



Mendocino County

Legislation Text

File #: 21-0270, Version: 1

To: Board of Supervisors

From: Supervisor Haschak and Supervisor Williams

Meeting Date: February 23, 2021

Department Contact: Supervisor Williams

Phone: 4441

Department Contact: Supervisor Haschak

Phone: 4441

Item Type: Regular Agenda

Time Allocated for Item: 60 Min

Agenda Title:

Discussion and Possible Action Including Cannabis Cultivation Phase 1 Update, Status of the Third Party California Environmental Quality Act Consultant Framework and Process, Clarification of Environmental Mitigation Measures in 10A.17, Correction of Sunset Relocation Date for Coastal Area, and SB59 Support (Sponsor: Cannabis Ad Hoc Committee of Supervisors Haschak and Williams)

Recommended Action/Motion:

Direct staff to 1) Issue guidance and clarification regarding environmental mitigation measures identifying the information that must be included in application packets to determine whether Sensitive Species Habitat Review is Required; 2) Draft an ordinance amendment aligning the relocation deadline with Sunset deadline to encourage relocation out of residential neighborhoods; 3) Approve letter supporting SB59 (a bill to extend provisional license sunset); and authorize Chair to sign same.

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. 4394, adopting Chapters 6.36 and 20.243. 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. 4410, amending Chapters 2.36 and 20.243. 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, October 13, 2020, December 8, 2020 and January 7, 2021.

On October 13, 2020, the Board directed staff to develop a Phase Three discretionary use permit pro-program and update zoning table to restrict cultivation activity in residential neighborhoods and locate expanded

agricultural activities in agriculturally appropriate zones, specifically allowing cultivation in Rangeland, and allowing for cultivation area up to 10% of parcel size in UR, RL and AG zones. On January 25, 2021 the Board approved the Phase Three discretionary use permit, associated zoning table and facilities ordinance for submission to Planning Commission. On Feb 9, 2021 the board gave further direction to staff in regards to Phase 1 of the Cannabis Cultivation ordinance, including transitioning the Cannabis Manager to be a direct board report.

Summary of Request:

Planning and Building Services recently published, on February 3, 2021, the Cannabis CEQA Consultant Recommended Minimum Qualifications and Statement of Qualifications that will be required to be submitted to the Cannabis Program email in order to be listed on the website. These documents may be found at:

<<https://www.mendocinocounty.org/government/planning-building-services/cannabis-cultivation/cannabis-ceqa-consultant-list>>"

Section 10A.17.100(A) of the Mendocino County Code is ambiguous as to which permit applications involve "proposed development" requiring a Sensitive Species and Habitat Review and consultation with the California Department of Fish and Wildlife. The Mitigated Negative Declaration associated with 10A.17 Cannabis Cultivation ordinance, however, is clear that a mitigation effort of Sensitive Species and Habitat Review by the California Department of Fish and Wildlife is scoped only to new, non-contiguous cultivation development. Based on the supporting environmental documents, it would appear prudent to direct staff to issue guidance clarifying which permit applications this requirement applies to and what information applicants must include to allow the County to make this determination. This clarification may lessen the extent of the SSHR bottleneck by potentially eliminating unnecessary review for many of the 1100 current applicants.

The sunset deadline was previously adjusted by the board for areas within two (2) miles of the Coastal Zone Boundary, but the deadline to relocation was not. This has allowed continued cultivation in the affected sunset neighborhoods without possibility of transferring to appropriate cultivation locations. The request for alignment will allow expedited relocation which could otherwise be blocked. The misalignment is likely due to board confusion at time of approved motion, not actual intent of the board.

SB59 would extend the repeal date of these provisional license provisions to July 1, 2028. By extending provisional licensure, the applications for which are required to be signed under penalty of perjury, the bill would expand the scope of the crime of perjury, and would thereby impose a state-mandated local program. Read more at:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=20210220SB59

Alternative Action/Motion:

No action, or provide alternative direction to staff.

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: February 25, 2021

Final Status: **Approved with Direction**

