of the prepumping piezometric surface.
- MATCH3 - Performs a least-squares fit of observed and calculated chemical concentrations to find values of aquifer dispersivities, chemical source concentration and dimensions, and ground-water velocity.
- 2006     Patent for Rotapump, a surface mounted groundwater purging and sampling pump for use in small diameter monitoring wells ([www.rotapump.com](http://www.rotapump.com)).

## **Exhibit D**



### **Agreement Not to Resume Cannabis Cultivation**

This Agreement Not to Resume Cannabis Cultivation ("Agreement") is entered into by and between Mendocino County ("County") and Ann Marie Borges ("Borges") on **5/15/2020** ("Effective Date") to satisfy Mendocino County Code section 10A.17.080(e).

#### **Recitals**

WHEREAS, Borges previously cultivated cannabis on the real property commonly known as 26500 Reynolds Highway in Willits, California ("Original Site");

WHEREAS, Borges submitted an application to cultivate cannabis at 1181 Boonville Road in Mendocino County in 2017 ("Destination Site");

WHEREAS, all of Borges' cannabis cultivation activities at the Original Site have permanently ceased and the Original Site was restored by: (i) removing all equipment and trash or debris related to cannabis cultivation and restoring the relevant portion of the Original Site as is shown in the image attached hereto **Exhibit A**. No dams, ponds or streams were used in cannabis cultivation and no vegetation was removed because the cannabis was cultivated in pots;

WHEREAS, Borges and the County enter into this Agreement to satisfy Mendocino County Code section 10A.17.081(e).

#### **Agreement**

WHEREFORE, the County and Borges agree as follows:

1. **Release of Right to Cultivate Cannabis at the Original Site.** In consideration of obtaining a permit to cultivate cannabis at the Destination Site, Borges agrees to permanently relinquish any and all rights she may have to cultivate cannabis at the Original Site.
2. **Prohibition on Cultivation at the Original Site.** By entering into this Agreement, Borges acknowledges and agrees that she is permanently prohibited from cultivating cannabis on the real property commonly known as 26500 Reynolds Highway.
3. **Transfer of Cultivation Ability.** The County authorizes the transfer of Borges' ability to cultivate on the Original Site to the Destination Site. This transfer permanently extinguishes Borges' ability to claim proof of prior cultivation at the Original Site.
4. **Incorporation of Recitals.** The recitals set forth above are true and correct and are incorporated by this reference.
5. **Incorporation of Exhibits.** All exhibits to this Agreement are incorporated as if fully set forth herein by this reference.



6. Modification. Any modifications to this Agreement must be written and signed by every party to the Agreement.

7. Nontransferrability. This Agreement does not run with the land and may not be transferred or assigned.

DATED:

MENDOCINO COUNTY

\_\_\_\_\_

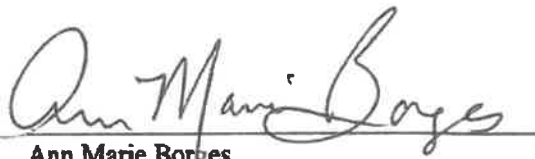
By: \_\_\_\_\_

Its:

DATED:

ANN MARIE BORGES

10/31/17

  
Ann Marie Borges

## **Exhibit E**

COMPLAINT RECEIVED

The Enforcement Division of the Fair Political Practices Commission received the enclosed complaint, COM-11212017-02271, on 11/21/2017 7:58:00 AM. The information filed in the complaint is below and any attachments filed will be included.

The Complainant is:  
Chris Gurr

The Complaint was formally filed against:  
Sue Anzilotti

The following individuals were listed as Witnesses:  
Ann Marie Borges

Dan Hamburg

Diane Curry

Audie Haggard

The Violations alleged are:  
Conflict of Interest  
87306.5 - Conflict of Interest Code; Local

*Unauthorized access and use of private information taken from a Department of Agriculture Medical Cannabis permit. Information was shared with the public and used against us in an attempt to keep us from getting our medical cannabis permit.*

Conflict of Interest  
87306.5 - Conflict of Interest Code; Local

*Using her government position to influence decisions that would personally benefit her such as prohibiting us from getting our medical cannabis permit.*

Conflict of Interest  
87306.5 - Conflict of Interest Code; Local

*Conducting private business on government time using Mendocino County government resources such as computers, email servers, telephone, etc. Instead of conducting her personal business on her personal time she conducting personal business on government time wasting taxpayer money.*

Conflict of Interest  
87306.5 - Conflict of Interest Code; Local

*Violation of HIPAA (Health Insurance Portability and Accountability Act). Sue shared confidential medical information with our neighbors that was taken from our private medical cannabis application with the Department of Agriculture.*

Conflict of Interest  
87306.5 - Conflict of Interest Code; Local

*Using her contacts within the Sheriff's Office as well as external State agencies such as CFWA (California Fish & Wildlife) and SWRCB (State Waterboard Resources Control Board) to ask for special favors to get us investigated and our permit denied.*

Conflict of Interest  
87306.5 - Conflict of Interest Code; Local

*Ran background checks on friends and family members that visited us. Sue and other neighbors took pictures of any cars that were on our property and ran the license plate numbers through the Sheriff's office computer tracking system.*

Conflict of Interest  
87306.5 - Conflict of Interest Code; Local

*Sue used Sheriff's email server to conduct private business in an attempt to keep us from getting our medical cannabis permit. She regularly communicated with Leutenant Steve White of CFWA who was the supervisor in charge of the illegal raid conducted on our property August 10, 2017. Sue also regularly communicated with the Dept of AG, Building and Planning Dept, and Code Enforcement using the governments email server to conduct private business and find out the status of our permit being denied.*

Conflict of Interest  
87306.5 - Conflict of Interest Code; Local

*Sue regularly attended Board of Supervisors meeting during the middle of the day while she was suppose to be working in the Sheriff's office. She made several 3 minute speeches stating falsehoods about me (character assassination) which are public record.*

Conflict of Interest  
87306.5 - Conflict of Interest Code; Local

*Sue refused to perform our Live Scan fingerprints when we went to the Sheriff's office which is a requirement to get our medical cannabis permit. There were approximately 15 people in the waiting room to be fingerprinted and she did everybody but us. Again using her government position to discriminate against us and attempt to make it difficult to get our medical cannabis permit.*

Conflict of Interest  
87306.5 - Conflict of Interest Code; Local

*Prior to knowing that we were enrolling in the medical cannabis permit program, she told us that she withheld the zip tie discount to Medical applicants because she hated cannabis growers. Another example of discrimination and anti-cannabis bias.*



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3000 • Sacramento, CA 95811

November 22, 2017

Chris Gurr  
via email at: gurr.chris@gmail.com

RE: FPPC File No. 17/1399; Sue Anzilotti

Dear Mr. Gurr:

This letter is to notify you that the Enforcement Division of the Fair Political Practices Commission will investigate the allegation(s), under the jurisdiction of the Commission, of the sworn complaint you submitted in the above-referenced matter. You will next receive notification from us upon final disposition of the case. However, please be advised that at this time we have not made any determination about the validity of the allegation(s) you have made or about the culpability, if any, of the person(s) you identify in your complaint.

Thank you for taking the time to bring this matter to our attention.

Sincerely,

Galena West, Chief  
Enforcement Division

GW/ch

cc: Ms. Sue Anzilotti  
via email at: anzilots@co.mendocino.ca.us

## **Exhibit F**



*California Department of Food and Agriculture*  
1220 N Street  
Sacramento, CA 95814



## TEMPORARY CANNABIS CULTIVATION LICENSE

**Legal Business Name:**

Goose Head Valley Management, LLC

**Premises APN:**

Mendocino County - 18519212

**Premises Address:**

1181 Boonville Rd.  
Ukiah, CA 95482

**Valid:**

01/23/2018 to 3/23/2019

**License Number:**

TML17-0001229

**License Type:**

Temporary-Small Mixed-Light Tier 2

---- NON-TRANSFERABLE ----

---- POST IN PUBLIC VIEW ----



# Exhibit G

**Harinder Grewal**  
Agricultural Commissioner  
Sealer of Weights and Measures



PHONE (707) 234-6830  
FAX (707) 463-0240  
agcomm@mendocinocounty.org  
[www.mendocinocounty.org/ag](http://www.mendocinocounty.org/ag)

**COUNTY OF MENDOCINO**  
**DEPARTMENT OF AGRICULTURE**  
890 N. Bush Street  
Ukiah, CA 95482

July 9, 2018

Chris Gurr  
Ann Marie Borges  
1181 Boonville Rd  
Ukiah, CA 95482

Mr. Gurr and Ms. Borges,

This letter is to inform you that your application to cultivate cannabis (AG\_2017-0069) at the above location (also known as Accessor Parcel Number 185-192-12-00) is being denied based on non-compliance with Chapter 10A.17's proof of prior cultivation requirement.

Proof of prior cultivation, as provided for by section 10A.17.080, paragraph (B) (1), has two primary elements: evidence of cultivation activities that existed on the legal parcel prior to January 1, 2016, and evidence of cultivation activities that currently exist on the legal parcel. The evidence of prior and current cultivation activities is to be provided for the same legal parcel.

This requirement is further explained on the County's cannabis cultivation website in the Frequently Asked Questions page (<https://www.mendocinocounty.org/business/cannabis-permits-and-licenses/cannabis-cultivation-faq>). Since July 2017, it has stated that in order to show proof of prior cultivation, a cultivator must show that the current cultivation activities and the cultivation activities prior to January 1, 2016, took place on the same legal parcel. The same Frequently Asked Questions page referenced above clarifies that when establishing proof of prior cultivation, the cultivation activities before and after January 1, 2016, must be the same legal parcel, and that parcel will become the origin site for purposes of relocation.

Proof of prior cultivation provided to the Department of Agriculture for your permit application does not include evidence of cultivation activities on the same legal parcel for both current cultivation and cultivation prior to January 1, 2016. Instead, the proof of prior cultivation worksheet on file with the Department refers to a property near Willits and states that photographic evidence from 1986-1987 was reviewed by the Department. However, current cultivation activities are occurring at a property near the Ukiah area located on Boonville Road, and it is the Department's understanding that you have not had cultivation activities at the Willits area property for many years. The proof of prior cultivation evidence provided for your application does not conform to the requirements of paragraph (B) (1) of section 10A.17.080, because the prior and current cultivation activities are not occurring on the same parcel.

As result of the denial of your cultivation permit application, you are prohibited from cultivating cannabis on your parcels in excess of the limitations of paragraph (B) or (C) of section 10A.17.030 of the Mendocino County Code.

Should you have any questions regarding this denial, please contact our office.



Harinder Grewal Ph.D., MBA  
Agricultural Commissioner/Scaler,  
County of Mendocino,  
Department of Agriculture/Weights & Measures

ec: Chris Gurr, Ann Marie Borges  
Applicants  
[gurr.chris@gmail.com](mailto:gurr.chris@gmail.com), [borges.ann@gmail.com](mailto:borges.ann@gmail.com)

Wykowski & Associates  
[hgw@wykowskilaw.com](mailto:hgw@wykowskilaw.com), [rdj@wykowskilaw.com](mailto:rdj@wykowskilaw.com)

Harinder Grewal, Matthew Kiedrowski, Chevon Holmes  
County of Mendocino  
[grewalh@mendocinocounty.org](mailto:grewalh@mendocinocounty.org)  
[kiedrowskim@mendocinocounty.org](mailto:kiedrowskim@mendocinocounty.org)  
[holmesc@mendocinocounty.org](mailto:holmesc@mendocinocounty.org)

## **Exhibit H**

**ORDINANCE NO. 4420**

**ORDINANCE AMENDING CHAPTER 10A.17 MENDOCINO CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 CANNABIS CULTIVATION SITES OF THE MENDOCINO COUNTY CODE; ADDING CHAPTER 20.118 "CA" CANNABIS ACCOMMODATION COMBINING DISTRICT AND CHAPTER 20.119 "CP" COMMERCIAL CANNABIS PROHIBITION COMBINING DISTRICT TO THE MENDOCINO COUNTY CODE; AND REZONING CERTAIN PARCELS TO APPLY THE CA AND CP COMBINING DISTRICTS.**

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

**Section 1:** Section 10A.17.040 is hereby amended to read as follows:

**Sec. 10A.17.040 - General Limitations on Cultivation of Cannabis.**

The following limitations shall apply to all cultivation of cannabis in Mendocino County, including but not limited to cultivation pursuant to a Permit issued under this Chapter or an exemption provided for in Section 10A.17.030. Cultivation of cannabis shall also be subject to all applicable restrictions of Mendocino County Code Chapter 20.242.

- (A) The cultivation of cannabis in Mendocino County, in any amount or quantity by any entity, shall not be allowed in the following areas:
- (1) Within one thousand (1,000) feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility as defined herein that is in existence at the time a Permit is initially applied for.
  - (2) Outdoors or using mixed light within one hundred (100) feet of any occupied legal residential structure located on a separate legal parcel; provided, however, that on January 1, 2020, this setback shall be increased to two hundred (200) feet for all Permit applications but shall not apply to renewals of Permits originally issued before that date.
  - (3) Outdoors or using mixed light in a mobile home park as defined in Health and Safety Code Section 18214.1 within one hundred (100) feet of an occupied mobile home that is under separate ownership.
  - (4) In any location where the cannabis plants are visible from the public right of way or publicly traveled private roads.
  - (5) Outdoors or using mixed light within fifty (50) feet from any adjoining legal parcel under separate ownership or access easement (whichever is most restrictive); provided, however, that on January 1, 2020, this setback shall be

increased to one hundred (100) feet for all Permit applications but shall not apply to renewals of Permits originally issued before that date.

- (6) Any indoor cultivation sites that comply with paragraph (A)(1) shall also be subject to the following:
  - (a) Indoor cultivation sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located.
  - (b) The cultivation of cannabis within an accessory structure shall be allowed subject to the development requirements of the zoning district in which it is located and to requirements of Chapter 20.164 — Accessory Use Regulations except, notwithstanding Section 20.164.010: (a) the cultivation of cannabis in an accessory structure is not permitted prior to the construction of the legal dwelling unit on the parcel, if a legal dwelling unit is required by this Chapter, and (b) cultivation of cannabis shall only be allowed on the same parcel as the dwelling unit, if required.
  - (c) Indoor cultivation sites for individuals desiring to cultivate cannabis for adult use pursuant to section 10A.17.030(C) shall also be subject to the following limitation: cultivation sites located within a private residence that is a rental unit, as that term is defined by County Code section 20.008.050, shall not be located in any indoor space other than a garage or accessory structure.
- (B) The distance between the listed uses in the above paragraph (A)(1) and cannabis that is being cultivated shall be measured in a straight line from the nearest point of the fence required in section 10A.17.040(H), or if the cannabis is cultivated indoors, from the nearest exterior wall of the building in which the cannabis is cultivated to the nearest point of the exterior wall of the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs or to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation, whichever is closest. The distance in paragraphs (A)(2) and (A)(3) to any residential structure shall be measured from the fence required in section 10A.17.040(H) to the nearest exterior wall of the residential structure. The distance in paragraph (A)(5) shall be measured from the fence required in section 10A.17.040(H) to the boundary line of a legal parcel or access easement.

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

- (C) The outdoor, indoor or mixed light cultivation of cannabis shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.
- (D) The indoor or mixed-light cultivation of cannabis shall rely on the electrical grid or some form of alternative energy source. The indoor or mixed-light cultivation cannabis shall not rely on a generator as a primary source of power.
- (E) All lights used for the indoor or mixed light cultivation of cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed.
- (F) All activities associated with the cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.
- (G) All cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, or river. The activities associated with the cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.
- (H) All cannabis grown in Mendocino County (excluding indoor growing) must be within a secure, wildlife exclusionary fence of at least six (6) feet in height that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when a qualified patient, caregiver or permittee (or their agent) is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.
- (I) All buildings where cannabis is cultivated or stored shall be properly secured to prevent unauthorized entry.



- (J) Persons cultivating cannabis pursuant to either section 10A.17.030, paragraphs (B) or (C) shall also comply with the provisions of section 10A.17.110, paragraphs (N) and (O).
- (K) Prohibition on Tree Removal. Removal of any commercial tree species as defined by Title 14 California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing a cannabis cultivation site is prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to address safety or disease concerns.

**Section 2:** Section 10A.17.080 is amended as follows:

**Sec. 10A.17.080 - Permit Phases and Requirements Specific to each Phase.**

Unless specifically exempted, in addition to compliance with all other requirements of this Chapter, all Permits shall comply with the following requirements:

- (A) Permits under the MCCO will be issued in the following three phases:
  - (1) Phase One: Following the effective date of the MCCO, Permits will only be issued to applicants who provide to the Agricultural Commissioner pursuant to paragraph (B)(1) of this section proof of cultivation at a cultivation site prior to January 1, 2016 ("proof of prior cultivation"), and who comply with all other applicable conditions of this Chapter and Chapter 20.242. Applications for Permits during Phase One shall only be accepted until December 31, 2018. Applicants able to provide proof of prior cultivation may apply for a Permit on a relocation site pursuant to paragraph (B)(3) of this section.
  - (2) Phase Two: Starting January 1, 2018, the Agricultural Commissioner will begin accepting applications for Type 1A and Type 2A Permits for indoor cultivation in the following zoning districts, subject to compliance with all other applicable conditions of this Chapter and Chapter 20.242: Limited Industrial (I-1), General Industrial (I-2), and Pinoleville Industrial (P-I). Proof of cultivation prior to January 1, 2016, is not required.

- (3) Phase Three: Starting January 1, 2020, the Agricultural Commissioner will begin accepting Permit applications from any applicant in conformance with the conditions of this Chapter and Chapter 20.242. Proof of cultivation prior to January 1, 2016, is not required.
- (B) Requirements specific to Phase One Permits.
  - (1) Proof of Prior Cultivation. Persons applying for a Permit during Phase One shall be required to provide to the Agricultural Commissioner evidence that they were cultivating cannabis on the cultivation site prior to January 1, 2016, which cultivation site shall have been, or could have been, in compliance with the setback requirements of paragraph (A) of section 10A.17.040. Evidence shall include:
    - (a) Photographs of any cultivation activities that existed on the legal parcel prior to January 1, 2016, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.
    - (b) Photographs of any cultivation activities that currently exist on the legal parcel, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.
    - (c) At least one (1) additional document demonstrating cultivation on the legal parcel prior to January 1, 2016, which evidence may be used to substitute for evidence pursuant to clause (a). The Agricultural Commissioner shall prepare a list of the types of documentation that will be accepted to meet this requirement, and may accept other similarly reliable documentary evidence showing that cannabis was cultivated prior to January 1, 2016.
    - (d) Proof of prior cultivation shall be assigned to the applicant relative to their prior cultivation site.

- (e) Persons who participated in a permit program pursuant to the County's Chapter 9.31 in previous years may present evidence of such participation and payment of all required fees in order to provide proof of prior cultivation.
- (2) Zoning Districts; Exceptions. Existing cultivation sites not located in zoning districts where Chapter 20.242 specifically allows cultivation may be issued a Type C, Type C-A, or Type C-B Permit, subject to the following requirements, in addition to all other applicable requirements of this Chapter:
  - (a) The zoning district is one where a dwelling unit is a principally permitted use and a dwelling unit is present.
  - (b) Sunset Provision for Residential Districts. Cultivation sites on legal parcels located in the Single-Family Residential (R-1), Two-Family Residential (R-2), Multiple-Family Residential (R-3), Suburban Residential (S-R), Rural Community (R-C), and Rural Residential (lot sizes one (1) acre, two (2) acres and five (5) acres [legal non-conforming parcels to minimum zoning size][R-R:L-1, R-R:L-2, and R-R:L-5 {legal non-conforming to minimum zoning size}]), as well as cultivation sites in any other zoning district where a dwelling unit is a principally permitted use and the legal parcel is less than two (2) acres in size, are subject to the following requirements:
    - (i) There is an occupied dwelling unit on the legal parcel with the cultivation site.
    - (ii) A Permit may be renewed and valid only until three (3) years following the effective date of the ordinance adopting this Chapter and any permits issued shall be void not later than three (3) years following said effective date.

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

- (c) Cultivation sites on legal parcels located in the Rural Residential zoning district, lot size five (5) acres (conforming parcels of five acres or more only)(R-R:L-5), are subject to the following additional requirement that there is an occupied dwelling unit on the legal parcel with the cultivation site.
  - (d) If a Permit is granted pursuant to this paragraph (B)(2) in these zoning districts, any future revocation or lapse in renewal of such Permit shall extinguish the ability of any person to obtain a Permit for such cultivation site.
- (3) Relocation. Persons able to show proof of prior cultivation pursuant to paragraph (B)(1) above may apply for a Permit not on the site previously cultivated (the "origin site") but on a different legal parcel (the "destination site"), subject to the following requirements:
  - (a) Persons may apply to relocate their cultivation site pursuant to this paragraph (B)(3) until three (3) years after the effective date of the ordinance adopting this Chapter, or until May 4, 2020.
  - (b) The location and operation of the proposed cultivation site on the destination parcel complies with all requirements and development standards that apply to a new cultivation site as of January 1, 2020, pursuant to this Chapter and Chapter 20.242; provided, however:
    - (i) An existing cultivation site shall not be transferred to a legal parcel located within the Forestland or Timber Production Zone zoning districts.
    - (ii) An origin site may relocate to a destination site in the Rangeland zoning district, so long as the destination site has an existing cultivation site and no new cultivation sites would be established.
  - (c) The origin site shall be restored. The application for a Permit on a destination site shall be accompanied by a restoration plan that is consistent with the standard conditions and best management practices listed in the North Coast Regional Water Quality Control Board Order No. 2015-0023, and which shall include the following:

- (i) Remove or repurpose buildings, greenhouses, fences, irrigation equipment, water intakes, pumps, storage tanks and other materials brought to the origin site for the purpose of cannabis cultivation;
    - (ii) Remove illegal dams, ponds or other in-stream water storage to restore natural stream flows, unless such features will continue in use;
    - (iii) Remove or compost agricultural wastes;
    - (iv) Remove trash and other debris; and
    - (v) Revegetate cleared areas with native plants typical of nearby natural areas, including groundcover, shrubs and trees.
  - (d) Unless the destination site is within the Agricultural zoning district, the application shall include either a water availability analysis pursuant to paragraph (C)(1)(b) below or a will serve letter pursuant to paragraph (C)(1)(c) below.
  - (e) Prior to the issuance of the Permit to cultivate cannabis at the destination parcel, the applicant shall provide the Agricultural Commissioner with an agreement, on a form approved by the Agricultural Commissioner and County Counsel, providing that the applicant releases any right to continue or resume cultivation of cannabis on the origin parcel.
  - (f) If a person is granted a Permit for a destination site, any claims of proof of prior cultivation on the origin site shall be effectively transferred to the destination site, and the ability to claim proof of prior cultivation at the origin site shall be extinguished.
  - (g) There shall be a two (2) acre minimum parcel size for all Type C, Type C-A or Type C-B Permits.
- (4) Multiple Permits may be applied for and granted on a single legal parcel that is owned by multiple persons residing in separate habitable dwelling units on that legal parcel. Each owner may individually apply for a Permit to cultivate cannabis, provided that each owner must provide proof of prior cultivation pursuant to paragraph

(B)(1) above. Each owner shall be limited to a Type C, Type C-A or Type C-B Permit, unless that owner was previously enrolled in a permit program pursuant to the County's Chapter 9.31, or unless the cumulative total square footage of plant canopy applied for by all owners does not exceed the maximum square footage permitted on a parcel for the relevant zoning district.

- (5) Persons eligible to apply for a Permit during Phase One may apply for a different and/or larger Permit type in subsequent years, subject to all requirements of this Chapter.
- (6) If a Permit is granted pursuant to this paragraph (B), any future revocation or lapse in renewal of such Permit shall extinguish the ability of any person to obtain a Permit for such cultivation site, unless otherwise allowed by this Chapter 10A.17; provided, however, for Permits granted in the Rangeland (RL), Forestland (FL) or Timberland Protection (TPZ) zoning districts, not more than once in a five-year period, a Permittee may file with the Department of Agriculture, on a form prescribed by the Department, a Notice of Non-Cultivation instead of an application to renew the Permit, and the Permittee's ability to obtain a Permit for such cultivation site will not be extinguished.

(C) Requirements specific to Phase Three Permits.

- (1) Watershed Assessment. All Permit applications, except for legal parcels located in the Agricultural (A-G) zoning district, shall demonstrate there is adequate water to serve the cultivation site.
  - (a) If surface water (or groundwater influenced by surface water) will be used, applicants may demonstrate that there is adequate water by providing (i) a watershed assessment that establishes there is sufficient watershed supply to serve the proposed cultivation site and existing uses within the watershed, and (ii) a water right exists to serve the cultivation site. A watershed assessment shall consist of 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.

- (b) If groundwater not influenced by surface water will be used, the applicant may demonstrate that there is adequate water by providing a water availability analysis which will 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.
- (c) If water will be provided by a mutual water company, municipal or private utility or similar community provider, the applicant may demonstrate that there is adequate water by providing a will serve letter from the proposed provider.

**Section 3:** Section 10A.17.081 is hereby added to the Mendocino County Code to read as follows:

**Sec. 10A.17.081 – Application Deadline for Parcels in “CA” Cannabis Accommodation Combining Districts.**

Notwithstanding the provisions of paragraph (A)(1) of section 10A.17.080, Phase One Permits may be issued for cultivation sites within a “CA” Cannabis Accommodation Combining District so long as applications for such sites are submitted to the County within one hundred eighty (180) days of the effective date of the ordinance that establishes the applicable CA district.

**Section 4:** Chapter 20.118 is hereby added to the Mendocino County Code to read as follows:

**Chapter 20.118 – “CA” Cannabis Accommodation Combining District**

**Sec. 20.118.010. Intent.**

The “CA” Cannabis Accommodation Combining District (CA Combining District or CA district) is intended to be applied to areas where greater flexibility in the development standards related to cannabis cultivation operations is desirable and necessary in order to accommodate existing commercial cannabis cultivation sites.

**Sec. 20.118.020. Applicability.**

- (A) The CA Combining District may be applied to areas that include existing commercial cannabis cultivation operations, and where the zoning designation of the majority of the lots allows residential use by right.



- (B) A CA Combining District may range from neighborhood to community in scale, but in no case be composed of fewer than ten (10) legal parcels as that term is defined in section 10A.17.020. All parcels within a CA Combining District shall be contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).
- (C) The regulations in this section are supplemental to the regulations for the applicable underlying zoning district. In the event of a conflict between the regulations for the CA Combining District and the underlying zoning district, the CA district regulations shall prevail.

**Sec. 20.118.030. Establishment of CA Combining District.**

- (A) The establishment of a CA Combining District shall be in accordance with the provisions of Chapter 20.212, except as otherwise provided in this section.
- (B) Establishment of a CA Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CA district. Such application shall be filed with the Planning and Building Services Department and shall be accompanied by either:
  - (1) A petition that demonstrates support for the proposed CA district by more than sixty percent (60%) of the affected property owners (as demonstrated by one (1) owner's signature per legal parcel) within the proposed CA district; or
  - (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.
- (C) Action on the filed application shall be taken by the Planning Commission and Board of Supervisors as established in Chapter 20.212.
- (D) Applications for CA Combining Districts will be accepted until November 1, 2019.

**Sec. 20.118.040. Regulations for CA Combining District.**

- (A) Notwithstanding application deadlines identified in section 10A.17.080(A)(1), applications for cannabis cultivation permits within a CA Combining District must be submitted within one hundred eighty (180) days of the effective date of the ordinance that establishes the CA Combining District.

- (B) The Sunset Provision for cannabis cultivation (section 10A.17.080(B)(2)(b)) shall not apply within the CA district.
- (C) Cannabis cultivation permit types defined in section 10A.17.060 as (C) Small Outdoor, (C-A) Small Indoor, Artificial Light, and (C-B) Small Mixed Light may be permitted for existing cultivation sites on any parcel subject to the planning permit and approval requirements in section 20.242.040(C).
- (D) The minimum setback for a cultivation site from any adjoining legal parcel under separate ownership, as required by section 10A.17.040(A)(5), shall be twenty (20) feet.
- (E) The minimum setback for a cultivation site to an adjoining legal parcel under separate ownership, as required by section 10A.17.040(A)(5), may be reduced to less than twenty (20) feet or waived through the approval of an Administrative Permit pursuant to section 20.242.070(C).
- (F) The minimum setback for a cultivation site to any occupied legal residential structure located on a separate legal parcel, as required by section 10A.17.040(A)(2), may be reduced to twenty (20) feet through the approval of an Administrative Permit pursuant to section 20.242.070(C).
- (G) Changes to the underlying zoning of a parcel or parcels within the CA Combining District would have no effect on the uses permitted and defined by this section, nor would the CA Combining District limit any use rights granted by a future rezoning of property within this CA district.

**Sec. 20.118.050. Changes to CA Combining District.**

- (A) For the first ten (10) years after the date of adoption, no application to repeal or amend a CA Combining District, except as described in section 20.118.050(D), may be initiated by a member of the public.
- (B) Following the in-effect period of ten (10) years from the date of adoption, a CA Combining District may be repealed or amended upon submittal of an application by one (1) or more property owner(s) within the boundaries of the CA district. The application shall be accompanied by either:
  - (1) A petition demonstrating support for the repeal or amendment of the CA district by more than sixty percent (60%) of all current property owners (as demonstrated by one owner's signature per parcel or parcels owned) within the CA district; or

- (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.
- (C) If a CA Combining District is repealed at any time, all current cultivators that do not meet the development standards of the underlying zoning district shall be permitted to continue operations for three (3) years from the date of repeal of the CA district. After three (3) years following the date of repeal of the CA district, permits for cultivators that do not meet the standards of the underlying zoning district shall not be renewed by the County.
- (D) An owner of property that is contiguous with a CA Combining District may submit a petition to the County to be included in the CA district. Petitions for inclusion in an existing CA district shall only be submitted by the current property owner. An addition of new property to an established CA district shall not alter the in-effect period of ten (10) years for the district.
- (E) Action on an application to repeal, amend, or add contiguous property to a CA Combining District shall be taken by the Planning Commission and Board of Supervisors consistent with the provisions of Chapter 20.212, except as provided by this section.

**Sec. 20.118.060. Fees for Petitions for CA Combining District.**

The Board of Supervisors shall require payment of fees or deposits, as established by the Board, for the processing of applications seeking to establish, repeal, or amend a CA Combining District in an amount that covers all costs for review, public noticing and hearings, and approval or denial of the application. The fees shall be as set and established by Resolution passed by the Board of Supervisors.

**Sec. 20.118.070. Adopted CA Combining Districts.**

The CA Combining District has been applied to the following areas, which are more specifically defined in the ordinance that rezoned the areas to the CA Combining District:

- (A) Covelo Core
- (B) Covelo Fairbanks Road
- (C) Laytonville
- (D) South Leggett

**Section 5:** Chapter 20.119 is hereby added to the Mendocino County Code to read as follows:

**Chapter 20.119 – “CP” Commercial Cannabis Prohibition Combining District**

**Sec. 20.119.010. Intent.**

The "CP" Commercial Cannabis Prohibition Combining District (CP Combining District or CP district) is intended to allow the County to designate specific areas where commercial cannabis operations are prohibited.

**Sec. 20.119.020. Applicability.**

- (A) The CP Combining District may be applied to an area where a majority of the parcels allow residential use by right.
- (B) A CP Combining District shall be composed of no fewer than ten (10) legally created legal parcels, as that term is defined in section 10A.17.020, that are contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).
- (C) The regulations in this section are supplemental to the regulations for the applicable underlying zoning district. In the event of a conflict between the regulations for the CP Combining District and the underlying zoning district, the CP district regulations shall prevail.

**Sec. 20.119.030. Establishment of CP Combining District.**

- (A) The establishment of a CP Combining District shall be in accordance with the provisions of Chapter 20.212, except as otherwise provided in this section.
- (B) Establishment of a CP Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CP district. Such application shall be filed with the Planning and Building Services Department and shall be accompanied by either:
  - (1) A petition that demonstrates support for the proposed CP district by more than sixty percent (60%) of the affected property owners (as demonstrated by one (1) owner's signature per legal parcel) within the proposed CP district; or
  - (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.
- (C) Action on the filed application shall be taken by the Planning Commission and Board of Supervisors as established in Chapter 20.212.

**Sec. 20.119.040. Regulations for CP Combining District.**

- (A) All new and unpermitted cannabis cultivation sites as defined in section 10A.17.020, except those uses identified as exempt under section 10A.17.030, and all cannabis facilities as defined in section 20.243.030 shall be prohibited within the CP district.
- (B) Existing permitted cannabis cultivation sites or permitted cannabis facilities located within a newly adopted CP Combining District zone shall be permitted to continue operations for three (3) years from the date of establishment of the CP district. After three (3) years following the date of establishment of the district, all previously permitted commercial cannabis cultivation sites and commercial cannabis facilities shall cease operations.
- (C) Nothing in this section shall be construed to extend the period of allowed cultivation as established under Mendocino County Code section 10A.17.080(B)(2)(b) (Sunset provisions).

**Sec. 20.119.050. Changes to CP Combining District.**

- (A) For the first ten (10) years after the date of adoption, no application to repeal or amend a CP Combining District, except as described in section 20.119.050(C), may be initiated by a member of the public.
- (B) Following the in-effect period of ten (10) years from the date of adoption, a CP Combining District may be repealed or amended upon submittal of an application by one (1) or more property owner(s) within the boundaries of the CP district. The application shall be accompanied by either:
  - (1) A petition demonstrating support for the repeal or amendment of the CP district by more than sixty percent (60%) of all current property owners (as demonstrated by one (1) owner's signature per legal parcel) within the CP district; or
  - (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.
- (C) An owner of property that is contiguous with a CP district may submit a petition to the County to be included in the CP Combining District. Petitions for inclusion in an existing CP district shall only be submitted by the current property owner. An addition of new property to an established CP district shall not alter the in-effect period of ten (10) years for the district.

- (D) Action on an application to repeal, amend, or add contiguous property to a CP district shall be taken by the Planning Commission and Board of Supervisors consistent with the provisions of Chapter 20.212, except as provided by this section.

**Sec. 20.119.060. Fees for Petitions for CP Combining District.**

The Board of Supervisors shall require payment of fees or deposits, as established by the Board, for the processing of applications seeking to establish, repeal, or amend a CP Combining District in an amount that covers all costs for review, public noticing and hearings, and approval or denial of the application. The fees shall be as set and established by Resolution passed by the Board of Supervisors.

**Sec. 20.119.070. Adopted CP Combining Districts.**

The CP Combining District has been applied to the following areas, which are more specifically defined in the ordinance that rezoned the areas to the CP Combining District:

- (A) Deerwood (Ukiah area)
- (B) Boonville Road – Woodyglen (Ukiah area)

**Section 6.** Section 20.242.040 of the Mendocino County Code is hereby amended to read as follows:

**Sec. 20.242.040 - Existing Cannabis Cultivation Sites.**

- (A) Referrals of applications to the Department for review related to existing cultivation sites shall include the Agriculture Commissioner's determination that the cultivation site existed prior to January 1, 2016, unless the Agricultural Commissioner requests the assistance of the Department in making this determination as part of the referral to the Department.
- (B) Cultivation sites, in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit as required for the zoning district in which the cultivation site is located and as listed in Table 1.

**TABLE 1**  
**Zoning Permit Requirement for Existing Cannabis Cultivation by Zoning District and Cannabis Cultivation Ordinance Permit Type**

MCCO Permit Type		C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm, Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery
Min Parcel Area (ac) *1, *2, *3		NA	NA		NA	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*1	ZC	AP	UP	ZC	ZC	—	ZC	—	—	—	—
	RR 10	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	AG	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	UR	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	RL	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	FL*4	ZC	AP	UP	ZC	AP	—	AP	AP	—	AP	AP
	TPZ*4	ZC	AP	UP	ZC	AP	—	AP	AP	—	AP	AP
	I1*5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC	ZC
	I2*5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC	ZC
	PI*5	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	ZC

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

\*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

\*2 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between three and one-half (3.5) and five (5) acres, and that shares at least fifty percent (50%) of its boundaries with parcels five (5) acres in size or larger, may apply for and be granted permit types 1 and 1-B following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

\*3 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between seven (7) and ten (10) acres, and that shares at least fifty percent (50%) of its boundaries with parcels ten (10) acres in size or larger, may apply for and be granted permit types 2, 2-B and 4 following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

\*4 Existing cultivation sites in the FL and TPZ zoning districts that were previously enrolled in a permit program pursuant to the County's Chapter 9.31 shall be required to



obtain a zoning clearance unless the applicant seeks to expand beyond the size previously cultivated under such permit program.

\*5 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

(C) A reduction in the setback from a legal parcel line required by section 10A.17.040(A)(5) may be allowed following the issuance of an Administrative Permit, approved pursuant to section 20.242.070(C), subject to the following limitations: (1) the approved reduced setback for cultivation not within a structure shall be no less than twenty (20) feet from an adjoining property under separate ownership or an access easement, or (2) for cultivation within a structure, the setback shall be no less than the front, rear, or side yard setback (as applicable) setback for the zoning district in which the property is located. Any reduction of the setback pursuant to this section must comply with the required setback from an occupied legal structure and the reduced setback may not encroach into any corridor preservation setback, pursuant to sections 20.152.015 and 20.152.020.

(D) An existing cultivation site located in a zoning district not listed in Table 1 of this section may continue, but shall not be expanded or enlarged, subject the following planning permit and approval requirements.

(1) Planning Permit Requirements:

(a) Outdoor Cultivation (pursuant to a MCCO Type C Permit) not exceeding two thousand five hundred (2,500) requires an approved Zoning Clearance.

(b) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A Permit) not exceeding five hundred (500) square feet requires an approved Administrative Permit.

(c) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A Permit) between five hundred one (501) and two thousand five hundred (2,500) square feet requires an approved Minor Use Permit.

(d) Mixed Light Cultivation (pursuant to a MCCO C-B Permit) not exceeding two thousand five hundred (2,500) square feet requires an approved Zoning Clearance.

(i) Any future lapse or revocation of the MCCO permit will extinguish the permittee's ability to obtain a future permit from the Department to continue or resume

an existing cultivation site that is not within a zoning district listed in Table 1 of this section.

- (E) Transferability of Permits. Permits issued pursuant to this Section shall not be transferable to another person, except that the permittee may transfer the permit to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the permittee serves as a trustee, which shall not be deemed a change in ownership for purposes of this Chapter.

**Section 7.** Section 20.242.060 of the Mendocino County Code is hereby amended to read as follows:

**Sec. 20.242.060 - New Cannabis Cultivation Sites.**

- (A) Except as provided in Section 20.242.050, on or after January 1, 2020, new cannabis cultivation sites may be permitted in accordance with this section.
- (B) All new cannabis cultivation sites shall be consistent with the General Limitations on Cultivation of Cannabis, Section 10A.17.040; provided, however, that an applicant may seek a reduction in the setback requirements as stated in paragraph (D) of this section.
- (C) Cultivation sites, operated in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit, as required for the zoning district in which the cultivation site is located and listed in Table 2.

**TABLE 2**  
**Zoning Permit Requirement for New Cannabis Cultivation by Zoning District and Cannabis Cultivation Ordinance Permit Type**

MCCO Permit Type		C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg 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*1	ZC	AP	UP	ZC	ZC	—	ZC	—	—	—	—
	RR 10	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	AG	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	UR	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	I1*2	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	ZC
	I2*2	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	ZC
	PI*2	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	ZC

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

\*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

\*2 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

- (D) **Setback Reduction.** A reduction in the setback from a legal parcel line required by Section 10A.17.040 may be allowed with an Administrative Permit, approved according to Section 20.242.070(C), provided that the approved setback reduction is fifty (50) feet or greater from an adjoining property under separate ownership or access easement, whichever is most restrictive and the location of the cannabis cultivation site continues to comply with the required setback from an occupied legal residential structure.

**Section 8.** Section 20.242.070 of the Mendocino County Code is hereby amended to read as follows:

**Sec. 20.242.070 - Planning approval required to cultivate cannabis.**

- (A) **Planning Approval Procedure.** Each proposed cannabis cultivation site is subject to one (1) of the following planning

review processes that correspond to the applicable zoning district and Chapter 10A.17 permit as specified by Table 1 or Table 2 in this Chapter.

The Agricultural Commissioner's Office shall refer applications for cultivation permits pursuant to Chapter 10A.17 to the Department, which shall review the application to determine which of the following processes applies. If the application needs only a Zoning Clearance, the Department will provide a zoning clearance approval to the Agricultural Commissioner's Office. If the application requires either an Administrative Permit or a Minor Use Permit, the Department will notify the Agricultural Commissioner's Office and the applicant that planning approval is required.

- (B) Zoning Clearance. The Department shall review the MCCO permit application to confirm the cannabis cultivation site is allowed in zoning district, subject to the applicable requirements of this chapter, and confirm the legal parcel on which the cultivation site is located. The Department shall additionally provide any information as requested by the Agricultural Commissioner's Office to confirm compliance with any of the provisions of Chapter 10A.17.
- (C) Administrative Permit. In accordance with the Administrative Permit review procedure listed in Chapter 20.192, the Zoning Administrator shall approve, conditionally approve or deny an Administrative Permit for cannabis cultivation sites based on the following special findings.
  - (1) The cannabis cultivation site is allowed in the zoning district and it is in compliance with the provisions of Chapter 10A.17.
  - (2) There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding fifteen (15) percent, prime soil, oak woodland, and timber resources.
  - (3) The cannabis cultivation will avoid or minimize odor and light impact on residential uses.
  - (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO permit application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit

from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.

- (5) The Administrative Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Administrative Permit shall expire at the end of this period unless it is renewed prior to the end of the 10-year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.
- (6) An Administrative Permit may be applied for and granted for an exception to the dwelling unit requirement of Chapter 10A.17 for parcels in the Rural Residential, lot size ten (10) acres (R-R:L-10) zoning district with the additional finding that the applicant shall demonstrate that the cultivation site and any associated infrastructure (roads, buildings, water storage, etc.) does not preclude the development of the parcel with a residence in the future. For parcels that will need on-site sewage disposal systems to be developed, making this finding may require the identification of a primary and reserve leach field to be identified in order to issue the Administrative Permit.
- (7) An Administrative Permit may be applied for and granted for an exception to the one thousand (1,000) foot setback requirement of a cannabis cultivation site as outlined in section 10A.17.040(B). Administrative permits may be approved, conditionally approved or denied for the reduction of the setback provided for in section 10A.17.040(A)(1) based on the findings of 20.242.070(C)(1), (C)(2) and (C)(3) and on the following special findings:
  - (i) That there be special circumstances applicable to the property involved, including size, shape, topography, location or surrounding;
  - (ii) That the granting of such reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and
  - (iii) That the granting of such reduction will not adversely affect the General Plan.
- (8) Applicants eligible for a Phase One Permit pursuant to Chapter 10A.17 may apply for and be granted an

Administrative Permit for an exception to the setback requirement of section 10A.17.040(A)(5) of an outdoor, greenhouse, or mixed light cultivation site to an adjacent legal parcel under separate ownership or access easement. Administrative Permits may be approved, conditionally approved, or denied for the reduction of required setbacks established in section 10A.17.040(A)(5) to no less than twenty (20) feet for cultivation not in a structure or no less than applicable front, side and rear yard setbacks for cultivation in a structure, based on the findings of section 20.242.070(C)(1), (C)(2), and (C)(3) and on the following special findings:

- (i) That the granting of such reduction will not adversely affect the character, livability, or right to appropriate development of the adjacent property from which the setback reduction is requested; and will not interfere with rights of access or usage for any legal recorded easement; and
  - (ii) That the reduced setback maintains setbacks consistent with provisions of sections 10A.17.040(A)(1), (A)(2), (A)(3), and (A)(4), as applicable, unless the applicant obtains a reduction of such setbacks through an Administrative Permit as permitted by this Chapter.
- (D) Minor Use Permit. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Minor Use Permit for a cannabis cultivation site based on findings in Section 20.196.020 and the following special findings:
- (1) The proposed cannabis cultivation site is in compliance with the provisions of Chapter 10A.17.
  - (2) In cases where there is no other environmentally superior cultivation site located on the same parcel, the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceed fifteen (15) percent, prime soil, oak woodland, and timber resources.
  - (3) The proposed cannabis cultivation site will avoid or minimize odor and light impact on residential uses.

- (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO permit application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.
- (5) The Use Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Use Permit shall expire at the end of this period unless it is renewed prior to the end of [the] 10-year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.

**Section 9. General Plan Consistency.** Based on the evidence in the record, the Board of Supervisors finds that the amendments and rezonings being made by this ordinance are consistent with the goals and policies of the Mendocino County General Plan and the Ukiah Valley Area Plan.

**Section 10. Rezone – “CA” Cannabis Accommodation Combining Districts.** Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the properties depicted and listed in the following exhibits, which are attached hereto and incorporated herein by this reference, is hereby changed to reclassify the properties to the “CA” Cannabis Accommodation Combining District:

- Exhibit A. Covelo Core CA District
- Exhibit B. Covelo Fairbanks Road CA District
- Exhibit C. Laytonville CA District
- Exhibit D. South Leggett CA District

**Section 11. Rezone – Commercial Cannabis Prohibition Combining Districts.** Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the properties depicted and listed in the following exhibits, which are attached hereto and incorporated herein by this reference, is hereby changed to reclassify the properties to the “CP” Commercial Cannabis Prohibition Combining District:

- Exhibit E. Deerwood CP District
- Exhibit F. Boonville/Woodyglen CP District

**Section 12. Severability.** If any section, subsection, provision, phrase, word, or clause of this ordinance or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this



ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid or unconstitutional.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this 4th day of December, 2018, by the following roll call vote:

AYES: Supervisors Brown, McCowen and Croskey  
NOES: None  
ABSENT: Supervisors Gjerde and Hamburg

**WHEREUPON**, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy

*APPROVED AS TO FORM:*  
KATHARINE L. ELLIOTT, County Counsel

\_\_\_\_\_  
GEORGEANNE CROSKEY, 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: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy