



The General Government Committee met on Wednesday, July 13, 2016, at 1:35 p.m. with the following members present: Supervisors Brown and Gjerde; Committee Chair Brown presiding.

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

Others present: Ms. Sarah Dukett, Administrative Analyst II, Executive Office; Mr. Andy Gustavson, Senior Planner, Planning and Building Services; Mr. Matt Kiedrowski, Deputy County Counsel, and Mr. Steve Dunncliff, Director, Planning and Building Services.

(1) DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING A DRAFT MEDICAL CANNABIS CULTIVATION ORDINANCE AND MEDICAL CANNABIS CULTIVATION SITE ZONING REGULATIONS

(Referred from the June 7, 2016, Board of Supervisors meeting)

Presenter/s: Ms. Sarah Dukett, Administrative Analyst II, Executive Office; Mr. Andy Gustavson, Chief Planner, Planning and Building Services; Mr. Chuck Morse, Agricultural Inspector/Sealer of Weights and Measures; Ms. Ellen Drell, Director, Willits Environmental Center; Mr. Steve Dunncliff, Planning and Building Services Director; Ms. Patricia Hickey, Executive Director, Mendocino County Resource Conservation District; and Mr. Matthew Kiedrowski, Deputy County Counsel.

Public Comment: Mr. John Sakowicz; Ms. Traci Pellar; Ms. Corrine Powell; Ms. Johanna Mortz; Mr. Ron Edwards; Ms. Susan Schindler; Mr. Justin Calvino; Ms. Hannah Nelson, and Mr. Casey O'Neill;

Points of Discussion:

- Setback Requirements - 100 foot vs. 200 foot Allowances;
- Explanation of Zoning Clearance and Issuance of Use or Variance Permits by Planning and Building Staff - Requirements, Appealable vs. Non-Appealable; etc.;
- Appeal Process – Possibility and Potential Benefits and Pitfalls of Adopting an Ordinance Removing the Ability to Appeal the Zoning Decision to the Board of Supervisors. (Discretionary vs. Ministerial);
- Land Use Permit Types Small for Areas Zoned RR2 and RR5 Should Require Use Permits Due to Environmental and/or Residential/Neighborhood Issues. (This pertains to middle and medium grows; 2000 square feet and above);
- “Grandfathering” Current Participants of the County’s 9.31 Urgency Ordinance (In Addition to Those who were in the 2009 and 2010 Program) into the TPZ and Forestland Permitting Process;
- Indoor Grow Structures Will Be Subject to Zoning Setbacks;
- California Agricultural Legislation Replaced the Word Marijuana with Cannabis; all Future Legal References Shall Refer to “Cannabis”;
- Indoor or Mixed Light Grow Wattage Shall Not Exceed 35 Watts;
- Square Footage and Count of Cloning Nursery shall be Counted into Total Square Footage and Total Plant Allowance;

- Storage Requirements of Pesticides, Chemicals, etc., Shall be Consistent with Those Outlined in the Urgency Ordinance;
- Use of Fossil Fuels for Mixed-Light Indoor Grows;
- The Ability for the County to Adopt Regulations Above and Beyond the North Coast Regional Water Quality Control Board's Requirements;
- Third Party Inspectors – All Consultation and Inspection Information shall be Forwarded to Agricultural Commissioner's Office within 24 Hours of Completion of Inspection;
- Use permits and permit modification requirements for changes to permitted use;
- Requirement for physical residence with cultivation site in RR zoned parcels – for mixed light cultivation RR2 would not be allowed, RR5 would require a use permit, Medium outdoor cultivation would require use permit for RR2 and RR5 zoning;
- Comments received by the Nature Conservancy and Trout Unlimited regarding permitting processes;
- Setting minimum age of employee working in cultivation cooperative, set to 21 years old in current ordinance;
- Issues caused by transient seasonal cultivation workers;
- Requiring an identification card for those involved in the management of a cultivation collective;
- Legal parcel definition - committee preference to maintain a less restrictive definition;
- Caregiver limitations;
- Vegetation removal requirements would be difficult to define;
- Amnesty program for unpermitted structures - funding would come from nuisance abatement fund;
- Amnesty program should be presented to the Board of Supervisors for discussion, ideally on August 2, 2016;
- Heritage initiative ballot measure must be presented to voters due to tax component;
- Dwelling setbacks are required for adjacent property dwellings, not property owner's own dwelling;
- Allowance for seed production within cultivation area;
- Timeline for environmental review;
- Water Quality Board requirements related to slope.

RECESS: 2:51 PM – 3:04 PM

Change in Clerk – 3:05 PM

Committee Directive: GENERAL CONSENSUS OF THE COMMITTEE:

- County Counsel and Planning and Building Services Staff shall attempt to set up a permitting process structure in which the permit decision is not appealable to the Board of Supervisors.

Committee Directive: GENERAL CONSENSUS OF THE COMMITTEE:

- To direct staff to present agenda items related to the draft medical cannabis ordinance and zoning regulations to the Board of Supervisors on at their regular meetings on July 19, 2016, and August 2, 2016.

- (2) **OTHER BUSINESS:**
a. Public Expression
None presented.

- b. Announcements/Other Business**
The Clerk reported that the next regular meeting of the Committee is scheduled for August 8, 2016 at 1:30 pm.

- c. Matters from Staff**
None presented.

- d. Adjournment**

THERE BEING NOTHING FURTHER TO COME BEFORE THE GENERAL GOVERNMENT COMMITTEE, THE MEETING ADJOURNED AT 5:21 P.M.

Respectfully Submitted,

KARLA VAN HAGEN, Deputy Clerk of the Board

Respectfully Submitted,

NICOLE FRENCH, Deputy Clerk of the Board