



Mendocino County

Legislation Details (With Text)

File #: 21-0435 **Version:** 1 **Name:**
Type: Approval **Status:** Agenda Ready
File created: 3/31/2021 **In control:** County Counsel
On agenda: 4/12/2021 **Final action:**
Title: Noticed Public Hearing - Discussion and Possible Action Including Adoption of Urgency Ordinance Extending a Temporary Moratorium on the Commencement of Phase Three Cannabis Cultivation Permitting under Mendocino County Code Chapters 10A.17 and 20.242 Pending the Study and Consideration of Land Use and Other Regulations Pertaining to Cannabis Cultivation (Sponsors: County Counsel and Planning and Building Services)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance 4490, 2. Ordinance - Phase 3 Moratorium Extension, 3. Resolution PC_2021-0004 for OA_2021-0002 (Cannabis Cultivation), 4. Ordinance Summary - Phase Three Moratorium Extension, 5. Proof of Pub (UDJ) Urgency Ordinance BOS 4-12-21, 6. 04-01-21 Slota Correspondence, 7. 04-02-21 Briley Correspondence, 8. 04-02-21 Mullen Correspondence, 9. 04-05-21 Doering and Hudson Correspondence, 10. 04-06-21 Kanaan Correspondence, 11. 04-08-21 Bancroft Correspondence, 12. 04-08-21 Proschold Correspondence, 13. 04-08-21 Sipila Correspondence, 14. 03-30-21 Herman Correspondence, 15. 03-31-21 Alvarado Correspondence, 16. 03-31-21 Moresco Correspondence, 17. 04-10-21 Richards Correspondence, 18. 04-10-21 Sizemore Correspondence, 19. 04-09-21 Stipe Correspondence, 20. 04-11-21 Schiessl Correspondence, 21. 04-11-21 Sher Correspondence, 22. 04-11-21 Wordhouse Correspondence, 23. 04-12-21 Brown Correspondence, 24. 04-11-21 Amato Correspondence, 25. 04-11-21 Craig Correspondence, 26. 04-11-21 Rogers Correspondence

Date	Ver.	Action By	Action	Result
4/12/2021	1	Board of Supervisors		

To: Board of Supervisors

From: County Counsel and Planning and Building Services

Meeting Date: April 12, 2021

Department Contact: Matthew Kiedrowski

Phone: 234-6885

Department Contact: Julia Krog

Phone: 234-6650

Item Type: Noticed Public Hearing

Time Allocated for Item: 30 min.

Agenda Title:

Noticed Public Hearing - Discussion and Possible Action Including Adoption of Urgency Ordinance Extending a Temporary Moratorium on the Commencement of Phase Three Cannabis Cultivation Permitting under Mendocino County Code Chapters 10A.17 and 20.242 Pending the Study and Consideration of Land Use and Other Regulations Pertaining to Cannabis Cultivation (Sponsors: County Counsel and Planning and Building Services)

Recommended Action/Motion:

Adopt urgency ordinance extending a temporary moratorium on the commencement of Phase Three cannabis cultivation permitting under Mendocino County Code Chapters 10A.17 and 20.242 pending the study and consideration of land use and other regulations pertaining to cannabis cultivation; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On March 22, 2021, the Board of Supervisors adopted Ordinance No. 4488, establishing a temporary moratorium on the commencement of Phase Three cannabis cultivation permitting.

Summary of Request:

The purpose of this urgency ordinance is to extend the temporary moratorium adopted by the Board on March 22, 2021. The current urgency ordinance is effective only for 45 days and would expire on May 6, 2021, without further action by the Board of Supervisors.

As set out in the declarations and findings of the adopted urgency ordinance as well as the proposed ordinance extending the moratorium, allowing Phase Three of the existing cannabis regulatory system to open while County staff, pursuant to Board direction, is actively developing an entirely different cannabis regulatory system, would cause confusion and concern among applicants, potential applicants and neighborhoods regarding the various regulations. The resulting pressure on staff time to respond to inquiries and applications, as well as attempting to integrate existing Phase Three applicants into the new system would cause delay in handling other applications, and have a negative impact on residential and business development.

Adoption of an extension of the moratorium is necessary to enable the completion of the ongoing ordinance amendment process without Phase Three commencing. Staff is proposing an extension of 10 months and 15 days, or until February 27, 2022. Should the Board adopt regulations that replace Phase Three cannabis cultivation permitting, the ordinance adopting such regulations would terminate the moratorium.

Subdivision (d) of Government Code section 65858 requires that, before the expiration or extension of an urgency ordinance, a written report be issued describing the measures taken to alleviate the condition which led to the adoption of the ordinance. Staff of the Department of Planning and Building Services have prepared a draft new Chapter 22.18 of the Mendocino County Code, which would adopt a use permit based permitting structure for cannabis cultivation sites, as well as textual amendments to existing Chapters 10A.17 and 20.242 that would eliminate Phase Three. On March 19, 2021, the Mendocino County Planning Commission held a public hearing regarding the regulations which may replace Phase Three of Chapter 10A.17, and adopted a resolution making a report and recommendation to the Board of Supervisors regarding the proposed ordinance. The Planning Commission's resolution is attached to this agenda packet. It is anticipated that the Board of Supervisors will hold a public hearing on April 19, 2021, regarding the possible adoption of Chapter 22.18 and corresponding revisions to Chapters 10A.17 and 20.242. Documents related to this public hearing item will be available 10 days before the hearing.

This extension will require a 4/5 or greater vote of the Board for it to be approved. The County will have the ability to further extend the urgency ordinance by another 12 months, if approved by the Board after notice and public hearing.

The proposed ordinance is exempt from CEQA review for various reasons, as set forth in the ordinance. At its core, the urgency ordinance maintains the regulatory and environmental status quo. Not accepting new cannabis cultivation applications will not have a significant effect on the environment. If the Board adopts the Ordinance, staff will file a Notice of Exemption.

Alternative Action/Motion:

Provide alternative direction.

Supervisory District: All

vote requirement: 4/5ths

Supplemental Information Available Online At: n/a

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk I

Date: APRIL 13, 2021

Final Status: Adopted

Executed Item Type: Ordinance **Number:** 4490

