

County of Mendocino
Ukiah, California
September 7, 2017

OA_2017-0001

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING PROPOSED AMENDMENT TO THE MENDOCINO COUNTY CODE TO ADD CHAPTER 20.243 MEDICAL AND ADULT USE CANNABIS FACILITIES OF THE MENDOCINO COUNTY INLAND ZONING ORDINANCE.

WHEREAS, the County of Mendocino desires to regulate cannabis facilities within the inland areas of the unincorporated areas of Mendocino County in a manner consistent with State law.

WHEREAS, County staff has, under the direction of the Board of Supervisors of Mendocino County, prepared a draft regulation in the form of a proposed new chapter of the Mendocino County Code: Chapter 20.243 – Medical and Adult Use Cannabis Facilities of the Mendocino County Inland Zoning Ordinance,

WHEREAS, it has been determined that the project is exempt from CEQA pursuant to CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.) Section 15061(b)(3) in accordance with the California Environmental Quality Act (Public Resources Code section 21000 et seq.; "CEQA") and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on September 7, 2017, to solicit public comments on the proposed Chapter, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the proposed Chapter. All interested persons were given an opportunity to hear and be heard; and

WHEREAS, pursuant to Government Code section 65850 et seq., the Planning Commission is to provide its report and recommendation to the Board of Supervisors on ordinances related to land-use regulation; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Planning Commission regarding the CEQA Exemption.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on the evidence in the record before it and the findings and determinations provided in the staff report, makes the following report and recommendation to the Mendocino County Board of Supervisors regarding Ordinance Amendment OA-2017-0001 and the CEQA exemption related thereto:

1. The Planning Commission recommends that the Board of Supervisors consider the adoption of Ordinance Amendment OA-2017-0001 exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3).

2. The Planning Commission recommends that the Board of Supervisors find that the adoption of Ordinance Amendment OA-2017-0001 consistent with the General Plan.

3. The Planning Commission recommends that the Board of Supervisors consider the adoption of Ordinance Amendment OA-2017-0001 in the form attached to this resolution as Exhibit A, with the following recommended changes:

A. Section 20.243.070, subdivision (A) be revised so that the reference to Section 20.243.110 shall be changed to Section 20.243.090.

B. The definition of "volatile solvent" in section 20.243.030 be revised to delete the second sentence "Examples of volatile solvents include but are not limited to, butane, hexane, propane, and ethanol."

C. Section 20.243.060 be revised so that (i) Processing permits be allowed in the AG, RL and FL zoning districts with a minor use permit; (ii) Manufacturing level 2 permits be allowed in the RC, I1, I2 and PI zoning districts with a minor use permit; (iii) Dispensing and Retail permits be allowed in the C1 and C2 zoning districts with a zoning clearance; and (iv) add performance standards to the administrative permit required for the C2 zoning district for Microbusiness permits so that the retail use is the primary use and other uses are incidental and subordinate.

D. Section 20.243.040(A)(2) be revised to read as follows:

"Processing facilities for cannabis grown on site pursuant to a permitted cultivation operation shall be allowed as an accessory use in all zones where cultivation is permitted pursuant to Chapter 10A.17 *Medical Cannabis Cultivation Ordinance*."

E. Section 20.243.110 be revised to include a definition/description of the Mendocino County Certified Unified Program Agency.

F. Section 20.243.040(E)(2)(b) be revised to add statutory or regulatory citations for the phrase "existing smoking ordinances."

4. The Planning Commission further recommends that the Board of Supervisors consider the following additional issues related to Ordinance Amendment OA-2017-0001:

A. That Chapter 20.243 be reviewed for compatibility with state statutes revised by Senate Bill 94 ("MAUCRSA").

B. That Chapter 20.243 be reviewed for compatibility with statutes and regulations regarding home kitchens.

C. That a temporary permit or authorization process be added to Chapter 20.243.

D. Whether edible cannabis products may be produced at a home manufacturing facility.

E. Section 20.243.070 be revised to (i) allow the use of such facilities with one of the following types of permits: administrative permit, minor use permit or major use permit; (ii) modify paragraph (a)(3) to read "there will be no net expansion of impervious surfaces"; (iii) delete paragraph (a)(4); (iv) modify paragraph (a)(5) to read that "no trees shall be unlawfully removed"; and (v) consider allowing such facilities in any zoning district subject to compliance with the County's existing nonconforming use requirements in Chapter 20.204.

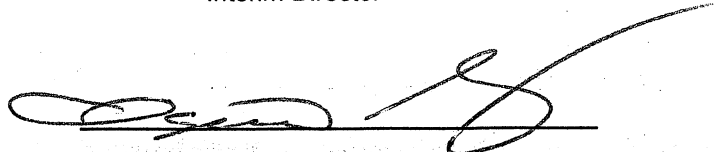
F. Section 20.243.080 to be revised to clarify that existing cannabis facilities with an approved business license would not be required to obtain a new permit pursuant to the Zoning Code.

-I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: VICTORIA DAVIS
Commission Services Supervisor

By: 

BY: IGNACIO GONZALEZ
Interim Director



MADIELIN HOLTKAMP, Chair
Mendocino County Planning Commission

