



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: FEBRUARY 9, 2021

TO: HONORABLE BOARD OF SUPERVISORS

FROM: SAM VANDY VANDEWATER, PLANNER III
DEPARTMENT OF PLANNING & BUILDING SERVICES

SUBJECT: ORDINANCE AMENDMENT OA_2020-0001

BACKGROUND

On April 4, 2017, the Board of Supervisors adopted the Mendocino County Cannabis Cultivation Ordinance to permit the cultivation of medical and adult-use cannabis throughout the inland portions of the County of Mendocino. As part of the adoption of the ordinance, direction was provided to the Department of Planning & Building Services staff to write an Oak Woodland Ordinance for the preservation of the oak resources in the County from types of development other than cannabis-related influences. The direction was reaffirmed by the Board of Supervisors at their November 13, 2018 and April 9, 2019, meetings which addressed the overall priorities of the Department.

KEY ISSUES

Additional Studies/Oak Resources Inventory: A number of stakeholders that have had discussions with the Department expressed great interest in having an inventory of oak resources completed to determine the historical and current extent of the oak resources. The inventory would help to identify areas in which oak resources have been most impacted and areas with less impacted oak resources. The ordinance would be targeted to those influences and developments that have the greatest impact on oak resources specifically within the County of Mendocino. The study would also provide a baseline from which to monitor oak resources and to determine any future amendment to the ordinance in order to address identified areas of concerns. The study would also help to provide information that can be utilized to establish a County baseline from which oak woodland protection goals and policies are derived.

Ordinance Language: Planning & Building Services staff have discussed the ordinance with numerous stakeholders, including those representing environmental interests, agriculture, timber, ranching, real estate, fire management and prevention, land-owners, and natural resource management. Additionally, staff has presented a version of the ordinance (Attachment A) to the Planning Commission and received further comment. As can be anticipated, a number of stakeholder interests conflict with each other and Planning & Building Services staff has worked to find a compromise between all interests. While comfortable with the current draft, Planning and Building Services staff are seeking input from the Board of Supervisors as to the direction, if any, language should be amended. Included with this Memorandum are two Oak Tree and Oak Woodland Protection Ordinance drafts for review by the Board of Supervisors: the draft presented to the Planning Commission at the public workshop that includes public comment from various stakeholders; and a draft that incorporates comments received during the workshop from the Planning Commissioners and the general public. Key issues on which staff are seeking direction include:

- Various definitions and their applicability to the ordinance implementation and enforcement
- Mitigation ratios for replanting and/or recruitment
- Oak Mitigation Program with in-lieu fees and offsite mitigation as options
- Exemptions from Chapter requirements

Adoption Deadline: Current direction to staff is to have the Oak Tree and Oak Woodland Protection Ordinance adopted prior to or at the same time as Phase 3 of the Mendocino County cannabis cultivation program. The current expected date for Phase 3 of the Cannabis Program is April 1, 2021, and thus requires the Oak Tree and Oak Woodland Ordinance be adopted by this time as well. However, on October 13, 2020, the Board of Supervisors gave direction to staff regarding Phase 3 to pursue discretionary permitting as opposed to the present ministerial approach.

RECOMMENDATION

Provide direction to staff regarding the Oak Tree and Oak Woodland Protection Ordinance and the key issues identified above.

Attachments:

- A. 11.05.2020 Draft Ordinance Clean (Planning Commission Workshop)
- B. 02.09.2021 Draft Ordinance Redline
- C. 02.09.2021 Draft Ordinance Clean