

ORDINANCE NO.

ORDINANCE AMENDING SECTION 20.243.070 – EXCEPTIONS, OF CHAPTER 20.243 – CANNABIS FACILITIES

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

Section 1. Section 20.243.070 of the Mendocino County Code is hereby amended to read as follows:

Section 20.243.070 - Exceptions.

- (A) Existing packing and processing facilities. Establishment of new cannabis facilities may be considered with a Minor Use Permit in FL, AG, or RL Districts, and in any other zoning district where such facilities exist subject to compliance with the County's existing nonconforming use requirements in Chapter 20.204, and consistent with Section 20.243.090 *Planning Approval Required to Process, Manufacture, Test, Dispense, Retail, and Distribute, Cannabis for Medical and Adult Use*, where all of the following can be demonstrated:

- (1) The site has been previously permitted as a packing and processing facility prior to the effective date of these regulations.
- (2) The site is developed with an existing packing and processing facility, including buildings, roads, power source, water source, and sewage disposal system.
- (3) There will be no net expansion of impervious surfaces.
- (4) No trees shall be unlawfully removed.

~~(5) The site is not within lands contracted under the Williamson Act.~~

If all of the above are true, substantial improvements to existing facilities and systems would be acceptable, subject to use permit conditions of approval and subject to the making of findings consistent with those found in Chapter 20.204, as applicable.

- (B) Business offices for medical or adult use cannabis at which no cultivation, processing, storage, handling, or distribution of cannabis in any form occurs shall be allowed in any zone in which business offices are allowed. Business offices that are clearly incidental and secondary to the use of the premises for residential purposes where cannabis cultivation or manufacturing may occur are subject to the provisions of Mendocino County Code Chapter 20.156 *Home Occupations*. Medical and adult use cannabis business offices shall be subject to all the regulations and standards applicable to business offices in the Mendocino County Code.

Section 2. CEQA. This ordinance is categorically exempt from the California Environmental Quality Act under Section 15061(b)(3) of the State CEQA Guidelines, the General Rule exemption, as it can be seen with certainty that there is no possibility that the adoption of the ordinance may have a significant effect on the environment. This finding is based on and supported by the evidence in the record, including the staff memorandum accompanying this ordinance.

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

AYES:

NOES:

ABSENT:

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

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

DAN HAMBURG, Chair
Mendocino County Board of Supervisors

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