



# Mendocino County

## Legislation Details (With Text)

**File #:** 21-0751      **Version:** 1      **Name:**  
**Type:** Communication      **Status:** Agenda Ready  
**File created:** 6/16/2021      **In control:** County Counsel  
**On agenda:** 6/22/2021      **Final action:**  
**Title:** Discussion and Possible Action Including Direction to Staff to Draft an Ordinance Making Amendments to Chapter 22.18 of the Mendocino County Code, Including, But Not Limited To, Imposing a Phased Cap on the Size of Cannabis Cultivation Sites Initially of One or Two Acres Per Parcel  
(Sponsor: County Counsel)

**Sponsors:** County Counsel

**Indexes:**

**Code sections:**

**Attachments:** 1. 06-18-21 MCA Correspondence, 2. 06-21-21 Longstreth Correspondence, 3. 06-21-21 Sivaya Correspondence, 4. 06-21-21 Walter Correspondence, 5. 06-21-21 Kanaan Correspondence, 6. 06-21-21 Jenkins Correspondence, 7. 06-21-21 Fugman Correspondence, 8. 06-21-21 Lohne Correspondence, 9. 06-21-21 Magoffin Correspondence, 10. 06-21-21 Matthias Correspondence, 11. 06-21-21 Pellar Correspondence, 12. 06-21-21 Pickens Correspondence, 13. 06-21-21 Stark Correspondence, 14. 06-21-21 Thies Correspondence, 15. 06-21-21 Tsong Correspondence, 16. 06-22-21 Morford Correspondence, 17. 06-22-21 Wilson Correspondence, 18. 6-22-21 CCAG Correspondence, 19. 06-21-21 Azarnoff Correspondence, 20. 06-21-21 Beaumont Correspondence, 21. 06-21-21 Birger Correspondence, 22. 06-21-21 Clark Correspondence, 23. 06-21-21 Clein Correspondence, 24. 06-21-21 Cronin Correspondence, 25. 06-21-21 Cummings Correspondence, 26. 06-21-21 Freeman Correspondence

Date	Ver.	Action By	Action	Result
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**To: Board of Supervisors**

**From: County Counsel**

**Meeting Date:** June 22, 2021

**Department Contact:** Christian M. Curtis      **Phone:** 234-6885  
**Department Contact:** Julia Acker Krog      **Phone:** 234-6665  
**Department Contact:** Kristin Nevedal      **Phone:** 234-6335

**Item Type:** Regular Agenda

**Time Allocated for Item:** 1 hr.

**Agenda Title:**

Discussion and Possible Action Including Direction to Staff to Draft an Ordinance Making Amendments to Chapter 22.18 of the Mendocino County Code, Including, But Not Limited To, Imposing a Phased Cap on the Size of Cannabis Cultivation Sites Initially of One or Two Acres Per Parcel  
(Sponsor: County Counsel)

**Recommended Action/Motion:**

Direct staff to draft an ordinance making amendments to Chapter 22.18 of the Mendocino County Code, including, but not limited to, imposing a phased cap on the size of cannabis cultivation sites, initially of one or two acres per parcel.

**Previous Board/Board Committee Actions:**

Adoption of Ordinance No. 4381, adopting Chapters 10A.17 and 20.242 to the Mendocino County Code. Adoption of Ordinance No. 4392, making certain amendments to Chapter 10A.17. Adoption of Ordinance No. 4405, making modifications to Chapter 20.242. Adoption of Ordinance No. 4408, making additional amendments to Chapters 10A.17 and 20.242. Adoption of Ordinance No. 4411, making additional amendments to Chapter 10A.17. Adoption of Ordinance No. 4413, making additional amendments to Chapter 10A.17. Adoption of Ordinance No. 4420, making additional amendments to Chapters 10A.17 and 20.242 as well as adding Chapters 20.118 and 20.119 to County Code. Adoption of Ordinance No. 4422, making additional amendments to Chapters 10A.17 and 6.36. Adoption of Ordinance No. 4438, making additional amendments to Chapters 10A.17 and 20.242. Adoption of Ordinance No. 4463, making additional amendments to Chapter 10A.17.

In addition to the Ordinances noted above, the Board has previously given direction to staff on the Cannabis Cultivation Permitting Priorities on September 22, 2020, December 8, 2020, January 5, 2021, January 25, 2021 and February 9, 2021.

On March 22, 2021, the Board of Supervisors adopted an urgency ordinance authorizing a temporary moratorium on the commencement of Phase Three cannabis cultivation permitting pending the study and consideration of land use and other regulations pertaining to cannabis cultivation. This moratorium was extended on April 12, 2021, but would terminate as of the effective date of the ordinance adopting Chapter 22.18.

On April 19, 2021, the Board of Supervisors held a Noticed Public Hearing on the draft ordinance where the agenda item was continued to the April 27, 2021 agenda with direction to staff to prepare options for Board consideration regarding several topics related to the draft Ordinance.

On April 27, 2021, the Board of Supervisors provided direction to Staff on the draft Ordinance and directed that the draft Ordinance be referred back to the Planning Commission for additional review on several topics.

On June 2, 2021, the Board of Supervisors reviewed the draft Ordinance and chose to accept or reject each of the Planning Commission's recommendations. The Board waived the first reading and introduced the Ordinance adopting Chapter 22.18 and making corresponding amendments to Chapters 10A.17 and 20.242.

On the consent calendar for today's meeting is second reading and adoption of the ordinance adopting Chapter 22.18 and making corresponding amendments to Chapters 10A.17 and 20.242.

**Summary of Request:**

On June 2, 2021, the Board of Supervisors considered an ordinance replacing the current Phase Three cannabis cultivation ordinance with a new discretionary permitting system that will require site-specific environmental review. This ordinance also provides an alternative permitting option for legacy cultivators who may be unable to obtain a Phase One permit because of site-specific environmental impacts that would require mitigation.

At that time, the Board decided to allow permits for cultivation of up to ten percent (10%) of parcel area for parcels zoned Rangeland and Agricultural. The Board considered, but rejected, a firm cap of two (2) acres of outdoor cultivation at that time. A majority of the Board indicated that it desired a firm cap on the amount of cannabis that could be cultivated under the ten percent (10%) limitation, but preferred a variable phased approach to such limitations. Given relevant statutory deadlines, the Board was not able to craft language for this phased approach before deciding to move forward with adoption of the ordinance but directed staff to

immediately begin preparing an amendment to implement firm acreage limitations on a phased timeline.

To expedite the process of amending the ordinance to include firm limits on cultivation area, staff would like direction as to some of the specific terms that the Board would like in the proposed amendment, including maximum acreage, timelines for implementation, and other factors. Once that direction is given, staff will bring a draft ordinance to the Planning Commission along with any required environmental analysis.

**Alternative Action/Motion:**

Provide Staff with Alternate Direction

**Supervisory District:** Choose an item.

**vote requirement:** Choose an item.

**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:** No

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes

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**CEO Liaison:** Executive Office

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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Executed By: Atlas Pearson, Deputy Clerk I

Final Status: Direction Given to Staff

Date: June 25, 2021

