



Mendocino County

Legislation Details (With Text)

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On agenda: 6/10/2020 **Final action:**
Title: Discussion and Possible Action Including Direction to Staff Regarding the Potential Re-direction of the Cannabis Cultivation Program
(Sponsor: Supervisor McCowen)

Sponsors:

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Code sections:

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

From: Supervisor McCowen

Meeting Date: June 10, 2020

Department Contact: Supervisor McCowen

Phone: 463-4441

Item Type: Regular Agenda

Time Allocated for Item: 45 min

Agenda Title:

Discussion and Possible Action Including Direction to Staff Regarding the Potential Re-direction of the Cannabis Cultivation Program
(Sponsor: Supervisor McCowen)

Recommended Action/Motion:

Direct staff to initiate the steps needed to revise the cannabis cultivation program as outlined in the Summary of Request.

Previous Board/Board Committee Actions:

Summary of Request:

The current cannabis cultivation program is difficult for applicants to navigate, cumbersome for staff to administer and results in a dual permitting system that imposes additional financial and bureaucratic burdens on applicants with little, if any, additional benefit to the regulated community, the general community, the County or the environment. Applicants must currently navigate a maze of complicated State and local regulations that are often duplicative but sometimes conflicting. The Board has previously expressed an interest in streamlining the cannabis cultivation program. Instead of tinkering with what has proven to be a difficult regulatory system, the Board is encouraged to go in a new direction. In broad general terms, the proposal is to focus the County's attention more on where cannabis is grown and let the State regulate how it is grown. The Board is requested to discuss the concepts presented herein and give direction to staff to initiate the steps necessary to revise the cannabis cultivation program as outlined below or as the Board deems otherwise appropriate. Additionally, provided the Board approves the requested direction, staff recommends applying the same principles to cannabis cultivation in the Coastal Zone.

The proposal to redirect the cannabis cultivation program includes the following:

- 1) Repeal 10A.17, the current cannabis cultivation ordinance and regulate cultivation as a land use activity through the Zoning Code;
- 2) Mendocino County would no longer issue permits for cannabis cultivation per se, but would issue Administrative Permits or Use Permits regulating land use pursuant to the Zoning Code with environmental review (CEQA) taking place on a site specific basis (instead of regulating how cannabis is grown, the County would focus on where it is grown);
- 3) As a condition of the land use permit from the County, the applicant would be required to apply for, obtain and comply with a State permit to cultivate cannabis;
- 4) Applicants for State licenses would be deemed to be in good standing by the County upon verification of a complete land use application;
- 5) Applicants would no longer apply for a cultivation permit from the County, pay application and renewal fees, navigate the complexities of two different permit programs with different definitions, interpretations and permit types;
- 6) Existing permit holders and applicants will be transitioned into the new program in a way that satisfies State requirements (how that occurs will likely vary depending on the underlying land use classification and where applicants currently are in the process);
- 7) Current Exemptions in 10A.17.030 (A)-(C) and Setbacks in 10A.17.040 (A) and (B) would be incorporated into the Zoning Code as standard conditions of approval;
- 8) The Coastal Zone extension of the Sunset Provision until June 30, 2022 would need to be accounted for;
- 9) The permit process for applicants in Accommodation Zones would change but new or established Accommodation and Exclusion Zones would not be otherwise affected;
- 10) Repeal of 10A.17 and regulation of cannabis through the Zoning Code with site specific environmental review may streamline the current cumbersome process by removing potential conflicts with CDFW that have kept the County program (and applicants) in an extended state of limbo;
- 11) The Board has previously given direction for expansion, and allowance for permits in Rangeland, but it is recommended that those issues proceed on a separate, but perhaps parallel track.
- 12) Enhanced enforcement and Equity Program issues may be interrelated but would also proceed on separate tracks

Alternative Action/Motion:

Do not give direction to staff or give direction as modified.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: n/a

Fiscal Details:

source of funding: n/a

budgeted in current f/y: N/A

current f/y cost: n/a
annual recurring cost: n/a
budget clarification: n/a

if no, please describe:
revenue agreement: N/A

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

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

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Executed By: Lindsey Dunham, Deputy Clerk I

Date: June 16, 2020

Final Status: **Continued**

