



Cannabis Zoning Exemption

Planning Commission– October 18, 2018



Overview

- Cannabis Zoning Exemptions - Purpose and Intent
- Update Process
- Community Input
- Proposed Code Amendments
- Proposed CA and CP Combining Districts
- Recommended Actions



Purpose

Mendocino County requested consultant services for the Cannabis Zoning Exemption effort to consider:

- Exemptions for properties that do not meet zoning requirements of Chapters 10.A.17 and/or 20.242.
- Tools such as Use Permits, Overlay Zones or Combining Districts.
- Options for phasing out commercial cultivation in residential neighborhoods.
- Exception process for properties not within an Overlay Zone/Combining District.



Code Amendment Process

- Review County Regulations
- Establish Sub-Groups
- Issue identification
- Optional Solutions
- Prepare Framework
- Internal review – County staff and legal
- Present to Board for Direction
- Community meetings – Opt In and Opt Out zones
- Draft ordinance language
- General Plan review
- CEQA (as necessary)
- Revise regulations as appropriate
- Formal consideration by Planning Commission and Board of Supervisors



Code Amendment Process

Community Working Group

- 40 individuals expressed interest in assisting with the Cannabis Zoning Exemptions effort.
- Three Sub-Groups established – each Sub-Group included four to seven representatives.
- Michael Baker conducted in person meetings and conference calls with each Sub-Group – total of more than 16 formal meetings.
- Sub-Group interaction was conducted as an alternative to more conventional community outreach during early phases of effort.



Code Amendment Process

Regulatory Frameworks

- Frameworks were prepared to identify key points of proposed code amendments for each subject area.
- Working groups were directly engaged in developing the three Framework documents.
- Board of Supervisors reviewed Frameworks and provided direction on June 12, 2018.
- Frameworks were adjusted based on Board input and served as the basis for County Code amendments.



Community Input

Community Meetings

- Meetings were held to receive public input from community members of the proposed Combining Districts:
 - **Covelo** - July 26, Covelo
 - **Mitchell Creek** - July 26, Caspar
 - **Laytonville and South Leggett** - July 27, Laytonville
 - **Deerwood and Boonville/Woodyglen** - July 27, Ukiah
- Except Mitchell Creek, meetings were relatively low attendance.
- Input at meetings was generally consistent with Community Survey results.
- Mitchell Creek landowners felt under represented.



Community Input

Community Surveys

- Various concerns regarding landowner petitions were noted during community meetings.
- Online survey conducted to gauge the level of support for proposed Combining Districts.
- Postcards were sent to property owners inside of or within 350 feet of each proposed Combining District.
- Each postcard provided a unique survey code that was associated with a specific property.



Community Input

Community Survey Results

- Covelo Core CA District: Approval rate: **81%**
- Covelo Fairbanks Road CA District: Approval rate: **60%**
- Mitchell Creek North CA District: Approval rate: **10%**
- Mitchell Creek South CA District: Approval rate: **33%**
- Laytonville CA District: Approval rate: **80%**
- South Leggett CA District: Approval rate: **88%**
- Deerwood CP District: Approval rate: **94%**
- Boonville Road/Woodyglen CP District: Approval rate: **92%**



Community Input

Community Input

- County established web address to receive input:
www.cannabisoverlay@mendocinocounty.org
- More than 150 emails received prior to publishing the Planning Commission packet.
- Substantial majority of all messages were from Mitchell Creek and were opposed to that Combining District.
- Significant number of messages from Deerwood and Boonville/Woodyglen with near unanimous support for those Combining Districts.
- More than 60 emails since packet circulation, almost entirely in support of CP Districts.



Community Input

Summary

- Input from emails, community meetings and community surveys was relatively consistent throughout.
- Participation in meetings and surveys was not high, but results were definitive.
- Numerous concerns regarding the community survey were voiced – in some cases related to technical difficulties.
- Many email responses were received – questions and requests for support were responded to directly.



Combining Districts

- Cannabis Accommodation (CA) and Cannabis Prohibition (CP) Combining Districts.
- Combining Districts modify uses rights of the underlying zoning designation.
- Proposed regulations establish initial Combining Districts and establish procedures for future Combining Districts.



Combining Districts

Attributes of CA and CP Combining Districts:

- Establishing first Districts and creating process for future Districts.
- Intended to apply to predominantly residential properties.
- Must include at least 10 parcels which are generally contiguous.
- Landowner petition required to initiate review of a new CA or CP Combining District.
- Petition must demonstrate 60% support by property owners.



Combining Districts

Attributes common to CA and CP Combining Districts:

- For 10 years following establishment, parcels may be added to a CA or CP Combining District, but cannot be removed.
- Property owners cannot request repeal or amendment of a CA or CP Combining District for period of 10 years.
- After 10 years, property owners may request amendment or repeal – 60 % petition required.



Cannabis Accommodation (CA) Combining District

CA Combining Districts would support existing local cultivators by adjusting regulations as follows:

- Sunset provision does not apply in CA Combining Districts.
- Cannabis Cultivation Permit types (C) Small Outdoor, (C-A) Small Indoor, Artificial Light, and (C-B) Small, Mixed Light allowed on any parcel provided all other existing standards/requirements are met.
- Required property line setback reduced to 20 feet.
- Required property line setback may be reduced to less than 20 feet or waived subject to Administrative Permit approval.
- Required setback from adjacent residence may be reduced to 20 feet subject to Administrative Permit approval.



Cannabis Accommodation (CA) Combining District

CA Combining Districts – time frames for establishment of Districts and applications for permits:

- Applications for new CA Combining Districts will be accepted until November 1, 2019.
- Applications for cannabis cultivation permits allowed through a CA Combining District may be submitted for a period of 180 days following establishment of a CA Combining District.



Cannabis Accommodation (CA) Combining District

Proposed actions include establishment of the following CA Combining Districts:

- Covelo (Fairbanks Road)
- Covelo (Core)
- Laytonville
- South Leggett

Mitchell Creek CA Combining Districts have been considered – based on community input staff recommends against approval of Mitchell Creek CA Combining Districts.



Cannabis Prohibition (CP) Combining Districts

CP Combining Districts would benefit local neighborhoods that feel impacted by commercial cannabis uses by:

- Prohibiting issuance of new commercial cannabis permits within defined/designated neighborhoods.
- Requiring existing permitted commercial cannabis uses to cease operations within 3 years.
- Provide relative stability for the Opt-Out regulations – allow confidence for buyers that are not interested in commercial cannabis uses.



Cannabis Prohibition (CP) Combining Districts

Proposed actions include establishment of the following CP Combining Districts:

- Boonville Road / Woodyglen
- Deerwood



Exceptions

Subject to approval of an Administrative Permit, and with certain limitations, the following exceptions may be granted:

- For cultivation not in a structure, setback from property line or access easement may be reduced to 20 feet.
- For cultivation inside a structure, setback may be reduced to standard front, side and rear setbacks of the applicable district.
- Parcels between 3.5 and 4.99 acres may be granted permits that are currently limited to 5 acre parcels.



Exceptions

Subject to approval of an Administrative Permit, and with certain limitations, the following exceptions may be granted:

- Parcels that are zoned RR5 which are between 3.5 acres and 4.99 acres may be exempt from Sunset.
- Parcels between 7.0 and 9.99 acres may be granted permits that are currently limited to 10 acre parcels.



Addendum Revisions

- Section 20.118.030(D) – allows applications for CA Combining Districts until November 1, 2019.
- Section 20.118.040(A) – allows applications within a CA Combining District for 180 days following establishment of District.
- Section 20.118.050(A) – clarifies restrictions on amendments or repeal of CA District for first 10 years.
- Section 20.118.050(E) – minor terminology revisions.



Addendum Revisions

- Chapter 20.119 – Woodyglen name correction.
- Section 20.119.040(C) – CP District does not protect cultivation from Sunset provisions.
- Section 20.119.050(A) – clarifies restrictions on amendments or repeal of CP District for first 10 years.
- Section 20.119.050(A) – minor terminology revisions.



New Proposed Text Revision

20.242.070(C)(8) Applicants eligible for a Phase One Permit pursuant to Chapter 10A.17 may apply for and be granted an Administrative Permit for an exception to the setback requirement of Section 10A.17.040(A)(5) of an outdoor, greenhouse or mixed light cultivation site to an adjacent legal parcel under separate ownership or access easement. Administrative Permits may be approved, conditionally approved or denied for the reduction of required setbacks established in Section 10A.17.040(A)(5) to no less than twenty (20) feet for cultivation not in a structure or no less than applicable front, side and rear yard setbacks for cultivation in a structure, based on the findings of 20.242.070(C)(1), (C)(2) and (C)(3) and on the following special findings:



Environmental Review

- County previously adopted a Mitigated Negative Declaration (MND) for adoption of Chapters 10A.17 and 20.242.
- Adjustments to regulations are applicable only where previous cultivation can be demonstrated.
- Proposed Exceptions require approval of an Administrative Permit that would be subject to CEQA if there is the potential for impacts to the environment.
- The Cannabis Accommodation Combining Districts would only allow permitting at previously existing cultivation sites.
- Based upon CEQA Guidelines Section 15162 and 15164, it has been determined that an Addendum to the previously adopted MND is the appropriate review under CEQA.



Recommendations

Staff recommends that the Planning Commission adopt Resolution No. _____, thereby recommending that the Board of Supervisors:

- Adopt an Addendum to the previously adopted Mitigated Negative Declaration (SCH#2016112028);
- Amend Chapters 10A.17 and 20.242 of the Mendocino County Code;
- Establish new Chapter 20.118 Cannabis Accommodation (CA) Combining District and create the Covelo Core, Covelo Fairbanks Road, Laytonville and South Leggett CA Combining Districts
- Establish new Chapter 20.119 Cannabis Prohibition (CP) Combining District and create the Deerwood and Boonville Road/Woodyglen CP Combining Districts; and

Staff further recommends the Planning Commission incorporate revisions as identified in the Planning Commission Addendum dated October 16, 2018.



Commission Comments and Questions

