

CARRE BROWN
1st District
Supervisor

JOHN MCCOWEN
2nd District
Supervisor
Chair

VACANT
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

COUNTY ADMINISTRATION CENTER
501 Low Gap Road, Room 1070
Ukiah, CA 95482
(707) 463-4441 (t)
(707) 463-5649 (f)
cob@co.mendocino.ca.us

MENDOCINO COUNTY BOARD OF SUPERVISORS

ACTION MINUTES –April 17, 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 9:01A.M.)

Present: Supervisor Carre Brown, Chair John McCowen, Supervisor Dan Gjerde, and Supervisor Dan Hamburg. Chair McCowen presiding.

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. Randy Johnson.

2A) ADOPTION OF PROCLAMATION RECOGNIZING APRIL 23 29, 2017, AS VOLUNTEER APPRECIATION WEEK IN MENDOCINO COUNTY - SPONSOR: HUMAN RESOURCES

Presenter/s: Supervisor Brown; and Ms. Denise Bartolomei, Manager, Human Resources.

Public Comment: Ms. Rebecca Enburg; Ms. Denise Bartolomei, Manager, Human Resources; Ms. Roseanne Wetzel; Mr. Randy Johnson, Undersheriff; and Mr. Justin Buckingham.

Board Action: Adopted and Chair is authorized to sign same.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: None.

5A) DISCUSSION AND POSSIBLE ACTION INCLUDING INTRODUCTION AND WAIVE READING OF AN ORDINANCE ADDING CHAPTER 9.30 TO THE MENDOCINO COUNTY CODE REGULATING THE CULTIVATION OF RECREATIONAL MARIJUANA PURSUANT TO PROPOSITION 64 AND AMENDING CHAPTER 9.31 REGARDING MEDICAL MARIJUANA CULTIVATION - SPONSOR: COUNTY COUNSEL

Presenter/s: Ms. Brina Blanton, Deputy County Counsel; Mr. Matthew Kiedrowski, Deputy County Counsel; Mr. Randy Johnson, Undersheriff; and Ms. Mary Lynn Hunt, Senior Planner, Planning and Building Services.

Public Comment: Ms. Hannah Nelson.

Board Directive: BY ORDER OF THE CHAIR the Chief Executive Officer shall provide an update to the Board of Supervisors on the status of the development of the Coastal Zone Ordinance and options to provide a pathway to state licensing for cultivators and other businesses in the Coastal Zone at the May 2, 2017, Board of Supervisors meeting.

Board Directive: BY ORDER OF THE CHAIR that Staff shall consider methods which the Board of Supervisors could take to create a pathway towards State licensing for Coastal Zone cultivators who are otherwise in conformance with Mendocino County law.

Board Directive: GENERAL CONSENSUS OF THE BOARD that Staff shall bring forward further discussion of possibilities or procedures to adopt a square footage allowance for Coastal Zone rather than 25 plants (not restricted to cultivation or nurseries).

Board Directive: GENERAL CONSENSUS OF THE BOARD that Executive Office staff shall provide an update on the issuance of a Request for Proposals for consultant to develop an Ordinance for cultivation and nurseries for Coastal Zone.

BOARD RECESS: 10:37 A.M. – 10:51 A.M.

BOARD RECESS: 11:07 A.M. - 11:29 A.M.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors introduces and waives reading of an Ordinance adding Chapter 9.30 to the Mendocino County Code regulating the cultivation of recreational marijuana pursuant to Proposition 64 and amending Chapter 9.31 regarding medical marijuana cultivation with changes as discussed and incorporated into Redline document. The motion carried by the following vote:

Aye: 4- Supervisor Brown, Supervisor McCowen, Supervisor Gjerde, and Supervisor Hamburg.

No: 0 – None.

Revisions discussed and incorporated into Redline document:

- Paragraph 2 - Add the term “adult use”;
- Add new paragraph after Paragraph 4 - “WHEREAS, Chapter 9.31 will no longer apply to areas governed by the Inland Zoning Code;
- Add new paragraph - “WHEREAS, it is necessary to amend Chapter 9.31 which will continue to regulate medical marijuana cultivation in those areas of unincorporated Mendocino County where Chapter 10.a.17 does not apply and to achieve consistency with AUMA”;
- Seventh paragraph - Delete the words “represents the enacting of” and replace with “enacts.” Add the words “adult use marijuana” before the word “plants.”;
- Section 9.030.020 (D) - Change \$1,200 per pound to \$1,500;

- Section 9.030.020 (J) - Add the words “non-medical adult use”;
- Section 9.30.030 Definitions - Add the words “non-medical” to the definition of adult use marijuana in the first sentence and again in the last sentence on page 3; strike the words “adult use” from the definition of mixed light and outdoor cultivation;
- Section 9.30.030 – Change title of section to “Limitations on Cultivation of Adult Use Marijuana Plants”;
- Section 9.30.030, (A) shall read, “Cultivation of adult use marijuana in or on the grounds of a private residence or accessory structure may contain one or more cultivation sites containing no more than six (6) adult use marijuana plants with a total plant canopy not to exceed 100 square feet.”;
- Section 9.30.030, (B) shall read, “Cultivation of adult use marijuana on a parcel where medical marijuana plants are being cultivated pursuant to the qualified patient or primary caregiver exemption of section 10.A.17.030, shall not be used to increase the total square footage of cannabis that may be cultivated thereon but shall be contained within the square footage allowed pursuant to said exemption.”;
- Section 9.30.030 (C) shall read, “Cultivation of adult use marijuana on a parcel where medical marijuana plants are being cultivated pursuant to Chapter 9.31 shall not be used to increase the total number of marijuana plants that may be cultivated on the legal parcel, but up to six (6) of the total allowed number of twenty-five plants may be set aside as personal cultivation of adult use marijuana.”;
- Section 9.30.030 (D) shall read, “Cultivation of adult use marijuana is allowed on a parcel where medical cannabis is cultivated pursuant to Chapter 10.A.17 provided that the person or persons cultivating the adult use marijuana plants do not exceed 100 square feet of total plant canopy and the plants shall be identified on the site plan required pursuant to Chapter 10.A.17.090;
- Add Section 9.30.030 (E) - “Cultivation of adult use marijuana on any parcel less than ten (10) acres in size shall only be allowed indoors as defined in this Chapter;
- Section 9.30.050 (A) and (C)3 - Strike the words adult use; delete subsection (D);
- Section 9.30.060 – Strike the term “adult use” from subsections (A) – (J);
- Section 9.30.100 – Delete the entire second paragraph;
- Section 9.31.010 – Third paragraph shall read, “Nothing in this Chapter is intended, nor should it be construed, as allowing cultivation of medical marijuana in the areas governed by the Inland Zoning Code of Mendocino County without a permit as required by section 10A.17.030(A) or by any qualified patient or primary caregiver in excess of the limits provided by section 10.A.17.030(B) of this Code.”;
- Section 9.31.010(T) – Replace the word “Marijuana” with “Cannabis”;
- Section 9.31.090 (A) – Strike “For the convenience of the property owner and to” and replace with the word “To”; add the term “subject to this Chapter” after Mendocino County and replace the word “have” with “obtain”;
- Section 9.31.170 shall read, “The provisions of this chapter shall not apply in the inland zoning areas of the County governed by Division 1 of Title 20 of this Code. Any entitlement that may be created by this Chapter shall exist only until such time as this Chapter is superseded by a permitting program or otherwise repealed or replaced. Nothing in this Chapter 9.31 permits qualified patients or personal caregivers to cultivate in excess of the limits provided by State law.”

LUNCH RECESS: 11:42 A.M. - 1:32 P.M.

5B) NOTICED PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION INCLUDING (1) ADOPTION OF RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE REZONING OF AND ISSUANCE OF A MINOR USE PERMIT (R 2015 0001 & U 2015 0008) FOR CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE JENSEN’S TRAVEL PLAZA; (2) ADOPTION OF ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY; AND (3) ADOPTION OF RESOLUTION APPROVING A MINOR USE PERMIT FOR CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE JENSEN’S TRAVEL PLAZA - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Robert Dostalek, Planner I, Planner and Building Services; Mr. Howard Dashiell, Director, Transportation; Mr. Brian Momsen; Mr. Lawrence Mitchell; and Ms. Mary Lynn Hunt, Senior Planner, Planning and Building Services.

Public Comment: None.

BOARD RECESS: 2:46 P.M. – 3:01 P.M.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors approves the rezone and use permit, based on evidence in the record and hereby takes the following actions:

Adopts Resolution adopting a Mitigated Negative Declaration for the Rezoning of and Issuance of a Minor Use Permit (R 2015 0001 & U 2015 0008) for Certain Real Property Commonly Known as the Jensen’s Travel Plaza, including pages 37 through 57 of the document posted as Item Number 5 for this agenda item as Exhibit A; and 2. Adopts Ordinance Changing the Zoning of Real Property within Mendocino County; and 3. Adopts Resolution approving a Minor Use Permit for Certain Real Property Commonly Known as the Jensen’s Travel Plaza (APN: 170 120 09 & 170 120 12), including a new Condition of Approval – Miscellaneous, Number 37: The applicant shall, prior to final occupancy of the proposed Jensen’s Travel Plaza project, remove all abandoned and non operative vehicles, scrap metal and other abandoned materials not being utilized by the applicants business located on the subject property, specific to the North East corner adjacent to Feedlot Lane (private) labeled “loading area” and the area in the South West corner of the site adjacent to Millview Road just west of the area labeled “4 stall truck wash” (as labeled on the map labeled Attachment D, Development Area, as attached to the Planning Commission staff report) and authorizes Chair to sign same. The motion carried by the following vote:

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

No: 0 – None.

ORDINANCE NO. 4382

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY

RESOLUTION NO. 17-050

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE REZONING OF AND ISSUANCE OF A MINOR USE PERMIT (R 2015-0001 & U 2015-0008) FOR CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE JENSEN’S TRAVEL PLAZA

RESOLUTION NO. 17-051

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING A MINOR USE PERMIT FOR CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE JENSEN’S TRAVEL PLAZA

5C) DISCUSSION AND POSSIBLE ACCEPTANCE OF INFORMATIONAL PRESENTATION BY THE MENDOCINO COUNTY RESOURCE CONSERVATION DISTRICT - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Dave Koball, Chairman, Mendocino County Resource Conservation District; and Ms. Patty Madigan, Conservation Program Manager, Mendocino County Resource Conservation District.

Public Comment: None.

Board Action: No action taken.

5D) DISCUSSION AND POSSIBLE APPROVAL OF THE APPOINTMENT OF SCOTT TAUBOLD AS TEMPORARY HELP TO FULFILL CRITICALLY NEEDED DUTIES AFTER HIS RETIREMENT, PURSUANT TO GOVERNMENT CODE (GC) 7522.56 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Presenter/s: Ms. Tammy Moss Chandler, Director, Health and Human Services Agency.

Public Comment: None

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors approves the appointment of Scott Taubold as temporary help to fulfill critically needed duties after his retirement, pursuant to GC 7522.56. The motion carried by the following vote:

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

No: 0 – None.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 3:30 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.co.mendocino.ca.us/bos
- 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.co.mendocino.ca.us/bos

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