

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTERS 20.118 AND 20.119 OF THE MENDOCINO COUNTY CODE TO AMEND THE PROCEDURES TO ESTABLISH OR MODIFY CANNABIS ACCOMMODATION AND COMMERCIAL CANNABIS PROHIBITION COMBINING DISTRICTS AND ELIMINATE THE LISTING OF INDIVIDUAL DISTRICTS

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

Section 1: Section 20.118.030 of the Mendocino County Code is hereby amended to read as follows:

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 that the process may only be initiated by a minute order of the Board of Supervisors or the Planning Commission, 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.~~

Section 2. Section 20.118.050 of the Mendocino County Code is hereby amended to read as follows:

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. The amendment or repeal of a CA Combining District shall be in accordance with the provisions of Chapter 20.212, except that the process may only be initiated by a minute order of the Board of Supervisors or the Planning Commission.~~

~~(B) — Following the in-effect period of ten (10) years from the date of adoption, a CA Combining District may be repealed or amended upon submittal of an application by one (1) or more property owner(s) within the boundaries of the CA district.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.~~

~~(CB)~~ 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 Combining dDistrict. After three (3) years following the date of repeal of the CA Combining Deistrict, 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.~~

Section 3: Section 20.118.060 of the Mendocino County Code is hereby repealed.

Section 4: Section 20.118.070 of the Mendocino County Code is hereby repealed.

Section 5: Section 20.119.030 of the Mendocino County Code is hereby amended to read as follows:

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 that the process may only be initiated by a minute order of the Board of Supervisors or the Planning Commission, 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.~~

Section 6: Section 20.119.050 of the Mendocino County Code is hereby amended to read as follows:

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. The amendment or repeal of a CP Combining District shall be in accordance with the provisions of Chapter 20.212, except that the process may only be initiated by a minute order of the Board of Supervisors or the Planning Commission.~~
- ~~(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.~~

Section 7: Section 20.119.060 of the Mendocino County Code is hereby repealed.

Section 8: Section 20.119.070 of the Mendocino County Code is hereby repealed.

Section 9. CEQA. Environmental review for Ordinance No. 4420, which added Chapters 20.118 and 20.119, was done through adoption of an addendum to the 2017 Mitigated Negative Declaration that was adopted for the County's cannabis cultivation permit ordinance. The proposed changes to Chapters 20.118 and 20.119 are purely procedural in nature regarding how zoning amendments may be applied for and are not a change to the project within the meaning of CEQA as they constitute an administrative activity that will not result in direct or indirect physical changes in the environment. Further, these changes do not trigger any of the conditions requiring subsequent CEQA review under CEQA Guidelines section 15162, in particular that these changes are not substantial changes to the project itself, and the changes do not require the preparation of an addendum. Pursuant to CEQA Guidelines section 15162, subdivision (b), no further documentation is required.

Section 10: Severability. If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held 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, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2023, by the following roll call vote:

AYES:
NOES:
ABSENT:

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

ATTEST: DARCIE ANTLE
 Clerk of the Board

GLENN MCGOURTY, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
Christian M. Curtis
County Counsel

BY: DARCIE ANTLE
 Clerk of the Board

Deputy