

CARRE BROWN
1st District
Supervisor

JOHN MCCOWEN
2nd District
Supervisor
Chair

GEORGEANNE CROSKEY
3rd District
Supervisor

DAN GJERDE
4th District
Supervisor

DAN HAMBURG
5th District
Supervisor
Vice-Chair



CARMEL J. ANGELO
Chief Executive Officer/
Clerk of the Board

KATHARINE L. ELLIOTT
County Counsel

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MENDOCINO COUNTY BOARD OF SUPERVISORS

ACTION MINUTES –August 22, 2017

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO - STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)**

AGENDA ITEM NO. 1 – OPEN SESSION (PLEDGE OF ALLEGIANCE AND ROLL CALL 9:04 A.M.)

Present: Supervisor Carre Brown, Chair John McCowen, Supervisor Georgeanne Croskey, Supervisor Dan Gjerde, and Supervisor Dan Hamburg. Chair McCowen presiding. Supervisor Hamburg participated via telephone conference from Railroad Park Resort, 100 Railroad Park Road, Dunsmuir, CA 96025 (Pursuant to Government Code Section 54953)

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer; Ms. Katharine L. Elliott, County Counsel; and Ms. Karla Van Hagen, Deputy Clerk of the Board II.

The Pledge of Allegiance was led by: Mr. Thomas Allman.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Ms. Cindy Browning; Ms. Julie Cook; Mr. Ron Edwards; Ms. Jude Thilman; Ms. Susan Tibbon; Mr. Paul Hansbury; Mr. Jon Giusti; and Ms. Katie Newman.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Supervisor McCowen.

Public Comment: None.

4A) ~~APPROVAL OF LETTER TO CALIFORNIA NATURAL RESOURCES AGENCY SECRETARY JOHN LAIRD REGARDING RECENT ENFORCEMENT ACTIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE - SPONSOR: SUPERVISOR MCCOWEN - WITHDRAWN~~

4B) ADOPTION OF PROCLAMATION RECOGNIZING AUGUST 26, 2017, AS WOMEN'S EQUALITY DAY IN MENDOCINO COUNTY - SPONSOR: SUPERVISORS BROWN AND CROSKY

Presenter/s: Supervisor Croskey.

Public Comment: Ms. Val Machaski; and Ms. Kataryzna Rolzinski.

Board Action: Adopted without objection.

5A) DISCUSSION AND POSSIBLE ACTION INCLUDING (1) ADOPTION OF RESOLUTION APPROVING AND ADOPTING AN ADDENDUM TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION, IN COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS, FOR AMENDMENTS TO CHAPTER 10A.17 OF THE MENDOCINO COUNTY CODE; AND (2) INTRODUCTION AND WAIVE READING OF AN ORDINANCE MAKING CERTAIN AMENDMENTS TO CHAPTER 10A.17 - MEDICAL CANNABIS CULTIVATION ORDINANCE - SPONSORS: COUNTY COUNSEL, AGRICULTURE AND PLANNING AND BUILDING SERVICES

Presenter/s: Chairman McCowen; Mr. Matthew Kiedrowski, Deputy County Counsel; Mr. Michael Makdisi, Deputy County Counsel; Ms. Mary Lynn Hunt, Senior Planner, Planning and Building Services; Ms. Diane Curry, Interim Commissioner, Agriculture; and Ms. Carmel J. Angelo, Chief Executive Officer.

Public Comment: Mr. John Lee; Mr. Marty Klein; Mr. John Guisti; Mr. Roger Wheeler; Mr. Casey O'Neill; Ms. Chantal Simonpietri; Mr. Patrick Sellers; Ms. Julia Dakin; Mr. Ron Edwards; Ms. Monique Ramirez; Mr. Gus Stout; Ms. Jen Propache; Ms. Katie Newman; Ms. Susan Tibbon; Mr. Paul Hansbury; Ms. Sarah Kincade; Mr. Joey Gothelf; Mr. Blaire Phillips; Mr. Swami Chatanya; Ms. Corinne Powell; Ms. Jolene Strange; Ms. Jane Fletcher; Ms. Sherry Glazer; Ms. Kate Marianchild; Ms. Ashley Oldham; and Ms. Karen Byers.

BOARD RECESS: 10:18 A.M. – 10:34 A.M.

BOARD RECESS: 11:37 A.M. – 11:45 A.M.

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall modify Section 10A.17.040(A)(1) to read, Within one thousand (1,000) feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility as defined herein that is in existence at the time a Permit initially applied for

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall modify Section 10A.17.040(B) to read, "distance between the listed uses in the above paragraph (A)(1) and cannabis that is being cultivated shall be measured in a straight line from the nearest point of the fence required in section 10A.17.040(H) or if the cannabis is cultivated indoors, from the nearest exterior wall of the building in which the cannabis is cultivated to the point of the exterior wall of the facility, building, or structure in which the above-listed use occurs or to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation, whichever is closest." The distance in paragraphs (A)(2) and (A)(3) to any residential structure shall be measured from the fence required in section 10A.17.040(H) to the nearest exterior wall of the residential structure.

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall review Section 10A.17.080(B)(3)(c)(ii) and determine if it is appropriate to replace the word "material" with the word "natural" and incorporate if so determined. Otherwise, staff shall return with this revision in a subsequent modification to this Ordinance.

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall review Section 10A.17.060(C) which reads, “If plant starts are tiered vertically in racks during their growing phase, the maximum allowed power usage shall be 35 watts per shelf” to determine whether it is appropriate to incorporate, or should be deleted as per previous Board direction.

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall modify Section 10A.17.070(D) as follows: Delete “excluding Type 4 permits” and revise the last sentence to read, “A Person who applies for and obtains a Type 4 Permit in combination with any other Permit, may not exceed a total square footage of 22,000 square feet per legal parcel, of which not more than 10,000 square feet may be grown to maturity and entered into the Track and Trace system for commercial use. Plants grown to maturity by a Type 4 Permit holder for seed production or genetic expression, where the mature flowers are destroyed, and not used for commercial purposes, shall not be required to obtain a separate cultivation permit.”

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall investigate whether it is appropriate to change Section 10A.17.080(B)(2)(d) by adding the verbiage, “except not more than once in every five years, the person qualified to apply for a Permit to cultivate on such site may file a Notice of Non-Cultivation with the Department of Agriculture” and add to the Ordinance, if feasible.

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall modify Section 10A.17.090(T) as follows: Change January 1, 2016 to May 4, 2017; and add the following at the section, “County staff shall defer to the resource protection agencies referenced herein for determinations as to the unlawful removal of trees or unauthorized conversion of timberland or the sufficiency of any required remediation to address the environmental impacts. Nothing herein shall be construed to limit or condition in any way the regulatory or enforcement authority of the resource agencies listed herein.”

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall modify Section 10A.17.100(C)(1), adding the word “County” between the words “separate” and “permit”.

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall modify Section 10A.17.140(D) to read, “Termination of Permit. After issuance of a Notice to Terminate Permit, the Permit shall be terminated upon a final determination after the hearing on the order to show cause affirming the determination to terminate the permit in question pursuant to section 10A.17.150.”

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall prepare an agenda item for the August 29, 2017, Board of Supervisors meeting to include discussion on a range of issues related to the Cannabis Ordinance, specifically including the fee schedule; anticipating that actual changes to the fees would come back on either September 18 or 19, 2017.

Board Directive: GENERAL CONSENSUS OF THE BOARD to support the formation of conference call or Working Groups (in lieu of a Cannabis Advisory Board) that would focus on particular issues (such as Track and Trace, overlay zones, etc.). Participants would be self-selective, and should include a balance between Cannabis industry experts, participants that are not cultivators, and County staff members.

Board Action: Upon motion by Supervisor Brown, Seconded by Supervisor Croskey, and carried 4/0/1 (with Supervisor Gjerde absent by pre-arrangement), IT IS ORDERED that the Board of Supervisors adopts the Resolution approving and adopting an addendum to the previously adopted mitigated negative declaration in compliance with California Environmental Quality Act requirements for amendments as discussed to Chapter 10A.17 of the Mendocino County Code, and authorizes Chair to sign the same, and introduces and waive reading of an ordinance making certain amendments to Chapter 10A.17-Medical Cannabis Cultivation Ordinance.

The motion carried by the following vote:

Aye: 4 – Supervisor Brown, Supervisor McCowen, Supervisor Croskey and Supervisor Hamburg.

No: 0 – None.

Absent: 1 – Supervisor Gjerde.

Enactment No: Resolution 17-123

RESOLUTION 17-123

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AND ADOPTING AN ADDENDUM TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION, IN COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS, FOR AMENDMENTS TO CHAPTER 10A.17 OF THE MENDOCINO COUNTY CODE

AGENDA ITEM NO. 10 – COMMUNICATIONS

- 10a) Sonoma County Water Agency - Russian River Hydrologic Status Report August 4 - August 10, 2017. For more information, please contact Mr. Kyle Evans at (707) 547 1188.
- 10b) Fish and Game Commission - Notice of Proposed Regulatory Action Relative to Section 128, Title 14, California Code of Regulations. For more information, please contact Ms. Sherrie Fonbuena at (916) 653 4899.
- 10c) Friends of the Eel River - Conservation Group's Comments on Scoping Document 1 (SDI) and Pre Application Document (PAD); Study Requests. For more information, please contact Ms. Amy J. Bricker at (415) 552 7272.
- 10d) North Marin Water District - Comments on Proposed Study Plan (FERC Project No. 77 285). For more information, please contact Mr. Robert B. Maddow at (925) 933 7777.
- 10e) Valley of the Moon Water District - Comments on Scoping Document 1 (FERC Project No. 77 285). For more information, please contact Mr. Carl P. A. Nelson at (925) 933 7777.
- 10f) Valley of the Moon Water District - Corrected Comments on Scoping Document 1 Potter Valley (FERC Project No. 77 285). For more information, please contact Mr. Carl P. A. Nelson at (925) 933 7777.
- 10g) National Oceanic and Atmospheric Administration, National Marine Fisheries Service - NOAA's National Marine Fisheries Service Comments on the Licensee's Preliminary Application Document, Comments on the Commission's Scoping Document 1, and Requests for Information or Study, Potter Valley Project, P 77. For more information, please contact Mr. Joshua Fuller at (707) 575 6096.
- 10h) Office of Historic Preservation, Department of Parks and Recreation - Albion River Bridge (Highway Bridges of California MPS) Listing in the National Register of Historic Places. For more information, please contact the Registration Unit at (916) 445 7004.
- 10i) Mendocino National Forest Supervisor's Office - Forest Service Comments on the Pre Application Document, FERC Scoping Document 1, and New Study Requests for the Potter Valley Project, FERC No. 77. For more information, please contact Ms. April Hargis at (707) 275 1410.
- 10j) Sonoma County Water Agency and County of Sonoma - Comments on Scoping Document 1 and Pre Application Document. For more information, please contact the Sonoma County Water Agency at (707) 526 5370.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 1:07 P.M.

Attest: Karla Van Hagen
Deputy Clerk of the Board II

JOHN MCCOWEN, Chair

NOTICE: PUBLISHED MINUTES OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETINGS

- Effective March 1, 2009, Board of Supervisors minutes will be produced in “action only” format. As an alternative service, public access to recorded Board proceedings will be available on the Board of Supervisors’ website in indexed audio format
- LIVE WEB STREAMING OF BOARD MEETINGS is now available via the County’s YouTube Channel. If technical assistance is needed, please contact The Mendocino County Executive Office at (707) 3463-4441.
- Minutes are considered draft until adopted/approved by the Board of Supervisors
- The Board of Supervisors’ action minutes are also posted on the County of Mendocino website at: www.mendocinocounty.org/government/board-of-supervisors
- To request an official record of a meeting of the Mendocino County Board of Supervisors, please contact the Executive Office at (707) 463-4441
- Please reference the departmental website to obtain additional resource information for the Board of Supervisors and Clerk of the Board: www.mendocinocounty.org/government/board-of-supervisors

Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors