

ORDINANCE NO. 4405

ORDINANCE AMENDING SECTION 20.242.040 – EXISTING MEDICAL CANNABIS CULTIVATION SITES, AS IT RELATES TO EXPANSION ON PARCELS WITHIN THE RANGELAND ZONING DISTRICT

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

Section 1. Section 20.242.040 of the Mendocino County Code is hereby amended to read as follows:

Section 20.242.040 Existing Medical Cannabis Cultivation Sites

- (A) Referrals of applications to the Department for review related to existing cultivation sites shall include the Agriculture Commissioner's determination that the cultivation site existed prior to January 1, 2016, unless the Agricultural Commissioner requests the assistance of the Department in making this determination as part of the referral to the Department.
- (B) Cultivation sites, in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit as required for the zoning district in which the cultivation site is located and as listed in Table 1.

TABLE 1
Zoning Permit Requirement for Existing Medical Cannabis Cultivation by Zoning District and Medical Cannabis Cultivation Ordinance Permit Type

| MCCO Permit Type | C Small Outdoor | C-A Small Indoor, Artificial Light | | C-B Small, Mixed Light | 1 Medium Outdoor | 1-A Medium Indoor, Artificial Light | 1-B Medium Mixed Light | 2 Large Outdoor | 2-A Large Indoor, Artificial Light | 2-B Large Mixed Light | 4 Nursery |
|-----------------------------|-----------------|------------------------------------|-------------|------------------------|------------------|-------------------------------------|------------------------|-----------------|------------------------------------|-----------------------|-----------|
| Min Parcel Area (ac) | NA | NA | | NA | 5 | 5 | 5 | 10 | 10 | 10 | 10 |
| Cultivation Area Limit (sf) | 2,500 | 500 | 501 - 2,500 | 2,500 | 2,501- 5,000 | 2,501- 5,000 | 2,501- 5,000 | 5,001- 10,000 | 5,001- 10,000 | 5,001- 10,000 | 22,000 |
| Zoning District | RR 5* | ZC | AP | UP | ZC | ZC | -- | ZC | -- | -- | -- |
| | RR 10 | ZC | AP | UP | ZC | ZC | -- | ZC | ZC | -- | ZC |
| | AG | ZC | AP | UP | ZC | ZC | -- | ZC | ZC | -- | ZC |
| | UR | ZC | AP | UP | ZC | ZC | -- | ZC | ZC | -- | ZC |
| | RL | ZC | AP | UP | ZC | ZC | -- | ZC | ZC | -- | ZC |
| | FL ** | ZC | AP | UP | ZC | AP | -- | AP | AP | -- | AP |
| | TPZ** | ZC | AP | UP | ZC | AP | -- | AP | AP | -- | AP |
| | I1 | ZC | ZC | ZC | ZC | -- | ZC | ZC | -- | ZC | ZC |
| | I2 | ZC | ZC | ZC | ZC | -- | ZC | ZC | -- | ZC | ZC |
| | PI | ZC | ZC | ZC | ZC | -- | ZC | ZC | -- | ZC | ZC |

-- = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

* Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

** Existing cultivation sites in the FL and TPZ zoning districts are permitted subject to limitations of this section. Expansion of existing cultivation sites in the FL and TPZ zoning districts is permitted, subject to the issuance of an Administrative Permit.

- (C) An existing cultivation site located in a zoning district not listed in Table 1 of this section may continue subject to the requirements of Chapter 10A.17 and the following planning permit requirements for a Zoning Clearance, Administrative Permit or Minor Use Permit.

(1) Planning Permit Requirements:

- (a) Outdoor Cultivation (pursuant to a MCCO Type C Permit) not exceeding 2,500 square feet requires an approved Zoning Clearance.
- (b) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A Permit) not exceeding 500 square feet requires an approved Administrative Permit.
- (c) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A Permit) between 501 and 2,500 square feet requires an approved Minor Use Permit.

- (d) Mixed Light Cultivation (pursuant to a MCCO Type C-B Permit) not exceeding 2,500 square feet requires an approved Zoning Clearance.
- (2) Any future lapse or revocation of the MCCO permit will extinguish the permittee's ability to obtain a future permit from the Department to continue or resume an existing cultivation site that is not within a zoning district listed in Table 1 of this section.
- (D) An existing cultivation site, which qualifies for a MCCO permit, may continue within the FL (Forest Land) or the TPZ (Timber Production Zone) zoning districts not to exceed 2,500 square feet of cultivation with a Zoning Clearance, Administrative Permit or Minor Use Permit as listed in Table 1. The existing cultivation site may be expanded to a MCCO Outdoor or Mixed-Light permit type that allows up to 10,000 square feet of cultivation in conformance with all applicable MCCO requirements and conditions and with an approved Administrative Permit or Use Permit as listed in Table 1.
- (E) Transferability of Permits. Permits issued pursuant to this Section shall not be transferable to another person, except that the permittee may transfer the permit to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the permittee serves as a trustee, which shall not be deemed a change in ownership for purposes of this Chapter.

Section 3. Severability. If any provision of this ordinance, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this ordinance that can be given effect without the invalid provisions or application; and to this end, the provisions or application of this ordinance are severable.

Section 4. California Environmental Quality Act. Section 15164 of the CEQA Guidelines (Title 14 California Code of Regulations section 15000 *et seq.*) provides that an addendum to a previously adopted mitigated negative declaration may be prepared if only minor technical changes or additions to the project are necessary or none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent environmental review document have occurred. Based on the addendum prepared for this ordinance, which is attached to the staff memorandum accompanying this ordinance, the Mendocino County Board of Supervisors hereby make the following findings:

A. The addendum to the previously adopted mitigated negative declaration has been completed in compliance with CEQA and the CEQA Guidelines.

B. The addendum to the previously adopted mitigated negative declaration was presented to the Board of Supervisors, which independently reviewed and considered the addendum and the Board of Supervisors has exercised its independent judgment in making the findings and determinations set forth herein.

C. That, based on the evidence submitted and as demonstrated by the analysis included in the addendum, none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent negative declaration or environmental impact report have occurred

D. The revisions to the ordinance are corrective and non-substantive in nature.

E. The addendum to the previously approved mitigated negative declaration is hereby approved and adopted by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this 13TH day of March, 2018, by the following roll call vote:

| | |
|---------|---|
| AYES: | Supervisors Brown, McCowen, Croskey, Gjerde and Hamburg |
| NOES: | None |
| ABSENT: | None |

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN HAMBURG, Chair
Mendocino County Board of Supervisors

Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT,
County Counsel

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

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy