



Mendocino County

Legislation Text

File #: 21-0313, **Version:** 1

To: Board of Supervisors

From: County Counsel and Planning and Building Services

Meeting Date: March 22, 2021

Department Contact: Matthew Kiedrowski

Phone: 234-6885

Department Contact: Julia Krog

Phone: 234-6650

Item Type: Regular Agenda

Time Allocated for Item: 2 Hours

Agenda Title:

Discussion and Possible Action Including Adoption of Urgency Ordinance Establishing a Temporary Moratorium on the Commencement of Phase Three Cannabis Cultivation Permitting under Mendocino County Code Chapters 10A.17 and 20.242 Pending the Study and Consideration of Land Use and Other Regulations Pertaining to Cannabis Cultivation

(Sponsors: County Counsel and Planning and Building Services)

Recommended Action/Motion:

Adopt urgency ordinance establishing a temporary moratorium on the commencement of Phase Three cannabis cultivation permitting under Mendocino County Code Chapters 10A.17 and 20.242 pending the study and consideration of land use and other regulations pertaining to cannabis cultivation; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On May 19, 2020, the Board of Supervisors adopted Ordinance No. 4463, postponing the start of Phase Three until April 1, 2021.

Summary of Request:

The purpose of this urgency ordinance is to suspend the commencement of Phase Three cannabis cultivation permitting.

Government Code section 65858 provides that the County may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the County is considering or studying or intending to study within a reasonable amount of time. Such an urgency ordinance must contain findings that there is a current and immediate threat to the public health, safety or welfare, and that the approval of additional permits or entitlements would result in that threat to public health, safety, or welfare. A four-fifths vote of the Board of Supervisors is needed to adopt the urgency ordinance, and the ordinance will only be in effect for 45 days. However, the ordinance may be extended after notice and a public hearing, for a period of no more than 2 years from the initial adoption.

As set out in the declarations and findings of the proposed urgency ordinance, permitting Phase Three of the

existing cannabis regulatory system to open while County staff, pursuant to Board direction, is actively developing an entirely different cannabis regulatory system, would cause confusion and concern among applicants, potential applicants and neighborhoods regarding the various regulations. The resulting pressure on staff time to respond to inquiries and applications, as well as attempting to integrate existing Phase Three applicants into the new system would cause delay in handling other applications, and have a negative impact on residential and business development.

The proposed ordinance is exempt from CEQA review for various reasons, as set forth in the ordinance. At its core, the urgency ordinance maintains the regulatory and environmental status quo. Not accepting new cannabis cultivation applications will not have a significant effect on the environment. If the Board adopts the Ordinance, staff will file a Notice of Exemption.

Alternative Action/Motion:

Provide alternative direction.

Supervisory District: All

vote requirement: 4/5ths

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: Yes

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk I

Date: March 22, 2021

Final Status:**Adopted**

Executed Item Type: **Ordinance** Number:
4488

