



Mendocino County

Legislation Text

File #: 20-1203, Version: 1

To: Board of Supervisors

From: Supervisor Williams and Supervisor Haschak

Meeting Date: January 5, 2021

Department Contact: Supervisor Williams

Phone: 4441

Department Contact: Supervisor Haschak

Phone: 4441

Item Type: Regular Agenda

Time Allocated for Item: 1 hour

Agenda Title:

Discussion and Possible Action Including Direction to Staff to Develop a Framework for Approving Third Party Planning Consultants to Avail Phase 1 Cannabis Cultivation Applicants with the Option to Directly Hire for Summarization of County Performed Review as Necessary to Meet Site Specific Environmental Review Under the California Environmental Quality Act (CEQA) for Purposes of Seeking a State Annual License (Sponsor: Cannabis Ad Hoc Committee of Supervisors Williams and Haschak)

Recommended Action/Motion:

1) Direct staff to implement and execute a framework for approving cannabis cultivation planning consultants based on merit, ability to adhere to county standards, agreement of appropriate indemnity and assurance that in the course of summarization, California Environmental Quality Act will be followed and only existing county records memorialized by a writing will be translated; 2) Direct staff to maintain publication of the list of approved cannabis cultivation planning consultants on the web site; 3) Direct staff to develop a third party consultant engagement package for Phase 1 applicants, including agreement to release records to a consultant contracted by applicant, and a statement clarifying risks inherent in attempting to reuse County's phase 1 site specific review documentation for the purpose of state license. 4) Direct staff to continue expeditious processing of Air Quality Management District permits and Sensitive Species and Habitat Review in collaboration with California Department of Fish & Wildlife.

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 and December 8, 2020.

Summary of Request:

To legally cultivate cannabis in Mendocino County, both a County Permit and State License are necessary. Nearly all legal-market cannabis cultivators in our County are operating under State Provisional Licenses. State Provisional Licenses are temporary and sunset on January 1, 2022, at which point continued legal outdoor cultivation and the associated ~\$5.8M/year tax base will cease, likely forcing the county to implement cuts to programs financed by the General Fund. State Annual Licenses require site-specific environmental review. State regulation allows the site-specific environmental review to be met two ways. The first option is for the cultivator to perform full CEQA review and submit directly to California Department of Food and Agriculture (CDFA). Although this is a potentially viable path, practically CDFA does not currently have adequate staff available to process site-specific environmental review documentation. The estimate for processing these documents is months to years. This effort is estimated to cost cultivators tens of thousands of dollars. Alternatively, where a County permitting process performs adequate site-specific review and where the review is sufficiently documented, a County can show its work and relieve the need for redundant site-specific review for purposes of State Annual License. Summarization of review for purposes of State License application is beyond the scope of any fee collected by the County from Cannabis Cultivation applicants. The County does not have adequate planning staff and it is not clear the labor market can support ramping up the Planning and Building Services Department in time for the State deadline. Allowing cultivators to engage with approved third party planning consultants directly will alleviate the bottleneck at the County staff level and give applicants an additional path towards a State Annual License. The release of records agreement will highlight to the applicant the possibility of eventual denial by CDFA if the documentation is insufficient or inaccurate. The approved planning consultants will certify accuracy of work and their absolute compliance with CEQA. Marketplace competition will offer applicants greater speed and price efficiency than County government can provide.

Alternative Action/Motion:

No action.

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

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: N/A

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk I

Date: January 8, 2021

Final Status: **Direction Given to Staff**

