



# Mendocino County

## Legislation Details (With Text)

|                       |  |                      |   |                                |  |
|-----------------------|--|----------------------|---|--------------------------------|--|
| <b>File #:</b>        | 20-0721  | <b>Version:</b>      | 1 | <b>Name:</b>                   |  |
| <b>Type:</b>          | Presentations  | <b>Status:</b>       |   | Agenda Ready                   |  |
| <b>File created:</b>  | 7/22/2020  | <b>In control:</b>   |   | Planning and Building Services |  |
| <b>On agenda:</b>     | 8/4/2020   | <b>Final action:</b> |   |                                |  |
| <b>Title:</b>         | Discussion and Possible Action Including Direction to Staff Regarding the Potential Re-direction of the Cannabis Cultivation Permitting Program to a Land Use Ordinance and Direction to Staff Regarding Prioritizing Phase 1 and 2 Existing Permit Holders who Require a CEQA Checklist with a Cost Recovery System Identified in Response to Board Direction Received on June 16, 2020 (Sponsor: Planning and Building Services)   |                      |   |                                |  |
| <b>Sponsors:</b>      | Planning and Building Services, Steve Dunncliff  |                      |   |                                |  |
| <b>Indexes:</b>       |  |                      |   |                                |  |
| <b>Code sections:</b> |  |                      |   |                                |  |
| <b>Attachments:</b>   | 1. 1.PBS Staff Memo Cannabis Update and Land Use ReDirection Recommendations for the 8.4.20 BOS Meeting.pdf, 2. Attachment A Draft Sensitive Species Review Pilot Policy with CDFW.pdf, 3. Attachment B DRAFT Mendocino County Cannabis 15168 Checklist.pdf, 4. Attachment C CEQA Practice Recommendations from CDFA for Cannabis Licensing – Project Description Content – Version a2.pdf, 5. Attachment D Cannabis Cultivation Ad Hoc Legacy and Non-Legacy Tables from 6.16.20 BOS Meeting.pdf, 6. 07-31-20 Re Correspondence, 7. 07-31-20 Mendocino County Tourism Commission Correspondence, 8. 07-31-20 Rainbow Ag Correspondence, 9. 07-31-20 Whipple Correspondence, 10. 07-31-20 Menasian Correspondence, 11. 07-31-20 Stephens Correspondence, 12. 08-02-20 Rohrbaugh Correspondence, 13. 08-02-20 Brodigan Correspondence, 14. 08-02-20 MCA Correspondence, 15. 08-02-20 Rodriques Correspondence, 16. 08-02-20 Talkovsky Correspondence, 17. 08-02-20 Lumpkin Correspondence, 18. 08-02-20 Strong Correspondence, 19. 08-01-20 Rodrigues Correspondence, 20. 08-02-20 Flow Kana Correspondence, 21. 08-03-20 Anderson Correspondence, 22. 08-03-20 Card Correspondence, 23. 08-03-20 Charnes Correspondence, 24. 08-03-20 Glaser Correspondence, 25. 08-03-20 Harness Correspondence, 26. 08-03-20 Kramer Correspondence, 27. 08-03-20 Potter Correspondence, 28. 08-03-20 Rodrigues Correspondence, 29. 08-03-20 Sizemore Correspondence, 30. 08-03-20 Slota Correspondence, 31. 08-01-20 Clifton Correspondence, 32. 08-01-20 Klein Correspondence, 33. 08-01-20 Liberty Correspondence, 34. 08-03-20 Scherbatskoy Correspondence, 35. 08-03-20 Stephens Correspondence, 36. 08-03-20 Tergis Correspondence, 37. 08-03-20 Waters Correspondence, 38. 08-03-20 WEC Correspondence, 39. 08-03-20 Wheeler Correspondence, 40. 08-03-20 Womack Correspondence, 41. 08-03-20 Bowers Correspondence, 42. 08-03-20 Brady Correspondence, 43. 08-03-20 California Wildlife Foundation Correspondence, 44. 08-03-20 CCAG Correspondence, 45. 08-03-20 Clein Correspondence, 46. 08-03-20 Donham Correspondence, 47. 08-03-20 Drell Correspondence, 48. 08-03-20 Fugman Correspondence, 49. 08-03-20 Gardere Correspondence, 50. 08-03-20 Henrys Original Correspondence, 51. 08-03-20 Holbrook Correspondence, 52. 08-03-20 Ineich Correspondence, 53. 08-03-20 JC&A Correspondence, 54. 08-03-20 Jenkins Correspondence, 55. 08-03-20 Knight Correspondence, 56. 08-03-20 Liese Correspondence, 57. 08-03-20 Maierle Correspondence, 58. 08-03-20 Marianchild Correspondence, 59. 08-03-20 Ninaud Correspondence, 60. 08-03-20 Olcott Correspondence, 61. 08-03-20 Owen Correspondence, 62. 08-03-20 Pellar Correspondence, 63. 08-03-20 Powell Correspondence, 64. 08-03-20 Puetz Correspondence, 65. 08-03-20 Riedel Correspondence, 66. 08-03-20 Sargenti Correspondence, 67. 08-04-20 Blacketer-Dodt Correspondence, 68. 08-04-20 Magoffin Correspondence, 69. 08-04-20 Herbanology Correspondence, 70. 08-04-20 Jeavons Correspondence, 71. 08-04-20 Davis Correspondence, 72. 08-04-20 AuClair Correspondence, 73. 08-04-20 Steffen Correspondence |                      |   |                                |  |

| Date     | Ver. | Action By            | Action | Result |
|----------|------|----------------------|--------|--------|
| 8/4/2020 | 1    | Board of Supervisors |        |        |

8/4/2020      1      Board of Supervisors

**To: Board of Supervisors**

**From:** Planning and Building Services

**Meeting Date:** August 4, 2020

**Department Contact:** Brent Schultz

**Phone:** 234-6650

**Department Contact:** Megan Dukett

**Phone:** 234-6650

**Item Type:** Regular Agenda

**Time Allocated for Item:** 1 Hour

**Agenda Title:**

Discussion and Possible Action Including Direction to Staff Regarding the Potential Re-direction of the Cannabis Cultivation Permitting Program to a Land Use Ordinance and Direction to Staff Regarding Prioritizing Phase 1 and 2 Existing Permit Holders who Require a CEQA Checklist with a Cost Recovery System Identified in Response to Board Direction Received on June 16, 2020  
(Sponsor: Planning and Building Services)

**Recommended Action/Motion:**

Direct staff to initiate the steps needed to create a land use ordinance for commercial cannabis discretionary permits including the sunset of portions of 10A.17 and 20.242 within three years of adoption (or other determined date). Direct staff to close Phase 2 and transition Phase 1 and Phase 2 permittees and applicants to the new land use discretionary permitting process. Provide direction to staff on zoning, size and density allowances of cannabis cultivation. Direct Cannabis Program staff to prioritize responsibilities to focus on existing permit holders in Phase 1 and 2 who require an issued CEQA Checklist prior to the January 1, 2022 provisional end date with a cost recovery system identified.

**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 consideration of a discretionary permit process for cannabis cultivation activities on May 14, 2019, December 10, 2019, February 25, 2020 and June 16, 2020.

**Summary of Request:**

On June 16, 2020, the Board of Supervisors gave direction to the Planning and Building Services Department to continue exploring options with the California Department of Food and Agriculture (CDFA) and the California Department of Fish and Wildlife (CDFW) to make the current system more functional, to continue processing permits through the current system, and also develop details on what moving in a land use specific direction would look like opposed to continuing with the current cultivation permitting system. See the attached staff memo and subsequent attachments (A, B, C, and D).

**Alternative Action/Motion:**

Provide alternate direction.

**Supervisory District:** All

**vote requirement:** Majority

**Supplemental Information Available Online At:** N/A

**Fiscal Details:**

**source of funding:** BU 2851 & 2810

**current f/y cost:** Unknown

**annual recurring cost:** Unknown

**budget clarification:** cost depends on workload and directed changes to the permitting process by the Board

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

**budgeted in current f/y:** N/A

**if no, please describe:**

**revenue agreement:** No

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**CEO Liaison:** Steve Dunncliff, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

**Executed By:** Atlas Pearson, Deputy Clerk I

**Date:** August 6, 2020

**Final Status:** Direction Given to Staff

