

**Mendocino County Cannabis Working Group  
Overlay  
Phone Conference 9/14/17**

Participant:	Question/Talking Point:
Monique Ramirez	<ol style="list-style-type: none"> <li>1. What are the parameters of the overlay process? (what is and what is not an option)</li> <li>2. Can the overlay apply to an entire community such as Covelo?</li> <li>3. Does the overlay only apply to sunset residential zones?</li> <li>4. Could the overlay apply to unique setback situations?</li> <li>5. Could it apply for RR5, RR10, or UR that have less than 2 ACRES that would like to obtain a permit?</li> <li>6. When will the overlay process begin?</li> <li>7. Can the county reveal what vendor has been selected at this time?</li> <li>8. How do communities that wish to participate in this process get involved?</li> <li>9. With regards to unique communities such as Covelo with the <u><b>majority</b></u> of cultivators in sites not deemed appropriate by the current ordinance, could an overlay apply to those parcel types such as Rangeland, TPZ and FL parcels?</li> <li>10. If there are abandoned churches that are not currently in operation, would an overlay be an option to override the setback requirements that effect parcels located near these churches?</li> <li>11. How does the county plan to handle neighborhoods that want to “opt out” but puts a legal abiding cultivator that lives in such neighborhood in a position to have to cease operation even though they technically are eligible? How could an overlay protect this type of farmer if their neighbors don't want cultivation there?</li> </ol>
Gail Johnson	<p>Re: The Deerwood Neighborhood area zoned RR5 wants an Opt-out Overlay/ <b>Exclusion</b> Zone.</p> <ol style="list-style-type: none"> <li>1. How do we proceed?</li> <li>2. Who will we work we to accomplish this?</li> </ol>

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	<ol style="list-style-type: none"> <li>3. What information will the Consultant/County need?</li> <li>4. How will they gather this information?</li> <li>5. When might this process start?</li> <li>6. When might we expect an Overlay to take effect?</li> </ol>
Evan Johnson	Interested in creating an exclusionary overlay zone for the Deerwood Neighborhood. How will this work?
Ron Edwards	<ol style="list-style-type: none"> <li>1. Where will the public Overlay meetings take place?</li> <li>2. How will potential participants be notified?</li> <li>3. How much notice will be given to the public?</li> <li>4. How will the overlay areas be established?</li> <li>5. What will happen if it's a 50 /50 split in a neighborhood?</li> <li>6. Will currently permitted gardens with invest made be allowed to sunset?</li> </ol>
Penelope Andrews	<ol style="list-style-type: none"> <li>1. Can south Leggett in north Mendocino be included in the overlay lay process?  (Back ground) where everyone lives in south Leggett is zoned RC and it is a zone that will not be allowed to cultivation (sunset area) This area has no schools, no church or industry except for dozens of small cottages farmers. South Leggett is 7 miles from the sea and this amazing climate helps produce unique and gourmet varieties.</li> <li>2. As most of the parcel is small will there be overlay provisions for small cottage size farmers or micro business on small parcels?  (My personal vision is to have a bed and breakfast micro business as my place was an old hotel.) so my last question is -</li> <li>3. Will there be room for unique situations with in the overlay process?</li> </ol>
Aaron Niderost	<ol style="list-style-type: none"> <li>1. General: <ul style="list-style-type: none"> <li>• Has the consultant been retained and, if so, what is the anticipated start date and completion timeline?</li> <li>• My assumption is that the consultant will want input/direction on what to include in the overlay (opt in, opt out) language for ordinance</li> </ul> </li> </ol>

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	<p>amendment. What can the working group do to help this process? Will the consultant be a part of the working group calls going forward? How will the consultant interact with public input?</p> <ul style="list-style-type: none"> <li>• Is an alternative (eg: use permit) a viable option to explore vs. an overlay?</li> </ul> <p>2. Specifically regarding the Woodyglen Lane / Boonville Road Neighborhood:</p> <ul style="list-style-type: none"> <li>• With 90%+ support, how do we move forward with an opt out clause ASAP?</li> <li>• Can we be used as the consultant's case study for the opt out part of the overlay amendment?</li> </ul> <p>3. Overlay detail questions:</p> <ul style="list-style-type: none"> <li>• What will the sunset period be (if any), in the event a grower is approved for permitting before the overlay amendment is enacted?</li> <li>• What specific requirements will need to be defined for overlay? <ul style="list-style-type: none"> <li>○ Neighborhood boundaries</li> <li>○ Maps</li> <li>○ Identify a function for annexing nearby (non-contiguous) parcels</li> <li>○ % required for overlay (eg: 2/3 majority or 66%) and process for establishing proof of votes (notarized signatures, simple petition, other?)</li> <li>○ Target ordinance amendment effective date</li> <li>○ Duration of overlay (in years) once voted in. Suggest no expiration date, instead a reversal of the overlay would have to be achieved by 2/3 vote.</li> <li>○ Enforcement of overlay – which agency is responsible? Suggest Code Enforcement with Agriculture Dept supporting Code Enforcement by revoking permits (if applicable). Set specific timelines for compliance with meaningful penalties for non-compliance.</li> </ul> </li> </ul> <p>4. What other criteria if any, besides % in favor/against, will be required to qualify for overlay?</p>
Sue Anzilotti	<p>1. If a community like Covelo would like to "opt in" to the Ordinance then if a neighborhood like WoodyGlenn should have the opportunity to preserve their neighborhood by opting out of the ordinance.</p> <p>2. Unfortunately you can't have it both ways. If you allow an opt in you should also allow an opt out if</p>

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	<p>an entire neighborhood with the exception of the cannabis grow doesn't want it in their neighborhood.</p> <p>Please keep in mind that the WoodyGlenn neighborhood never had cultivation in the neighborhood prior to May of 2017.</p>
Jude Thilman	<ol style="list-style-type: none"> <li>1. Mendocino County can provide regulation to legally operating cannabis cultivation sites and businesses in the coastal zone. I believe there are several ways that can be done. A key to finding avenues of action includes following the example of other coastal counties dealing with the same challenge.</li> </ol> <p>An example is provided in the attached Staff Report coming from the County of San Luis Obispo Planning Commission. The bottom of the report references an environmental determination of exemption from CEQA pursuant to Section 26055(h) of the California Business and Professions Code. Here is that reference.</p> <p>26055. Business and Professions Code</p> <p>(h) Without limiting any other statutory exemption or categorical exemption, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such law, ordinance, rule, or regulation shall include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. This subdivision shall become inoperative on July 1, 2019.</p>
Nash Gonzalez	<ol style="list-style-type: none"> <li>1. The Building Codes are mandated by the State of California and we are looking at the issues and attempting to be as flexible as the laws allows.</li> <li>2. Staff is looking at updating the Class K Ordinance as the Ordinance is outdated and antiquated and needs to be revisited, but we can only amend as much as state law allows us.</li> <li>3. On the topic of Class K, we are looking at what the law permits for Home Occupations and Cottage Industries as the definition of Commercial does</li> </ol>

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	not apply to Class K as it was written only applies to residential. As part of staff looking at the Class Ordinance we will be exploring this as well.
Paul Hansbury/Susan Tibbon	<ol style="list-style-type: none"> <li>1. Boundaries of Overlay Zones</li> <li>2. Inclusion by zipcode?</li> <li>3. Common sense exceptions</li> <li>4. License types for overlay and exceptions</li> <li>5. Common sense</li> </ol>
Jenn Procacci	<ol style="list-style-type: none"> <li>1. Does the overlay only apply to sunset residential zones?</li> <li>2. How will the vendor gather information about prospective overlay areas?</li> <li>3. How can communities interested in an overlay participate in this process?</li> </ol>
Amanda Reiman	<ol style="list-style-type: none"> <li>1. What are the most common reasons someone would seek to create an overlay zone?</li> <li>2. What will be the biggest reasons against creating an overlay zone? For creating a zone?</li> <li>3. What is an efficient process for someone to request and pursue creating an overlay zone?</li> <li>4. Are their limits to the types of overlays that can be proposed in specific areas?</li> <li>5. How do previous uses of buildings sought for permitting fit into the overlay zone discussion?</li> </ol>
Patrick Sellers	<ol style="list-style-type: none"> <li>1. Can you please send each working group the email addresses and phone numbers of their members so that we may communicate throughout the week between the official calls?</li> <li>2. Will we be provided with any organizational tools for info/file sharing? If not I can set this up for my groups... no problem.</li> <li>3. Can we request specific supervisors be involved in each group? (If they will still be involved)</li> <li>4. How does the working group report to the board of supervisors? I would really prefer it if we could produce a written report rather than to just pass along ideas over the phone.</li> </ol>
Robert and Emi Taylor	To understand the structure of the input procedures of the working group (which nothing specific has been said about) and then to express our advocacy for some type of overlay, as exclusionary zone, for our neighborhood (Woodyglen lane neighbors).

