



County of Mendocino
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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ADDENDUM

DATE: OCTOBER 18, 2018

TO: PLANNING COMMISSION

FROM: MARY LYNN HUNT, CHIEF PLANNER
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SUBJECT: ADDENDUM TO PROPOSED CODE AMENDMENT-OA_2018-0008_/R_2018-0005:
AMENDMENTS TO MENDOCINO COUNTY CODE CHAPTER 10A.17 – MENDOCINO
CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 - CANNABIS
CULTIVATION SITES; PROPOSED ADDITION OF CHAPTER 20.118 – CANNABIS
ACCOMMODATION (CA) COMBINING DISTRICT AND CHAPTER 20.119 – CANNABIS
PROHIBITION (CP) COMBINING DISTRICT TO THE MENDOCINO COUNTY CODE,
AND REZONING OF CERTAIN PROPERTIES TO THE CA AND CP DISTRICTS.

BACKGROUND: Since publication of the Planning Commission packet for its meeting on October 18, 2018, staff has identified several revisions to the proposed Municipal Code amendments. Staff recommends the Planning Commission incorporate these revisions in its recommendations to the Board of Supervisors.

EXPLANATION OF REVISIONS:

New Section 20.118.030(D):

The proposed new provision establishes the timeframe within which new Cannabis Accommodation (CA) Combining Districts may be established. The CA Combining Districts are associated with Phase 1 permits and therefore the timing for establishing new districts is limited. The proposed date of November 1, 2019 will allow individuals approximately 10 months from the effective date of currently proposed County Code amendments to apply for new CA Combining Districts.

New Section 20.118.040(A):

The proposed new provision establishes the timeframe in which cannabis cultivation permit applications may be submitted following establishment of a CA Combining District. Without this provision, Section 10.A.17.080 (A)(1) would not allow for the submittal of applications after December 31, 2018. This new provision provides a six-month window following the effective date of any CA Combining District, inclusive of currently proposed CA Combining Districts and future CA Combining Districts,

Revised Section 20.118.050(A):

The proposed revision clarifies that the County will not accept applications to repeal or amend a CA Combining District for ten years from establishment of the district. Language that could have been construed to mean the such a district is valid for only ten years has been removed.

Amended Section 20.118.050(E):

The proposed revision clarifies the section and creates consistency with Section 20.119.050(D) of the CP Combining District chapter.

Chapter 20.119:

The proposed revision is a name correction from Woody Glen to Woodyglen throughout the chapter.

New Section 20.119.040(C):

The proposed new provision clarifies that Section 20.119.040(B), which provides a three-year period for permitted cannabis cultivation uses to continue after establishment of a CP Combining District does not extend the allowed use beyond the period that would otherwise be allowed under Section 10A.17.080(B)(2)(b) (Sunset). Example: a permitted use on an RR2 zoned parcel that is subject to a May 4 2020 Sunset would still be subject to that Sunset date and would not be extended for a period of three years from establishment of a CP Combining District in which such parcel is located.

Amended Section 20.119.050(D):

The proposed revision clarifies the section and creates consistency with Section 20.118.050(E) of the CA Combining District chapter.

RECOMMENDATION TO THE PLANNING COMMISSION

Staff recommends that the Planning Commission incorporate the above noted revisions in its recommendation to the Board of Supervisors.

Attachment:

Revised Ordinance Language

Addenda to the Planning Commission Staff Report and Associated Attachments and Exhibits

Chapter 20.118

Section 20.118.030. Establishment of CA Combining District.

- (A) The establishment of a CA Combining District shall be in accordance with the provisions of Section 20.212, except as otherwise provided in this Section.
- (B) Establishment of a CA Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CA district. Such application shall be filed with the Planning and Building Services Department and shall be accompanied by a petition that demonstrates support for the proposed CA district by more than 60% of the affected property owners (as demonstrated by one owner's signature per legal parcel) within the proposed CA district. The County may, at its discretion, require or allow an alternative demonstration of landowner support, including but not limited to, a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.
- (C) Action on the filed application shall be taken by the Planning Commission and Board of Supervisors as established in Section 20.212.
- (D) Applications for CA Combining Districts will be accepted until November 1, 2019.

Section 20.118.040. Regulations for CA Combining District.

- (A) Notwithstanding application deadlines identified in Section 10.A.17.080(A)(1), applications for cannabis cultivation permits within a CA Combining District must be submitted within 180 days of the effective date of the ordinance that establishes the CA Combining District.

Section 20.118.050. Changes to CA Combining District.

- (A) The CA Combining District shall remain in effect for a minimum of ten (10) years after date of adoption by the Board of Supervisors. For the first ten (10) years after the date of adoption, no application to repeal or amend a CA Combining District, except as described in Section 20.118.050(D), may be initiated by a member of the public.

Section 20.118.050. Changes to CA Combining District.

- (E) Action on an application to repeal, amend, or add contiguous property to a CA district shall be taken by the Planning Commission and Board of Supervisors consistent with the provisions of Sections Chapter 20.212, except as amended provided by this Section.

Chapter 20.119

Global replacement of ~~Woody Glen~~ with Woodyglen.

Section 20.119.040. Regulations for CP Combining District.

- (A) All new and unpermitted cannabis cultivation sites as defined in sections 10A.17.020 except those uses identified as exempt under Section 10A.17.030, and all cannabis facilities as defined in section 20.243.030 shall be prohibited within the CP district.
- (B) Existing permitted cannabis cultivation sites or permitted cannabis facilities located within a newly adopted CP Combining District zone shall be permitted to continue operations for three years from the date of establishment of the CP district. After three

years following the date of establishment of the district, commercial cannabis cultivators and commercial cannabis facilities shall cease operations.

- (C) Nothing in this section shall be construed to extend the period of allowed cultivation as established under Mendocino County Code Sec. 10A.17.080(B)(2)(b) (Sunset provisions).

Section 20.119.050

- (A) ~~The CP Combining District shall remain in effect the for ten (10) years after date of adoption by the Board of Supervisors.~~ For the first ten (10) years after the date of adoption, no application to repeal or amend a CP Combining District, except as described in Section 20.119.050(C), may be initiated by a member of the public.

Section 20.119.050

- (D) Action on an ~~petition~~ application to repeal, amend, or add contiguous property to a CP district shall be taken by the Planning Commission and Board of Supervisors ~~as stated in consistent with the provisions of Sections Chapter 20.212.025, 030, 035, and 040,~~ except as provided by this Section.