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MEMORANDUM

DATE: OCTOBER 3, 2017
TO: BOARD OF SUPERVISORS
FROM: PLANNING AND BUILDING SERVICES
SUBJECT: CANNABIS EXEMPTION OVERLAY/RFP NO.18-17

As the Board of Supervisors was considering the adoption of Chapter 10 A.17 – Medical Cannabis Cultivation and Chapter 20.242 – Medical Cannabis Cultivation Site Requirements, the Board of Supervisors expressed interest in developing a zoning exemption process that would be applicable to certain areas of the County or specific parcels that do not meet zoning requirements specified in Chapter 10A.17 and 20.242 of the Mendocino County Code. As a result, the concept of an “Overlay” had been discussed by the board so as to apply an exemption or exception in certain areas of the County, including Laytonville, and the Fort Bragg area (outside of the coastal zone).

With regards to the proposed “Overlay”, on February 7, 2017, the Board of Supervisors provided the following directives:

- A. *Support a community planning process that would create overlay zones; and*
- B. *Support phasing out commercial cultivation in residential neighborhoods, but allow for a sunset period, and also allow overlay zones to be created.*

Based on the direction provided by the Board, on March 31, 2017, County staff released RFP No. 18-17 titled “Cannabis Zoning Exemption Development.” A pre-bidders meeting was held on April 11, 2017, with two potential bidders present. The purpose of the pre-bidders meeting was to answer any questions about what the County was trying to achieve.

The RFP closed on May 2, 2017, and two responsive proposals were received by the County. The two proposers, Michael Baker International and Placeworks, presented to the evaluation review committee on June 13, 2017. Based on the RFP evaluation review committee’s recommendations, the Department of Planning and Building Services and the Executive Office are recommending the contract be awarded to Michael Baker International based on the evaluation review team’s findings.

The proposed contractor has proposed to identify appropriate zoning tools to allow cannabis cultivation in non-compatible zoning or that cannot meet parcel size setbacks. The contractor will develop an overlay or other development options for communities with a high concentration of cannabis cultivation that do not otherwise meet the recently adopted zoning regulations, allowing for cultivators to apply for a permit. The contractor would also be responsible for identifying potential standards and criteria for properties that would be covered in an overlay, as well as identifying some key potential overlay zones within the unincorporated areas of the County, including implementation measures for addressing exceptions.

A major component of the contractor’s tasks will include an extensive community outreach program, which includes focused stakeholder interviews, community workshops, and study sessions with decision makers.

Michael Baker International will consider all current regulations and procedures applicable to cannabis cultivation, including the County's General Plan. The contractor will also be responsible for creating an inventory and mapping analysis, and will work with County staff and the Cannabis Working Group to determine the preferred approach for amended regulations and will prepare the proposed land use regulations and related amendments needed to ensure General Plan and Zoning Consistency. In addition Michael Baker International is also tasked with the preparation of the appropriate environmental review (CEQA) analysis.

It should be noted that the Michael Baker International team also includes the law firm of Meyers Nave, that provides city attorney and special counsel services to cities and counties throughout California. Meyers Nave has assisted its public agency clients navigate numerous issues associated with legalized and recreational cannabis. The addition of a municipal legal firm with experience in working on cannabis related issues will be beneficial to the overall process in moving forward in creating the appropriate zoning tools to implement an overlay.

Based on the RFP's evaluation review committee's recommendations, the Department of Planning and Building Services and the Executive Office respectfully recommend Michael Baker International for consideration for the contract for services as described in RFP No. 18-17.