



Mendocino County

Legislation Text

File #: 20-0448, Version: 2

To: Board of Supervisors

From: Planning and Building Services

Meeting Date: May 19, 2020

Department Contact: Matthew Kiedrowski

Phone: 463-6885

Department Contact: Julia Acker Krog

Phone: 234-6650

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Ordinance Amending Section 10A.17.080 of the Mendocino County Code to Postpone the Start Date of Phase Three of the Cannabis Cultivation Permit Program

Recommended Action/Motion:

Adopt Ordinance amending Section 10A.17.080 of the Mendocino County Code to postpone the start date of Phase Three of the Cannabis Cultivation Permit Program; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

Adoption of Ordinance No. 4381 on April 4, 2017, adopting Chapters 10A.17 and 20.242 to the Mendocino County Code. Adoption of Ordinance No. 4392 on August 29, 2017, making certain amendments to Chapter 10A.17. Adoption of Ordinance No. 4408 on April 28, 2018, making additional amendments to Chapter 10A.17. Adoption of Ordinance No. 4411 on June 5, 2018, making additional amendments to Chapter 10A.17. Adoption of Ordinance No. 4413, on July 10, 2018, making additional amendments to Chapter 10A.17. Adoption of Ordinance No. 4422, on December 18, 2018, making additional amendments to Chapter 10A.17. Adoption of Ordinance No. 4438 on October 1, 2019, making additional amendments to Chapters 10A.17 and 20.242. Direction provided to staff regarding further changes on February 25, 2020. The Board of Supervisors introduced and waived first reading of Ordinance on May 5, 2020.

Summary of Request:

On February 25, 2020, the Board of Supervisors reviewed the recommendations of the Cannabis Ad Hoc Committee and provided direction to staff to make certain changes to Chapter 10A.17. The Board began discussing changes related to Phase Three of the cultivation ordinance, but this topic was continued to a subsequent meeting of the Board. Staff was beginning to prepare amendments consistent with the direction given when the COVID-19 pandemic began to impact Mendocino County. At this time, staff is not proposing to address all of the direction given at the February 25 Board meeting. Staff is recommending that the Board take action to delay the opening date of Phase Three of the cannabis cultivation ordinance. Phase Three is when any applicant, including those without proof of prior cultivation, may apply for cultivation permits on eligible property in Mendocino County.

Section 10A.17.080 currently provides that applications for Phase Three permits may be submitted beginning July 1, 2020. Staff notes that the Board has indicated that it would like to discuss potential changes to Phase Three, but as of this date, any such changes would not be effective prior to July 1, 2020. Adopting changes to

Phase Three after the phase is opened may lead to challenges in administering the program and create confusion.

Staff has prepared a redline and a clean version of an ordinance extending the start date of Phase Three to April 1, 2021. This timeline is intended to provide enough time for the Board to give direction and for staff to process amendments that may involve CEQA review and hearings by the Planning Commission. Should amendments be complete prior to April 1, 2021, the date could be revised at the same time. Chapter 10A.17 was adopted following the approval of a Mitigated Negative Declaration that reviewed the impacts of the County's cannabis cultivation regulations. As such, an Addendum to the Mitigated Negative Declaration has been prepared to satisfy the requirements of CEQA for the change proposed to Chapter 10A.17 by this proposed ordinance. The addendum makes findings on the level of significance the change entails with regard to environmental review. A separate resolution has been prepared to adopt the Addendum, and the Addendum is attached to the resolution for review.

Alternative Action/Motion:

Do not adopt Ordinance.

Supervisory District: All

vote requirement: Majority

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

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

budget clarification: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Steve Dunncliff, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Lindsey Dunham, Senior Deputy Clerk

Date: May 20, 2020

Final Status: **Adopted**

Executed Item Number: **Ordinance** Number: 4463

