



Mendocino County

Legislation Details (With Text)

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Title:	Noticed Public Hearing - Discussion and Possible Action Including Introduction and Waive First Reading of an Ordinance Adopting Mendocino County Code Chapter 22.18 - Commercial Cannabis Activity Land Use Development Ordinance and Making Corresponding Amendments to Chapter 10A.17 - Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 - Cannabis Cultivation Sites (continued from April 19, 2021) (Closed Public Hearing open for Board Action Only) (Sponsor: Planning & Building Services)				

Sponsors:

Indexes:

Code sections:

Attachments: 1. 03. Planning Commission Packet 3.19.2021, 2. 04. Resolution PC_2021-0004, 3. 06. Draft Chapter 22.18 Appendix A (Redline), 4. 08. Ordinance Summary - OA_2021-0002 Cannabis Cultivation, 5. 02. Memo to BOS 4.19.2021 Updated, 6. 05. OA_2021-0002 Draft Ordinance (Redline per PC Comments - Redline of 10A.17&20.242) - FINAL, 7. 07. OA_2021-0002 Draft Ordinance & Appendix A (CLEAN), 8. Proof of Pub (IUDJ) GP_2021-0002 (Cannabis Ordinance) BOS 4-19-21, 9. Memo to BOS 4.27.2021 FINAL, 10. Att. A to Memo 04-18-21 McGourty Memo, 11. 04-18-21 McGourty Memo, 12. 04-27-21 Memo to Board of Supervisors re Cannabis Ordinance Procedural Issues, 13. 04-11-21 Callaghan Correspondence, 14. 04-11-21 DeJuan Correspondence, 15. 04-11-21 Gardner Correspondence, 16. 04-11-21 Hereld Correspondence, 17. 04-11-21 Pinson Correspondence, 18. 04-11-21 Sizemore Correspondence, 19. 04-12-21 Alexander Correspondence (2), 20. 04-12-21 Alexander Correspondence, 21. 04-12-21 Belt Correspondence, 22. 04-12-21 Drake Correspondence, 23. 04-12-21 Easterbrook Correspondence, 24. 04-12-21 Figg-Hoblin and Hutton Correspondence, 25. 04-12-21 Goodell Correspondence, 26. 04-12-21 Hereld Correspondence, 27. 04-12-21 Hilderbrand Correspondence, 28. 04-12-21 Lodge Correspondence, 29. 04-12-21 Olcott Correspondence, 30. 04-12-21 Rede Correspondence, 31. 04-12-21 Steely Correspondence, 32. 04-12-21 Yee Correspondence, 33. 04-13-21 Beaumont Correspondence, 34. 04-13-21 Borba Correspondence, 35. 04-13-21 Carter Correspondence, 36. 04-13-21 Costa Correspondence, 37. 04-13-21 Hereld Correspondence, 38. 04-13-21 Herr Correspondence, 39. 04-13-21 Janssen Correspondence, 40. 04-13-21 Landis Correspondence, 41. 04-13-21 Littlehales Correspondence, 42. 04-13-21 Menasian Correspondence, 43. 04-13-21 Miller Correspondence, 44. 04-13-21 Robertson Correspondence, 45. 04-13-21 Seifert Correspondence, 46. 04-13-21 Smith Correspondence, 47. 04-13-21 Walkley Correspondence, 48. 04-14-21 Anderson Correspondence, 49. 04-14-21 Bartow Correspondence, 50. 04-14-21 Cornu Correspondence, 51. 04-14-21 Falandes and Rash Correspondence, 52. 04-14-21 Fish & Game Commission Correspondence, 53. 04-14-21 Hanna Correspondence, 54. 04-14-21 Hope Correspondence, 55. 04-14-21 Jackson Correspondence, 56. 04-14-21 Jupiter Correspondence, 57. 04-14-21 Kanne Correspondence, 58. 04-14-21 Kaur Correspondence, 59. 04-14-21 Lieser Correspondence, 60. 04-14-21 Light Correspondence, 61. 04-14-21 Lind Correspondence, 62. 04-14-21 Nicholson Correspondence, 63. 04-14-21 Oller Correspondence, 64. 04-14-21 Orton Correspondence, 65. 04-14-21 Paltin Correspondence, 66. 04-14-21 Raphael Correspondence, 67. 04-14-21 Rosen Correspondence, 68. 04-14-21 Sawataky Correspondence, 69. 04-14-21 Smith Correspondence, 70. 04-14-21 Trevey Correspondence, 71. 04-14-21 Trichler Correspondence, 72. 04-14-21 Vest Correspondence, 73. 04-14-21 Zimmermann Correspondence, 74. 04-15-21 Adair Correspondence, 75. 04-15-21 Beebe Correspondence, 76. 04-15-21 Berglund Correspondence, 77. 04-15-21 Blumenfeld Correspondence, 78. 04-15-21 Brown Correspondence, 79. 04-15-21 Bruce Correspondence, 80. 04-15-21 Clifton Correspondence, 81. 04-

15-21 Drewes Correspondence, 82. 04-15-21 Holbrook Correspondence 2, 83. 04-15-21 Holbrook Correspondence, 84. 04-15-21 Kuchera Correspondence, 85. 04-15-21 Loop Correspondence, 86. 04-15-21 Mancinelli Correspondence, 87. 04-15-21 McElwee Correspondence, 88. 04-15-21 ORourke Correspondence, 89. 04-15-21 Osteen Correspondence, 90. 04-15-21 Putter Correspondence, 91. 04-15-21 Riedel Correspondence, 92. 04-15-21 Shell Correspondence, 93. 04-15-21 Stark Correspondence, 94. 04-15-21 Tichenor Correspondence, 95. 04-15-21 Weitala Correspondence, 96. 04-15-21 Willens Correspondence, 97. 04-14-21 Ebyam Correspondence, 98. 03-31-21 Nelson Correspondence, 99. 04-02-21 DeJuan Correspondence, 100. 04-04-21 Hansen Correspondence, 101. 04-04-21 Pope Correspondence, 102. 04-09-21 Calonico Correspondence, 103. 04-09-21 Due Correspondence, 104. 04-09-21 Gary Correspondence, 105. 04-09-21 Mailliard Correspondence, 106. 04-15-21 Dooley Correspondence, 107. 04-15-21 Erickson Correspondence, 108. 04-15-21 Futch and Carney Correspondence, 109. 04-15-21 Graham Correspondence, 110. 04-15-21 Grande Correspondence, 111. 04-15-21 Gundling Correspondence, 112. 04-15-21 Inland Mendocino County Land Trust Correspondence, 113. 04-15-21 L Fugman Correspondence, 114. 04-15-21 Lombardi Correspondence, 115. 04-15-21 Lopez Correspondence, 116. 04-15-21 Madison Correspondence, 117. 04-15-21 Mendocino County Farm Bureau Correspondence, 118. 04-15-21 Owen Correspondence, 119. 04-15-21 P Fugman Correspondence, 120. 04-15-21 Payne Correspondence, 121. 04-15-21 Perkins Correspondence, 122. 04-15-21 Roe Correspondence, 123. 04-15-21 Shebitz Correspondence, 124. 04-15-21 Slota Correspondence, 125. 04-15-21 Sobrero Correspondence, 126. 04-15-21 Wright Correspondence, 127. 04-16-21 Andrews Correspondence, 128. 04-16-21 Angellella Correspondence, 129. 04-16-21 AuClair Correspondence, 130. 04-16-21 Beltran Correspondence, 131. 04-16-21 Blackwell Correspondence, 132. 04-16-21 Bonnet Correspondence, 133. 04-16-21 Campos Correspondence, 134. 04-16-21 Cervantes Correspondence, 135. 04-16-21 Cook Correspondence, 136. 04-16-21 Cortez Correspondence, 137. 04-16-21 Covelo Community Services District Correspondence, 138. 04-16-21 Elberg-Gibson Correspondence, 139. 04-16-21 Faulkner Correspondence, 140. 04-16-21 Flow Cannabis Correspondence, 141. 04-16-21 Gamble Correspondence, 142. 04-16-21 Gonzalez Correspondence, 143. 04-16-21 Harrison Correspondence, 144. 04-16-21 Hicks Correspondence, 145. 04-16-21 Johnston Correspondence, 146. 04-16-21 Jupiter Correspondence, 147. 04-16-21 Kanthack Correspondence, 148. 04-16-21 Kasten Correspondence, 149. 04-16-21 Keats Correspondence, 150. 04-16-21 Kiel Correspondence, 151. 04-16-21 Lizarraga Correspondence, 152. 04-16-21 Lumbreras Correspondence, 153. 04-16-21 Madison Correspondence, 154. 04-16-21 Manion Correspondence, 155. 04-16-21 MCA Correspondence, 156. 04-16-21 McCarthy Correspondence, 157. 04-16-21 Mijatovic Correspondence, 158. 04-16-21 Morgan Correspondence, 159. 04-16-21 Nadler Correspondence, 160. 04-16-21 Pool Correspondence, 161. 04-16-21 Putter Correspondence, 162. 04-16-21 Richards Correspondence, 163. 04-16-21 Ruiz Correspondence, 164. 04-16-21 RVAMAC Addendum Correspondence, 165. 04-16-21 RV County Water District, 166. 04-16-21 Sacks Correspondence, 167. 04-16-21 Saunders Correspondence, 168. 04-16-21 Sicairos Correspondence, 169. 04-16-21 Smit Correspondence, 170. 04-16-21 Steven Correspondence, 171. 04-16-21 V. Beltran Correspondence, 172. 04-16-21 Zamora Correspondence, 173. 04-15-21 Baize Correspondence, 174. 04-15-21 Bancroft Correspondence, 175. 04-15-21 Berman Correspondence, 176. 04-15-21 Bernard Correspondence, 177. 04-15-21 Blackwell Correspondence, 178. 04-15-21 Borst Correspondence, 179. 04-15-21 Browe Correspondence, 180. 04-15-21 Calonico Correspondence, 181. 04-15-21 Castro Correspondence, 182. 04-15-21 Cisney Correspondence, 183. 04-15-21 Craig Correspondence, 184. 04-16-21 Rogers Correspondence, 185. 04-16-21 Gallop Correspondence, 186. 04-15-21 Mullen Correspondence, 187. 04-16-21 Beaumont Correspondence, 188. 04-16-21 Westwood Correspondence, 189. 04-16-21 Reynolds Correspondence, 190. 04-15-21 Peregrine Audubon Society Correspondence, 191. 04-16-21 Miller Correspondence, 192. 04-16-21 Hildebrand Correspondence, 193. 04-16-21 Lawner Correspondence, 194. 04-16-21 Dakin Correspondence, 195. 04-16-21 Gray Correspondence, 196. 04-16-21 Breckenridge Correspondence, 197. 04-16-21 MCCAAC Correspondence, 198. 04-16-21 Sullivan Correspondence, 199. 04-16-21 Soss Correspondence, 200. 04-16-21 Cavendish Correspondence, 201. 04-16-21 Cortez Correspondence, 202. 04-16-21 Cross Correspondence, 203. 04-16-21 Davenport Correspondence, 204. 04-16-21 Emerald Sun Correspondence, 205. 04-16-21 MCA-CCAO-Amendments Correspondence, 206. 04-16-21 CCSD Correspondence, 207. 04-16-21 Miller Correspondence, 208. 04-16-21 Raye Correspondence, 209. 04-16-21 Shelly Correspondence, 210. 04-16-21 Zarza-Hernandez Correspondence, 211. 04-17-21 Ross Correspondence, 212. 04-17-21 Covelo Cannabis Advocacy Group Correspondence, 213. 04-17-21 Fayal Correspondence, 214. 04-17-21 Gribi Correspondence, 215. 04-17-21 Kushner Correspondence, 216. 04-16-21 RVMAC

Correspondence, 217. 04-17-21 Restrepo Correspondence, 218. 04-17-21 Briggs Correspondence, 219. 04-17-21 Carlson Correspondence, 220. 04-17-21 Clayburg Correspondence, 221. 04-17-21 Courtney Correspondence, 222. 04-17-21 Dellacorra-Tate Correspondence, 223. 04-17-21 King Correspondence, 224. 04-17-21 Lamon Correspondence, 225. 04-17-21 Lumpkin and Talkovsky Correspondence, 226. 04-17-21 Mitro Correspondence, 227. 04-17-21 O'Roke Correspondence, 228. 04-17-21 Phallen-Fike Correspondence, 229. 04-17-21 Santaniello Correspondence, 230. 04-17-21 Short Correspondence, 231. 04-17-21 Trew Correspondence, 232. 04-17-21 Turcotte Correspondence, 233. 04-17-21 Weaver Correspondence, 234. 04-17-21 Davis Correspondence, 235. 04-18-21 Strong Correspondence, 236. 04-18-21 Sugarman Correspondence, 237. 04-18-21 Van Antwerp Correspondence, 238. 04-18-21 Walker Correspondence, 239. 04-18-21 WEC Letter to BOS, 240. 04-18-21 Wentzel Correspondence, 241. 04-18-21 Wolff Correspondence, 242. 04-18-21 Zachreson Correspondence, 243. 04-18-21 Zanella Correspondence, 244. 04-18-21 Zensen Correspondence, 245. 04-18-21 Aleshire Correspondence, 246. 04-18-21 Backup Correspondence, 247. 04-18-21 Bauer Correspondence, 248. 04-18-21 Bing Correspondence, 249. 04-18-21 Birger Correspondence, 250. 04-18-21 Borst Correspondence, 251. 04-18-21 Breen Correspondence, 252. 04-18-21 Carlstedt Correspondence, 253. 04-18-21 CBAMC Correspondence, 254. 04-18-21 CCAG Correspondence, 255. 04-18-21 Clein Correspondence, 256. 04-18-21 Cook Correspondence, 257. 04-18-21 Duke Correspondence, 258. 04-18-21 Fisette Correspondence, 259. 04-18-21 Frye Correspondence, 260. 04-18-21 Greene Correspondence, 261. 04-18-21 Gustafson Correspondence, 262. 04-18-21 Hansen Correspondence, 263. 04-18-21 Harman Correspondence, 264. 04-18-21 Harness Correspondence, 265. 04-18-21 Hayes Correspondence, 266. 04-18-21 Heath Correspondence, 267. 04-18-21 Heise Correspondence, 268. 04-18-21 Hereld Correspondence, 269. 04-18-21 Hurt Correspondence, 270. 04-18-21 I. Powell Correspondence, 271. 04-18-21 Karish Correspondence, 272. 04-18-21 King Correspondence, 273. 04-18-21 Knox Correspondence, 274. 04-18-21 Kuhnert Correspondence, 275. 04-18-21 Leighton Correspondence, 276. 04-18-21 Lockart Correspondence, 277. 04-18-21 Lovitt Correspondence, 278. 04-18-21 Luiz Correspondence, 279. 04-18-21 Magoffin Correspondence, 280. 04-18-21 Martin Correspondence, 281. 04-18-21 Morales Correspondence, 282. 04-18-21 Nelson Correspondence, 283. 04-18-21 Nicolaus Correspondence, 284. 04-18-21 O'Neill Correspondence, 285. 04-18-21 Phallen-Fike Correspondence, 286. 04-18-21 Powell Correspondence, 287. 04-18-21 Ray Correspondence, 288. 04-18-21 Rice Correspondence, 289. 04-18-21 Rogers Correspondence, 290. 04-18-21 Sanhedrin Chapter of the California Native Plant Society Correspondence, 291. 04-18-21 Shaffer Correspondence, 292. 04-18-21 Slota Correspondence, 293. 04-18-21 Smith Correspondence, 294. 04-18-21 Snyder Correspondence, 295. 04-18-21 Sommer Correspondence, 296. 04-17-21 Davis Correspondence, 297. 04-19-21 Miles Correspondence, 298. 04-19-21 Thomasson Correspondence, 299. 04-19-21 Brown Correspondence, 300. 04-19-21 Jenkins Correspondence, 301. 04-19-21 Lippert Correspondence, 302. 04-19-21 Farris Correspondence, 303. 04-19-21 Russell Correspondence, 304. 04-18-21 Fraser Correspondence, 305. 04-18-21 Gordon Correspondence, 306. 04-18-21 Holloway Correspondence, 307. 04-18-21 Ineich Correspondence, 308. 04-18-21 J. King Correspondence, 309. 04-18-21 Joel Correspondence, 310. 04-18-21 Koerper Correspondence, 311. 04-18-21 Krupski Correspondence, 312. 04-18-21 Leland Correspondence, 313. 04-18-21 L'Hoir Correspondence, 314. 04-18-21 Luria Correspondence, 315. 04-18-21 MacDonald Correspondence, 316. 04-18-21 Mileck Correspondence, 317. 04-18-21 Northcott Correspondence, 318. 04-18-21 Adams Correspondence, 319. 04-18-21 Alvarado Correspondence, 320. 04-18-21 Applegate Correspondence, 321. 04-18-21 Azarnoff Correspondence, 322. 04-18-21 Barney Correspondence, 323. 04-18-21 Bolton-Ast and Bennett Correspondence, 324. 04-18-21 Cardone Correspondence, 325. 04-18-21 Chestnut Correspondence, 326. 04-18-21 Cox Correspondence, 327. 04-18-21 Cummings Correspondence, 328. 04-18-21 Davis Correspondence, 329. 04-18-21 Franck Correspondence, 330. 04-18-21 Simmonds Correspondence, 331. 04-18-21 Spindler Correspondence, 332. 04-18-21 Stout Correspondence, 333. 04-18-21 Talkovsky Correspondence, 334. 04-18-21 Tenmile Creek Watershed Council Correspondence, 335. 04-18-21 Tripaldi Correspondence, 336. 04-18-21 Trudeau Correspondence, 337. 04-18-21 Wattenberg Correspondence, 338. 04-18-21 Wheeler Correspondence, 339. 04-18-21 Whipple Correspondence, 340. 04-18-21 Yeh Correspondence, 341. 04-18-21 Zensen Correspondence, 342. 04-18-21 O'Donnell Correspondence, 343. 04-18-21 P. Yeh Correspondence, 344. 04-18-21 Pellar Correspondence, 345. 04-18-21 Perrin Correspondence, 346. 04-18-21 Planty Correspondence, 347. 04-18-21 Schindler Correspondence, 348. 04-18-21 Clark Correspondence, 349. 04-18-21 Decater Correspondence, 350. 04-18-21 Doering Correspondence, 351. 04-18-21 Ferreira Correspondence, 352. 04-18-21 Haga Correspondence, 353. 04-17-21 Zanetell Correspondence, 354. 04-18-21 Artman Correspondence, 355. 04-18-21 Attaway Correspondence, 356. 04-18-21 Bailey Correspondence,

357. 04-18-21 Bauer Correspondence, 358. 04-18-21 Birkas Correspondence, 359. 04-18-21 C Knight Correspondence, 360. 04-18-21 Penaloza Correspondence, 361. 04-18-21 Phillips Correspondence, 362. 04-18-21 Reinier Correspondence, 363. 04-18-21 Schindel Correspondence, 364. 04-18-21 Sischo Correspondence, 365. 04-18-21 Harman Correspondence, 366. 04-18-21 Hauk Correspondence, 367. 04-18-21 Hill Correspondence, 368. 04-18-21 Knight Correspondence, 369. 04-18-21 Lohse Correspondence, 370. 04-18-21 Monroe Correspondence, 371. 04-18-21 Nilson Correspondence, 372. 04-19-21 Abbott Correspondence, 373. 04-19-21 Boyd Correspondence, 374. 04-19-21 Donham Correspondence, 375. 04-19-21 M Snyder Correspondence, 376. 04-19-21 Snyder Correspondence, 377. 04-18-21 Sison and Hawley Correspondence, 378. 04-18-21 Turner Correspondence, 379. 04-18-21 Underhill Correspondence, 380. 04-18-21 Wordhouse Correspondence, 381. 04-19-21 Barra Correspondence, 382. 04-19-21 Kennedy Correspondence, 383. 04-19-21 Rolzinski Correspondence, 384. 04-19-21 Sirah Correspondence, 385. 04-19-21 Williams Correspondence, 386. 04-19-21 Leland Correspondence, 387. 04-19-21 SEC Correspondence, 388. 04-19-21 Karaglanis Correspondence, 389. 04-19-21 Morford Correspondence, 390. 04-19-21 Decarlos Correspondence, 391. 04-19-21 Marr Correspondence, 392. 04-19-21 Laytonville County Water District Correspondence, 393. 04-19-21 Oncale Correspondence, 394. 04-19-21 Priesmeyer Correspondence, 395. 04-19-21 Speckman Correspondence, 396. 04-19-21 Ward Correspondence, 397. 04-19-21 Yeh Correspondence, 398. 04-19-21 Richard Correspondence, 399. 04-19-21 Steinmetz Correspondence, 400. 04-19-21 Tye Correspondence, 401. 04-19-21 Madison Correspondence, 402. 04-19-21 Werra Correspondence, 403. 04-19-21 Werra Correspondence, 404. 04-19-21 Gordon Correspondence, 405. 04-19-21 Boyle Correspondence, 406. 04-19-21 Easterbrook Correspondence, 407. 04-19-21 Boyle Correspondence, 408. 04-19-21 Cavanaugh Correspondence, 409. 04-19-21 Easterbrook Correspondence, 410. 04-19-21 Glycer Correspondence, 411. 04-19-21 Albert Correspondence, 412. 04-19-21 Boyle Correspondence, 413. 04-19-21 Cavanaugh Correspondence, 414. 04-19-21 Dutro Correspondence, 415. 04-19-21 Easterbrook Correspondence, 416. 04-19-21 Glycer Correspondence, 417. 04-19-21 Matheny Correspondence, 418. 04-19-21 Orton Correspondence, 419. 04-19-21 Powell Correspondence, 420. 04-19-21 Ward Correspondence, 421. 04-20-21 Klein Correspondence, 422. 04-20-21 ORourke Correspondence, 423. 04-20-21 Smith Correspondence, 424. 04-20-21 White Correspondence, 425. 04-21-21 Proteau Correspondence, 426. 04-22-21 Alvarado Correspondence, 427. 04-22-21 Long Correspondence, 428. 04-22-21 Mullen Correspondence, 429. 04-23-21 Borst Correspondence, 430. 04-24-21 Broz Correspondence, 431. 04-24-21 Comer Correspondence, 432. 04-24-21 Gibson Correspondence, 433. 04-24-21 Mullen Correspondence, 434. 04-24-21 Orton Correspondence, 435. 04-25-21 Beatty Correspondence, 436. 04-25-21 Laurent Correspondence, 437. 04-25-21 Rodriques Correspondence, 438. 04-25-21 Stark Correspondence, 439. 04-25-21 MCA Correspondence, 440. 04-26-21 Adams Correspondence, 441. 04-26-21 Birger Correspondence, 442. 04-26-21 CCAG Correspondence, 443. 04-26-21 Dewey-White Correspondence, 444. 04-26-21 Harwood and Kanavle Correspondence, 445. 04-26-21 Slaton Correspondence, 446. 04-26-21 Steinmetz Correspondence, 447. 04-26-21 Stipe Correspondence, 448. 04-26-21 White Correspondence, 449. 04-20-21 Andich Correspondence, 450. 04-20-21 Courtney Correspondence, 451. 04-20-21 Davis Correspondence, 452. 04-20-21 Godee Correspondence, 453. 04-20-21 Hooker Correspondence, 454. 04-26-21 Amato Correspondence, 455. 04-26-21 Azarnoff Correspondence, 456. 04-26-21 Chang Correspondence, 457. 04-26-21 Davis Correspondence, 458. 04-26-21 Turner Correspondence, 459. 04-26-21 Wheeler Correspondence, 460. 04-27-21 Magoffin Correspondence, 461. AG.RL & Water Districts, 462. 04-27-21 Wordhouse Correspondence

Date	Ver.	Action By	Action	Result
4/27/2021	1	Board of Supervisors		

To: Board of Supervisors

From: Planning and Building Services

Meeting Date: April 27, 2021

Department Contact: Julia Acker Krog

Phone: 707-234-6650

Department Contact: Ignacio Nash Gonzalez

Phone: 707-234-6650

Item Type: Noticed Public Hearing

Time Allocated for Item: 5 hours

Agenda Title:

Noticed Public Hearing - Discussion and Possible Action Including Introduction and Waive First Reading of an Ordinance Adopting Mendocino County Code Chapter 22.18 - Commercial Cannabis Activity Land Use Development Ordinance and Making Corresponding Amendments to Chapter 10A.17 - Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 - Cannabis Cultivation Sites (*continued from April 19, 2021*)

(*Closed Public Hearing open for Board Action Only*)

(Sponsor: Planning & Building Services)

Recommended Action/Motion:

Introduce and waive first reading of an ordinance adopting Mendocino County Code Chapter 22.18 - Commercial Cannabis Activity Land Use Development Ordinance and making corresponding amendments to Chapter 10A.17 - Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 - Cannabis Cultivation Sites.

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.

Summary of Request:

Proposed Chapter 22.18 would regulate the cultivation of cannabis as a land use issue and review it under existing standards within the Zoning Code, it requires a use permit or administrative permit for cannabis cultivation operations, and provides for site specific review of all proposed sites. In addition, the proposed Ordinance seeks to eliminate the duplicative permitting process that is currently required by Chapter 10A.17, where cultivators must obtain a local Permit and also a State License that are largely reviewing the exact same criteria. The proposed Ordinance would require a cannabis cultivator to obtain the appropriate discretionary permit locally to authorize the proposed use, as required by proposed Appendix A Chapter 22.18, and as such would be subject to stringent review related to compliance with requirements of the Zoning Code and the California Environmental Quality Act. All setback criteria from sensitive receptors and residential structures on adjacent lots, method of cultivation, background check, and other limitations would be handled through the State License process and all cultivation operations would be subject to compliance with the State regulations in regards to how the cannabis is cultivated. Since each cannabis cultivation operation will be reviewed under a discretionary permit, each site will be reviewed individually for compliance with the California Environmental Quality Act (CEQA). This will allow for appropriate site specific conditions and/or mitigations to be applied to these operations to reduce potential impacts to less than significant levels. Neighborhood concerns would be addressed through the discretionary permit process and required findings would need to be made by the approving authority of discretionary permit in order to assure that the activity would not "constitute a

nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.” Corresponding changes to Chapters 10A.17 and 20.242 are proposed as well to avoid conflicting and/or overlapping regulations. In particular, Phase Two of Chapter 10A.17 has been given an end date and Phase Three has been eliminated.

The Planning Commission, at their March 19, 2021 special meeting, adopted a resolution making a recommendation to the Board of Supervisors that they approve the Project by adopting an ordinance amending Mendocino County Code, Title 22, to add Chapter 22.18 and amending Chapters 10A.17 and 20.242 of the Mendocino County Code to remove reference to the previous permitting system, with modifications made at the meeting and as specified in their resolution.

Alternative Action/Motion:

Provide direction to staff.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At:

<https://www.mendocinocounty.org/government/planning-building-services/public-notice>

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: Steve Dunncliff, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Atlas Pearson, Deputy Clerk I

Date: APRIL 28, 2021

Final Status: Direction Given to Staff

