

ORDINANCE MAKING CERTAIN AMENDMENTS TO CHAPTER 10A.17 – MEDICAL CANNABIS CULTIVATION ORDINANCE

It is proposed to make certain specific changes to Chapter 10A.17 of the Mendocino County Code. Third-party inspectors are being removed from Chapter 10A.17, and the ordinance authorizes refunds for any application fees paid by prospective third-party inspectors. The definition of “youth-oriented facility” is being amended to day care facilities and youth centers, as those terms are defined in state law. Clarifying changes are being made to how much medical cannabis may be cultivated by qualified patients and primary caregivers. Setback requirements for certain sensitive uses are being limited to those uses in existence at the time a permit is issued. Requirements related to wattage for indoor or mixed-light cultivation sites are being deleted. Rules regarding multiple permits on a single legal parcel are being clarified. The application deadline to apply for permits during Phase One of the ordinance is being extended to June 30, 2018. Prior cultivation sites being used to show proof of prior cultivation must have been able to meet certain setback requirements, as opposed to actually have met such requirements. Clarifies that persons eligible to apply for a permit during Phase One may apply for one type of permit, but may expand or change permit types in subsequent years, subject to all requirements of Chapter 10A.17. The requirement to provide a written agreement with a dispensing collective or processor has been removed. The existing prohibition on tree removal for development of a cultivation site has been clarified to require evidence that no trees were unlawfully removed under relevant laws; unlawful removal of trees shall be grounds for denial of a permit application. Provisions regarding code violations and remediation through a compliance plan have been expanded to include more detail, as have provisions related to code violations discovered after issuance of a permit. The ordinance also makes other specific clarifying changes to Chapter 10A.17.