



# Cannabis Zoning Exemption Development

**Board of Supervisors – June 12, 2018**



# Overview

- Update Board on Cannabis Overlay regulations
- Present regulation Frameworks for Board consideration and direction:
  - Exceptions
  - Opt-In Overlay Zone
  - Opt-Out Overlay Zone
- Next Steps/Formal Review Process



# Overlay Regulations Process

## Completed

- Review County Regulations
- Establish Sub-Groups
- Issue identification
- Optional Solutions
- Prepare Framework
- Internal review – County staff and legal
- Present to Board for Direction

## Next Steps

- Community meetings – Opt-In and Opt-Out zones
- Draft ordinance language
- General Plan review
- CEQA (as necessary)
- Revise regulations as appropriate
- Formal consideration by Planning Commission and Board of Supervisors



# Cannabis Working Group

- Cannabis Overlay Working Group – 40 members
- Three Sub-Groups established – each Sub-Group includes six or seven representatives
- Michael Baker conducted in person meetings and conference calls with each Sub-Group – total of more than 16 formal meetings
- Sub-Group members were asked to be the voice for their constituencies
- Sub-Group interaction was conducted as an alternative to more conventional community outreach



# Guiding Principles

- Focus on supporting existing local growers.
- Remove barriers to participation in the County commercial cannabis permit program.
- Create procedures for Opt-In and Opt-Out zones and create the first such zones within this effort.
- Allow flexibility and provide regulatory relief, but do not fundamentally change past Board decisions.
- Be aware of and coordinate efforts with other County cannabis regulatory efforts.
- Rely on existing CEQA determinations to the greatest extent possible.



# Regulatory Frameworks

- Frameworks identify the key points of proposed code amendments for each subject area.
- Board to provide comments/guidance on whether key points meet expectations – direct revisions as appropriate.
- Based on Board input, Michael Baker will adjust the Frameworks accordingly and draft specific revisions to the County municipal code.



# Exceptions

## Six Exceptions are proposed:

- Modify allowed setback reductions.
- Eliminate additional required setback from access easements.
- Allow for parcels between 3.5 and 4.99 acres to potentially be eligible for permits that are currently limited to 5 acre parcels.
- Parcels that are zoned RR5 which are between 3.5 acres and 4.99 acres will not be subject to sunseting.
- Allow for parcels between 7.0 and 9.99 acres to potentially be eligible for permits that are currently limited to 10 acre parcels.
- Allow certain mixed light facilities subject to standard building setbacks.



# Opt-In Overlay Zone - Establishment

Opt-In overlay zones must be consistent with the following provisions:

- Can be established in any residential zone - may include a limited number of non-residential parcels if required to create logical boundaries.
- Must be composed of a minimum of 20 parcels.
- All parcels within an Opt-In overlay zone must be contiguous excepting separations by public roads.
- Proposed through a petition of support by more than 60% of all current property owners.
- Opt-In overlay zones shall be reviewed and acted upon by the Board of Supervisors following a public hearing.





# Opt-In Overlay Zone - Purpose

Opt-In Overlay zones would support existing local cultivators by adjusting regulations as follows:

- Sunset Provision for Residential Districts would no longer apply.
- Cannabis Cultivation Permit types (C) Small Outdoor, (C-A) Small Indoor, Artificial Light, and (C-B) Small, Mixed Light allowed on any parcel provided all other existing standards/requirements are met.
- Required setback reduced to 20 feet.
- Required setback may be reduced to less than 20 feet or waived subject to Administrative Permit approval.



# Opt-In Overlay Zone - Limitations

- For 10 years from establishment, a petition of 70% of all property owners is required to initiate the repeal of an Opt-In overlay zone.
- After 10 years, a petition of 60% of all property owners is required to initiate the repeal of an Opt-In overlay zone.
- If repealed, cultivators not meeting underlying zoning standards could continue operations for up to three years.
- Parcels adjacent to the Opt-In overlay zone could petition for inclusion into the Opt-In overlay zone.
- Changes to the underlying zoning of a property in an Opt-In overlay zone would have no effect on the uses permitted by this section.



# Proposed Opt-In Areas

- The Cannabis Overlay work will provide a process for the creation of Opt-In zones in the future.
- Current efforts will also establish the initial Opt-In zones and the following areas are under consideration:
  - Laytonville
  - Covelo (Fairbanks Road)
  - Covelo (Core)
  - South Leggett
  - Mitchell Creek



# Opt-Out Overlay Zone - Establishment

Opt-Out overlay zones would be required to be consistent with the following provisions:

- Can be applied in zones where a dwelling unit is a principally permitted use and where residential use is currently the predominant land use.
- Must be composed of a minimum of 20 parcels.
- All parcels within an Opt-Out overlay zone must be contiguous excepting separations by public roads.
- Proposed through a petition of support by more than 60% of all current property owners.
- Opt-Out overlay zones shall be reviewed and acted upon by the Board of Supervisors following a public hearing.



# Opt-Out Overlay Zone - Purpose

Opt-Out Overlay zones would benefit local neighborhoods that feel impacted by commercial cannabis uses by:

- Prohibiting issuance of new commercial cannabis permits within defined/designated neighborhoods.
- Requiring existing permitted commercial cannabis uses to cease operations within 3 years.
- Provide relative stability for the Opt-Out regulations – allow confidence for buyers that are not interested in commercial cannabis uses.



# Opt-Out Overlay Zone - Limitations

- For 10 years from establishment, a petition of 70% of all property owners is required to initiate the repeal of an Opt-Out overlay zone.
- After 10 years, a petition of 60% of all property owners is required to initiate the repeal of an Opt-Out overlay zone.
- Parcels adjacent to the Opt-Out overlay zone could petition for inclusion into the Opt-Out overlay zone.
- Existing permitted cannabis cultivation sites or facilities located in an Opt-Out overlay zone would cease commercial cannabis operations three years after Opt-Out zone establishment.
- Changes to the underlying zoning of an Opt-Out overlay zone would have no effect on prohibition of commercial cannabis operations established under the Opt-Out overlay zone.



# Proposed Opt-Out Areas

- The Cannabis Overlay work will provide a process for the creation of Opt-Out zones in the future.
- Current efforts will also establish the initial Opt-Out zones and the following areas are under consideration:
  - Boonville Road / Woody Glen
  - Deerwood



# Next Steps

- Receive Board direction and adjust Frameworks as appropriate.
- Review General Plan for potential conflicts – determine if a General Plan Amendment is required.
- Conduct meetings in communities of the proposed Opt-In and Opt-Out zones.
- Draft specific revisions to the Mendocino County municipal code.
- Determine level of review and complete CEQA analysis as determine appropriate.
- Publish draft code revisions for public review.
- Schedule and conduct public hearings before the Planning Commission and the Board of Supervisors

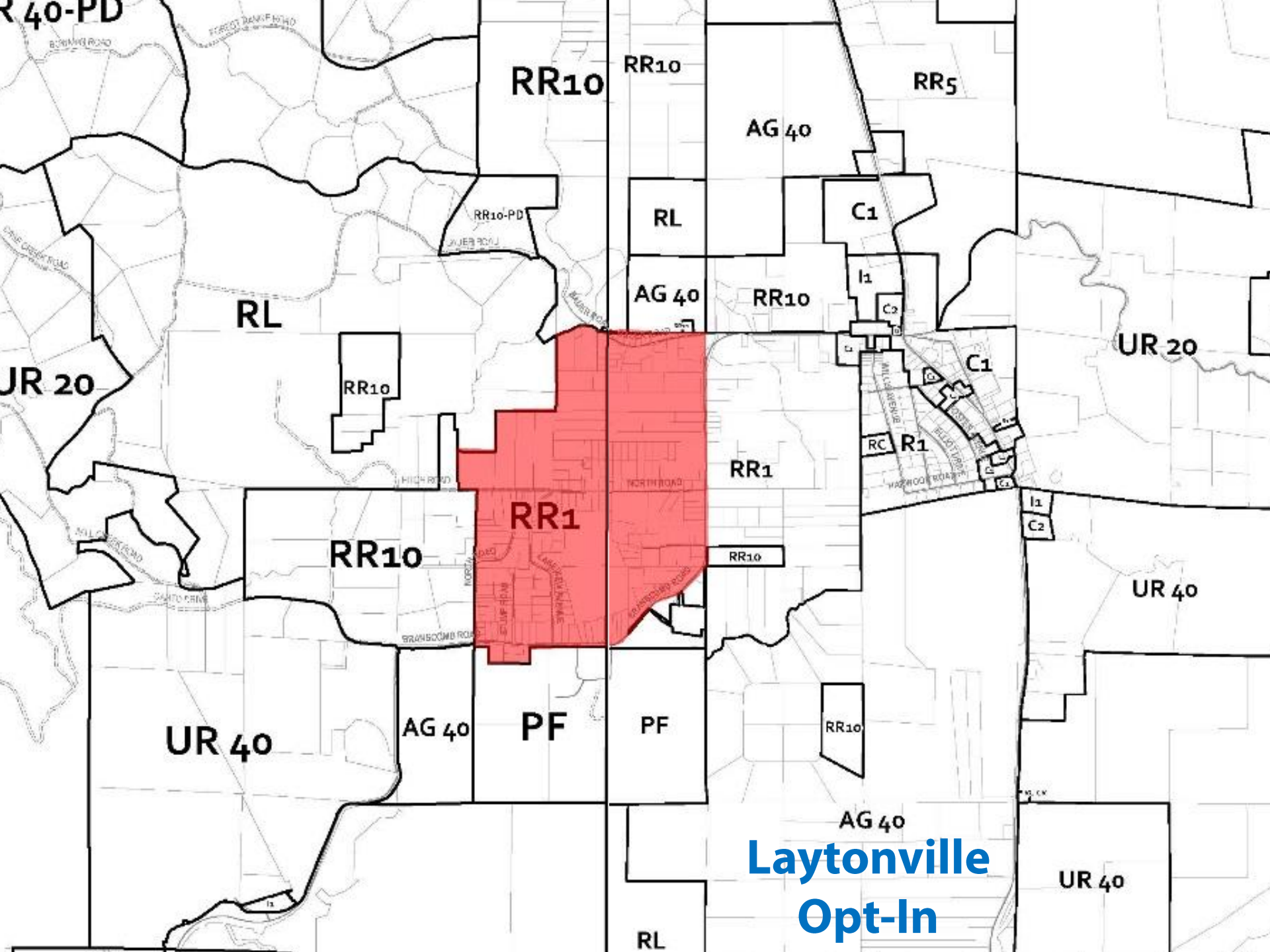




# Thank you

**Michael Baker**  
INTERNATIONAL





R 40-PD

RR10

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RR5

AG 40

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I1

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UR 20

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Laytonville  
Opt-In

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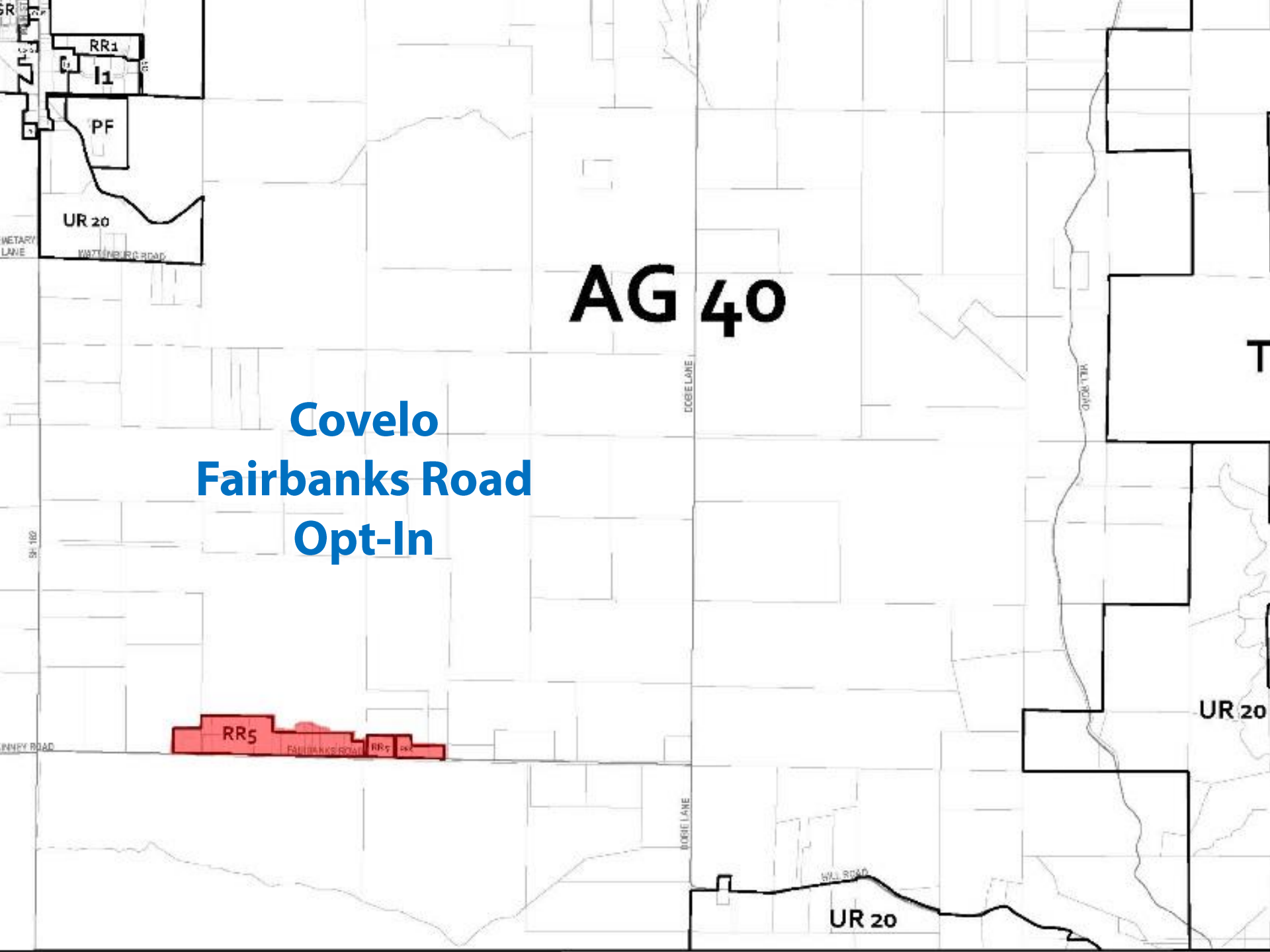
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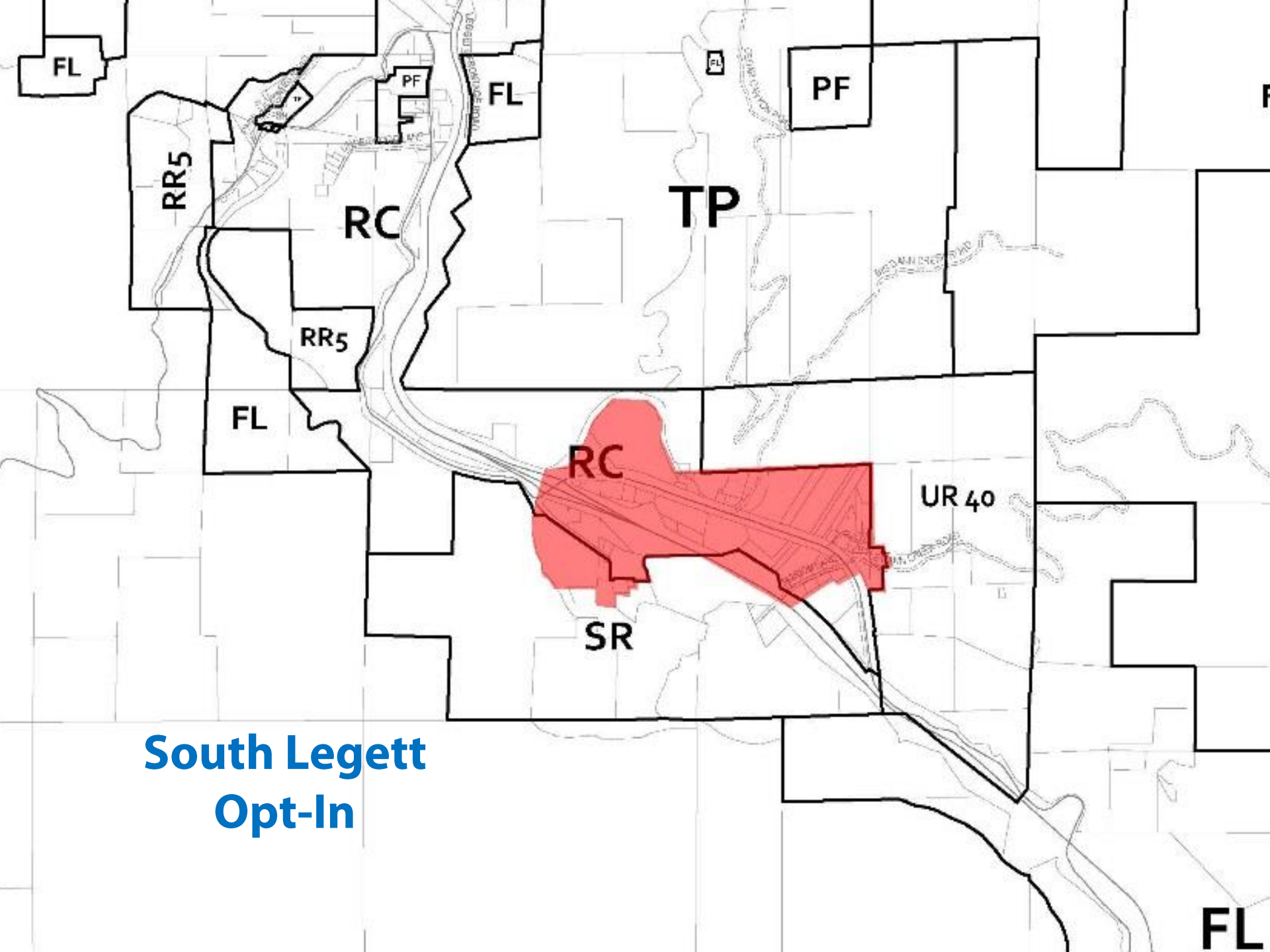
**Covelo  
Fairbanks Road  
Opt-In**

**RR5**

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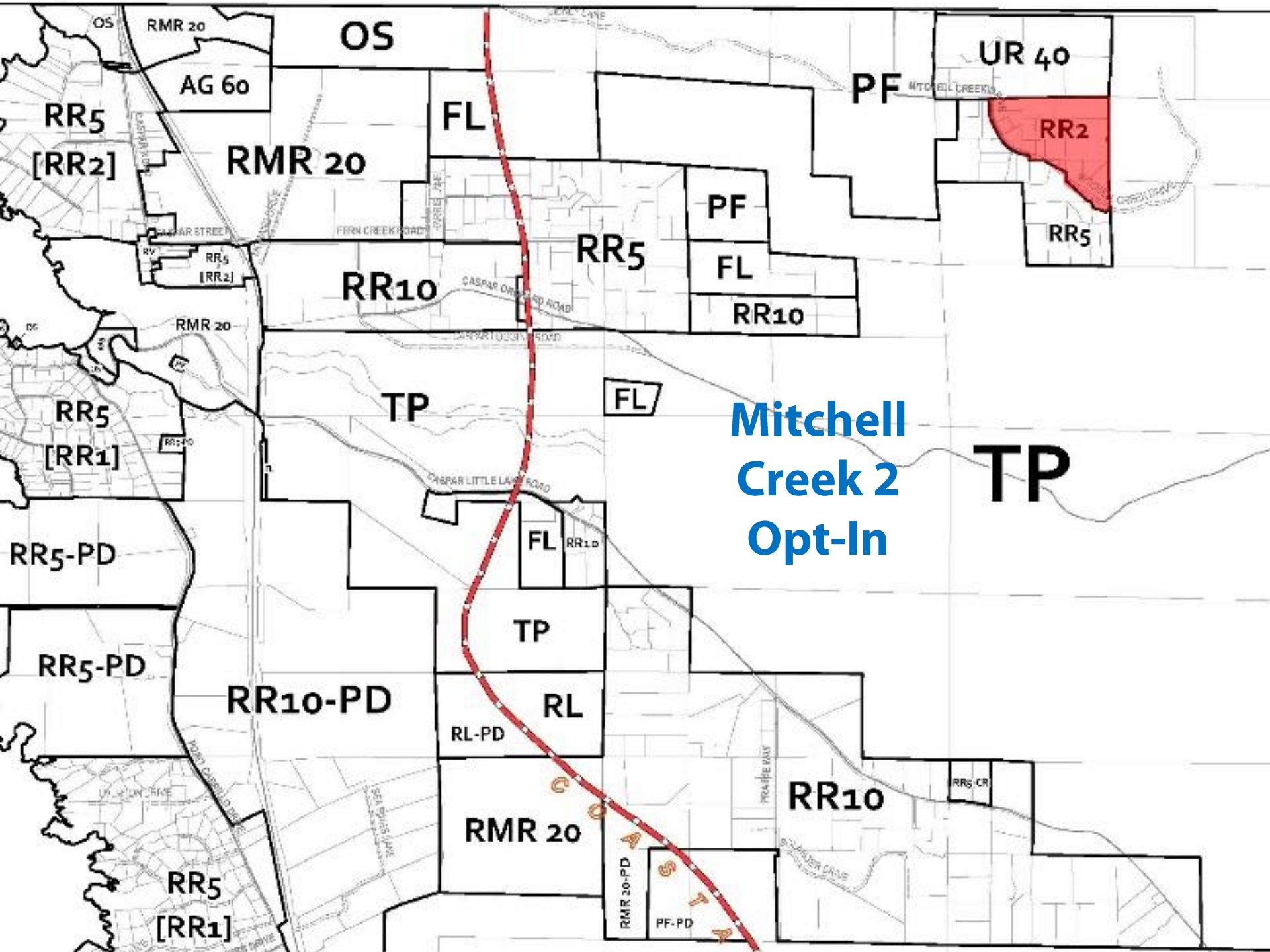


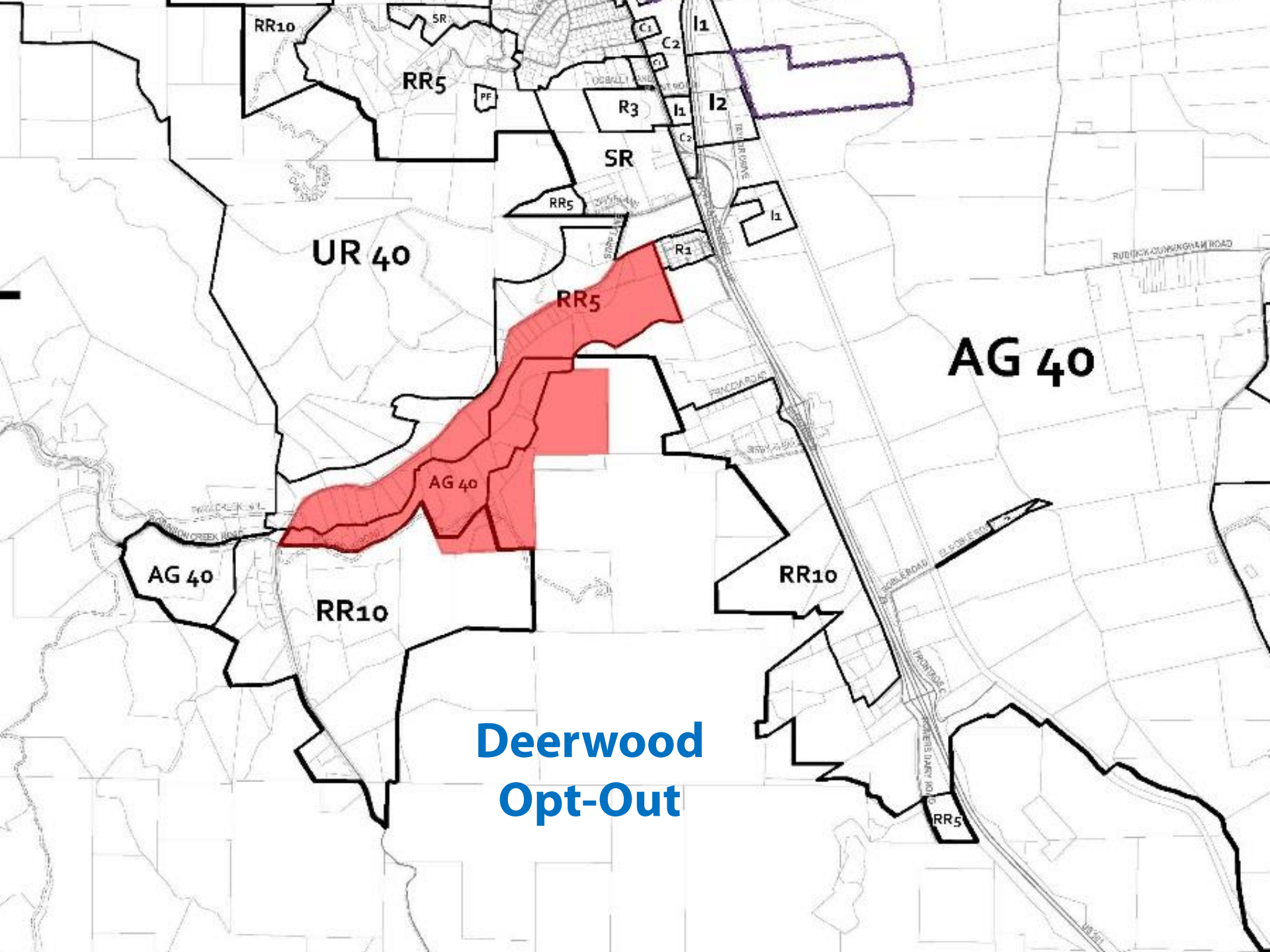


**South Legett  
Opt-In**

FL







UR 40

AG 40

Deerwood  
Opt-Out

RR10

RR5

SR

RR5

AG 40

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I1

I2

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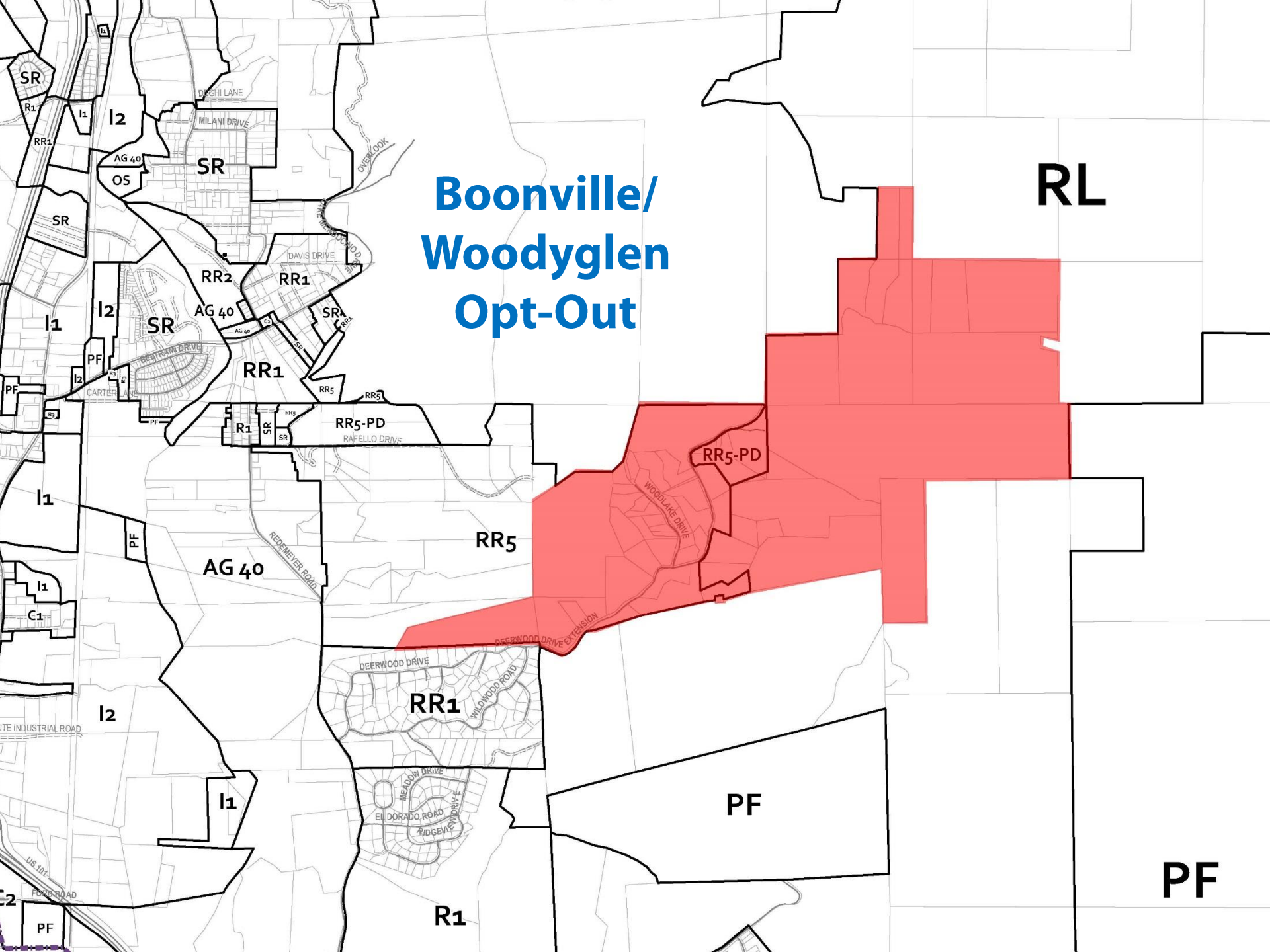
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# Boonville/ Woodyglen Opt-Out



**RL**

RR5-PD

RR5

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RR1

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R1