



Mendocino County

Legislation Details (With Text)

File #: 17-1059 **Version:** 1 **Name:**
Type: Approval **Status:** Agenda Ready
File created: 11/6/2017 **In control:** Board of Supervisors
On agenda: 11/13/2017 **Final action:**
Title: Discussion and Possible Direction to Clarify the Requirements for Expansion of Existing Cultivation Sites Located in the Rangeland (RL) Zoning District as Contained within Mendocino County Code Chapter 20.242 Table 1
(Sponsor: Supervisor McCowen)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Chapter 20.242 from Ordinance 4381, 2. 11-13-17 Drell Correspondence, 3. 11-13-17 O'Neill Correspondence

Date	Ver.	Action By	Action	Result
11/13/2017	1	Board of Supervisors		

To: Board of Supervisors

From: Supervisor McCowen

Meeting Date: November 13, 2017

Department Contact: Supervisor McCowen

Item Type: Regular Agenda

Phone: 463-4221

Time Allocated for

Item: 30 Mins

Agenda Title:

Discussion and Possible Direction to Clarify the Requirements for Expansion of Existing Cultivation Sites Located in the Rangeland (RL) Zoning District as Contained within Mendocino County Code Chapter 20.242 Table 1
(Sponsor: Supervisor McCowen)

Recommended Action/Motion:

Provide direction to staff to correct the double asterisk (**) notation to Table 1 of Chapter 20.242 to clarify that expansion of existing cultivation sites in the Rangeland (RL) Zoning District is allowed pursuant to a Zoning Clearance.

Previous Board/Board Committee Actions:

On April 4, 2017 the Board adopted Chapter 10A.17 - Medical Cannabis Cultivation Ordinance and Chapter 20.242 - Medical Cannabis Cultivation Site; on August 29, 2017 the Board adopted amendments to Chapter 10A.17 - Medical Cannabis Cultivation Ordinance

Summary of Request:

On April 4, 2017 the Board of Supervisors adopted Chapter 10A.17 - Medical Cannabis Cultivation Ordinance

and Chapter 20.242 - Medical Cannabis Cultivation Site. Table 1 of Chapter 20.242 depicts the zoning permit requirement for existing cannabis cultivation sites by zoning district and permit type.

The chart in Table 1 accurately incorporates Board direction that only a Zoning Clearance (ZC) is required in Rangeland (RL) for continuation of Small Outdoor or Small Mixed Light (2,500 square feet); expansion to Medium Outdoor or Medium Mixed Light (2,501-5,000 square feet); or expansion to Large Outdoor or Large Mixed Light (5,001-10,000 square feet). Unfortunately, the double asterisk (**) below Table I incorrectly states that expansion in Rangeland (RL) of either Outdoor or Mixed Light requires an Administrative Permit (AP). Given that the same permit type cannot require both a Zoning Clearance and an Administrative Permit, the ZC designation in the chart and the AP notation in the asterisk cannot both be correct.

The Board extensively discussed the requirements for expansion in Forestland (FL) and Timber Production Zone (TPZ) before finally deciding that all existing cultivators in FL and TPZ (not just those who were permitted in 2011-12 or 2016) could expand subject to an Administrative Permit (AP). The same discussion did not take place with regard to the requirements for expansion in Rangeland (RL) where the Board directed that only a Zoning Clearance (ZC) is required, the same as it is for expansion in Rural Residential, Upland Residential and Agriculture.

Finally, it is far more likely that the multiple designations for Zoning Clearance for Rangeland (RL) expansion (which appears in the chart for Medium Outdoor, Medium Mixed Light, Large Outdoor, and Large Mixed Light) is accurate, as opposed to the single inclusion of "RL" in the second sentence of the double asterisk (**).

The Board is requested to direct staff to administratively delete the erroneous notation under the double asterisk (**) at the bottom of Table 1. The first sentence of the double asterisk (**) correctly identifies that existing cultivators in FL, TPZ, and RL can continue subject to the limitations of the ordinance. The second sentence erroneously states that an AP is required for Rangeland expansion and accurately, but redundantly, states that an AP is required for expansion in FL and TPZ. Since the requirement for an AP for expansion in Rangeland is erroneous and the requirement for an AP for expansion in FL and TPZ is already included in the chart, deletion of the second sentence of the double asterisk (**) will correct the error without affecting the substance of the ordinance.

Alternative Action/Motion:

Do not approve the recommended action.

Supplemental Information Available Online at: N/A

Fiscal Impact:

Source of Funding: N/A

Current F/Y Cost: None

Budgeted in Current F/Y: N/A

Annual Recurring Cost: None

Supervisory District: All

Vote Requirement: Majority

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Janelle Rau, Deputy CEO

CEO Review: Yes

CEO Comments:



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Executed By: Nadia Tipton

Final Status:**No Action Taken**

Date: November 14, 2017

Executed Item No.: **N/A**

Note to Department: Direction was given to staff.

Executed Documents Returned to

Department: Originals _____ Copies

_____ Hand Delivered _____ Interoffice

Mail _____ Executed Agreement Sent to

Auditor? Y/N