



Mendocino County

Legislation Text

File #: 22-0409, Version: 1

To: Board of Supervisors

From: Cannabis

Meeting Date: March 2, 2022

Department Contact: Kristin Nevedal

Phone: 707-234-6680

Item Type: Regular Agenda

Time Allocated for Item: 30 minutes

Agenda Title:

Discussion and Possible Action Including Direction to Staff Regarding Amendments to the Sensitive Species Habitat Review Performance Standards and the Contiguous Expansion Affidavit Policy
(Sponsor: Cannabis)

Recommended Action/Motion:

Discuss and provide direction to the County Cannabis Director to amend the Sensitive Species Habitat Review Performance Standards and the Contiguous Expansion Affidavit Policy.

Previous Board/Board Committee Actions:

On February 23, 2021, the Board of Supervisors directed staff to 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.

Summary of Request:

On September 30, 2020, County staff, in collaboration with the California Department of Fish and Wildlife (CDFW) completed development of the sensitive species review policy and associated documents including the Exhibit A, Sensitive Species Performance Standards Review and the Sensitive Species Habitat Questionnaire. This policy was intended to fulfill the requirement of Mendocino County Code section 10A.17.100(A) to establish such a policy with CDFW.

Based on direction provided to County staff during the February 23, 2021, Board of Supervisors meeting, staff took completed the following:

1. Defined contiguous expansion to mean the relocation of plant canopy, and/or the permitted expansion of plant canopy to an area that is within 200 feet of any- original cultivation site (prior to January 1, 2016) located on the parcel. Terms used in this definition shall be the same as those already defined in Chapter 10A.17, including "cultivation site," "expansion," and "plant canopy";
2. Published an updated sensitive species habitat review webpage with updated policy information; and
3. Implemented the contiguous expansion affidavit policy to provide Phase 1 cultivation applications an exemption from completing the Sensitive Species Habitat Questionnaire and from review for compliance with the Exhibit A, Sensitive Species Performance Standards upon the filing an approved contiguous expansion affidavit.

Upon implementation of the contiguous expansion definition and contiguous expansion affidavit policy several concerns have been identified, including but not limited to:

1. Concerns raised by CDFW that cultivation sites filing a contiguous expansion affidavit would not be reviewed for compliance with the thirteen (13) performance standards identified in Exhibit A, Sensitive Species Performance Standards before County staff issues a permit; and
2. Concerns raised by County staff that the elimination of the review for compliance with the Exhibit A, Sensitive Species Performance Standards before issuance of a permit could result in challenges and possibly the inability of County staff to certify an Appendix G Checklist for those permit holders who had submitted an approved contiguous expansion affidavit during the application review process.

County Staff is seeking direction regarding possible amendments to the Sensitive Species Habitat Review Performance Standards and the Contiguous Expansion Affidavit Policy to ensure that cannabis cultivation applications are reviewed for Exhibit A, Sensitive Species Performance Standards before the issuance of a permit.

Alternative Action/Motion:

Provide staff with alternate direction.

Does This Item Support the General Plan? N/A

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

budgeted in current f/y: N/A

current f/y cost: N/A **if no, please describe:**

annual recurring cost: N/A

revenue agreement: N/A

budget clarification: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Choose an item.

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk II

Final Status: **Direction Given to Staff**

Date: March 8, 2022

