



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: NOVEMBER 16, 2018

TO: BOARD OF SUPERVISORS

FROM: MARY LYNN HUNT, CHIEF PLANNER
JESSE DAVIS, SENIOR PLANNER
MATTHEW KIEDROWSKI, DEPUTY COUNTY COUNSEL
PAUL JUNKER, MICHAEL BAKER INTERNATIONAL

SUBJECT: 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 – “CA” CANNABIS ACCOMODATION COMBINING DISTRICT AND CHAPTER 20.119 – “CP” CANNABIS PROHIBITION COMBINING DISTRICT TO THE MENDOCINO COUNTY CODE, AND REZONING OF CERTAIN PROPERTIES TO APPLY THE CA AND CP DISTRICTS.

The Board of Supervisors directed that a Request for Proposals (RFP) be circulated to secure assistance with Cannabis Zoning Exemptions – an effort intended to identify and implement strategies to facilitate the permitting of commercial cannabis uses in Mendocino County. The RFP identified the following areas of interest/concern: Exemptions for properties that do not meet zoning requirements of Chapters 10A.17 and/or 20.242; Tools such as Use Permits, Overlay Zones or Combining Districts; Options for phasing out commercial cultivation in residential neighborhoods; and, Exception process for properties not within an Overlay Zone/Combining District.

SUMMARY: Amendments to County Code Chapters 10A.17 - Mendocino Cannabis Cultivation Ordinance and 20.242 - Cannabis Cultivation Sites would provide greater flexibility for setbacks and lot sizes in the review of cannabis cultivation permits. The new Chapter 20.118 - Cannabis Accommodation (CA) Combining District is intended to support continued operation of existing cultivation sites and the new Chapter 20.119 - Cannabis Prohibition (CP) Combining District is intended to prohibit new commercial cannabis uses and would sunset existing permitted commercial cannabis uses. Also proposed is the establishment of the first CA and CP Districts.

Establishment of the Mitchell Creek North and Mitchell Creek South CA Combining Districts were considered in the study. Staff recommended to the Planning Commission that these proposed districts be removed from the rezone proposal due to insufficient support from the property owners within the proposed areas. The Planning Commission, at its October 18, 2018, meeting, recommended that these areas not be rezoned to the CA District.

BACKGROUND: Mendocino County circulated a Request for Proposals for assistance with Cannabis Zoning Exemptions – an effort intended to identify and implement strategies to facilitate the permitting of commercial cannabis uses in Mendocino County. Michael Baker International (“Michael Baker”) was selected to assist the County and, following selection, contract execution and scope refinements, Michael Baker formally initiated work on December 5, 2017. Initial strategies and approaches were developed and three small working groups (Overlay Sub-Groups of the Cannabis Overlay Working Group) were established by the County to provide guidance on what was then referred to as Opt-In, Opt-Out, and

Exceptions code amendments. The general approach of Michael Baker's effort was presented to the Board of Supervisors on January 23, 2018, and Michael Baker proceeded with work with adjustments in approach as directed by the Board.

From January to June 2018, Michael Baker led more than 15 meetings with members of the Cannabis Overlay Working Group, including meetings with the three Overlay Sub-Groups that were tasked with helping to guide development of what is now referred to as the Cannabis Accommodation (CA) Combining District, the Cannabis Prohibition (CP) Combining District, and the Exceptions to the current regulations. These meetings led to the creation of three Framework documents that were presented to the Board of Supervisors in a public presentation on June 12, 2018. The Framework documents were revised based on Board recommendations and preparation of draft regulations commenced; these documents are provided as Attachment 3 of this report.

Through Board discussions on January 23, 2018, Michael Baker received direction to rely on the Overlay Sub-Groups to guide and develop policy options for this effort. As such, Overlay Sub-Group members were encouraged to meet with and represent the broader community in this process. Meetings with the Overlay Sub-Groups resulted in the Framework documents that were presented for Board review on June 12, 2018. At the June meeting, the Board directed Michael Baker to hold meetings for each community that was considered for either a CA or a CP Combining District.

PUBLIC PARTICIPATION: Community input was received through three primary venues: a series of community meetings held on July 26 and July 27; a dedicated email address of cannabisoverlay@mendocinocounty.org; and through online community surveys for locations proposed as CA or CP Combining Districts. Brief summaries of community input are provided below and a more detailed summary is provided as Attachment 6 of this report.

Community Meetings: Following Board review and incorporation of Board-directed revisions, the draft Framework documents were presented at community workshops on July 26 and 27, 2018, in Covelo, Laytonville, Mitchell Creek, and Ukiah. Noticing for these meetings, and possibly the time of meetings, did not allow many residents to attend. In all, approximately 150 residents were in attendance at these meetings and many comment cards from participants were collected.

Meetings conducted in Covelo and Laytonville were lightly attended, in part due to limited advance notice and in part due to scheduling during working/business hours. While lightly attended, comments at these meetings were overall supportive of the CA provisions proposed for these communities. While the approach was supported in Covelo, there was strong sentiment that the size of the proposed district was too small and that a much broader solution was needed.

A meeting held in Ukiah to discuss the Deerwood and Boonville Road/Woodyglen CP Districts generated strong support from community members for the district. Some concerns were expressed by advocates of cultivation that widespread prohibitions could impact cannabis growers and the County economy, but no opposition to the proposed districts was voiced.

The Mitchell Creek meeting was well attended with regard to number of participants, but homeowners felt they were underrepresented. The discussion included comments about the benefits of cultivation as well as concerns regarding the negative impacts of cultivation on Mitchell Creek neighborhoods.

In the community meetings, it became clear that a convenient and relatively anonymous canvassing of residents was required to gain a sense of community support for the Combining Districts that were proposed for this effort. The use of an online survey was identified as an alternative for the currently proposed Combining Districts as compared to the petition of landowners that will be required for future cannabis Combining Districts (see discussion below).

Community Emails – www.cannabisoverlay@mendocinocounty.org

As part of the community input process, a web address was established to receive comments from the public: cannabisoverlay@mendocinocounty.org. This address has received more than 150 messages, including a combination of comments and requests for assistance with the survey. Comments have been reviewed and consolidated into recurring messages. Requests for assistance or general questions received direct email responses.

At least 88 email comments were received regarding the Mitchell Creek CA District, and these comments were almost 90 percent in opposition. Specific concerns are described in Attachment 6, but generally the concerns, in order of frequency cited, were impacts to water supply, increased crime, traffic, lack of noticing, commercial use incompatibility, impact on property value, and general environmental concerns.

Input on the Deerwood and Boonville Road/Woodyglen CP Combining Districts were consistently in favor of the district. In total, 28 comments were received and all supported establishment of the districts.

Email comments on Covelo, Laytonville, and South Leggett CA Combining Districts were very light. Comments were generally either in favor or requested additional information. Concern over the relationship of sensitive use buffers and tribal lands were noted in these districts.

Community Surveys: Proposed regulations require a demonstration of 60 percent of affected property owners to qualify a district for consideration. Requiring a petition would not have been feasible for some of the currently proposed Combining Districts due to schedule constraints, size of proposed districts, and other concerns expressed by community members. As an alternative, community surveys over the internet were conducted to gauge landowner support for the currently proposed districts. The survey process was not without flaws, including the following issues:

- Assessor Parcel information is not always accurate due to property sales, changed mailing addresses, and similar issues.
- The postcards used for the survey were, in some cases, discarded by recipients as junk mail.
- Some individuals felt the questions were unclear or poorly worded.
- Not all residents have easy access to the internet.

While there were challenges with the online survey, there was strong correlation between input received through community meetings, email comments, and the surveys and it is recommended that the County rely upon the survey results to demonstrate landowner preference.

Michael Baker has conducted many planning-related surveys and the response levels to the Mendocino County surveys ranged from acceptable to very high, though none of the surveys resulted in a response from 60 percent of all owners. Requiring a positive survey response from 60 percent of all property owners within a proposed district is an unrealistic expectation. Therefore, the survey results are presented as percent of respondents versus percent of all property owners.

The outcomes of the surveys, regarding whether the 60 percent community support was met, are noted below. In brief, all proposed districts received 60 percent favorable responses, except for Mitchell Creek North and Mitchell Creek South (these districts received very low support and are not recommended for adoption). Additional information on the survey methodology and the detailed results are provided in Attachment 6.

- 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%

PROPOSED MENDOCINO COUNTY CODE AMENDMENTS: All proposed changes to County Code Chapter 10A.17 and Chapter 20.242 have been incorporated in the Ordinances attached to this report. Attachment 2 presents the proposed County Code amendments in their final form (notations of revisions removed) and with exhibits for the six proposed CA and CP Combining Districts. Attachment 3 of this report presents the proposed County Code amendments in a Redline format that identifies proposed additions and deletions of language (exhibits have not been included in Attachment 3). Proposed amendments are summarized as follows:

Chapter 20.118 – “CA” Cannabis Accommodation Combining District

- Chapter 20.118 both provides direction for how future CA Combining Districts may be established and creates the County’s first CA districts.
- The chapter establishes provisions related to the expected future CA districts, including:
 - CA Combining Districts will be primarily residential in use and zoning designation.
 - CA Combining District will include at least 10 parcels.
 - Parcels within an CA Combining District must be contiguous, with limited exceptions.
 - Applicants seeking to establish a CA Combining District must demonstrate support of affected landowners (petition or alternative means as approved by the County).
- Once established, a CA Combining District would modify regulations as follows:
 - Sunset Provision for Residential Districts would not apply to permitted cannabis cultivation uses.
 - Cannabis cultivation permit types (C) Small Outdoor, (C-A) Small Indoor, Artificial Light, and (C-B) Small, Mixed Light would not be subject to current 2-acre minimum lot size.
 - Property line setback noted in Sec. 10A.17.040 (A)(5) would be reduced to 20 feet.
 - Property line setback noted in Sec. 10A.17.040 (A)(5) may be reduced to less than 20 feet or waived subject to Administrative Permit approval.
 - Setback from an occupied residential structure on adjacent property noted in Sec. 10A.17.040 (A)(2) could be reduced to 20 feet subject to Administrative Permit approval.
- In order to provide assurances and support the investment required for permitting and initiating commercial cannabis cultivation, CA Combining Districts would be subject to the following restrictions on modification:
 - Not eligible for repeal by property owner request for 10 years after date of approval.
 - After 10 years, a request to repeal or amend a CA Combining District could be initiated by petition of 60% or more of all current property owners within that district.
 - Parcels adjacent to the CA Combining District could be added to a CA Combining District within the initial 10-year period.
 - If a CA Combining District is repealed, at any time, permitted cultivation authorized through the district could continue for three years. At three years following the date of repeal of the CA Combining District, rights for cultivation that does not meet the standards of the underlying zone would cease.
- Six communities or neighborhoods were studied as possible CA Combining Districts:
 - Covelo, Core
 - Covelo, Fairbanks Road
 - Laytonville
 - Mitchell Creek, North
 - Mitchell Creek, South
 - South Leggett

Based upon the results of community surveys, staff recommended against the establishment of the Mitchell Creek North and Mitchell Creek South Combining Districts. The Planning Commission also recommended against rezoning the Mitchell Creek areas into the CA District.

Chapter 20.119 – “CP” Cannabis Prohibition Combining District

- Chapter 20.120 both provides direction for how future CP Combining Districts may be established and creates the County’s first CP districts.
- The chapter establishes provisions related to the expected future CP districts, including:

- CP Combining Districts will be primarily residential in use and zoning designation.
 - CP Combining District will include at least 10 parcels.
 - Parcels within an CP Combining District must be contiguous, with limited exceptions.
 - Applicants seeking to establish a CP Combining District must demonstrate support of affected landowners (petition or alternative means as approved by the County).
- Once the district is established, cannabis cultivation sites and cannabis facilities (with limited exceptions) would be prohibited within a CP Combining District.
 - Existing permitted cannabis cultivation sites or permitted cannabis facilities located within a newly adopted CP Combining District would be permitted to continue operations for three years from the date of establishment of that district. At three years following the date of establishment of the CP Combining District, rights to operate commercial cannabis cultivation sites and facilities would cease.
 - In order to provide assurances to existing and future residents choosing to reside in a CP Combining District, CP Combining Districts would be subject to the following restrictions on modification:
 - Not eligible for repeal by property owner request for 10 years after date of approval.
 - After 10 years, a request to repeal or amend a CP Combining District could be initiated by petition of 60% or more of all current property owners within that district.
 - Parcels adjacent to the CP Combining District could be added to a CP Combining District within the initial 10-year period.
 - Changes to the underlying zoning of a CP Combining District would have no effect on the prohibition of cannabis cultivation and/or facilities established through the CP Combining District.
 - There are currently two areas being considered for the creation of a CP Combining District:
 - Boonville Road/Woodyglen
 - Deerwood

As noted above, the period to cease existing, permitted cannabis operations following approval of a CP Combining District would be three years. In discussions with the Board of Supervisors on June 12, 2018, there was interest in reducing this period. Upon further discussion, staff maintains that the three-year period for cessation of uses is appropriate. This period is provided to cannabis operators that have been granted County permits and may, based upon granting of such permits, have made significant investments in property improvements. The three-year period is consistent with the timing established under Sunset provisions and it grants cannabis operators a reasonable period to seek an alternative site upon which to conduct legally permitted cannabis operations.

Amendments to Chapter 10A.17:

- Section 10A.17.040 would be modified to reference the setback reductions proposed in Chapter 20.242.040 and the development standards of the CA Combining District.
- Section 10A.17.080(B)(2)(b) would be modified to note that within a CA Combining District and parcels zoned Rural Residential (lot size (5) acres [R-RL-5]) that are between 3.5 and 4.99 acres that could be exempted from Sunset provisions subject to issuance of an Administrative Permit.
- Section 10A.17.081 allows issuance of Phase One Permits within a CA Combining District for a period of 180 days following the establishment the District.

Amendments to Chapter 20.242:

- Table 1, Zoning Permit Requirement for Existing Cannabis Cultivation by Zoning District and Cannabis Cultivation Ordinance Permit Type, of Section 20.242.040, Existing Cannabis Cultivation Sites, would be modified as follows:

- New Note 2: A parcel between 3.5 and 4.99 acres, and that shares at least 50 percent of its boundaries with parcels 5 acres in size or larger, may be granted cannabis cultivation permit types 1, 1-A, and 1-B following the approval of an Administrative Permit.
- New Note 3: A parcel between 7.0 and 9.99 acres, and that shares at least 50 percent of its boundaries with parcels 10 acres in size or larger, may be granted cannabis cultivation permit types 2, 2-A, 2-B, and 4 following the approval of an Administrative Permit.
- New Section 20.242.040(C) would allow reduction of required setbacks for structures used for cultivation or for cultivation sites, subject to various limits that include:
 - Setback for cultivation not within a structure shall be not less than 20 feet from a parcel under separate ownership of an access easement.
 - Setback for cultivation within a structure shall be not less than otherwise required front, rear, and side yard setbacks.
 - No setback reduction may encroach within a corridor preservation setback as established under Sections 20.152.015 and 20.152.020.
- Section 20.242.060 revisions to format of notes within Table 2.
- Section 20.242.070(C) would be modified to provide procedures and findings for granting a setback reduction in conjunction with Phase 1 planning permits, subject to issuance of an Administrative Permit.

GENERAL PLAN CONSISTENCY ANALYSIS: The purpose and intent of the proposed amendments is to support cannabis cultivation that currently exists and, except for limited aspects of development standards, could be legally permitted under current regulations. The adoption of the County's cannabis regulations was analyzed by the Mitigated Negative Declaration, which found that the proposed regulations, as mitigated, did not conflict with and in fact addressed and complied with the policies of the General Plan and Ukiah Valley Area Plan identified as relevant. The proposed amendments would similarly bring existing commercial cultivation operations in the County into compliance with new regulations, allowing for slightly greater flexibility in setbacks and lot sizes. As such, the proposed amendments are consistent with the adopted General Plan. The CP Combining District is proposed to maintain the residential qualities of neighborhoods where residents feel commercial cannabis cultivation and facilities are incompatible with existing residential uses.

Based upon the above, staff has determined that the amendments would not result an increase in an environmental impact or substantial increase to currently allowed cannabis-related uses and that the cannabis-related uses addressed by the proposed amendments would be permitted under the current General Plan. Therefore, the proposed amendments are consistent with the 2009 Mendocino County General Plan and the Ukiah Valley Area Plan.

PLANNING COMMISSION HEARING: The Planning Commission held a duly noticed public hearing on October 18, 2018 to consider the proposed amendments to the County Code. During the public hearing members of the community provided testimony that is summarized as follows:

- The greatest number of comments was related to Mitchell Creek.
 - Numerous comments from residents opposed to Mitchell Creek CA Districts.
 - Several comments from existing growers seeking a solution to allow cultivation to continue near the coast – no locations under current regulations.
- Several speakers supported Boonville Road/Woodyglen and Deerwood CP Districts.
- Several speakers offered support for Covelo, South Leggett and Laytonville CA Districts.
- Numerous comments requesting an alternative solution to the CA District – use permit process was mentioned repeatedly.

Specific comments of the Commission in consideration of this item included:

- Community Survey information was a key consideration – acknowledged the survey participation was low, but felt the results did have merit.
- Establishment of CA and CP Districts are local land use decisions and the guidance of community members is an important consideration.
- Noted strong support in the Laytonville, Covelo and South Leggett CA Combining Districts. Directed staff to coordinate with schools in the vicinity of proposed CA districts.
- Commissioners noted long standing concern about cultivation on parcels less than five acres in size and general concern over businesses in residential districts, but acknowledged the value of a local community solution (CA Districts).
- Acknowledged that cultivators present at the meeting are acting responsibly in their practices and regulatory compliance, but there is concern over whether future cultivators will maintain same practices.

Following presentation by staff, comments from the public and deliberation by Commissioners, members of the Planning Commission present voted 6-0 in favor of adopting Resolution No. PC_2018-0036 in support of recommending that the Board of Supervisors adopt the proposed County Code amendments and rezone all proposed areas to a CA or CP District, except for the Mitchell Creek areas.

The resolution also incorporated several changes to the ordinances proposed by staff prior to the meeting and discussed at the meeting. Most notable of these changes are specific changes regarding deadlines for seeking new CA districts and filing applications in new CA districts. It is proposed that persons seeking new CA districts would need to file an application for a rezone by November 1, 2019; no cutoff date for seeking new CP districts is being proposed. It is also proposed that once a CA district is formed, applicants for cannabis permits would have 180 days from the effective date of the ordinance adopting the CA district to apply for a cannabis permit.

AMENDMENTS FOLLOWING PLANNING COMMISSION REVIEW: Subsequent to the Planning Commission's consideration of this item, various changes to the proposed County Code amendments have been incorporated. None of the revisions to the Code amendments result in substantive changes. Such revisions include:

- Adjustment in terminology (Cannabis Accommodation (CA) Combining District is now referred to as "CA" Cannabis Accommodation Combining District). This revision applies to both CA and CP Districts.
- Minor word edits that do not change the meaning or intent of language – consistent use of terms throughout the ordinance.
- Minor corrections related to section and chapter citations.
- Adjustments to language establishing the first proposed CA Districts and CP Districts.
- Creation of a new Section 10A.17.081 regarding cannabis application deadlines in CA Districts – this language was generally directed by paragraph 3.A of the Planning resolution.

ENVIRONMENTAL DETERMINATION. The Board of Supervisors of Mendocino County, on April 4, 2017, adopted Ordinance Number 4381, thereby adopting Chapters 10A.17 and 20.242 to the Mendocino County Code and the associated Mitigated Negative Declaration for the County of Mendocino Medical Cannabis Cultivation Regulations (SCH# 2016112028). In considering the appropriate level of review under the California Environmental Quality Act (CEQA) for the currently proposed County Code amendments, the County reviewed the provisions of CEQA and the CEQA Guidelines, including Section 15162 (Subsequent EIRs and Negative Declarations) and Section 15164 (Addendum to an EIR or Negative Declaration).

The adjustments to development standards provided through amendments to Section 10A.17 and Section 20.242 are relatively minor in scope and apply only to cannabis uses that can demonstrate they were in existence as of 2016, and therefore only apply to existing uses. Further, granting reduced development standards to individual properties requires issuance of an Administrative Permit, an action that would be subject to analysis and review under CEQA if it is determined there is the potential for impacts to the environment. Similarly, the CA Combining District will only allow the permitting of cultivation sites that can demonstrate prior existence and will not provide a basis for permitting new cultivation sites. Additionally, through the process of permitting, including site inspection and required compliance with County, regional, and state permitting standards, the potential for negative impacts resulting from unpermitted cultivation is reduced through the process of securing and maintaining a cannabis cultivation permit.

An Addendum to the existing Mitigated Negative Declaration (SCH# 2016112028) has been completed in compliance with CEQA and CEQA Guidelines. Adoption of the Addendum is supported by the incorporated analysis and findings establish the basis for determining that none of the conditions described in section 15162 of the CEQA Guidelines calling for the preparation of the of a subsequent negative declaration or environmental impact report have occurred.

RECOMMENDATION FOR THE BOARD OF SUPERVISORS.

Please see the agenda summary for a recommended motion.

ATTACHMENTS:

1. OA_2018-0008/R_2018-0005 Board of Supervisor Resolution, CEQA
Exhibit 1A – Addendum to previously adopted Mitigated Negative Declaration for the County of Mendocino Medical Cannabis Cultivation Regulations (SCH# 2016112028)
2. OA_2018-0008/R_2018-0005 Ordinance Final Version
Exhibit 2A – Covelo Core Map and APN's
Exhibit 2B – Covelo-Fairbanks Road Map and APN's
Exhibit 2C – Laytonville Map and APN's
Exhibit 2D – South Leggett Map and APN's
Exhibit 2E – Deerwood Map and APN's
Exhibit 2F – Boonville Road/Woodyglen Map and APN's
3. OA_2018-0008/R_2018-0005 Ordinance Redline Version
No Exhibits Attached
4. Planning Commission Resolution
5. Summary of Public Input

RESOLUTION NO. 18-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AND ADOPTING AN ADDENDUM TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION, IN COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS, FOR AMENDMENTS TO CHAPTER 10A.17 MENDOCINO CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 CANNABIS CULTIVATION SITES OF THE MENDOCINO COUNTY CODE; ADDING CHAPTER 20.118 "CA" CANNABIS ACCOMMODATION COMBINING DISTRICT AND CHAPTER 20.119 "CP" COMMERCIAL CANNABIS PROHIBITION COMBINING DISTRICT TO THE MENDOCINO COUNTY CODE; AND REZONING CERTAIN PARCELS TO APPLY THE CA AND CP DISTRICTS.

WHEREAS, on April 4, 2017, the Board of Supervisors adopted Ordinance Number 4381, adding Chapters 10A.17 and 20.242 to the Mendocino County Code, referred to as the Medical Cannabis Cultivation Regulation, which was subsequently renamed the Mendocino Cannabis Cultivation Regulation (Project); and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.; CEQA) and the CEQA Guidelines (Title 14 California Code of Regulations section 15000 et seq.) an Initial Study was prepared, which determined that the Project will not have a significant effect on the environment with the implementation of mitigation measures, which supported the adoption of a Mitigated Negative Declaration (MND); and

WHEREAS, by Resolution Number 17-042, adopted on March 21, 2017, following a public review period as required by CEQA and the CEQA Guidelines, the Mendocino County Board of Supervisors adopted a MND for the Project; and

WHEREAS, section 15164 of the CEQA Guidelines provides that an addendum to a previously adopted MND may be prepared if only minor technical changes or additions to the project are necessary or none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent environmental impact report or MND have occurred; and

WHEREAS, following the adoption of the MND and receiving applications for medical cannabis cultivation, the Board of Supervisors adopted amendments to Chapters 10A.17 and 20.242 of the Mendocino County Code, by Ordinance Nos. 4381 and 4392, and for both of which the Board of Supervisors adopted addendums pursuant to CEQA; and

WHEREAS, the Board of Supervisors is desirous of making additional certain changes to the Mendocino County Code, including amendments to Chapter 10A.17; amendments to Chapter 20.242; adoption of a new Chapter 20.118; and adoption of a new Chapter 20.119; and

WHEREAS, an addendum to the MND for the Project (Addendum) related to the changes proposed to be made to the Mendocino County Code has been prepared, which is attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors, based on the whole record before it, hereby makes the following findings:

1. The above recitals are true and correct and incorporated herein by this reference.

2. The Addendum to the previously adopted MND has been completed in compliance with CEQA and the CEQA Guidelines.
3. The Addendum to the previously adopted MND was presented to the Board of Supervisors, which independently reviewed and considered the addendum and the Board of Supervisors has exercised its independent judgment in making the findings and determinations set forth herein.
4. That, based on the evidence submitted and as demonstrated by the analysis and findings included in the Addendum, none of the conditions described in section 15162 of the CEQA Guidelines calling for the preparation of a subsequent negative declaration or environmental impact report have occurred.

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby approves and adopts the Addendum to the previously adopted MND for the Mendocino Cannabis Cultivation Regulation, in the form attached to this Resolution as Exhibit A, and directs the Mendocino County Department of Planning and Building Services to attach the Addendum to the MND.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2018, by the following vote:

AYES:
 NOES:
 ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
 Clerk of the Board

 DAN HAMBURG, Chair
 Mendocino County Board of Supervisors

 Deputy

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

APPROVED AS TO FORM:
 KATHARINE L. ELLIOTT
 County Counsel

BY: CARMEL J. ANGELO
 Clerk of the Board

 Deputy

Exhibit A

Addendum to the Mitigated Negative Declaration for the County of Mendocino Medical Cannabis Cultivation Regulations

Introduction

This Addendum was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. This document serves as an Addendum to the previously adopted Mitigated Negative Declaration (MND; SCH#2016112028) for the Mendocino Cannabis Cultivation Regulations. The County of Mendocino was the lead agency for the environmental review of the Medical Cannabis Cultivation Regulations.

Project Background

On April 4, 2017, the Board of Supervisors adopted Ordinance No. 4381, adding Chapters 10A.17 and 20.242 to the County Code to regulate medical cannabis cultivation. A Mitigated Negative Declaration (MND) was adopted for Ordinance No. 4381. The provisions of Ordinance No. 4381 regulated the commercial cultivation of cannabis for medical use by licensed operators, with the primary goal of providing clear standards and permitting pathways to help bring baseline cultivation activities into compliance with local, regional, and statewide regulatory schemes. Bringing baseline/legacy cultivation operations into compliance attenuates potential environmental effects from existing cultivation activities. The adoption of the Medical Cannabis Cultivation Regulations was part of ongoing local efforts to regulate land uses associated with medical marijuana in Mendocino County. The ordinance established regulations for existing, unregulated land uses to help prevent and reduce environmental impacts that are known to result from existing, unpermitted cultivation operations. The ordinance introduced pathways for compliance with new and existing regulations, while providing for local review, inspection, and oversight. The ordinance initiated local-level regulations, consistent with state and regional regulations, including the Cannabis Cultivation Waste Discharge Regulatory Program (CCWDRP) administered by the North Coast Regional Water Quality Control Board and state licensing requirements described in the Medical Marijuana Regulation and Safety Act (SB 643, AB 266, and AB 243, enacted September 11, 2015). Subsequent to the adoption of Ordinance No. 4381, the County adopted various amendments to Chapters 10A.17 and 20.242 of the County Code that adjusted specific provisions, including removal of references to “medical” cannabis to establish consistency with the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) as adopted by the State of California on June 27, 2017.

The focus of the discussion of impacts in the MND was largely related to the reduction or elimination of clandestine cultivation occurring in remote outdoor environments where grid-supplied electricity and municipal water are not available. The electrical demand associated with artificially illuminated cultivation is accommodated by portable generators operating for extended periods, with per kilowatt emissions often far exceeding those associated with grid-supplied energy delivered by a public utility. Water quality impacts occur with cultivation in these remote areas as a result of water diversions from natural waterways, which could include dewatering of streams, as well as sedimentation from land disturbance and pollutant discharges including nutrients and pesticides. The MND proposed changes to the ordinance that were made prior to its adoption and assumed implementation of requirements from

the CCWDRP administered by the North Coast Regional Water Quality Control Board (Order #2015-0023, hereinafter referred to as “the Order”) as mitigating actions required for projects covered in the MND.

Purpose of This Addendum

The County is proposing amendments to Mendocino County Code Chapter 10A.17, Mendocino Cannabis Cultivation Ordinance, and Chapter 20.242, Cannabis Cultivation Sites. The proposed amendments also include new provisions that establish two types of combining districts: Cannabis Accommodation (CA) Combining Districts that establish areas with modified cannabis cultivation regulations to allow operators to enjoy flexible cannabis regulations and development standards; and Cannabis Prohibition (CP) Combining Districts that establish areas where new commercial cannabis operations would be prohibited and existing permitted commercial operations would sunset. Additionally, the proposed amendments establish countywide exceptions that allow, subject to administrative review, minor adjustments to current parcel size and setback requirements. These modifications constitute a “project” subject to CEQA, which triggers the requirement for further environmental review under the California Environmental Quality Act.

In determining whether an Addendum is the appropriate document to analyze the modifications to the project and its approval, CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration) states:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency’s required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

Basis for Decision to Prepare Addendum

When a negative declaration is adopted for a project, CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) sets forth the criteria for determining whether a subsequent EIR or negative declaration should be prepared in support of further agency action on the project. Under these guidelines, a subsequent EIR or negative declaration is to be prepared if any of the following criteria are met.

(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.

As discussed below, the proposed changes do not meet the criteria for preparing a subsequent negative declaration. An Addendum is appropriate here because none of the conditions calling for preparation of a subsequent EIR or negative declaration have occurred.

Proposed Amendments

As noted above, the proposed project would establish two types of combining districts: Cannabis Accommodation (CA) Districts and Cannabis Prohibition (CP) Districts. The CA Districts would allow flexibility of regulations for existing cannabis cultivation operations that are seeking County approvals.

As with the Medical Cannabis Cultivation Regulations, the primary goal of the current amendments is to provide standards and permitting pathways to bring baseline commercial cannabis cultivation activities into compliance with local, regional, and statewide regulatory schemes. The amendments would not allow cultivation in areas where cultivation does not currently occur and would not substantially increase the area of cultivation from existing conditions.

As part of the permitting process, applicants would be required to document proof of prior cultivation, affirm that the cultivation was in operation in 2016 or earlier (existing cultivation), and describe how cultivation operations would comply with County, regional, and state regulations. Cannabis cultivation sites for which applicants are seeking permits would be subject to inspection to ensure compliance with applicable regulations and any requirements applied through the cannabis permit review process, as well as review and permitting by regional and state agencies.

Under current regulations, cultivation sites in the RR-1 and RR-2 zoning districts, as well as any parcels less than 5 acres in size within the RR-5 district, would be subject to sunset and could not receive a County cannabis cultivation permit after the year 2020. The proposed regulations would allow some uses that would otherwise be subject to sunset to continue to receive a County cannabis cultivation permit after 2020, as long as such use is in compliance with County, regional, and state regulations. This provision allows an existing use to continue but does not allow any new cannabis cultivation to be established.

Proposed amendments to the County Code include minor changes to development standards, such as reductions in setbacks and lot area standards subject to approval of an Administrative Permit. Specifically, an applicant may request a reduced property line setback for cultivation or for structures utilized for cultivation, subject to limitations and compliance with various County standards. The proposed amendments also allow a reduction in the setback from an access easement required by County Code Section 10A.17.040(A)(5) subject to an Administrative Permit.

The size of permitted cultivation areas would not be changed under the amendments, except in the following limited circumstances that apply to legal nonconforming lots. A parcel located in a zoning district that allows commercial cultivation and has a lot area between 3.5 and 4.99 acres, and which shares at least 50 percent of its boundaries with parcels 5 acres in size or larger, may obtain a permit as allowed for a 5-acre parcel with similar zoning, subject to approval of an Administrative Permit. In addition, a parcel in a zoning district that allows commercial cultivation and has a lot area between 7.0 and 9.99 acres, and which shares at least 50 percent of its boundaries with parcels 10 acres in size or larger, may obtain a permit as allowed for a 10-acre parcel with similar zoning, subject to approval of an Administrative Permit. In each of these scenarios, the Administrative Permit process is discretionary and would require review pursuant to CEQA. Thus, while the number of applications to which these changes would apply cannot be determined at this time, future applications for increased cultivation area would be subject to environmental review.

Findings

Based on these findings and the environmental analysis which follows, it is concluded that an Addendum to the adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed ordinance amendments.

1. For the proposed amendments, the County does not propose any substantial changes that would require major revisions to the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

No new significant effects or increases in the severity of effects are anticipated. Allowing the continuation of existing cultivation or of cultivation as currently allowed under the County Code will not change the anticipated environmental impacts. Allowing the continuation of use on sites currently in cultivation would not create a new significant impact or increase severity, as these sites were already in existence at the time the MND was drafted and are therefore considered part of the baseline conditions. Minor changes to development standards, such as a reduction in setback and adjustments to allowed permit types based on the parcel's zoning and adjacent parcel sizes would be subject to issuance of an Administrative Permit. Property line setbacks within CA Combining Districts would be reduced from 50 feet to 20 feet by right. Approval of an Administrative Permit and issuance of a cultivation permit would both be subject to review by qualified County staff to determine if suitable habitat for sensitive species may exist and, if potentially present, consultation with the California Department of Fish and Wildlife would be required (Section 10A.17.100). Projects requiring an Administrative Permit would be subject to further CEQA review to determine whether any conditions specific to that project or parcel could result in physical environmental effects. The proposed amendments would therefore not create a new significant impact or increase the severity of previously identified impacts.

2. For the proposed amendments, no substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions to the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Based on the discussion in Finding 1, above, no new significant environmental effects resulting from the proposed amendments are anticipated. The circumstances under which the project is undertaken remain the same.

3. For the modified project, there has been no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

There has been no new information of substantial importance that was not known and could not have been known at the time the previous MND was prepared. The baseline conditions describing the overall impacts of existing cannabis cultivation remain the same.

4. The proposed changes do not constitute a change in the level of significance previously discussed in the adopted MND. As such, it is concluded that the current amendments will not have one or more significant effects not discussed in the previous MND. There are no mitigation measures previously found not to be feasible that would in fact be feasible and substantially reduce one or more significant effects of the project.

The proposed amendments do not involve changes to any mitigation measures. No new potential impacts have been identified requiring new mitigation measures to be developed.

5. Finally, there are no mitigation measures or alternatives identified in this analysis that are considerably different from those analyzed in the previous MND and that would substantially reduce one or more significant effects on the environment.

The proposed amendments do not involve changes to, or analysis of, any mitigation measures.

Environmental Analysis

The analysis below focuses on topics that relate to changes in operation compared to those allowed under the current County Code.

Aesthetics, Light, and Glare

The MND found that bringing baseline/legacy cultivation operations into compliance would help attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting. The MND determined that compliance with the CCWDRP would improve the visual quality in the remote cultivation areas by promoting the protection of riparian buffers, slope and stream stabilization using bioengineering techniques, streambank restoration, and road improvements that will generally improve site vegetation.

The proposed Cannabis Combining Districts and Zoning Exceptions would allow the continuation of cannabis cultivation on certain residential parcels where cultivation currently occurs. The visual character in these residential areas is not characterized by natural landscapes with traditional scenic qualities. These areas are characterized by existing roads, with houses and other structures, and individual lots that are typically fenced. Only properties where cultivation is currently occurring will be permitted for future cultivation and operation in the CA Combining Districts would be the same as current conditions or as allowed under the current County Code. In addition, certain mixed-light facilities would be subject to the approval of an Administrative Permit, which would require the project applicant to demonstrate that impacts such as fugitive light are properly mitigated. Because the operations allowed under the proposed code would occur in the same locations as current operations, there would be no change from existing conditions that would result in a new project-specific or cumulative impact due to the proposed code changes.

Agriculture and Forest Resources

The MND disclosed that some commercial cultivation of cannabis could occur on lands zoned Timberland Production Zone, lands zoned for agricultural use, and lands under Williamson Act contract. However, it was determined that the impact would be less than significant because all applicants for expansion of cultivation within the TPZ zone would be required to obtain a discretionary permit, which would involve the review and permitting of illegal conversions.

The proposed code amendments would allow approval of permits for legal cultivation where cultivation is now occurring. The existing ordinance requires that an applicant obtain a discretionary permit for any expansion of existing commercial cannabis cultivation on lands zoned Timberland Production Zone (TPZ). No new rights to expand cultivation operations on TPZ-zoned land will be permitted under the proposed ordinance. No new agricultural or forest land would be eligible for cannabis cultivation permits through the proposed ordinance. Thus, no agricultural or forest land would be converted to

nonagricultural or non-forest use. There would be no new project-specific or cumulative impact on agricultural or forest land.

Air Quality and Greenhouse Gas Emissions

The MND describes changes in operations due to the permitting of clandestine cultivation. However, the types of changes described in the MND would not apply to the proposed code amendments, as these amendments are limited to existing cultivation generally within suburban or rural residential settings. Thus, activities such as substantial cleanup of cultivation sites with heavy equipment would not occur and emissions would not be generated. Emissions from cannabis cultivation are generated from electricity demand from indoor and greenhouse cultivators, water demand, and employee vehicle trips. Electricity demand would be generated from such activities as lighting, cooling and/or heating, and air circulation for indoor cultivation. As noted above, only properties where cultivation is currently occurring will be permitted for cultivation and operation in the CA Combining Districts would be the same as current conditions or as allowed under the current County Code. Therefore, there would be no change in electricity demand, water demand, or vehicle trips, so there would be no change in emissions associated with the proposed amendments. Like other emissions, the amendments would not result in a substantial increase in odors because odors generated on these sites would be similar to existing conditions or as allowed under the current County Code. Further, the process of permitting would bring into compliance some existing cultivators that are not fully complying with County, regional, and state regulations. Consequently, there would be no new or more severe impacts related to air quality or greenhouse gases.

Biological Resources

The MND describes land-disturbing activities, discharges of waste from cultivation activities, and excessive surface water diversion from unregulated cannabis cultivation as potential impacts to cold freshwater habitat and associated species. Land-disturbing activities and discharges of waste can lead to increased sediment loading to streams, reduced shading, water temperature increases, increased nutrient loading, a reduction in large wood inputs, and direct alterations to stream morphology due to in-channel disturbances. Excessive surface water diversion can lead to dewatering of streams. The MND found that remediation, cleanup, and restoration activities that would occur as part of the permitting of existing cultivation activities in remote rural areas would improve conditions compared to the baseline, and impacts would be less than significant.

The proposed amendments would apply in previously disturbed suburban and rural residential areas. As noted above, prior to issuance of a cultivation permit, proposed sites would be subject to review by qualified County staff to determine if suitable habitat for sensitive species may exist and if potentially present, consultation with the California Department of Fish and Wildlife would be required. Applicants would be required to demonstrate adequate water supply as part of the cannabis permit review process, which would ensure water diversions and other operational impacts that might impact biological resources would not occur in these areas. In addition, permissible cannabis operations in the CA Combining Districts would be of the same character as allowed under the current County Code, so there would be no changes to the physical environment to permit operations in these areas. Therefore, there would be no new significant impacts.

Cultural Resources

The MND determined there would be less than significant impacts related to cultural resources. Impacts on cultural resources could occur if historic or prehistoric resources, including subsurface resources, are impacted by the development or operation of cultivation activities. Because the proposed amendments would allow the continuation of existing cultivation or of cultivation as currently allowed under the County Code, no areas would be disturbed beyond those currently allowed; thus, no changes to historic or prehistoric resources would occur as a result of the proposed amendments. There would be no new significant impacts.

Geology and Soils

Remediation, cleanup, and restoration activities were identified in the MND as potentially creating or exacerbating conditions that could result in impacts related to geologic conditions in the County. The MND found that compliance with actions required in the Order would ensure that impacts related to geology and soils would be less than significant. The proposed amendments would not result in substantial changes to any existing cultivation sites or activities such that there would be physical changes that could affect local or regional geologic conditions. There would be no new significant impacts.

Hazards and Hazardous Materials

Hazardous materials identified in the MND as possibly being used at cultivation sites include petroleum products, fertilizers, herbicides, and pesticides, as well as automotive and machine-related fluids and products including acids, solvents, degreasers, corrosives, antifreeze, and hydraulic fluid. These materials could have been used during initial site preparation, during illicit cultivation activities, or for site cleanup as part of the permitted cultivation activities. With the exception of fertilizers, herbicides, and pesticides, these materials would generally not be used as part of cultivation activities that would occur in the CA Combining Districts currently being proposed. Additionally, as these are existing cultivation sites, fertilizers, herbicides, and pesticides would already be in use in these areas. Permitted sites would also be subject to inspection, which would ensure that these materials are stored and used properly and would not present a risk to the environment or the public. There would be no new significant impacts.

Hydrology and Water Quality

The MND identified several potential impacts related to hydrology and water quality: erosion and transportable sediment, creation or exacerbation of unstable features, temperature impacts from improper hydromodification, potential for adverse geomorphological changes, and creation of habitat/migration barriers. Illicit cultivation in remote rural areas could occur within and adjacent to watercourses and surface waters, altering drainage patterns and watercourse channels, removing riparian vegetation, or blocking or impeding natural stream flows or floodwater flows. These activities could cause water temperature increases and result in or increase the likelihood of pollutant discharges to surface waters or of fill in streams or wetlands. As noted previously, the proposed amendments would only apply to properties with existing cultivation in suburban and rural residential settings. Continuation of cultivation in the CA Combining Districts would not substantially change effects on water quality, except where the existing condition currently impacts water quality. In these instances, water quality would be improved through requirements imposed during the permitting process. As

noted above, permitted cultivation in the CA Combining Districts would be subject to inspection to ensure activities are being conducted responsibly and within the conditions of the permit. There would be no new significant impacts.

Land Use and Planning

The MND found that cultivation operations under the Cannabis Cultivation Regulations would be required to comply with existing regulations and permitting requirements that govern cultivation activities, including water diversion and well development, grading, construction of buildings, on-site sewage disposal, fire protection, and protection of biological resources, wetlands, watercourses, and associated riparian areas. Therefore, that ordinance would not physically divide a community, conflict with existing land use plans, policies, or regulations, or conflict with applicable conservation plans. Similarly, the proposed amendments would bring existing commercial cultivation operations in the County into compliance with new regulations. There would be no new significant impacts.

Mineral Resources

The MND determined that activities associated with outdoor cannabis cultivation generally result in surficial and minor grading. Therefore, activities on sites assumed in the MND would not result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state, nor would the activities result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land use plan. Because the proposed amendments would affect only residential properties that would not generally be used for mineral resource extraction, there would be no new significant impacts.

Noise

The potential for noise impacts identified in the MND was from agricultural activity conducted to prepare for planting and construction activities related to restoration/cleanup/remediation activities at cultivation sites. Other noise sources could include equipment, such as generators to power lights and pumps. The MND found that the use of standard construction best management practices and requiring operation of equipment according to a time schedule would prevent noise impacts, including cumulative impacts. The proposed amendments would involve the continuation of existing cultivation activities in rural residential and suburban areas. Because the sites are existing, substantial site preparation would not be required, and no new noise would be generated beyond existing conditions or that already allowed by the existing County Code. Operational activities could involve the use of equipment for cooling and/or heating and air circulation for indoor cultivation, but this use would be similar to the existing operations and would not increase noise compared to the existing condition. Because utilities are generally available at these residential lots, the use of generators would not be required. There would be no new significant impacts associated with the proposed amendments.

Population and Housing

The MND determined that cultivation of commercial medical cannabis would not induce substantial population growth in an area either directly or indirectly and would not displace substantial numbers of existing housing or people necessitating the construction of replacement housing elsewhere. The proposed amendments would allow the continuation of cannabis cultivation and would not directly or indirectly affect the population or housing. There would be no new significant impacts.

Public Services

The MND acknowledged that illegal, unpermitted cultivation of cannabis could have an impact on public services, particularly fire protection and police protection, given that grows often occur in remote, wooded areas and the illegal nature of the grows may result in the need for police involvement. The MND did not identify any impacts on schools, parks, or other public facilities. The suburban and rural residential areas subject to the current amendments are not remote, as was assumed for properties examined in the MND, and are already served by fire and police protection. Applicants in the CA Combining Districts would be subject to the Code's existing measures related to security plans, compliance with building codes and adherence to fire safety standards. There would be no new significant impacts.

Recreation

The Medical Cannabis Cultivation Regulations would not increase the use of existing neighborhood and regional parks or other recreational facilities and did not include recreational facilities or require the construction or expansion of recreational facilities. The proposed amendments would also have no impact on recreational facilities. There would be no new significant impacts.

Transportation

The MND found that the previous amendments would not exceed the capacity of the existing circulation system, result in increased traffic hazards, result in inadequate emergency access, or conflict with adopted policies, plans, or programs supporting alternative transportation. The proposed amendments would not increase traffic, as the amendments would only allow cultivation activities to continue on properties with existing cultivation sites. There would be no off-site changes that would result in hazardous design features or otherwise introduce new transportation-related impacts. There would be no new significant impacts.

Utilities

The MND noted that the majority of operations affected by the Cannabis Cultivation Regulations are located in rural areas without public water and sewer services, and many are in remote areas without access to grid-supplied electricity. For parcels with access to public water and wastewater, the Cannabis Cultivation Regulations require that will serve letters be provided from the service provider; this requirement would not change with the proposed amendments. While any permitted cultivation under the amendments would result in demands on public utilities, operations affected by the proposed amendments would not substantially differ from current conditions; thus, demand would not increase due to the amendments. There would be no new significant impacts.

Cumulative

The MND disclosed that baseline conditions throughout Mendocino County would result in impacts associated with cannabis cultivation and that these impacts would continue or further degrade without the ordinance. However, the MND determined that measures identified in the ordinance and public process that will occur will improve the current degradation of land, soils, water use, and water quality in the County, and long-term beneficial effects will be realized on air quality, biological resources, geology and soils, hydrology, and noise. As with the Cannabis Cultivation Regulations, the proposed

amendments are aimed at bringing existing cultivators into compliance. Because the proposed amendments would only allow the continuation of existing cultivation operations or cultivation as allowed under the current County Code and would include local review with inspections and oversight of these operations where no oversight previously occurred, there would be positive environmental effects with the project. Thus, the proposed amendments would not create or contribute to a cumulative impact.

Conclusion

Mendocino County, acting as the lead agency, determined that the proposed amendments would not require major revisions to the Medical Cannabis Cultivation Regulations Mitigated Negative Declaration because there are no new significant environmental effects that would require new mitigation. No additional analysis is required.

ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 10A.17 MENDOCINO CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 CANNABIS CULTIVATION SITES OF THE MENDOCINO COUNTY CODE; ADDING CHAPTER 20.118 “CA” CANNABIS ACCOMMODATION COMBINING DISTRICT AND CHAPTER 20.119 “CP” COMMERCIAL CANNABIS PROHIBITION COMBINING DISTRICT TO THE MENDOCINO COUNTY CODE; AND REZONING CERTAIN PARCELS TO APPLY THE CA AND CP COMBINING DISTRICTS.

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1: Section 10A.17.040 is hereby amended to read as follows:

Sec. 10A.17.040 - General Limitations on Cultivation of Cannabis.

The following limitations shall apply to all cultivation of cannabis in Mendocino County, including but not limited to cultivation pursuant to a Permit issued under this Chapter or an exemption provided for in Section 10A.17.030. Cultivation of cannabis shall also be subject to all applicable restrictions of Mendocino County Code Chapter 20.242.

- (A) The cultivation of cannabis in Mendocino County, in any amount or quantity by any entity, shall not be allowed in the following areas:
 - (1) Within one thousand (1,000) feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility as defined herein that is in existence at the time a Permit is initially applied for.
 - (2) Outdoors or using mixed light within one hundred (100) feet of any occupied legal residential structure located on a separate legal parcel; provided, however, that on January 1, 2020, this setback shall be increased to two hundred (200) feet for all Permit applications but shall not apply to renewals of Permits originally issued before that date.
 - (3) Outdoors or using mixed light in a mobile home park as defined in Health and Safety Code Section 18214.1 within one hundred (100) feet of an occupied mobile home that is under separate ownership.
 - (4) In any location where the cannabis plants are visible from the public right of way or publicly traveled private roads.
 - (5) Outdoors or using mixed light within fifty (50) feet from any adjoining legal parcel under separate ownership or access easement (whichever is most restrictive); provided, however, that on January 1, 2020, this setback shall be

increased to one hundred (100) feet for all Permit applications but shall not apply to renewals of Permits originally issued before that date.

(6) Any indoor cultivation sites that comply with paragraph (A)(1) shall also be subject to the following:

(a) Indoor cultivation sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located.

(b) The cultivation of cannabis within an accessory structure shall be allowed subject to the development requirements of the zoning district in which it is located and to requirements of Chapter 20.164 — Accessory Use Regulations except, notwithstanding Section 20.164.010: (a) the cultivation of cannabis in an accessory structure is not permitted prior to the construction of the legal dwelling unit on the parcel, if a legal dwelling unit is required by this Chapter, and (b) cultivation of cannabis shall only be allowed on the same parcel as the dwelling unit, if required.

(c) Indoor cultivation sites for individuals desiring to cultivate cannabis for adult use pursuant to section 10A.17.030(C) shall also be subject to the following limitation: cultivation sites located within a private residence that is a rental unit, as that term is defined by County Code section 20.008.050, shall not be located in any indoor space other than a garage or accessory structure.

(B) The distance between the listed uses in the above paragraph (A)(1) and cannabis that is being cultivated shall be measured in a straight line from the nearest point of the fence required in section 10A.17.040(H), or if the cannabis is cultivated indoors, from the nearest exterior wall of the building in which the cannabis is cultivated to the nearest point of the exterior wall of the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs or to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation, whichever is closest. The distance in paragraphs (A)(2) and (A)(3) to any residential structure shall be measured from the fence required in section 10A.17.040(H) to the nearest exterior wall of the residential structure. The distance in paragraph (A)(5) shall be measured from the fence required in section 10A.17.040(H) to the boundary line of a legal parcel or access easement.

Applicants may seek a reduction in the setback described in paragraphs (A)(1) and (A)(5) upon issuance of an administrative permit pursuant to Chapter 20.242. See also sections 20.242.060(D) and 20.118.040 (D), (E) and (F) for further exceptions to setback regulations.

- (C) The outdoor, indoor or mixed light cultivation of cannabis shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.
- (D) The indoor or mixed-light cultivation of cannabis shall rely on the electrical grid or some form of alternative energy source. The indoor or mixed-light cultivation cannabis shall not rely on a generator as a primary source of power.
- (E) All lights used for the indoor or mixed light cultivation of cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed.
- (F) All activities associated with the cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.
- (G) All cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, or river. The activities associated with the cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.
- (H) All cannabis grown in Mendocino County (excluding indoor growing) must be within a secure, wildlife exclusionary fence of at least six (6) feet in height that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when a qualified patient, caregiver or permittee (or their agent) is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.
- (I) All buildings where cannabis is cultivated or stored shall be properly secured to prevent unauthorized entry.

- (J) Persons cultivating cannabis pursuant to either section 10A.17.030, paragraphs (B) or (C) shall also comply with the provisions of section 10A.17.110, paragraphs (N) and (O).
- (K) Prohibition on Tree Removal. Removal of any commercial tree species as defined by Title 14 California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing a cannabis cultivation site is prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to address safety or disease concerns.

Section 2: Section 10A.17.080 is amended as follows:

Sec. 10A.17.080 - Permit Phases and Requirements Specific to each Phase.

Unless specifically exempted, in addition to compliance with all other requirements of this Chapter, all Permits shall comply with the following requirements:

- (A) Permits under the MCCO will be issued in the following three phases:
 - (1) Phase One: Following the effective date of the MCCO, Permits will only be issued to applicants who provide to the Agricultural Commissioner pursuant to paragraph (B)(1) of this section proof of cultivation at a cultivation site prior to January 1, 2016 ("proof of prior cultivation"), and who comply with all other applicable conditions of this Chapter and Chapter 20.242. Applications for Permits during Phase One shall only be accepted until June 30, 2018; provided, however, that applications for Permits within the areas subject to the sunset provision of paragraph (B)(2)(b) of this section shall be accepted until December 31, 2018. Applicants able to provide proof of prior cultivation may apply for a Permit on a relocation site pursuant to paragraph (B)(3) of this section.
 - (2) Phase Two: Starting January 1, 2018, the Agricultural Commissioner will begin accepting applications for Type 1A and Type 2A Permits for indoor cultivation in the following zoning districts, subject to compliance with all other applicable conditions of this Chapter and Chapter 20.242: Limited Industrial (I-1), General Industrial (I-2), and Pinoleville Industrial (P-I). Proof of cultivation prior to January 1, 2016, is not required.

- (3) Phase Three: Starting January 1, 2020, the Agricultural Commissioner will begin accepting Permit applications from any applicant in conformance with the conditions of this Chapter and Chapter 20.242. Proof of cultivation prior to January 1, 2016, is not required.
- (B) Requirements specific to Phase One Permits.
 - (1) Proof of Prior Cultivation. Persons applying for a Permit during Phase One shall be required to provide to the Agricultural Commissioner evidence that they were cultivating cannabis on the cultivation site prior to January 1, 2016, which cultivation site shall have been, or could have been, in compliance with the setback requirements of paragraph (A) of section 10A.17.040. Evidence shall include:
 - (a) Photographs of any cultivation activities that existed on the legal parcel prior to January 1, 2016, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.
 - (b) Photographs of any cultivation activities that currently exist on the legal parcel, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.
 - (c) At least one (1) additional document demonstrating cultivation on the legal parcel prior to January 1, 2016, which evidence may be used to substitute for evidence pursuant to clause (a). The Agricultural Commissioner shall prepare a list of the types of documentation that will be accepted to meet this requirement, and may accept other similarly reliable documentary evidence showing that cannabis was cultivated prior to January 1, 2016.
 - (d) Proof of prior cultivation shall be assigned to the applicant relative to their prior cultivation site.

- (e) Persons who participated in a permit program pursuant to the County's Chapter 9.31 in previous years may present evidence of such participation and payment of all required fees in order to provide proof of prior cultivation.
- (2) Zoning Districts; Exceptions. Existing cultivation sites not located in zoning districts where Chapter 20.242 specifically allows cultivation may be issued a Type C, Type C-A, or Type C-B Permit, subject to the following requirements, in addition to all other applicable requirements of this Chapter:
- (a) The zoning district is one where a dwelling unit is a principally permitted use and a dwelling unit is present.
 - (b) Sunset Provision for Residential Districts. Cultivation sites on legal parcels located in the Single-Family Residential (R-1), Two-Family Residential (R-2), Multiple-Family Residential (R-3), Suburban Residential (S-R), Rural Community (R-C), and Rural Residential (lot sizes one (1) acre, two (2) acres and five (5) acres [legal non-conforming parcels to minimum zoning size][R-R:L-1, R-R:L-2, and R-R:L-5 {legal non-conforming to minimum zoning size}]), as well as cultivation sites in any other zoning district where a dwelling unit is a principally permitted use and the legal parcel is less than two (2) acres in size, are subject to the following requirements:
 - (i) There is an occupied dwelling unit on the legal parcel with the cultivation site.
 - (ii) A Permit may be renewed and valid only until three (3) years following the effective date of the ordinance adopting this Chapter and any permits issued shall be void not later than three (3) years following said effective date.

The provisions of this subsection, however, shall not apply in areas designated as "CA" Cannabis Accommodation Combining District, nor shall they apply to parcels zoned Rural Residential (lot size five (5) acres [R-R:L-5]) that are between 3.5 and

4.99 acres and have been issued an administrative permit pursuant to section 20.242.070(C).

- (c) Cultivation sites on legal parcels located in the Rural Residential zoning district, lot size five (5) acres (conforming parcels of five acres or more only)(R-R:L-5), are subject to the following additional requirement that there is an occupied dwelling unit on the legal parcel with the cultivation site.
 - (d) If a Permit is granted pursuant to this paragraph (B)(2) in these zoning districts, any future revocation or lapse in renewal of such Permit shall extinguish the ability of any person to obtain a Permit for such cultivation site.
- (3) Relocation. Persons able to show proof of prior cultivation pursuant to paragraph (B)(1) above may apply for a Permit not on the site previously cultivated (the "origin site") but on a different legal parcel (the "destination site"), subject to the following requirements:
- (a) Persons may apply to relocate their cultivation site pursuant to this paragraph (B)(3) until three (3) years after the effective date of the ordinance adopting this Chapter, or until May 4, 2020.
 - (b) The location and operation of the proposed cultivation site on the destination parcel complies with all requirements and development standards that apply to a new cultivation site as of January 1, 2020, pursuant to this Chapter and Chapter 20.242; provided, however:
 - (i) An existing cultivation site shall not be transferred to a legal parcel located within the Forestland or Timber Production Zone zoning districts.
 - (ii) An origin site may relocate to a destination site in the Rangeland zoning district, so long as the destination site has an existing cultivation site and no new cultivation sites would be established.
 - (c) The origin site shall be restored. The application for a Permit on a destination site shall be accompanied by a restoration plan that is consistent with the standard conditions and best management practices listed in the North Coast

Regional Water Quality Control Board Order No. 2015-0023, and which shall include the following:

- (i) Remove or repurpose buildings, greenhouses, fences, irrigation equipment, water intakes, pumps, storage tanks and other materials brought to the origin site for the purpose of cannabis cultivation;
 - (ii) Remove illegal dams, ponds or other in-stream water storage to restore natural stream flows, unless such features will continue in use;
 - (iii) Remove or compost agricultural wastes;
 - (iv) Remove trash and other debris; and
 - (v) Revegetate cleared areas with native plants typical of nearby natural areas, including groundcover, shrubs and trees.
- (d) Unless the destination site is within the Agricultural zoning district, the application shall include either a water availability analysis pursuant to paragraph (C)(1)(b) below or a will serve letter pursuant to paragraph (C)(1)(c) below.
- (e) Prior to the issuance of the Permit to cultivate cannabis at the destination parcel, the applicant shall provide the Agricultural Commissioner with an agreement, on a form approved by the Agricultural Commissioner and County Counsel, providing that the applicant releases any right to continue or resume cultivation of cannabis on the origin parcel.
- (f) If a person is granted a Permit for a destination site, any claims of proof of prior cultivation on the origin site shall be effectively transferred to the destination site, and the ability to claim proof of prior cultivation at the origin site shall be extinguished.
- (g) There shall be a two (2) acre minimum parcel size for all Type C, Type C-A or Type C-B Permits.
- (4) Multiple Permits may be applied for and granted on a single legal parcel that is owned by multiple persons residing in separate habitable dwelling units on that legal parcel. Each owner may individually apply for a Permit to

cultivate cannabis, provided that each owner must provide proof of prior cultivation pursuant to paragraph (B)(1) above. Each owner shall be limited to a Type C, Type C-A or Type C-B Permit, unless that owner was previously enrolled in a permit program pursuant to the County's Chapter 9.31, or unless the cumulative total square footage of plant canopy applied for by all owners does not exceed the maximum square footage permitted on a parcel for the relevant zoning district.

- (5) Persons eligible to apply for a Permit during Phase One may apply for a different and/or larger Permit type in subsequent years, subject to all requirements of this Chapter.
- (6) If a Permit is granted pursuant to this paragraph (B), any future revocation or lapse in renewal of such Permit shall extinguish the ability of any person to obtain a Permit for such cultivation site, unless otherwise allowed by this Chapter 10A.17; provided, however, for Permits granted in the Rangeland (RL), Forestland (FL) or Timberland Protection (TPZ) zoning districts, not more than once in a five-year period, a Permittee may file with the Department of Agriculture, on a form prescribed by the Department, a Notice of Non-Cultivation instead of an application to renew the Permit, and the Permittee's ability to obtain a Permit for such cultivation site will not be extinguished.

(C) Requirements specific to Phase Three Permits.

- (1) Watershed Assessment. All Permit applications, except for legal parcels located in the Agricultural (A-G) zoning district, shall demonstrate there is adequate water to serve the cultivation site.
 - (a) If surface water (or groundwater influenced by surface water) will be used, applicants may demonstrate that there is adequate water by providing (i) a watershed assessment that establishes there is sufficient watershed supply to serve the proposed cultivation site and existing uses within the watershed, and (ii) a water right exists to serve the cultivation site. A watershed assessment shall consist of an established "In Stream Flow Policy" as prepared by the State Water Resources Control Board Division of Water Rights or an equivalent document approved by that agency.

- (b) If groundwater not influenced by surface water will be used, the applicant may demonstrate that there is adequate water by providing a water availability analysis which will address the adequacy of the proposed water supply, the direct effects on adjacent and surrounding water users, and possible cumulative adverse impacts of the development on the water supply within the watershed and show there is a sustained yield to support the proposed level of use.
- (c) If water will be provided by a mutual water company, municipal or private utility or similar community provider, the applicant may demonstrate that there is adequate water by providing a will serve letter from the proposed provider.

Section 3: Section 10A.17.081 is hereby added to the Mendocino County Code to read as follows:

Sec. 10A.17.081 – Application Deadline for Parcels in “CA” Cannabis Accommodation Combining Districts.

Notwithstanding the provisions of paragraph (A)(1) of section 10A.17.080, Phase One Permits may be issued for cultivation sites within a “CA” Cannabis Accommodation Combining District so long as applications for such sites are submitted to the County within one hundred eighty (180) days of the effective date of the ordinance that establishes the applicable CA district.

Section 4: Chapter 20.118 is hereby added to the Mendocino County Code to read as follows:

Chapter 20.118 – “CA” Cannabis Accommodation Combining District

Sec. 20.118.010. Intent.

The “CA” Cannabis Accommodation Combining District (CA Combining District or CA district) is intended to be applied to areas where greater flexibility in the development standards related to cannabis cultivation operations is desirable and necessary in order to accommodate existing commercial cannabis cultivation sites.

Sec. 20.118.020. Applicability.

- (A) The CA Combining District may be applied to areas that include existing commercial cannabis cultivation operations, and where the zoning designation of the majority of the lots allows residential use by right.

- (B) A CA Combining District may range from neighborhood to community in scale, but in no case be composed of fewer than ten (10) legal parcels as that term is defined in section 10A.17.020. All parcels within a CA Combining District shall be contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).
- (C) The regulations in this section are supplemental to the regulations for the applicable underlying zoning district. In the event of a conflict between the regulations for the CA Combining District and the underlying zoning district, the CA district regulations shall prevail.

Sec. 20.118.030. Establishment of CA Combining District.

- (A) The establishment of a CA Combining District shall be in accordance with the provisions of Chapter 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 sixty percent (60%) of the affected property owners (as demonstrated by one (1) 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 Chapter 20.212.
- (D) Applications for CA Combining Districts will be accepted until November 1, 2019.

Sec. 20.118.040. Regulations for CA Combining District.

- (A) Notwithstanding application deadlines identified in section 10A.17.080(A)(1), applications for cannabis cultivation permits within a CA Combining District must be submitted within one hundred eighty (180) days of the effective date of the ordinance that establishes the CA Combining District.
- (B) The Sunset Provision for cannabis cultivation (section 10A.17.080(B)(2)(b)) shall not apply within the CA district.

- (C) Cannabis cultivation permit types defined in section 10A.17.060 as (C) Small Outdoor, (C-A) Small Indoor, Artificial Light, and (C-B) Small Mixed Light may be permitted for existing cultivation sites on any parcel subject to the planning permit and approval requirements in section 20.242.040(C).
- (D) The minimum setback for a cultivation site from any adjoining legal parcel under separate ownership, as required by section 10A.17.040(A)(5), shall be twenty (20) feet.
- (E) The minimum setback for a cultivation site to an adjoining legal parcel under separate ownership, as required by section 10A.17.040(A)(5), may be reduced to less than twenty (20) feet or waived through the approval of an Administrative Permit pursuant to section 20.242.070(C).
- (F) The minimum setback for a cultivation site to any occupied legal residential structure located on a separate legal parcel, as required by section 10A.17.040(A)(2), may be reduced to twenty (20) feet through the approval of an Administrative Permit pursuant to section 20.242.070(C).
- (G) Changes to the underlying zoning of a parcel or parcels within the CA Combining District would have no effect on the uses permitted and defined by this section, nor would the CA Combining District limit any use rights granted by a future rezoning of property within this CA district.

Sec. 20.118.050. Changes to CA Combining District.

- (A) 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.
- (B) Following the in-effect period of ten (10) years from the date of adoption, a CA Combining District may be repealed or amended upon submittal of an application by one (1) or more property owner(s) within the boundaries of the CA district. The application shall be accompanied by a petition demonstrating support for the repeal or amendment of the CA district by more than sixty percent (60%) of all current property owners (as demonstrated by one owner's signature per parcel or parcels owned) within the 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) If a CA Combining District is repealed at any time, all current cultivators that do not meet the development standards of the

underlying zoning district shall be permitted to continue operations for three (3) years from the date of repeal of the CA district. After three (3) years following the date of repeal of the CA district, permits for cultivators that do not meet the standards of the underlying zoning district shall not be renewed by the County.

- (D) An owner of property that is contiguous with a CA Combining District may submit a petition to the County to be included in the CA district. Petitions for inclusion in an existing CA district shall only be submitted by the current property owner. An addition of new property to an established CA district shall not alter the in-effect period of ten (10) years for the district.
- (E) Action on an application to repeal, amend, or add contiguous property to a CA Combining District shall be taken by the Planning Commission and Board of Supervisors consistent with the provisions of Chapter 20.212, except as provided by this section.

Sec. 20.118.060. Fees for Petitions for CA Combining District.

The Board of Supervisors shall require payment of fees or deposits, as established by the Board, for the processing of applications seeking to establish, repeal, or amend a CA Combining District in an amount that covers all costs for review, public noticing and hearings, and approval or denial of the application. The fees shall be as set and established by Resolution passed by the Board of Supervisors.

Sec. 20.118.070. Adopted CA Combining Districts.

The CA Combining District has been applied to the following areas, which are more specifically defined in the ordinance that rezoned the areas to the CA Combining District:

- (A) Covelo Core
- (B) Covelo Fairbanks Road
- (C) Laytonville
- (D) South Leggett

Section 5: Chapter 20.119 is hereby added to the Mendocino County Code to read as follows:

Chapter 20.119 – “CP” Commercial Cannabis Prohibition Combining District

Sec. 20.119.010. Intent.

The “CP” Commercial Cannabis Prohibition Combining District (CP Combining District or CP district) is intended to allow the County to designate specific areas where commercial cannabis operations are prohibited.

Sec. 20.119.020. Applicability.

- (A) The CP Combining District may be applied to an area where a majority of the parcels allow residential use by right.
- (B) A CP Combining District shall be composed of no fewer than ten (10) legally created legal parcels, as that term is defined in section 10A.17.020, that are contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).
- (C) The regulations in this section are supplemental to the regulations for the applicable underlying zoning district. In the event of a conflict between the regulations for the CP Combining District and the underlying zoning district, the CP district regulations shall prevail.

Sec. 20.119.030. Establishment of CP Combining District.

- (A) The establishment of a CP Combining District shall be in accordance with the provisions of Chapter 20.212, except as otherwise provided in this section.
- (B) Establishment of a CP Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CP 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 CP district by more than sixty percent (60%) of the affected property owners (as demonstrated by one (1) owner's signature per legal parcel) within the proposed CP 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 Chapter 20.212.

Sec. 20.119.040. Regulations for CP Combining District.

- (A) All new and unpermitted cannabis cultivation sites as defined in section 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 (3) years from the date of establishment of the CP district. After three (3)

years following the date of establishment of the district, all previously permitted commercial cannabis cultivation sites 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 section 10A.17.080(B)(2)(b) (Sunset provisions).

Sec. 20.119.050. Changes to CP Combining District.

- (A) 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.
- (B) Following the in-effect period of ten (10) years from the date of adoption, a CP Combining District may be repealed or amended upon submittal of an application by one (1) or more property owner(s) within the boundaries of the CP district. The application shall be accompanied by a petition demonstrating support for the repeal or amendment of the CP district by more than sixty percent (60%) of all current property owners (as demonstrated by one (1) owner's signature per legal parcel) within the CP 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) An owner of property that is contiguous with a CP district may submit a petition to the County to be included in the CP Combining District. Petitions for inclusion in an existing CP district shall only be submitted by the current property owner. An addition of new property to an established CP district shall not alter the in-effect period of ten (10) years for the district.
- (D) Action on an application to repeal, amend, or add contiguous property to a CP district shall be taken by the Planning Commission and Board of Supervisors consistent with the provisions of Chapter 20.212, except as provided by this section.

Sec. 20.119.060. Fees for Petitions for CP Combining District.

The Board of Supervisors shall require payment of fees or deposits, as established by the Board, for the processing of applications seeking to establish, repeal, or amend a CP Combining District in an amount that covers all costs for review, public noticing and hearings, and approval or denial of the application. The fees shall be as set and established by Resolution passed by the Board of Supervisors.

Sec. 20.119.070. Adopted CP Combining Districts.

The CP Combining District has been applied to the following areas, which are more specifically defined in the ordinance that rezoned the areas to the CP Combining District:

- (A) Deerwood (Ukiah area)
- (B) Boonville Road – Woodyglen (Ukiah area)

Section 6. Section 20.242.040 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.242.040 - Existing Cannabis Cultivation Sites.

- (A) Referrals of applications to the Department for review related to existing cultivation sites shall include the Agriculture Commissioner's determination that the cultivation site existed prior to January 1, 2016, unless the Agricultural Commissioner requests the assistance of the Department in making this determination as part of the referral to the Department.
- (B) Cultivation sites, in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit as required for the zoning district in which the cultivation site is located and as listed in Table 1.

TABLE 1
Zoning Permit Requirement for Existing Cannabis Cultivation by Zoning District and Cannabis Cultivation Ordinance Permit Type

MCCO Permit Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm, Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery
Min Parcel Area (ac) * ¹ , * ² , * ³	NA	NA		NA	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501 – 2,500	2,500	2,501 – 5,000	2,501 – 5,000	2,501 – 5,000	5,001 – 10,000	5,001 – 10,000	5,001 – 10,000	22,000
Zoning District	RR 5* ¹	ZC	AP	UP	ZC	ZC	—	ZC	—	—	—
	RR 10	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	AG	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	UR	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	RL	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	FL* ⁴	ZC	AP	UP	ZC	AP	—	AP	AP	—	AP

TPZ* ⁴	ZC	AP	UP	ZC	AP	—	AP	AP	—	AP	AP
I1* ⁵	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC	ZC
I2* ⁵	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC	ZC
PI* ⁵	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	ZC

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

*2 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between three and one-half (3.5) and five (5) acres, and that shares at least fifty percent (50%) of its boundaries with parcels five (5) acres in size or larger, may apply for and be granted permit types 1 and 1-B following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

*3 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between seven (7) and ten (10) acres, and that shares at least fifty percent (50%) of its boundaries with parcels ten (10) acres in size or larger, may apply for and be granted permit types 2, 2-B and 4 following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

*4 Existing cultivation sites in the FL and TPZ zoning districts that were previously enrolled in a permit program pursuant to the County's Chapter 9.31 shall be required to obtain a zoning clearance unless the applicant seeks to expand beyond the size previously cultivated under such permit program.

*5 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

(C) A reduction in the setback from a legal parcel line required by section 10A.17.040(A)(5) may be allowed following the issuance of an Administrative Permit, approved pursuant to section 20.242.070(C), subject to the following limitations: (1) the approved reduced setback for cultivation not within a structure shall be no less than twenty (20) feet from an adjoining property under separate ownership or an access easement, or (2) for cultivation within a structure, the setback shall be no less than the front, rear, or side yard setback (as applicable) setback for the zoning district in which the property is located. Any reduction of the setback pursuant to this section must comply with the required setback from an occupied legal structure and the reduced setback may not encroach into any corridor preservation setback, pursuant to sections 20.152.015 and 20.152.020.

(D) An existing cultivation site located in a zoning district not listed in Table 1 of this section may continue, but shall not be expanded or enlarged, subject the following planning permit and approval requirements.

(1) Planning Permit Requirements:

- (a) Outdoor Cultivation (pursuant to a MCCO Type C Permit) not exceeding two thousand five hundred (2,500) requires an approved Zoning Clearance.
- (b) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A Permit) not exceeding five hundred (500) square feet requires an approved Administrative Permit.
- (c) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A Permit) between five hundred one (501) and two thousand five hundred (2,500) square feet requires an approved Minor Use Permit.
- (d) Mixed Light Cultivation (pursuant to a MCCO C-B Permit) not exceeding two thousand five hundred (2,500) square feet requires an approved Zoning Clearance.
 - (i) Any future lapse or revocation of the MCCO permit will extinguish the permittee's ability to obtain a future permit from the Department to continue or resume an existing cultivation site that is not within a zoning district listed in Table 1 of this section.

(E) Transferability of Permits. Permits issued pursuant to this Section shall not be transferable to another person, except that the permittee may transfer the permit to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the permittee serves as a trustee, which shall not be deemed a change in ownership for purposes of this Chapter.

Section 7. Section 20.242.060 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.242.060 - New Cannabis Cultivation Sites.

- (A) Except as provided in Section 20.242.050, on or after January 1, 2020, new cannabis cultivation sites may be permitted in accordance with this section.
- (B) All new cannabis cultivation sites shall be consistent with the General Limitations on Cultivation of Cannabis, Section 10A.17.040; provided, however, that an applicant may seek a reduction in the setback requirements as stated in paragraph (D) of this section.

- (C) Cultivation sites, operated in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit, as required for the zoning district in which the cultivation site is located and listed in Table 2.

TABLE 2
Zoning Permit Requirement for New Cannabis Cultivation by Zoning District and Cannabis Cultivation Ordinance Permit Type

MCCO Permit Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery
Min Parcel Area (ac)	2	2		2	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501 – 2,500	2,500	2,501 – 5,000	2,501 – 5,000	2,501 – 5,000	5,001 – 10,000	5,001 – 10,000	5,001 – 10,000	22,000
Zoning District	RR 5* ¹	ZC	AP	UP	ZC	ZC	—	ZC	—	—	—
	RR 10	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	AG	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	UR	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	I1* ²	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	I2* ²	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	PI* ²	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

*2 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

- (D) **Setback Reduction.** A reduction in the setback from a legal parcel line required by Section 10A.17.040 may be allowed with an Administrative Permit, approved according to Section 20.242.070(C), provided that the approved setback reduction is fifty (50) feet or greater from an adjoining property under separate ownership or access easement, whichever is most restrictive and the location of the cannabis cultivation site continues to comply with the required setback from an occupied legal residential structure.

Section 8. Section 20.242.070 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.242.070 - Planning approval required to cultivate cannabis.

- (A) Planning Approval Procedure. Each proposed cannabis cultivation site is subject to one (1) of the following planning review processes that correspond to the applicable zoning district and Chapter 10A.17 permit as specified by Table 1 or Table 2 in this Chapter.

The Agricultural Commissioner's Office shall refer applications for cultivation permits pursuant to Chapter 10A.17 to the Department, which shall review the application to determine which of the following processes applies. If the application needs only a Zoning Clearance, the Department will provide a zoning clearance approval to the Agricultural Commissioner's Office. If the application requires either an Administrative Permit or a Minor Use Permit, the Department will notify the Agricultural Commissioner's Office and the applicant that planning approval is required.

- (B) Zoning Clearance. The Department shall review the MCCO permit application to confirm the cannabis cultivation site is allowed in zoning district, subject to the applicable requirements of this chapter, and confirm the legal parcel on which the cultivation site is located. The Department shall additionally provide any information as requested by the Agricultural Commissioner's Office to confirm compliance with any of the provisions of Chapter 10A.17.
- (C) Administrative Permit. In accordance with the Administrative Permit review procedure listed in Chapter 20.192, the Zoning Administrator shall approve, conditionally approve or deny an Administrative Permit for cannabis cultivation sites based on the following special findings.
- (1) The cannabis cultivation site is allowed in the zoning district and it is in compliance with the provisions of Chapter 10A.17.
 - (2) There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding fifteen (15) percent, prime soil, oak woodland, and timber resources.
 - (3) The cannabis cultivation will avoid or minimize odor and light impact on residential uses.

- (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO permit application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.
- (5) The Administrative Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Administrative Permit shall expire at the end of this period unless it is renewed prior to the end of the 10-year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.
- (6) An Administrative Permit may be applied for and granted for an exception to the dwelling unit requirement of Chapter 10A.17 for parcels in the Rural Residential, lot size ten (10) acres (R-R:L-10) zoning district with the additional finding that the applicant shall demonstrate that the cultivation site and any associated infrastructure (roads, buildings, water storage, etc.) does not preclude the development of the parcel with a residence in the future. For parcels that will need on-site sewage disposal systems to be developed, making this finding may require the identification of a primary and reserve leach field to be identified in order to issue the Administrative Permit.
- (7) An Administrative Permit may be applied for and granted for an exception to the one thousand (1,000) foot setback requirement of a cannabis cultivation site as outlined in section 10A.17.040(B). Administrative permits may be approved, conditionally approved or denied for the reduction of the setback provided for in section 10A.17.040(A)(1) based on the findings of 20.242.070(C)(1), (C)(2) and (C)(3) and on the following special findings:
 - (i) That there be special circumstances applicable to the property involved, including size, shape, topography, location or surrounding;
 - (ii) That the granting of such reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in such

vicinity and zone in which the property is located;
and

(iii) That the granting of such reduction will not adversely affect the General Plan.

(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 section 20.242.070(C)(1), (C)(2), and (C)(3) and on the following special findings:

(i) That the granting of such reduction will not adversely affect the character, livability, or right to appropriate development of the adjacent property from which the setback reduction is requested; and will not interfere with rights of access or usage for any legal recorded easement; and

(ii) That the reduced setback maintains setbacks consistent with provisions of sections 10A.17.040(A)(1), (A)(2), (A)(3), and (A)(4), as applicable, unless the applicant obtains a reduction of such setbacks through an Administrative Permit as permitted by this Chapter.

(D) Minor Use Permit. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Minor Use Permit for a cannabis cultivation site based on findings in Section 20.196.020 and the following special findings:

(1) The proposed cannabis cultivation site is in compliance with the provisions of Chapter 10A.17.

(2) In cases where there is no other environmentally superior cultivation site located on the same parcel, the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on

environmentally sensitive areas including hillsides exceed fifteen (15) percent, prime soil, oak woodland, and timber resources.

- (3) The proposed cannabis cultivation site will avoid or minimize odor and light impact on residential uses.
- (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO permit application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.
- (5) The Use Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Use Permit shall expire at the end of this period unless it is renewed prior to the end of [the] 10-year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.

Section 9. General Plan Consistency. Based on the evidence in the record, the Board of Supervisors finds that the amendments and rezonings being made by this ordinance are consistent with the goals and policies of the Mendocino County General Plan and the Ukiah Valley Area Plan.

Section 10. Rezone – “CA” Cannabis Accommodation Combining Districts. Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the properties depicted and listed in the following exhibits, which are attached hereto and incorporated herein by this reference, is hereby changed to reclassify the properties to the “CA” Cannabis Accommodation Combining District:

- Exhibit A. Covelo Core CA District
- Exhibit B. Covelo Fairbanks Road CA District
- Exhibit C. Laytonville CA District
- Exhibit D. South Leggett CA District

Section 11. Rezone – Commercial Cannabis Prohibition Combining Districts. Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the properties depicted and listed in the following exhibits, which are attached hereto and incorporated herein by this reference, is hereby changed to reclassify the properties to the “CP” Commercial Cannabis Prohibition Combining District:

Exhibit E. Deerwood CP District
Exhibit F. Boonville/Woodyglen CP District

Section 12. Severability. If any section, subsection, provision, phrase, word, or clause of this ordinance or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid or unconstitutional.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2018, by the following roll call vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel

DAN HAMBURG, Chair
Mendocino County Board of Supervisors

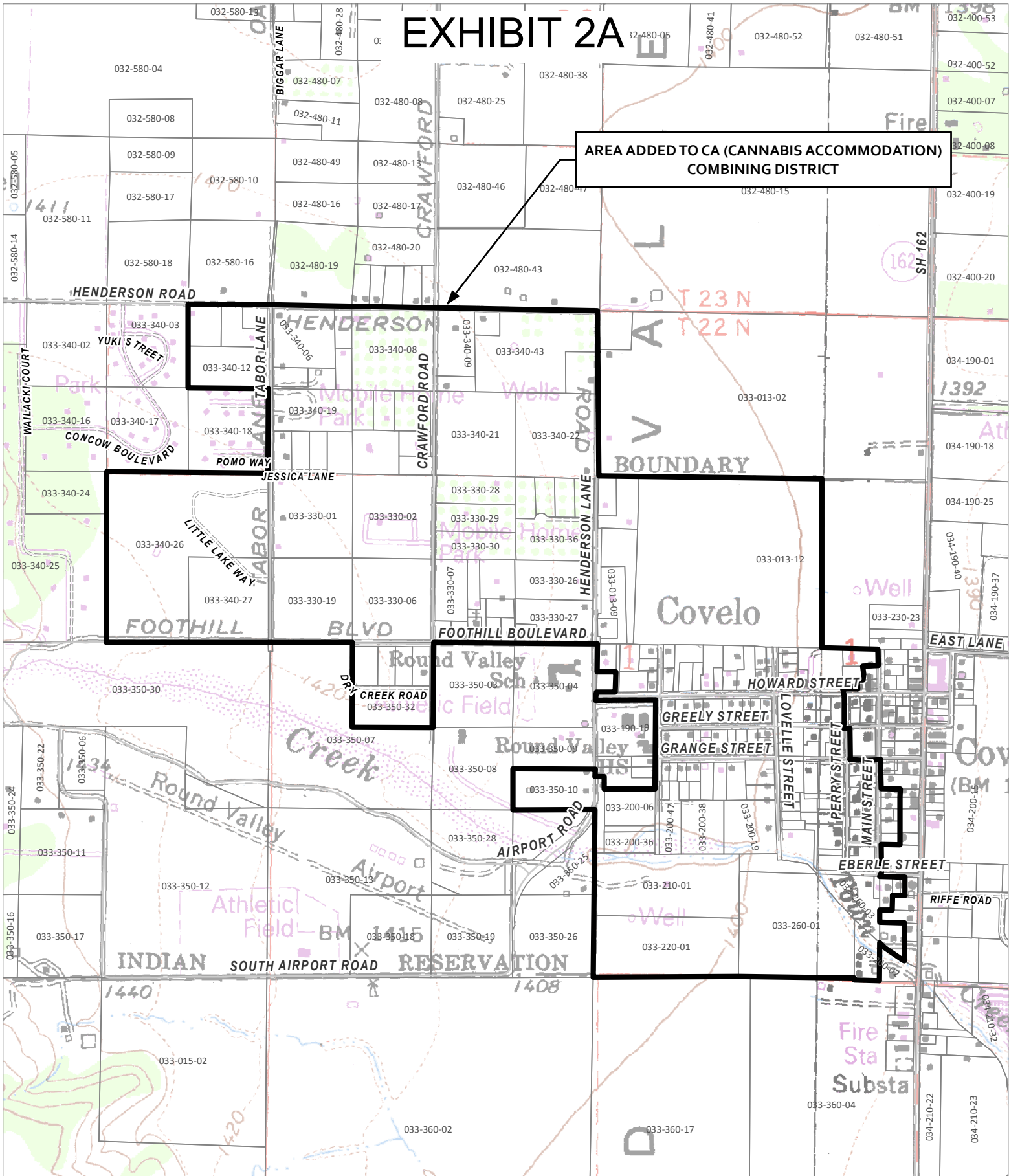
I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

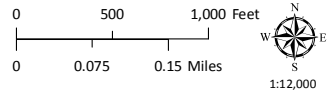
EXHIBIT 2A

AREA ADDED TO CA (CANNABIS ACCOMMODATION) COMBINING DISTRICT



CASE: CDP 2018-0008 / R 2018-0005
 OWNER: Various
 APN: Various
 APLCT: County of Mendocino
 AGENT: Michael Baker International
 ADDRESS: Various

 Covelo Core CA
 Public Roads



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 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

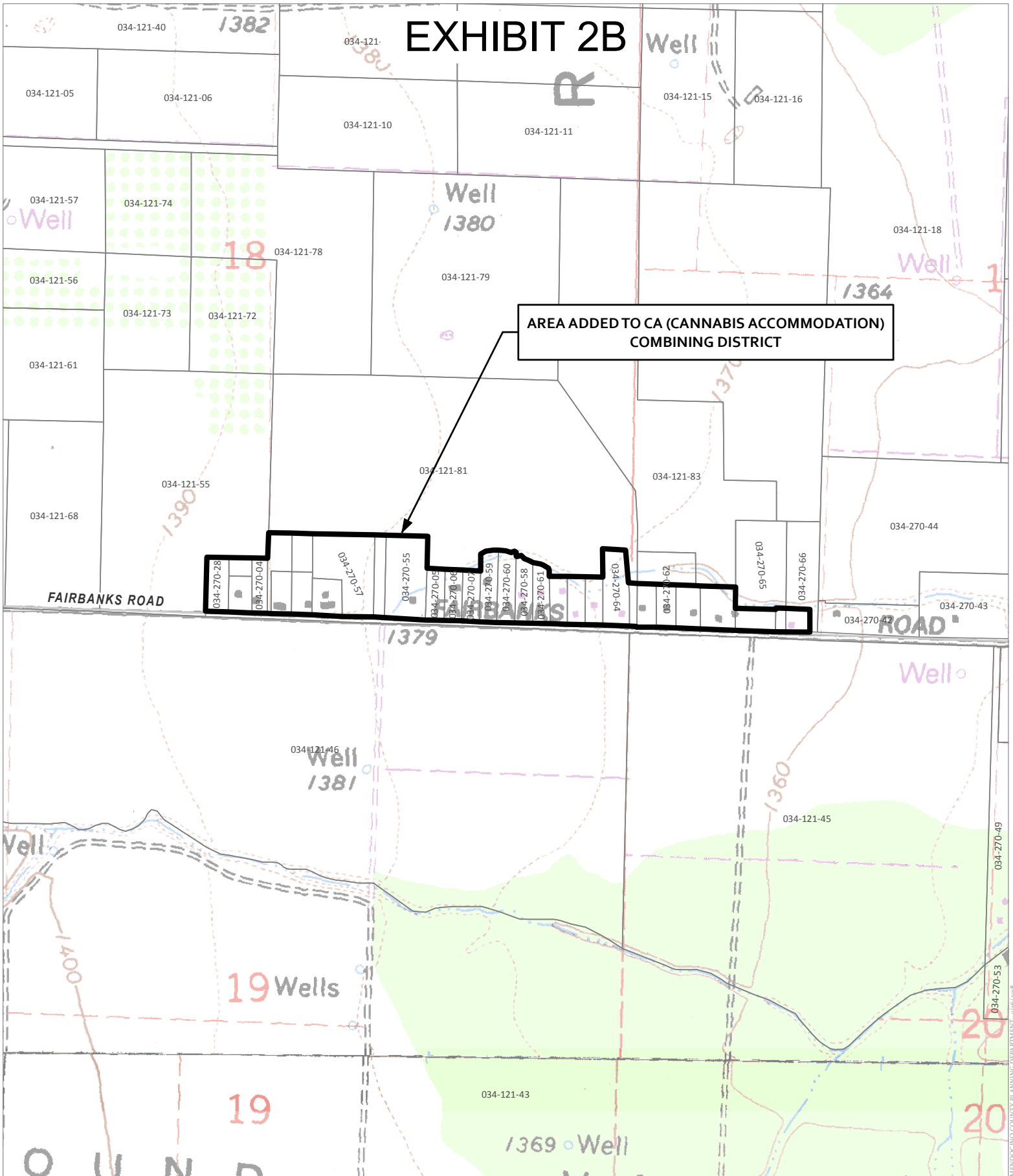
EXHIBIT 2A

Covelo Core CA



APNs

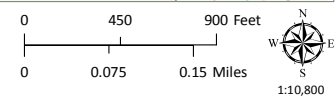
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EXHIBIT 2B



CASE: CDP 2018-0008 / R 2018-0005
OWNER: Various
APN: Various
APLCT: County of Mendocino
AGENT: Michael Baker International
ADDRESS: Various

 Covalo Fairbanks CA
 Public Roads

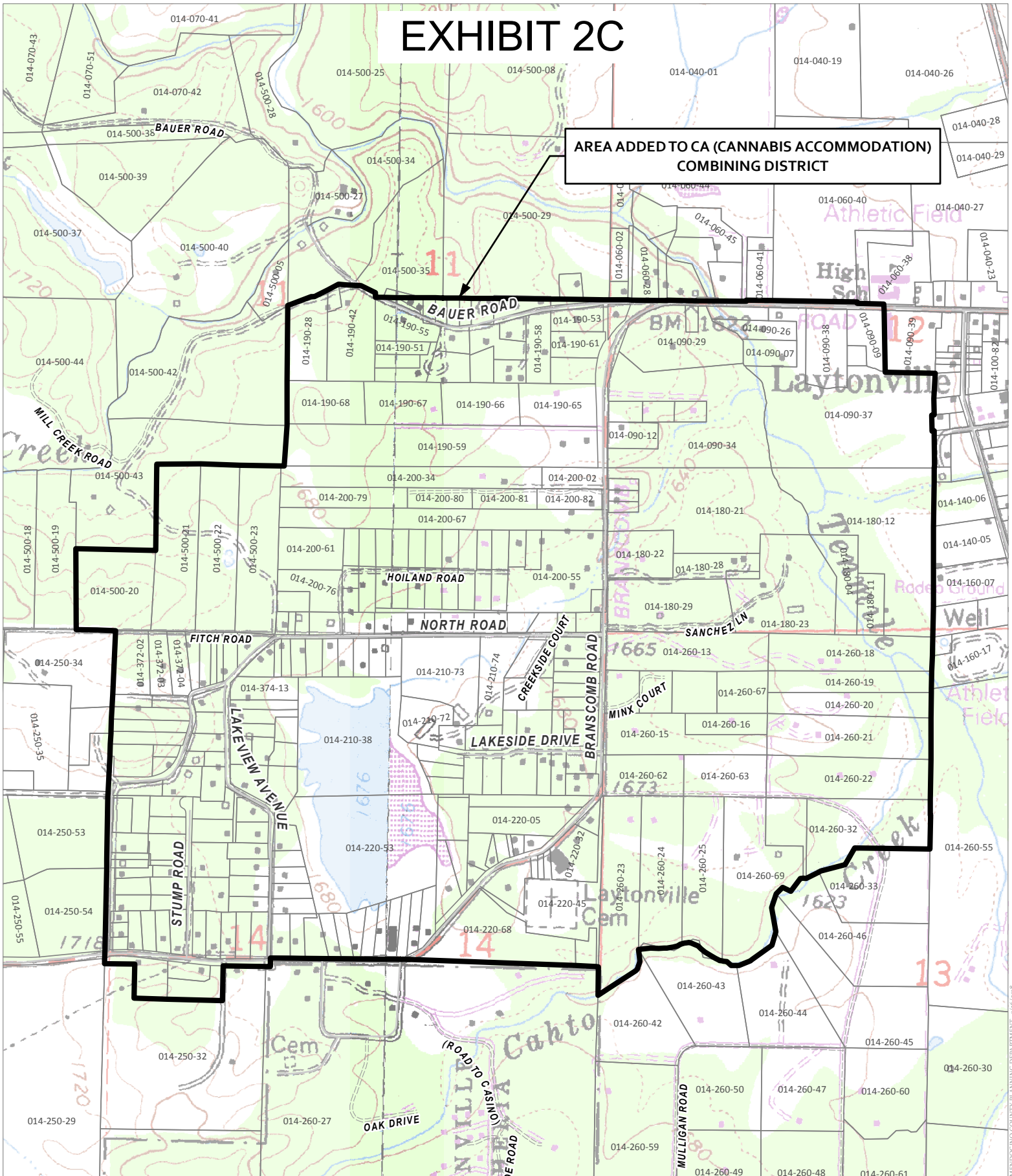


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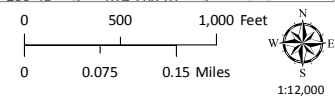
EXHIBIT 2C



**AREA ADDED TO CA (CANNABIS ACCOMMODATION)
COMBINING DISTRICT**

CASE: CDP 2018-0008 / R 2018-0005
 OWNER: Various
 APN: Various
 APLCT: County of Mendocino
 AGENT: Michael Baker International
 ADDRESS: Various

 Laytonville Opt-In
 Public Roads

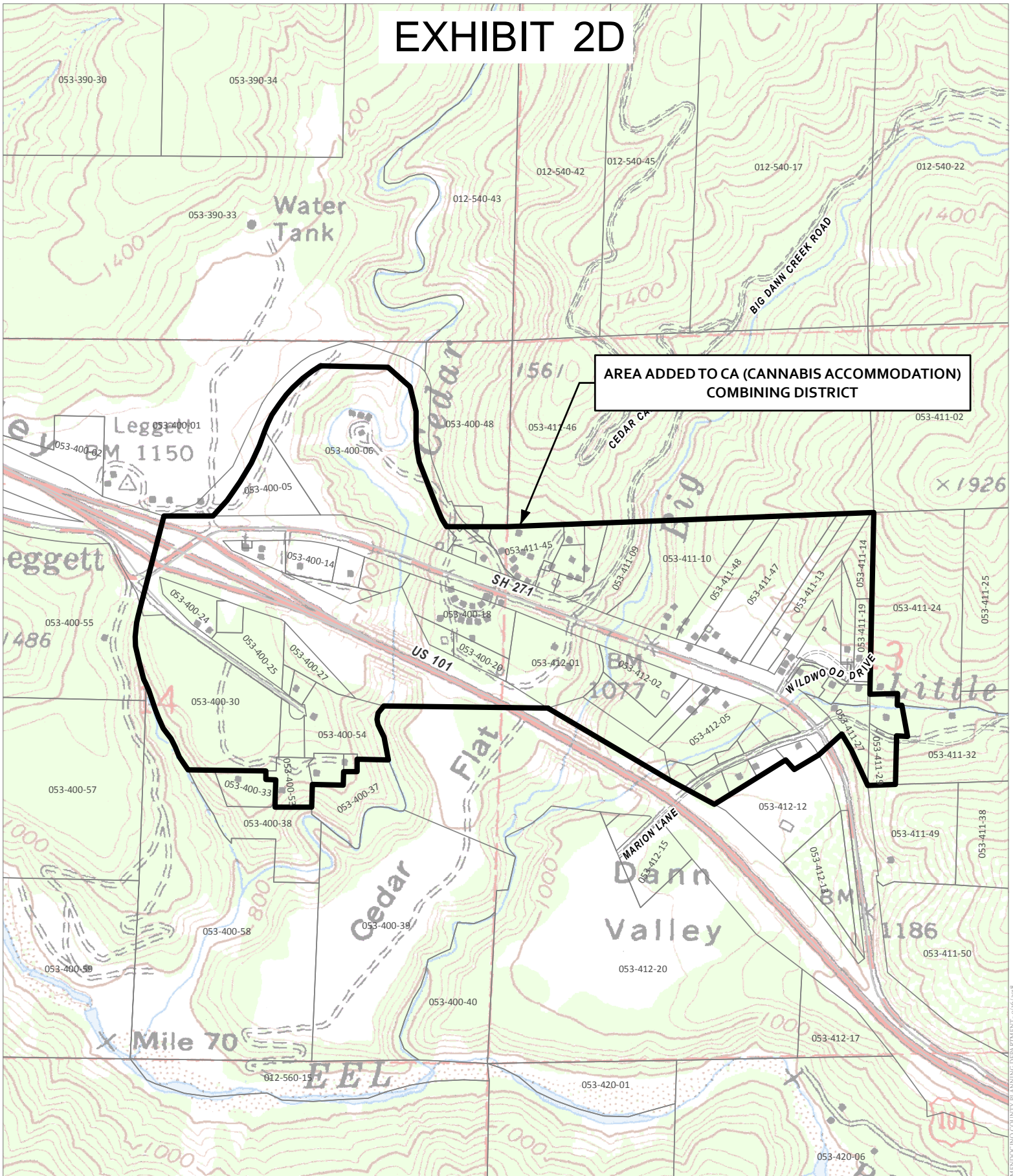


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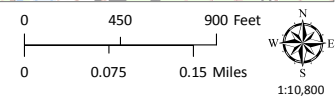
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EXHIBIT 2D



CASE: CDP 2018-0008 / R 2018-0005
 OWNER: Various
 APN: Various
 APLCT: County of Mendocino
 AGENT: Michael Baker International
 ADDRESS: Various

 South Leggett Opt-In
 Public Roads

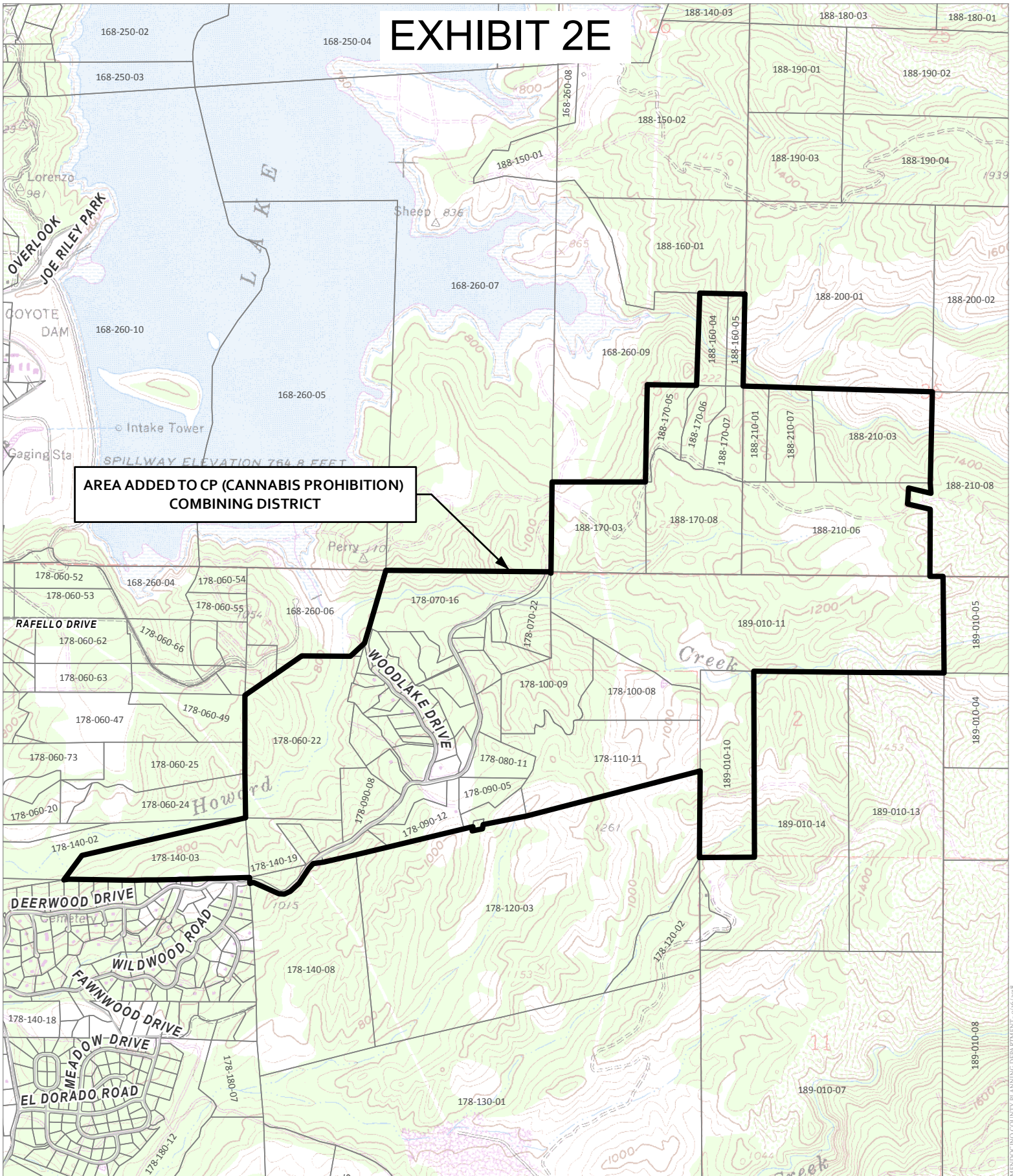


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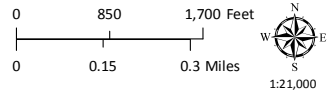
EXHIBIT 2E



**AREA ADDED TO CP (CANNABIS PROHIBITION)
COMBINING DISTRICT**

CASE: CDP 2018-0008 / R 2018-0005
 OWNER: Various
 APN: Various
 APLCT: County of Mendocino
 AGENT: Michael Baker International
 ADDRESS: Various

 Deerwood CP
 Public Roads



DEERWOOD CP DISTRICT

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
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MENDOCINO COUNTY PLANNING DEPARTMENT - 9/26/2018

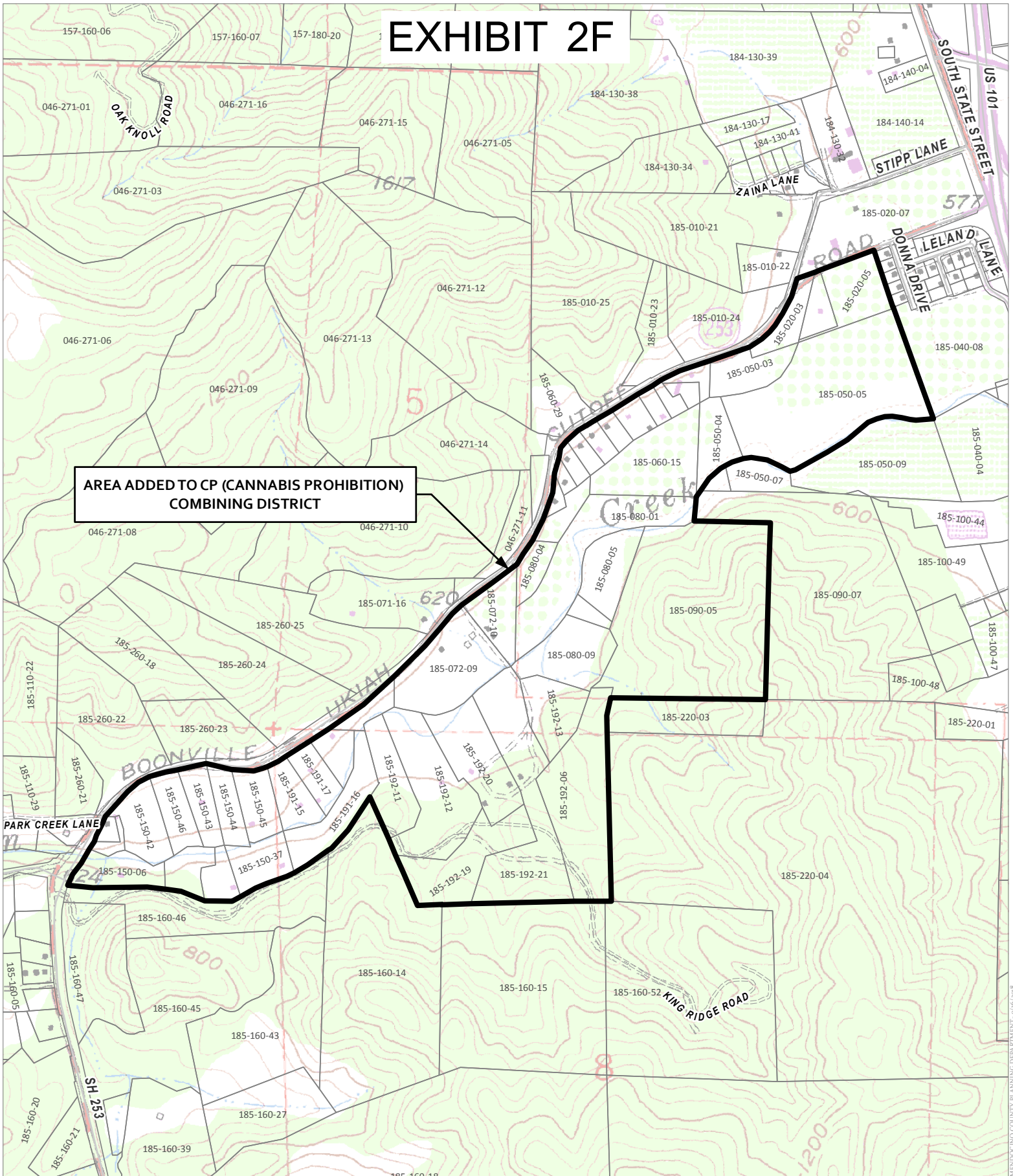
EXHIBIT 2E

Deerwood CP District

APNs



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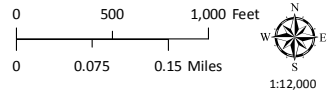
EXHIBIT 2F



**AREA ADDED TO CP (CANNABIS PROHIBITION)
COMBINING DISTRICT**

CASE: CDP 2018-0008 / R 2018-0005
OWNER: Various
APN: Various
APLCT: County of Mendocino
AGENT: Michael Baker International
ADDRESS: Various

 Boonville Woodyglen CP
 Public Roads



MENDOCINO COUNTY PLANNING DEPARTMENT - 9/26/2018

APNs

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ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 10A.17 MENDOCINO CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 CANNABIS CULTIVATION SITES OF THE MENDOCINO COUNTY CODE; ADDING CHAPTER 20.118 “CA” CANNABIS ACCOMMODATION COMBINING DISTRICT AND CHAPTER 20.119 “CP” COMMERCIAL CANNABIS PROHIBITION COMBINING DISTRICT TO THE MENDOCINO COUNTY CODE; AND REZONING CERTAIN PARCELS TO APPLY THE CA AND CP COMBINING DISTRICTS.

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1: Section 10A.17.040 is hereby amended to read as follows:

Sec. 10A.17.040 - General Limitations on Cultivation of Cannabis.

The following limitations shall apply to all cultivation of cannabis in Mendocino County, including but not limited to cultivation pursuant to a Permit issued under this Chapter or an exemption provided for in Section 10A.17.030. Cultivation of cannabis shall also be subject to all applicable restrictions of Mendocino County Code Chapter 20.242.

- (A) The cultivation of cannabis in Mendocino County, in any amount or quantity by any entity, shall not be allowed in the following areas:
- (1) Within one thousand (1,000) feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility as defined herein that is in existence at the time a Permit is initially applied for.
 - (2) Outdoors or using mixed light within one hundred (100) feet of any occupied legal residential structure located on a separate legal parcel; provided, however, that on January 1, 2020, this setback shall be increased to two hundred (200) feet for all Permit applications but shall not apply to renewals of Permits originally issued before that date.
 - (3) Outdoors or using mixed light in a mobile home park as defined in Health and Safety Code Section 18214.1 within one hundred (100) feet of an occupied mobile home that is under separate ownership.
 - (4) In any location where the cannabis plants are visible from the public right of way or publicly traveled private roads.
 - (5) Outdoors or using mixed light within fifty (50) feet from any adjoining legal parcel under separate ownership or access easement (whichever is most restrictive); provided, however, that on January 1, 2020, this setback shall be

increased to one hundred (100) feet for all Permit applications but shall not apply to renewals of Permits originally issued before that date.

(6) Any indoor cultivation sites that comply with paragraph (A)(1) shall also be subject to the following:

(a) Indoor cultivation sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located.

(b) The cultivation of cannabis within an accessory structure shall be allowed subject to the development requirements of the zoning district in which it is located and to requirements of Chapter 20.164 — Accessory Use Regulations except, notwithstanding Section 20.164.010: (a) the cultivation of cannabis in an accessory structure is not permitted prior to the construction of the legal dwelling unit on the parcel, if a legal dwelling unit is required by this Chapter, and (b) cultivation of cannabis shall only be allowed on the same parcel as the dwelling unit, if required.

(c) Indoor cultivation sites for individuals desiring to cultivate cannabis for adult use pursuant to section 10A.17.030(C) shall also be subject to the following limitation: cultivation sites located within a private residence that is a rental unit, as that term is defined by County Code section 20.008.050, shall not be located in any indoor space other than a garage or accessory structure.

(B) The distance between the listed uses in the above paragraph (A)(1) and cannabis that is being cultivated shall be measured in a straight line from the nearest point of the fence required in section 10A.17.040(H), or if the cannabis is cultivated indoors, from the nearest exterior wall of the building in which the cannabis is cultivated to the nearest point of the exterior wall of the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs or to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation, whichever is closest. The distance in paragraphs (A)(2) and (A)(3) to any residential structure shall be measured from the fence required in section 10A.17.040(H) to the nearest exterior wall of the residential structure. The distance in paragraph (A)(5) shall be measured from the fence required in section 10A.17.040(H) to the boundary line of a legal parcel or access easement.

Applicants may seek a reduction in the setback described in paragraphs (A)(1) and (A)(5) upon issuance of an administrative permit pursuant to Chapter 20.242. See also sections 20.242.060(D) and 20.118.040 (D), (E) and (F) for further exceptions to setback regulations.

- (C) The outdoor, indoor or mixed light cultivation of cannabis shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.
- (D) The indoor or mixed-light cultivation of cannabis shall rely on the electrical grid or some form of alternative energy source. The indoor or mixed-light cultivation cannabis shall not rely on a generator as a primary source of power.
- (E) All lights used for the indoor or mixed light cultivation of cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed.
- (F) All activities associated with the cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.
- (G) All cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, or river. The activities associated with the cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.
- (H) All cannabis grown in Mendocino County (excluding indoor growing) must be within a secure, wildlife exclusionary fence of at least six (6) feet in height that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when a qualified patient, caregiver or permittee (or their agent) is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.
- (I) All buildings where cannabis is cultivated or stored shall be properly secured to prevent unauthorized entry.

- (J) Persons cultivating cannabis pursuant to either section 10A.17.030, paragraphs (B) or (C) shall also comply with the provisions of section 10A.17.110, paragraphs (N) and (O).
- (K) Prohibition on Tree Removal. Removal of any commercial tree species as defined by Title 14 California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing a cannabis cultivation site is prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to address safety or disease concerns.

Section 2: Section 10A.17.080 is amended as follows:

Sec. 10A.17.080 - Permit Phases and Requirements Specific to each Phase.

Unless specifically exempted, in addition to compliance with all other requirements of this Chapter, all Permits shall comply with the following requirements:

- (A) Permits under the MCCO will be issued in the following three phases:
 - (1) Phase One: Following the effective date of the MCCO, Permits will only be issued to applicants who provide to the Agricultural Commissioner pursuant to paragraph (B)(1) of this section proof of cultivation at a cultivation site prior to January 1, 2016 ("proof of prior cultivation"), and who comply with all other applicable conditions of this Chapter and Chapter 20.242. Applications for Permits during Phase One shall only be accepted until June 30, 2018; provided, however, that applications for Permits within the areas subject to the sunset provision of paragraph (B)(2)(b) of this section shall be accepted until December 31, 2018. Applicants able to provide proof of prior cultivation may apply for a Permit on a relocation site pursuant to paragraph (B)(3) of this section.
 - (2) Phase Two: Starting January 1, 2018, the Agricultural Commissioner will begin accepting applications for Type 1A and Type 2A Permits for indoor cultivation in the following zoning districts, subject to compliance with all other applicable conditions of this Chapter and Chapter 20.242: Limited Industrial (I-1), General Industrial (I-2), and Pinoleville Industrial (P-I). Proof of cultivation prior to January 1, 2016, is not required.

- (3) Phase Three: Starting January 1, 2020, the Agricultural Commissioner will begin accepting Permit applications from any applicant in conformance with the conditions of this Chapter and Chapter 20.242. Proof of cultivation prior to January 1, 2016, is not required.
- (B) Requirements specific to Phase One Permits.
- (1) Proof of Prior Cultivation. Persons applying for a Permit during Phase One shall be required to provide to the Agricultural Commissioner evidence that they were cultivating cannabis on the cultivation site prior to January 1, 2016, which cultivation site shall have been, or could have been, in compliance with the setback requirements of paragraph (A) of section 10A.17.040. Evidence shall include:
 - (a) Photographs of any cultivation activities that existed on the legal parcel prior to January 1, 2016, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.
 - (b) Photographs of any cultivation activities that currently exist on the legal parcel, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.
 - (c) At least one (1) additional document demonstrating cultivation on the legal parcel prior to January 1, 2016, which evidence may be used to substitute for evidence pursuant to clause (a). The Agricultural Commissioner shall prepare a list of the types of documentation that will be accepted to meet this requirement, and may accept other similarly reliable documentary evidence showing that cannabis was cultivated prior to January 1, 2016.
 - (d) Proof of prior cultivation shall be assigned to the applicant relative to their prior cultivation site.

- (e) Persons who participated in a permit program pursuant to the County's Chapter 9.31 in previous years may present evidence of such participation and payment of all required fees in order to provide proof of prior cultivation.
- (2) Zoning Districts; Exceptions. Existing cultivation sites not located in zoning districts where Chapter 20.242 specifically allows cultivation may be issued a Type C, Type C-A, or Type C-B Permit, subject to the following requirements, in addition to all other applicable requirements of this Chapter:
- (a) The zoning district is one where a dwelling unit is a principally permitted use and a dwelling unit is present.
 - (b) Sunset Provision for Residential Districts. Cultivation sites on legal parcels located in the Single-Family Residential (R-1), Two-Family Residential (R-2), Multiple-Family Residential (R-3), Suburban Residential (S-R), Rural Community (R-C), and Rural Residential (lot sizes one (1) acre, two (2) acres and five (5) acres [legal non-conforming parcels to minimum zoning size][R-R:L-1, R-R:L-2, and R-R:L-5 {legal non-conforming to minimum zoning size}]), as well as cultivation sites in any other zoning district where a dwelling unit is a principally permitted use and the legal parcel is less than two (2) acres in size, are subject to the following requirements:
 - (i) There is an occupied dwelling unit on the legal parcel with the cultivation site.
 - (ii) A Permit may be renewed and valid only until three (3) years following the effective date of the ordinance adopting this Chapter and any permits issued shall be void not later than three (3) years following said effective date.

The provisions of this subsection, however, shall not apply in areas designated as "CA" Cannabis Accommodation Combining District, nor shall they apply to parcels zoned Rural Residential (lot size five (5) acres [R-R:L-5]) that are between 3.5 and

4.99 acres and have been issued an administrative permit pursuant to section 20.242.070(C).

- (c) Cultivation sites on legal parcels located in the Rural Residential zoning district, lot size five (5) acres (conforming parcels of five acres or more only)(R-R:L-5), are subject to the following additional requirement that there is an occupied dwelling unit on the legal parcel with the cultivation site.
 - (d) If a Permit is granted pursuant to this paragraph (B)(2) in these zoning districts, any future revocation or lapse in renewal of such Permit shall extinguish the ability of any person to obtain a Permit for such cultivation site.
- (3) Relocation. Persons able to show proof of prior cultivation pursuant to paragraph (B)(1) above may apply for a Permit not on the site previously cultivated (the "origin site") but on a different legal parcel (the "destination site"), subject to the following requirements:
- (a) Persons may apply to relocate their cultivation site pursuant to this paragraph (B)(3) until three (3) years after the effective date of the ordinance adopting this Chapter, or until May 4, 2020.
 - (b) The location and operation of the proposed cultivation site on the destination parcel complies with all requirements and development standards that apply to a new cultivation site as of January 1, 2020, pursuant to this Chapter and Chapter 20.242; provided, however:
 - (i) An existing cultivation site shall not be transferred to a legal parcel located within the Forestland or Timber Production Zone zoning districts.
 - (ii) An origin site may relocate to a destination site in the Rangeland zoning district, so long as the destination site has an existing cultivation site and no new cultivation sites would be established.
 - (c) The origin site shall be restored. The application for a Permit on a destination site shall be accompanied by a restoration plan that is consistent with the standard conditions and best management practices listed in the North Coast

Regional Water Quality Control Board Order No. 2015-0023, and which shall include the following:

- (i) Remove or repurpose buildings, greenhouses, fences, irrigation equipment, water intakes, pumps, storage tanks and other materials brought to the origin site for the purpose of cannabis cultivation;
 - (ii) Remove illegal dams, ponds or other in-stream water storage to restore natural stream flows, unless such features will continue in use;
 - (iii) Remove or compost agricultural wastes;
 - (iv) Remove trash and other debris; and
 - (v) Revegetate cleared areas with native plants typical of nearby natural areas, including groundcover, shrubs and trees.
- (d) Unless the destination site is within the Agricultural zoning district, the application shall include either a water availability analysis pursuant to paragraph (C)(1)(b) below or a will serve letter pursuant to paragraph (C)(1)(c) below.
- (e) Prior to the issuance of the Permit to cultivate cannabis at the destination parcel, the applicant shall provide the Agricultural Commissioner with an agreement, on a form approved by the Agricultural Commissioner and County Counsel, providing that the applicant releases any right to continue or resume cultivation of cannabis on the origin parcel.
- (f) If a person is granted a Permit for a destination site, any claims of proof of prior cultivation on the origin site shall be effectively transferred to the destination site, and the ability to claim proof of prior cultivation at the origin site shall be extinguished.
- (g) There shall be a two (2) acre minimum parcel size for all Type C, Type C-A or Type C-B Permits.
- (4) Multiple Permits may be applied for and granted on a single legal parcel that is owned by multiple persons residing in separate habitable dwelling units on that legal parcel. Each owner may individually apply for a Permit to

cultivate cannabis, provided that each owner must provide proof of prior cultivation pursuant to paragraph (B)(1) above. Each owner shall be limited to a Type C, Type C-A or Type C-B Permit, unless that owner was previously enrolled in a permit program pursuant to the County's Chapter 9.31, or unless the cumulative total square footage of plant canopy applied for by all owners does not exceed the maximum square footage permitted on a parcel for the relevant zoning district.

- (5) Persons eligible to apply for a Permit during Phase One may apply for a different and/or larger Permit type in subsequent years, subject to all requirements of this Chapter.
- (6) If a Permit is granted pursuant to this paragraph (B), any future revocation or lapse in renewal of such Permit shall extinguish the ability of any person to obtain a Permit for such cultivation site, unless otherwise allowed by this Chapter 10A.17; provided, however, for Permits granted in the Rangeland (RL), Forestland (FL) or Timberland Protection (TPZ) zoning districts, not more than once in a five-year period, a Permittee may file with the Department of Agriculture, on a form prescribed by the Department, a Notice of Non-Cultivation instead of an application to renew the Permit, and the Permittee's ability to obtain a Permit for such cultivation site will not be extinguished.

(C) Requirements specific to Phase Three Permits.

- (1) Watershed Assessment. All Permit applications, except for legal parcels located in the Agricultural (A-G) zoning district, shall demonstrate there is adequate water to serve the cultivation site.
 - (a) If surface water (or groundwater influenced by surface water) will be used, applicants may demonstrate that there is adequate water by providing (i) a watershed assessment that establishes there is sufficient watershed supply to serve the proposed cultivation site and existing uses within the watershed, and (ii) a water right exists to serve the cultivation site. A watershed assessment shall consist of an established "In Stream Flow Policy" as prepared by the State Water Resources Control Board Division of Water Rights or an equivalent document approved by that agency.

- (b) If groundwater not influenced by surface water will be used, the applicant may demonstrate that there is adequate water by providing a water availability analysis which will address the adequacy of the proposed water supply, the direct effects on adjacent and surrounding water users, and possible cumulative adverse impacts of the development on the water supply within the watershed and show there is a sustained yield to support the proposed level of use.
- (c) If water will be provided by a mutual water company, municipal or private utility or similar community provider, the applicant may demonstrate that there is adequate water by providing a will serve letter from the proposed provider.

Section 3: Section 10A.17.081 is hereby added to the Mendocino County Code to read as follows:

Sec. 10A.17.081 – Application Deadline for Parcels in “CA” Cannabis Accommodation Combining Districts.

Notwithstanding the provisions of paragraph (A)(1) of section 10A.17.080, Phase One Permits may be issued for cultivation sites within a “CA” Cannabis Accommodation Combining District so long as applications for such sites are submitted to the County within one hundred eighty (180) days of the effective date of the ordinance that establishes the applicable CA district.

Section 4: Chapter 20.118 is hereby added to the Mendocino County Code to read as follows:

Chapter 20.118 – “CA” Cannabis Accommodation Combining District

Sec. 20.118.010. Intent.

The “CA” Cannabis Accommodation Combining District (CA Combining District or CA district) is intended to be applied to areas where greater flexibility in the development standards related to cannabis cultivation operations is desirable and necessary in order to accommodate existing commercial cannabis cultivation sites.

Sec. 20.118.020. Applicability.

- (A) The CA Combining District may be applied to areas that include existing commercial cannabis cultivation operations, and where the zoning designation of the majority of the lots allows residential use by right.

(B) A CA Combining District may range from neighborhood to community in scale, but in no case be composed of fewer than ten (10) legal parcels as that term is defined in section 10A.17.020. All parcels within a CA Combining District shall be contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).

(C) The regulations in this section are supplemental to the regulations for the applicable underlying zoning district. In the event of a conflict between the regulations for the CA Combining District and the underlying zoning district, the CA district regulations shall prevail.

Sec. 20.118.030. Establishment of CA Combining District.

(A) The establishment of a CA Combining District shall be in accordance with the provisions of Chapter 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 sixty percent (60%) of the affected property owners (as demonstrated by one (1) 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 Chapter 20.212.

(D) Applications for CA Combining Districts will be accepted until November 1, 2019.

Sec. 20.118.040. Regulations for CA Combining District.

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

(B) The Sunset Provision for cannabis cultivation (section 10A.17.080(B)(2)(b)) shall not apply within the CA district.

- (C) Cannabis cultivation permit types defined in section 10A.17.060 as (C) Small Outdoor, (C-A) Small Indoor, Artificial Light, and (C-B) Small Mixed Light may be permitted for existing cultivation sites on any parcel subject to the planning permit and approval requirements in section 20.242.040(C).
- (D) The minimum setback for a cultivation site from any adjoining legal parcel under separate ownership, as required by section 10A.17.040(A)(5), shall be twenty (20) feet.
- (E) The minimum setback for a cultivation site to an adjoining legal parcel under separate ownership, as required by section 10A.17.040(A)(5), may be reduced to less than twenty (20) feet or waived through the approval of an Administrative Permit pursuant to section 20.242.070(C).
- (F) The minimum setback for a cultivation site to any occupied legal residential structure located on a separate legal parcel, as required by section 10A.17.040(A)(2), may be reduced to twenty (20) feet through the approval of an Administrative Permit pursuant to section 20.242.070(C).
- (G) Changes to the underlying zoning of a parcel or parcels within the CA Combining District would have no effect on the uses permitted and defined by this section, nor would the CA Combining District limit any use rights granted by a future rezoning of property within this CA district.

Sec. 20.118.050. Changes to CA Combining District.

- (A) 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.
- (B) Following the in-effect period of ten (10) years from the date of adoption, a CA Combining District may be repealed or amended upon submittal of an application by one (1) or more property owner(s) within the boundaries of the CA district. The application shall be accompanied by a petition demonstrating support for the repeal or amendment of the CA district by more than sixty percent (60%) of all current property owners (as demonstrated by one owner's signature per parcel or parcels owned) within the 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) If a CA Combining District is repealed at any time, all current cultivators that do not meet the development standards of the

underlying zoning district shall be permitted to continue operations for three (3) years from the date of repeal of the CA district. After three (3) years following the date of repeal of the CA district, permits for cultivators that do not meet the standards of the underlying zoning district shall not be renewed by the County.

(D) An owner of property that is contiguous with a CA Combining District may submit a petition to the County to be included in the CA district. Petitions for inclusion in an existing CA district shall only be submitted by the current property owner. An addition of new property to an established CA district shall not alter the in-effect period of ten (10) years for the district.

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

Sec. 20.118.060. Fees for Petitions for CA Combining District.

The Board of Supervisors shall require payment of fees or deposits, as established by the Board, for the processing of applications seeking to establish, repeal, or amend a CA Combining District in an amount that covers all costs for review, public noticing and hearings, and approval or denial of the application. The fees shall be as set and established by Resolution passed by the Board of Supervisors.

Sec. 20.118.070. Adopted CA Combining Districts.

The CA Combining District has been applied to the following areas, which are more specifically defined in the ordinance that rezoned the areas to the CA Combining District:

- (A) Covelo Core
- (B) Covelo Fairbanks Road
- (C) Laytonville
- (D) South Leggett

Section 5: Chapter 20.119 is hereby added to the Mendocino County Code to read as follows:

Chapter 20.119 – “CP” Commercial Cannabis Prohibition Combining District

Sec. 20.119.010. Intent.

The “CP” Commercial Cannabis Prohibition Combining District (CP Combining District or CP district) is intended to allow the County to designate specific areas where commercial cannabis operations are prohibited.

Sec. 20.119.020. Applicability.

- (A) The CP Combining District may be applied to an area where a majority of the parcels allow residential use by right.
- (B) A CP Combining District shall be composed of no fewer than ten (10) legally created legal parcels, as that term is defined in section 10A.17.020, that are contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).
- (C) The regulations in this section are supplemental to the regulations for the applicable underlying zoning district. In the event of a conflict between the regulations for the CP Combining District and the underlying zoning district, the CP district regulations shall prevail.

Sec. 20.119.030. Establishment of CP Combining District.

- (A) The establishment of a CP Combining District shall be in accordance with the provisions of Chapter 20.212, except as otherwise provided in this section.
- (B) Establishment of a CP Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CP 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 CP district by more than sixty percent (60%) of the affected property owners (as demonstrated by one (1) owner's signature per legal parcel) within the proposed CP 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 Chapter 20.212.

Sec. 20.119.040. Regulations for CP Combining District.

- (A) All new and unpermitted cannabis cultivation sites as defined in section 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 (3) years from the date of establishment of the CP district. After three (3) years following the date of establishment of the district, all

previously permitted commercial cannabis cultivation sites 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 section 10A.17.080(B)(2)(b) (Sunset provisions).

Sec. 20.119.050. Changes to CP Combining District.

- (A) 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.
- (B) Following the in-effect period of ten (10) years from the date of adoption, a CP Combining District may be repealed or amended upon submittal of an application by one (1) or more property owner(s) within the boundaries of the CP district. The application shall be accompanied by a petition demonstrating support for the repeal or amendment of the CP district by more than sixty percent (60%) of all current property owners (as demonstrated by one (1) owner's signature per legal parcel) within the CP 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) An owner of property that is contiguous with a CP district may submit a petition to the County to be included in the CP Combining District. Petitions for inclusion in an existing CP district shall only be submitted by the current property owner. An addition of new property to an established CP district shall not alter the in-effect period of ten (10) years for the district.
- (D) Action on an application to repeal, amend, or add contiguous property to a CP district shall be taken by the Planning Commission and Board of Supervisors consistent with the provisions of Chapter 20.212, except as provided by this section.

Sec. 20.119.060. Fees for Petitions for CP Combining District.

The Board of Supervisors shall require payment of fees or deposits, as established by the Board, for the processing of applications seeking to establish, repeal, or amend a CP Combining District in an amount that covers all costs for review, public noticing and hearings, and approval or denial of the application. The fees shall be as set and established by Resolution passed by the Board of Supervisors.

Sec. 20.119.070. Adopted CP Combining Districts.

The CP Combining District has been applied to the following areas, which are more specifically defined in the ordinance that rezoned the areas to the CP Combining District:

- (A) Deerwood (Ukiah area)
- (B) Boonville Road – Woodyglen (Ukiah area)

Section 6. Section 20.242.040 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.242.040 - Existing Cannabis Cultivation Sites.

- (A) Referrals of applications to the Department for review related to existing cultivation sites shall include the Agriculture Commissioner's determination that the cultivation site existed prior to January 1, 2016, unless the Agricultural Commissioner requests the assistance of the Department in making this determination as part of the referral to the Department.
- (B) Cultivation sites, in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit as required for the zoning district in which the cultivation site is located and as listed in Table 1.

TABLE 1
Zoning Permit Requirement for Existing Cannabis Cultivation by Zoning District and Cannabis Cultivation Ordinance Permit Type

MCCO Permit Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm, Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery
Min Parcel Area (ac) ^{*1} / _{= ±} ^{*2} ^{*3} _{= ±}	NA	NA		NA	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501 – 2,500	2,500	2,501 – 5,000	2,501 – 5,000	2,501 – 5,000	5,001 – 10,000	5,001 – 10,000	5,001 – 10,000	22,000
Zoning District	RR ^{*1} / ₌	ZC	AP	UP	ZC	ZC	—	ZC	—	—	—
	RR 10	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	AG	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	UR	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	RL	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	FL ^{*4} / ₌	ZC	AP	UP	ZC	AP	—	AP	AP	—	AP
	TPZ ^{*4} / ₌	ZC	AP	UP	ZC	AP	—	AP	AP	—	AP

<u>I1</u> ^{*5}	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC	ZC
<u>I2</u> ^{*5}	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC	ZC
<u>PI</u> ^{*5}	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	ZC

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

*2 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between three and one-half (3.5) and five (5) acres, and that shares at least fifty percent (50%) of its boundaries with parcels five (5) acres in size or larger, may apply for and be granted permit types 1 and 1-B following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

*3 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between seven (7) and ten (10) acres, and that shares at least fifty percent (50%) of its boundaries with parcels ten (10) acres in size or larger, may apply for and be granted permit types 2, 2-B and 4 following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

~~**Parcels in Industrial zoning districts are not subject to a minimum parcel area.~~

*4 Existing cultivation sites in the FL and TPZ zoning districts that were previously enrolled in a permit program pursuant to the County's Chapter 9.31 shall be required to obtain a zoning clearance unless the applicant seeks to expand beyond the size previously cultivated under such permit program.

*5 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

(C) A reduction in the setback from a legal parcel line required by section 10A.17.040(A)(5) may be allowed following the issuance of an Administrative Permit, approved pursuant to section 20.242.070(C), subject to the following limitations: (1) the approved reduced setback for cultivation not within a structure shall be no less than twenty (20) feet from an adjoining property under separate ownership or an access easement, or (2) for cultivation within a structure, the setback shall be no less than the front, rear, or side yard setback (as applicable) setback for the zoning district in which the property is located. Any reduction of the setback pursuant to this section must comply with the required setback from an occupied legal structure and the reduced setback may not encroach into any corridor preservation setback, pursuant to sections 20.152.015 and 20.152.020.

(D) An existing cultivation site located in a zoning district not listed in Table 1 of this section may continue, but shall not be expanded or enlarged, subject the following planning permit and approval requirements.

(1) Planning Permit Requirements:

- (a) Outdoor Cultivation (pursuant to a MCCO Type C Permit) not exceeding two thousand five hundred (2,500) requires an approved Zoning Clearance.
- (b) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A Permit) not exceeding five hundred (500) square feet requires an approved Administrative Permit.
- (c) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A Permit) between five hundred one (501) and two thousand five hundred (2,500) square feet requires an approved Minor Use Permit.
- (d) Mixed Light Cultivation (pursuant to a MCCO C-B Permit) not exceeding two thousand five hundred (2,500) square feet requires an approved Zoning Clearance.
 - (i) Any future lapse or revocation of the MCCO permit will extinguish the permittee's ability to obtain a future permit from the Department to continue or resume an existing cultivation site that is not within a zoning district listed in Table 1 of this section.

(DE) Transferability of Permits. Permits issued pursuant to this Section shall not be transferable to another person, except that the permittee may transfer the permit to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the permittee serves as a trustee, which shall not be deemed a change in ownership for purposes of this Chapter.

Section 7. Section 20.242.060 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.242.060 - New Cannabis Cultivation Sites.

- (A) Except as provided in Section 20.242.050, on or after January 1, 2020, new cannabis cultivation sites may be permitted in accordance with this section.
- (B) All new cannabis cultivation sites shall be consistent with the General Limitations on Cultivation of Cannabis, Section 10A.17.040; provided, however, that an applicant may seek a reduction in the setback requirements as stated in paragraph (D) of this section.

- (C) Cultivation sites, operated in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit, as required for the zoning district in which the cultivation site is located and listed in Table 2.

TABLE 2
Zoning Permit Requirement for New Cannabis Cultivation by Zoning District and Cannabis Cultivation Ordinance Permit Type

MCCO Permit Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery
Min Parcel Area (ac)	2	2		2	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501 – 2,500	2,500	2,501 – 5,000	2,501 – 5,000	2,501 – 5,000	5,001 – 10,000	5,001 – 10,000	5,001 – 10,000	22,000
Zoning District	RR 5 ^{*1}	ZC	AP	UP	ZC	ZC	—	ZC	—	—	—
	RR 10	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	AG	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	UR	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	I1 ^{*2}	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	I2 ^{*2}	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	PJ ^{*2}	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

^{*1} Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

^{*2} Parcels in Industrial zoning districts are not subject to a minimum parcel area.

- (D) **Setback Reduction.** A reduction in the setback from a legal parcel line required by Section 10A.17.040 may be allowed with an Administrative Permit, approved according to Section 20.242.070(C), provided that the approved setback reduction is fifty (50) feet or greater from an adjoining property under separate ownership or access easement, whichever is most restrictive and the location of the cannabis cultivation site continues to comply with the required setback from an occupied legal residential structure.

Section 8. Section 20.242.070 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.242.070 - Planning approval required to cultivate cannabis.

- (A) Planning Approval Procedure. Each proposed cannabis cultivation site is subject to one (1) of the following planning review processes that correspond to the applicable zoning district and Chapter 10A.17 permit as specified by Table 1 or Table 2 in this Chapter.

The Agricultural Commissioner's Office shall refer applications for cultivation permits pursuant to Chapter 10A.17 to the Department, which shall review the application to determine which of the following processes applies. If the application needs only a Zoning Clearance, the Department will provide a zoning clearance approval to the Agricultural Commissioner's Office. If the application requires either an Administrative Permit or a Minor Use Permit, the Department will notify the Agricultural Commissioner's Office and the applicant that planning approval is required.

- (B) Zoning Clearance. The Department shall review the MCCO permit application to confirm the cannabis cultivation site is allowed in zoning district, subject to the applicable requirements of this chapter, and confirm the legal parcel on which the cultivation site is located. The Department shall additionally provide any information as requested by the Agricultural Commissioner's Office to confirm compliance with any of the provisions of Chapter 10A.17.

- (C) Administrative Permit. In accordance with the Administrative Permit review procedure listed in Chapter 20.192, the Zoning Administrator shall approve, conditionally approve or deny an Administrative Permit for cannabis cultivation sites based on the following special findings.

- (1) The cannabis cultivation site is allowed in the zoning district and it is in compliance with the provisions of Chapter 10A.17.

- (2) There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding fifteen (15) percent, prime soil, oak woodland, and timber resources.

- (3) The cannabis cultivation will avoid or minimize odor and light impact on residential uses.

- (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO permit application contains evidence that demonstrates: (1)

there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.

- (5) The Administrative Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Administrative Permit shall expire at the end of this period unless it is renewed prior to the end of the 10-year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.

- (6) An Administrative Permit may be applied for and granted for an exception to the dwelling unit requirement of Chapter 10A.17 for parcels in the Rural Residential, lot size ten (10) acres (R-R:L-10) zoning district with the additional finding that the applicant shall demonstrate that the cultivation site and any associated infrastructure (roads, buildings, water storage, etc.) does not preclude the development of the parcel with a residence in the future. For parcels that will need on-site sewage disposal systems to be developed, making this finding may require the identification of a primary and reserve leach field to be identified in order to issue the Administrative Permit.

- (7) An Administrative Permit may be applied for and granted for an exception to the one thousand (1,000) foot setback requirement of a cannabis cultivation site as outlined in section 10A.17.040(B). Administrative permits may be approved, conditionally approved or denied for the reduction of the setback provided for in section 10A.17.040(A)(1) based on the findings of 20.242.070(C)(1), (C)(2) and (C)(3) and on the following special findings:
 - (i) That there be special circumstances applicable to the property involved, including size, shape, topography, location or surrounding;

 - (ii) That the granting of such reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and

 - (iii) That the granting of such reduction will not adversely affect the General Plan.

(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 section 20.242.070(C)(1), (C)(2), and (C)(3) and on the following special findings:

(i) That the granting of such reduction will not adversely affect the character, livability, or right to appropriate development of the adjacent property from which the setback reduction is requested; and will not interfere with rights of access or usage for any legal recorded easement; and

(ii) That the reduced setback maintains setbacks consistent with provisions of sections 10A.17.040(A)(1), (A)(2), (A)(3), and (A)(4), as applicable, unless the applicant obtains a reduction of such setbacks through an Administrative Permit as permitted by this Chapter.

(D) Minor Use Permit. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Minor Use Permit for a cannabis cultivation site based on findings in Section 20.196.020 and the following special findings:

(1) The proposed cannabis cultivation site is in compliance with the provisions of Chapter 10A.17.

(2) In cases where there is no other environmentally superior cultivation site located on the same parcel, the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceed fifteen (15) percent, prime soil, oak woodland, and timber resources.

- (3) The proposed cannabis cultivation site will avoid or minimize odor and light impact on residential uses.
- (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO permit application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.
- (5) The Use Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Use Permit shall expire at the end of this period unless it is renewed prior to the end of [the] 10-year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.

Section 9. General Plan Consistency. Based on the evidence in the record, the Board of Supervisors finds that the amendments and rezonings being made by this ordinance are consistent with the goals and policies of the Mendocino County General Plan and the Ukiah Valley Area Plan.

Section 10. Rezone – “CA” Cannabis Accommodation Combining Districts. Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the properties depicted and listed in the following exhibits, which are attached hereto and incorporated herein by this reference, is hereby changed to reclassify the properties to the “CA” Cannabis Accommodation Combining District:

- Exhibit A. Covelo Core CA District
- Exhibit B. Covelo Fairbanks Road CA District
- Exhibit C. Laytonville CA District
- Exhibit D. South Leggett CA District

Section 11. Rezone – Commercial Cannabis Prohibition Combining Districts. Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the properties depicted and listed in the following exhibits, which are attached hereto and incorporated herein by this reference, is hereby changed to reclassify the properties to the “CP” Commercial Cannabis Prohibition Combining District:

- Exhibit E. Deerwood CP District
- Exhibit F. Boonville/Woodyglen CP District

Section 12. Severability. If any section, subsection, provision, phrase, word, or clause of this ordinance or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid or unconstitutional.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2018, by the following roll call vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN HAMBURG, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

ATTACHMENT 4

Resolution Number PC_2018-0036

County of Mendocino
Ukiah, California
October 18, 2018

OA_2018-0008/R_2018-0005

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 AMENDMENTS TO CHAPTER 10A.17 MENDOCINO CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 CANNABIS CULTIVATION SITES OF THE INLAND MENDOCINO COUNTY CODE; THE 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 THE PROPOSED REZONING OF CERTAIN PARCELS TO THE CA AND CP DISTRICTS.

WHEREAS, County staff has, pursuant to the direction of the Board of Supervisors of Mendocino County, prepared draft amendments to the Mendocino County Code in the form of: amendments to Mendocino County Code Chapter 10A.17 Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 Cannabis Cultivation Sites; a new Chapter 20.118 Cannabis Accommodation Combining District; and a new Chapter 20.119 Cannabis Prohibition Combining District, which are attached to this Resolution as Exhibit A, Exhibit B, Exhibit C and Exhibit D respectively, and incorporated herein by this reference; and

WHEREAS, County staff has, pursuant to the direction of the Board of Supervisors of Mendocino County, prepared (1) maps of areas proposed for rezoning to the Cannabis Accommodation Combining District and lists of Assessor's Parcel Numbers ("APN's") for each parcel to be rezoned, which are attached to this Resolution as Exhibit E through Exhibit L and incorporated herein by this reference, and (2) maps of areas proposed for rezoning to the Cannabis Prohibition Combining District and lists of Assessor's Parcel Numbers ("APN's") for each parcel to be rezoned, which are attached to this Resolution as Exhibit K and Exhibit J and incorporated herein by this reference; and

WHEREAS, together, the amendments to Chapters 10A.17 and 20.242, the adoption of Chapters 20.118 and 20.119, and the rezoning of certain areas to either the Cannabis Accommodation Combining District or the Cannabis Prohibition Combining District, is hereby referred to as the "Project"; and

WHEREAS, by Resolution Number 17-042, adopted on March 21, 2017, following a public review period and as required by CEQA and the CEQA Guidelines, the Mendocino County Board of Supervisors adopted a Mitigated Negative Declaration (MND) (SCH# 2016112028) for the initial adoption of Mendocino County Code Chapter 10A.17 Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 Cannabis Cultivation Sites, and has subsequently adopted five separate addenda to the MND for amendments made to Chapters 10A.17 and 20.242; and

WHEREAS, section 15164 of the CEQA Guidelines provides that an addendum to a previously adopted MND may be prepared if only minor technical changes or additions to the project are necessary of none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent environmental impact report or mitigated negative declaration have occurred; and

WHEREAS, County staff has prepared an Addendum to the adopted Mitigated Negative Declaration related to the proposed Project, which is attached to this resolution as Exhibit M and incorporated herein by this reference ("Addendum"), and which determines that none of the conditions described in CEQA Guidelines section 15162 will occur as a result of the Project; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public meeting on October 18, 2018, to solicit public comments on the proposed Project, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in

writing regarding the Addendum and proposed Project. All interested persons were given an opportunity to hear and be heard regarding the Addendum and proposed Project; 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 forth the intentions of the Planning Commission regarding the Addendum and proposed Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based on the evidence in the record, makes the following report and recommendation to the Mendocino County Board of Supervisors regarding the proposed Project and the Addendum related thereto:

1. The Planning Commission recommends that the Board of Supervisors consider and adopt the Addendum to the previously adopted Mitigated Negative Declaration for the Mendocino County Cultivation Regulation, prepared for Ordinance Amendment OA-2018-0008 in the form attached to this resolution as Exhibit M.

2. The Planning Commission recommends that the Board of Supervisors amend County Code Chapters 10A.17 Mendocino Cannabis Cultivation Ordinance and 20.242 Cannabis Cultivations Sites regulations as shown in the form attached to this resolution as Exhibit A and Exhibit B, respectively, with the following recommended change:

(A) Section 20.242.070(C)(8) should be amended to read as follows:

(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:

(i) That the granting of such reduction will not adversely affect the character, livability or right to appropriate development of the adjacent property from which the setback reduction is requested; and will not interfere with rights of access or usage for any legal recorded easement; and

(ii) That the reduced setback maintains setbacks consistent with provisions of Sections 10A.17.040 (A)(1), (A)(2), (A)(3) and (A)(4), as applicable, unless the applicant obtains a reduction of such setbacks through an Administrative Permit as permitted by this Chapter.

3. The Planning Commission recommends that the Board of Supervisors adopt a new Chapter 20.118 Cannabis Accommodation Combining District and a new Chapter 20.119 Cannabis Prohibition District as shown in the form attached to this resolution as Exhibit C and Exhibit D, respectively, with the following recommended changes:

(A) The revisions to proposed Chapters 20.118 and 20.119 shown in the Addenda to the Planning Commission Staff Report and Associated Attachments and Exhibits, attached to this resolution as Exhibit N, and any corresponding changes to Chapter 10A.17 that may need to be made regarding application submittal deadlines.

4. The Planning Commission recommends that the Board of Supervisors rezone the parcels shown and listed in Exhibit E, Exhibit F, Exhibit G and Exhibit H attached hereto for the following listed areas to the Cannabis Accommodation (CA) Combining District:

- E. Covelo Core CA District
- F. Covelo Fairbanks Road CA District
- G. Laytonville CA District
- H. South Leggett CA District

5. The Planning Commission recommends that the Board of Supervisors not rezone the parcels shown and listed in Exhibit I and Exhibit J attached hereto for the following listed areas to the Cannabis Accommodation (CA) Combining District:

- I. Mitchell Creek North CA District
- J. Mitchell Creek South CA District

6. The Planning Commission recommends that the Board of Supervisors rezone the parcels shown and listed in Exhibit K and Exhibit L attached hereto for the following listed areas to the Cannabis Prohibition (CP) Combining District:

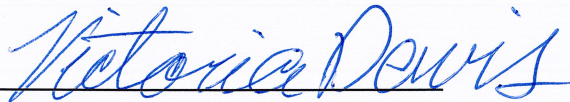
- K. Deerwood CP District
- L. Boonville/Woodyglen CP District

7. The Planning Commission finds that the Project is consistent with the goals and policies of the Mendocino County General Plan and the Ukiah Valley Area Plan.

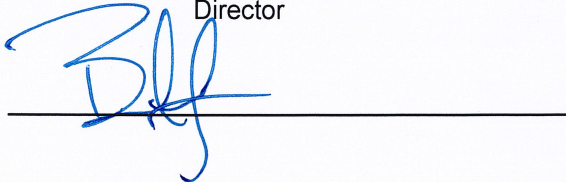
BE IT FURTHER RESOLVED that the Planning Commission designated the Secretary as the custodian of the documents and all other material which constitutes the record of proceedings upon which the Planning Commission decision is herein based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

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: BRENT SCHULTZ
Director



MADELINE HOLTkamp, Chair
Mendocino County Planning Commission

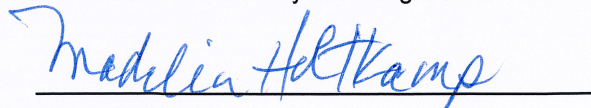


EXHIBIT A

CHAPTER 10A.17 - MENDOCINO CANNABIS CULTIVATION ORDINANCE

Sec. 10A.17.040 - General Limitations on Cultivation of Cannabis.

The following limitations shall apply to all cultivation of cannabis in Mendocino County, including but not limited to cultivation pursuant to a Permit issued under this Chapter or an exemption provided for in Section 10A.17.030. Cultivation of cannabis shall also be subject to all applicable restrictions of Mendocino County Code Chapter 20.242.

- (A) The cultivation of cannabis in Mendocino County, in any amount or quantity by any entity, shall not be allowed in the following areas:
- (1) Within one thousand (1,000) feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility as defined herein that is in existence at the time a Permit is initially applied for.
 - (2) Outdoors or using mixed light within one hundred (100) feet of any occupied legal residential structure located on a separate legal parcel; provided, however, that on January 1, 2020, this setback shall be increased to two hundred (200) feet for all Permit applications but shall not apply to renewals of Permits originally issued before that date.
 - (3) Outdoors or using mixed light in a mobile home park as defined in Health and Safety Code Section 18214.1 within one hundred (100) feet of an occupied mobile home that is under separate ownership.
 - (4) In any location where the cannabis plants are visible from the public right of way or publicly traveled private roads.
 - (5) Outdoors or using mixed light within fifty (50) feet from any adjoining legal parcel under separate ownership or access easement (whichever is most restrictive); provided, however, that on January 1, 2020, this setback shall be increased to one hundred (100) feet for all Permit applications but shall not apply to renewals of Permits originally issued before that date.
 - (6) Any indoor cultivation sites that comply with paragraph (A)(1) shall also be subject to the following:
 - (a) Indoor cultivation sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located.
 - (b) The cultivation of cannabis within an accessory structure shall be allowed subject to the development requirements of the zoning district in which it is located and to requirements of Chapter 20.164 — Accessory Use Regulations except, notwithstanding Section 20.164.010: (a) the cultivation of cannabis in an accessory structure is not permitted prior to the construction of the legal dwelling unit on the parcel, if a legal dwelling unit is required by this Chapter, and (b) cultivation of cannabis shall only be allowed on the same parcel as the dwelling unit, if required.
 - (c) Indoor cultivation sites for individuals desiring to cultivate cannabis for adult use pursuant to section 10A.17.030(C) shall also be subject to the following limitation: cultivation sites located within a private residence that is a rental unit, as that term is defined by County Code section 20.008.050, shall not be located in any indoor space other than a garage or accessory structure.
- (B) The distance between the listed uses in the above paragraph (A)(1) and cannabis that is being cultivated shall be measured in a straight line from the nearest point of the fence required in section 10A.17.040(H), or if the cannabis is cultivated indoors, from the nearest exterior wall of the building in which the cannabis is cultivated to the nearest point of the exterior wall of the

facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs or to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation, whichever is closest. The distance in paragraphs (A)(2) and (A)(3) to any residential structure shall be measured from the fence required in section 10A.17.040(H) to the nearest exterior wall of the residential structure. The distance in paragraph (A)(5) shall be measured from the fence required in section 10A.17.040(H) to the boundary line of a legal parcel or access easement.

Applicants may seek a reduction in the setback described in paragraphs (A)(1) and (A)(5) upon issuance of an administrative permit pursuant to Chapter 20.242. See also sections 20.242.060(D) and 20.118.040(C), (D) and (E) for further exceptions to setback regulations.

- (C) The outdoor, indoor or mixed light cultivation of cannabis shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.
- (D) The indoor or mixed-light cultivation of cannabis shall rely on the electrical grid or some form of alternative energy source. The indoor or mixed-light cultivation cannabis shall not rely on a generator as a primary source of power.
- (E) All lights used for the indoor or mixed light cultivation of cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed.
- (F) All activities associated with the cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.
- (G) All cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, or river. The activities associated with the cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.
- (H) All cannabis grown in Mendocino County (excluding indoor growing) must be within a secure, wildlife exclusionary fence of at least six (6) feet in height that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when a qualified patient, caregiver or permittee (or their agent) is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.
- (I) All buildings where cannabis is cultivated or stored shall be properly secured to prevent unauthorized entry.
- (J) Persons cultivating cannabis pursuant to either section 10A.17.030, paragraphs (B) or (C) shall also comply with the provisions of section 10A.17.110, paragraphs (N) and (O).
- (K) Prohibition on Tree Removal. Removal of any commercial tree species as defined by Title 14 California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing a cannabis cultivation site is prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to address safety or disease concerns.

Sec. 10A.17.080 - Permit Phases and Requirements Specific to each Phase.

Unless specifically exempted, in addition to compliance with all other requirements of this Chapter, all Permits shall comply with the following requirements:

- (A) Permits under the MCCO will be issued in the following three phases:
 - (1) Phase One: Following the effective date of the MCCO, Permits will only be issued to applicants who provide to the Agricultural Commissioner pursuant to paragraph (B)(1) of this section proof of cultivation at a cultivation site prior to January 1, 2016 ("proof of prior cultivation"), and who comply with all other applicable conditions of this Chapter and Chapter 20.242. Applications for Permits during Phase One shall only be accepted until June 30, 2018; provided, however, that applications for Permits within the areas subject to the sunset provision of paragraph (B)(2)(b) of this section shall be accepted until December 31, 2018. Applicants able to provide proof of prior cultivation may apply for a Permit on a relocation site pursuant to paragraph (B)(3) of this section.
 - (2) Phase Two: Starting January 1, 2018, the Agricultural Commissioner will begin accepting applications for Type 1A and Type 2A Permits for indoor cultivation in the following zoning districts, subject to compliance with all other applicable conditions of this Chapter and Chapter 20.242: Limited Industrial (I-1), General Industrial (I-2), and Pinoleville Industrial (P-I). Proof of cultivation prior to January 1, 2016, is not required.
 - (3) Phase Three: Starting January 1, 2020, the Agricultural Commissioner will begin accepting Permit applications from any applicant in conformance with the conditions of this Chapter and Chapter 20.242. Proof of cultivation prior to January 1, 2016, is not required.
- (B) Requirements specific to Phase One Permits.
 - (1) Proof of Prior Cultivation. Persons applying for a Permit during Phase One shall be required to provide to the Agricultural Commissioner evidence that they were cultivating cannabis on the cultivation site prior to January 1, 2016, which cultivation site shall have been, or could have been, in compliance with the setback requirements of paragraph (A) of section 10A.17.040. Evidence shall include:
 - (a) Photographs of any cultivation activities that existed on the legal parcel prior to January 1, 2016, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.
 - (b) Photographs of any cultivation activities that currently exist on the legal parcel, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.
 - (c) At least one (1) additional document demonstrating cultivation on the legal parcel prior to January 1, 2016, which evidence may be used to substitute for evidence pursuant to clause (a). The Agricultural Commissioner shall prepare a list of the types of documentation that will be accepted to meet this requirement, and may accept other similarly reliable documentary evidence showing that cannabis was cultivated prior to January 1, 2016.
 - (d) Proof of prior cultivation shall be assigned to the applicant relative to their prior cultivation site.
 - (e) Persons who participated in a permit program pursuant to the County's Chapter 9.31 in previous years may present evidence of such participation and payment of all required fees in order to provide proof of prior cultivation.

- (2) Zoning Districts; Exceptions. Existing cultivation sites not located in zoning districts where Chapter 20.242 specifically allows cultivation may be issued a Type C, Type C-A, or Type C-B Permit, subject to the following requirements, in addition to all other applicable requirements of this Chapter:
- (a) The zoning district is one where a dwelling unit is a principally permitted use and a dwelling unit is present.
 - (b) Sunset Provision for Residential Districts. Cultivation sites on legal parcels located in the Single-Family Residential (R-1), Two-Family Residential (R-2), Multiple-Family Residential (R-3), Suburban Residential (S-R), Rural Community (R-C), and Rural Residential (lot sizes one (1) acre, two (2) acres and five (5) acres [legal non-conforming parcels to minimum zoning size][R-R:L-1, R-R:L-2, and R-R:L-5 {legal non-conforming to minimum zoning size}]), as well as cultivation sites in any other zoning district where a dwelling unit is a principally permitted use and the legal parcel is less than two (2) acres in size, are subject to the following requirements:
 - (i) There is an occupied dwelling unit on the legal parcel with the cultivation site.
 - (ii) A Permit may be renewed and valid only until three (3) years following the effective date of the ordinance adopting this Chapter and any permits issued shall be void not later than three (3) years following said effective date.

The provisions of this subsection, however, shall not apply in areas designated as Cannabis Accommodation (CA) Combining District, nor shall they apply to parcels zoned Rural Residential (lot size five (5) acres [R-R:L-5]) that are between 3.5 and 4.99 acres and have been issued an administrative permit pursuant to section 20.242.070(C).
 - (c) Cultivation sites on legal parcels located in the Rural Residential zoning district, lot size five (5) acres (conforming parcels of five (5) acres or more only) (R-R:L-5), are subject to the following additional requirement that there is an occupied dwelling unit on the legal parcel with the cultivation site.
 - (d) If a Permit is granted pursuant to this paragraph (B)(2) in these zoning districts, any future revocation or lapse in renewal of such Permit shall extinguish the ability of any person to obtain a Permit for such cultivation site.
- (3) Relocation. Persons able to show proof of prior cultivation pursuant to paragraph (B)(1) above may apply for a Permit not on the site previously cultivated (the "origin site") but on a different legal parcel (the "destination site"), subject to the following requirements:
- (a) Persons may apply to relocate their cultivation site pursuant to this paragraph (B)(3) until three (3) years after the effective date of the ordinance adopting this Chapter, or until May 4, 2020.
 - (b) The location and operation of the proposed cultivation site on the destination parcel complies with all requirements and development standards that apply to a new cultivation site as of January 1, 2020, pursuant to this Chapter and Chapter 20.242; provided, however:
 - (i) An existing cultivation site shall not be transferred to a legal parcel located within the Forestland or Timber Production Zone zoning districts.
 - (ii) An origin site may relocate to a destination site in the Rangeland zoning district, so long as the destination site has an existing cultivation site and no new cultivation sites would be established.
 - (c) The origin site shall be restored. The application for a Permit on a destination site shall be accompanied by a restoration plan that is consistent with the standard conditions and best management practices listed in the North Coast Regional Water Quality Control Board Order No. 2015-0023, and which shall include the following:

- (i) Remove or repurpose buildings, greenhouses, fences, irrigation equipment, water intakes, pumps, storage tanks and other materials brought to the origin site for the purpose of cannabis cultivation;
 - (ii) Remove illegal dams, ponds or other in-stream water storage to restore natural stream flows, unless such features will continue in use;
 - (iii) Remove or compost agricultural wastes;
 - (iv) Remove trash and other debris; and
 - (v) Revegetate cleared areas with native plants typical of nearby natural areas, including groundcover, shrubs and trees.
- (d) Unless the destination site is within the Agricultural zoning district, the application shall include either a water availability analysis pursuant to paragraph (C)(1)(b) below or a will serve letter pursuant to paragraph (C)(1)(c) below.
- (e) Prior to the issuance of the Permit to cultivate cannabis at the destination parcel, the applicant shall provide the Agricultural Commissioner with an agreement, on a form approved by the Agricultural Commissioner and County Counsel, providing that the applicant releases any right to continue or resume cultivation of cannabis on the origin parcel.
- (f) If a person is granted a Permit for a destination site, any claims of proof of prior cultivation on the origin site shall be effectively transferred to the destination site, and the ability to claim proof of prior cultivation at the origin site shall be extinguished.
- (g) There shall be a two (2) acre minimum parcel size for all Type C, Type C-A or Type C-B Permits.
- (4) Multiple Permits may be applied for and granted on a single legal parcel that is owned by multiple persons residing in separate habitable dwelling units on that legal parcel. Each owner may individually apply for a Permit to cultivate cannabis, provided that each owner must provide proof of prior cultivation pursuant to paragraph (B)(1) above. Each owner shall be limited to a Type C, Type C-A or Type C-B Permit, unless that owner was previously enrolled in a permit program pursuant to the County's Chapter 9.31, or unless the cumulative total square footage of plant canopy applied for by all owners does not exceed the maximum square footage permitted on a parcel for the relevant zoning district.
- (5) Persons eligible to apply for a Permit during Phase One may apply for a different and/or larger Permit type in subsequent years, subject to all requirements of this Chapter.
- (6) If a Permit is granted pursuant to this paragraph (B), any future revocation or lapse in renewal of such Permit shall extinguish the ability of any person to obtain a Permit for such cultivation site, unless otherwise allowed by this Chapter 10A.17; provided, however, for Permits granted in the Rangeland (RL), Forestland (FL) or Timberland Protection (TPZ) zoning districts, not more than once in a five (5) year period, a Permittee may file with the Department of Agriculture, on a form prescribed by the Department, a Notice of Non-Cultivation instead of an application to renew the Permit, and the Permittee's ability to obtain a Permit for such cultivation site will not be extinguished.
- (C) Requirements specific to Phase Three Permits.
- (1) Watershed Assessment. All Permit applications, except for legal parcels located in the Agricultural (A-G) zoning district, shall demonstrate there is adequate water to serve the cultivation site.
- (a) If surface water (or groundwater influenced by surface water) will be used, applicants may demonstrate that there is adequate water by providing (i) a watershed assessment that establishes there is sufficient watershed supply to serve the proposed cultivation site and existing uses within the watershed, and (ii) a water right exists to serve the cultivation site. A watershed assessment shall consist of an established "In Stream Flow Policy" as

prepared by the State Water Resources Control Board Division of Water Rights or an equivalent document approved by that agency.

- (b) If groundwater not influenced by surface water will be used, the applicant may demonstrate that there is adequate water by providing a water availability analysis which will address the adequacy of the proposed water supply, the direct effects on adjacent and surrounding water users, and possible cumulative adverse impacts of the development on the water supply within the watershed and show there is a sustained yield to support the proposed level of use.
- (c) If water will be provided by a mutual water company, municipal or private utility or similar community provider, the applicant may demonstrate that there is adequate water by providing a will serve letter from the proposed provider.

EXHIBIT B

CHAPTER 20.242 - CANNABIS CULTIVATION SITES^[3]

Sec. 20.242.040 - Existing Cannabis Cultivation Sites.

- (A) Referrals of applications to the Department for review related to existing cultivation sites shall include the Agriculture Commissioner's determination that the cultivation site existed prior to January 1, 2016, unless the Agricultural Commissioner requests the assistance of the Department in making this determination as part of the referral to the Department.
- (B) Cultivation sites, in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit as required for the zoning district in which the cultivation site is located and as listed in Table 1.

TABLE 1

Zoning Permit Requirement for Existing Cannabis Cultivation by Zoning District and Cannabis Cultivation Ordinance Permit Type

MCCO Permit Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm, Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery
Min Parcel Area (ac) ^{*1} <u><u>*2 *3</u></u>	NA	NA		NA	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501 — 2,500	2,500	2,501 — 5,000	2,501 — 5,000	2,501 — 5,000	5,001 — 10,000	5,001 — 10,000	5,001 — 10,000	22,000
Zoning District	RR <u>5</u> ^{*1}	ZC	AP	UP	ZC	ZC	—	ZC	—	—	—
	RR 10	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	AG	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	UR	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	RL	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	FL ^{*4}	ZC	AP	UP	ZC	AP	—	AP	AP	—	AP
	TPZ ^{*4}	ZC	AP	UP	ZC	AP	—	AP	AP	—	AP
	I1 ^{*5}	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC
	I2 ^{*5}	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC
PI ^{*5}	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

^{*1} Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

*2 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between 3.5 and 4.99 acres, and that shares at least 50 percent of its boundaries with parcels 5 acres in size or larger, may apply for and be granted permit types 1 and 1-B following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

*3 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between 7.0 and 9.99 acres, and that shares at least 50 percent of its boundaries with parcels 10 acres in size or larger, may apply for and be granted permit types 2, 2-B and 4 following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

~~**Parcels in Industrial zoning districts are not subject to a minimum parcel area.~~

~~***4 Existing cultivation sites in the FL and TPZ zoning districts that were previously enrolled in a permit program pursuant to the County's Chapter 9.31 shall be required to obtain a zoning clearance unless the applicant seeks to expand beyond the size previously cultivated under such permit program.~~

*5 Parcels in Industrial zoning districts are not subject to a minimum parcel area. (C) A reduction in the setback from a legal parcel line required by Section 10A.17.040(A)(5) may be allowed following the issuance of an Administrative Permit, approved pursuant to Section 20.242.070(C), subject to the following limitations: (1) the approved reduced setback for cultivation not within a structure shall be no less than twenty (20) feet from an adjoining property under separate ownership or an access easement or (2) for cultivation within a structure, the setback shall be no less than the front, rear, or side yard setback (as applicable) setback for the zoning district in which the property is located. Any reduction of the setback pursuant to this section must comply with the required setback from an occupied legal structure and the reduced setback may not encroach into any corridor preservation setback pursuant to sections 20.152.015 and 20.152.020.

(D) An existing cultivation site located in a zoning district not listed in Table 1 of this section may continue, but shall not be expanded or enlarged, subject the following planning permit and approval requirements.

(1) Planning Permit Requirements:

- (a) Outdoor Cultivation (pursuant to a MCCO Type C Permit) not exceeding two thousand five hundred (2,500) requires an approved Zoning Clearance.
- (b) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A Permit) not exceeding five hundred (500) square feet requires an approved Administrative Permit.
- (c) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A Permit) between five hundred one (501) and two thousand five hundred (2,500) square feet requires an approved Minor Use Permit.
- (d) Mixed Light Cultivation (pursuant to a MCCO C-B Permit) not exceeding two thousand five hundred (2,500) square feet requires an approved Zoning Clearance.
 - (i) Any future lapse or revocation of the MCCO permit will extinguish the permittee's ability to obtain a future permit from the Department to continue or resume an existing cultivation site that is not within a zoning district listed in Table 1 of this section.

(DE) Transferability of Permits. Permits issued pursuant to this Section shall not be transferable to another person, except that the permittee may transfer the permit to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the permittee serves as a trustee, which shall not be deemed a change in ownership for purposes of this Chapter.

Sec. 20.242.060 - New Cannabis Cultivation Sites.

- (A) Except as provided in Section 20.242.050, on or after January 1, 2020, new cannabis cultivation sites may be permitted in accordance with this section.
- (B) All new cannabis cultivation sites shall be consistent with the General Limitations on Cultivation of Cannabis, Section 10A.17.040; provided, however, that an applicant may seek a reduction in the setback requirements as stated in paragraph (D) of this section.
- (C) Cultivation sites, operated in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit, as required for the zoning district in which the cultivation site is located and listed in Table 2.

TABLE 2
Zoning Permit Requirement for New Cannabis Cultivation by Zoning District and Cannabis Cultivation Ordinance Permit Type

MCCO Permit Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery
Min Parcel Area (ac)	2	2		2	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501 – 2,500	2,500	2,501 – 5,000	2,501 – 5,000	2,501 – 5,000	5,001 – 10,000	5,001 – 10,000	5,001 – 10,000	22,000
Zoning District	RR 5* ¹	ZC	AP	UP	ZC	ZC	—	ZC	—	—	—
	RR 10	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	AG	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	UR	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	I1* ²	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	I2* ²	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	PI* ²	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

*¹ Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

*² Parcels in Industrial zoning districts are not subject to a minimum parcel area.

- (D) **Setback Reduction.** A reduction in the setback from a legal parcel line required by Section 10A.17.040 may be allowed with an Administrative Permit, approved according to Section 20.242.070(C), provided that the approved setback reduction is fifty (50) feet or greater from an adjoining property under separate ownership or access easement, whichever is most restrictive and the location of the cannabis cultivation site continues to comply with the required setback from an occupied legal residential structure.

Sec. 20.242.070 - Planning approval required to cultivate cannabis.

- (A) Planning Approval Procedure. Each proposed cannabis cultivation site is subject to one (1) of the following planning review processes that correspond to the applicable zoning district and Chapter 10A.17 permit as specified by Table 1 or Table 2 in this Chapter.

The Agricultural Commissioner's Office shall refer applications for cultivation permits pursuant to Chapter 10A.17 to the Department, which shall review the application to determine which of the following processes applies. If the application needs only a Zoning Clearance, the Department will provide a zoning clearance approval to the Agricultural Commissioner's Office. If the application requires either an Administrative Permit or a Minor Use Permit, the Department will notify the Agricultural Commissioner's Office and the applicant that planning approval is required.

- (B) Zoning Clearance. The Department shall review the MCCO permit application to confirm the cannabis cultivation site is allowed in zoning district, subject to the applicable requirements of this chapter, and confirm the legal parcel on which the cultivation site is located. The Department shall additionally provide any information as requested by the Agricultural Commissioner's Office to confirm compliance with any of the provisions of Chapter 10A.17.
- (C) Administrative Permit. In accordance with the Administrative Permit review procedure listed in Chapter 20.192, the Zoning Administrator shall approve, conditionally approve or deny an Administrative Permit for cannabis cultivation sites based on the following special findings.
- (1) The cannabis cultivation site is allowed in the zoning district and it is in compliance with the provisions of Chapter 10A.17.
 - (2) There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding fifteen (15) percent, prime soil, oak woodland, and timber resources.
 - (3) The cannabis cultivation will avoid or minimize odor and light impact on residential uses.
 - (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO permit application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.
 - (5) The Administrative Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Administrative Permit shall expire at the end of this period unless it is renewed prior to the end of the 10-year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.
 - (6) An Administrative Permit may be applied for and granted for an exception to the dwelling unit requirement of Chapter 10A.17 for parcels in the Rural Residential, lot size ten (10) acres (R-R:L-10) zoning district with the additional finding that the applicant shall demonstrate that the cultivation site and any associated infrastructure (roads, buildings, water storage, etc.) does not preclude the development of the parcel with a residence in the future. For parcels that will need on-site sewage disposal systems to be developed, making this finding may require the identification of a primary and reserve leach field to be identified in order to issue the Administrative Permit.
 - (7) An Administrative Permit may be applied for and granted for an exception to the one thousand (1,000) foot setback requirement of a cannabis cultivation site as outlined in section 10A.17.040(B). Administrative permits may be approved, conditionally approved or denied for the reduction of the setback provided for in section 10A.17.040(A)(1) based on the findings of 20.242.070(C)(1), (C)(2) and (C)(3) and on the following special findings:

- (i) That there be special circumstances applicable to the property involved, including size, shape, topography, location or surrounding;
- (ii) That the granting of such reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and
- (iii) That the granting of such reduction will not adversely affect the General Plan.

(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 based on the findings of 20.242.070(C)(1), (C)(2) and (C)(3) and on the following special findings:

- (i) That the granting of such reduction will not adversely affect the character, livability or right to appropriate development of the adjacent property from which the setback reduction is requested; and will not interfere with rights of access or usage for any legal recorded easement; and
- (ii) That the reduced setback maintains setbacks consistent with provisions of Sections 10A.17.040 (A)(1), (A)(2), (A)(3) and (A)(4), as applicable, unless the applicant obtains a reduction of such setbacks through an Administrative Permit as permitted by this Chapter.

(D) Minor Use Permit. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Minor Use Permit for a cannabis cultivation site based on findings in Section 20.196.020 and the following special findings:

- (1) The proposed cannabis cultivation site is in compliance with the provisions of Chapter 10A.17.
- (2) In cases where there is no other environmentally superior cultivation site located on the same parcel, the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceed fifteen (15) percent, prime soil, oak woodland, and timber resources.
- (3) The proposed cannabis cultivation site will avoid or minimize odor and light impact on residential uses.
- (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO permit application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.
- (5) The Use Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Use Permit shall expire at the end of this period unless it is renewed prior to the end of [the] 10-year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.

EXHIBIT C

Chapter 20.118 – “CA” Cannabis Accommodation Combining District

Sec. 20.118.010. Intent.

The Cannabis Accommodation (CA) Combining District is intended to be applied to areas where greater flexibility in the development standards related to cannabis cultivation operations is desirable and necessary in order to accommodate existing commercial cannabis cultivation sites.

Sec. 20.118.020. Applicability.

- (A) The CA Combining District may be applied to areas that include existing commercial cannabis cultivation operations, and where the zoning designation of the majority of the lots allows residential use by right.
- (B) A CA Combining District may range from neighborhood to community in scale, but in no case be composed of less than ten (10) legal parcels as that term is defined in Section 10A.17.020. All parcels within a CA Combining District shall be contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).
- (C) The regulations in this section are supplemental to the regulations for the applicable underlying zoning district. In the event of a conflict between the regulations for the CA Combining District and the underlying zoning district, the CA district regulations shall prevail.

Sec. 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.

Sec. 20.118.040. Regulations for CA Combining District.

- (A) The Sunset Provision for cannabis cultivation (Mendocino County Code Sec. 10A.17.080(B)(2)(b)) shall not apply within the CA district.
- (B) Cannabis cultivation permit types defined in Section 10A.17.060 as (C) Small Outdoor, (C-A) Small Indoor, Artificial Light, and (C-B) Small Mixed Light may be permitted for existing cultivation sites on any parcel subject to the planning permit and approval requirements in Section 20.242.040(C).
- (C) The minimum setback for a cultivation site from any adjoining legal parcel under separate ownership, as required by Section 10A.17.040 (A)(5), shall be 20 feet.
- (D) The minimum setback for a cultivation site to an adjoining legal parcel under separate ownership, as required by Section 10A.17.040(A)(5), may be reduced to less than 20 feet or waived through the approval of an Administrative Permit pursuant to Sec. 20.242.070(C).
- (E) The minimum setback for a cultivation site to any occupied legal residential structure located on a separate legal parcel, as required by Section 10A.17.040(A)(2), may be reduced to 20 feet through the approval of an Administrative Permit pursuant to Sec. 20.242.070(C).
- (F) Changes to the underlying zoning of a parcel or parcels within the CA Combining District would have no effect on the uses permitted and defined by this section, nor would the CA Combining District limit any use rights granted by a future rezoning of property within this district.

Sec. 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.
- (B) Following the in-effect period of 10 years from the date of adoption, a CA Combining District may be repealed or amended upon submittal of an application by one (1) or more property owner(s) within the boundaries of the CA district. The application shall be accompanied by a petition demonstrating support for the repeal or amendment of the CA district by more than 60% of all current property owners (as demonstrated by one owner's signature per parcel or parcels owned) within the 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) If a CA district is repealed at any time, all current cultivators that do not meet the development standards of the underlying zoning district shall be permitted to continue operations for three years from the date of repeal of the CA district. After three years following the date of repeal of the CA district, permits for cultivators that do not meet the standards of the underlying zoning district shall not be renewed by the County.
- (D) An owner of property that is contiguous with a CA district may submit a petition to the County to be included in the CA district. Petitions for inclusion in an existing CA district shall only be submitted by the current property owner. An addition of new property to an established CA district shall not alter the in-effect period of 10 years for the 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 20.212 except as amended by this Section.

Sec. 20.118.060. Fees for Petitions for CA Combining District.

The Board of Supervisors shall require payment of fees or deposits, as established by the Board, for the processing of applications seeking to establish, repeal, or amend a CA Combining District in an amount that covers all costs for review, public noticing and hearings, and approval or denial of the application. The fees shall be as set and established by Resolution passed by the Board of Supervisors.

Sec. 20.118.060. Adopted CA Combining Districts.

The CA Combining District has been applied to the following areas, which are more specifically defined in the separate ordinance rezoning the areas to the CA Combining District:

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

EXHIBIT D

Chapter 20.119 – “CP” Commercial Cannabis Prohibition Combining District

Sec. 20.119.010. Intent.

The Commercial Cannabis Prohibition (CP) Combining District is intended to allow the County to designate specific areas where the operation of commercial cannabis operations are prohibited.

Sec. 20.119.020. Applicability.

- (A) The CP district may be applied to an area where a majority of the parcels allows residential use by right.
- (A) A CP district shall be composed of no less than ten (10) legally created legal parcels as that term is defined in Section 10A.17.020, that are contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).
- (B) The regulations in this section are supplemental to the regulations for the applicable underlying zoning district. In the event of a conflict between the regulations for the CP Combining District and the underlying zoning district, the CP district regulations shall prevail.

Sec. 20.119.030. Establishment of CP Combining District.

- (A) The establishment of a CP district shall be in accordance with the provisions of Section 20.212, except as otherwise provided in this Section.
- (B) Establishment of a CP Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CP 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 CP district by more than 60% of the affected property owners (as demonstrated by one owner’s signature per legal parcel) within the proposed CP 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.

Sec. 20.119.040. Regulations for CP Combining District.

- (A) All new and unpermitted cannabis cultivation sites as defined in section 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, all previously permitted commercial cannabis cultivation sites and commercial cannabis facilities shall cease operations.
- (C) Changes to the underlying zoning of property within the CP Combining District would have no effect on the uses permitted and defined by this section, nor would the CP Combining District limit any use rights granted by a future rezoning of property within this district.

Sec. 20.119.050. Changes to CP Combining District.

- (A) The CP Combining District shall remain in effect for ten (10) years after date of adoption by the Board of Supervisors.
- (B) Following the in-effect period of 10 years from the date of adoption, a CP Combining District may be repealed or amended upon submittal of an application by one (1) or more property owner(s) within the boundaries of the CP district. The application shall be accompanied by a petition demonstrating support for the repeal or amendment of the CP district by more than 60% of all current property owners (as demonstrated by one owner's signature per legal parcel) within the CP 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) An owner of property that is contiguous with a CP district may submit a petition to the County to be included in the CP district. Petitions for inclusion in an existing CP district shall only be submitted by the current property owner. An addition of new property to an established CP district shall not alter the in-effect period of 10 years for the district.
- (D) Action on a petition 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 Sections 20.212.025, 030, 035, and 040.

Sec. 20.119.060. Fees for Petitions for CP Combining District.

The Board of Supervisors shall require payment of fees or deposits, as established by the Board, for the processing of applications seeking to establish, repeal, or amend a CP Combining District in an amount that covers all costs for review, public noticing and hearings, and approval or denial of the application. The fees shall be as set and established by Resolution passed by the Board of Supervisors.

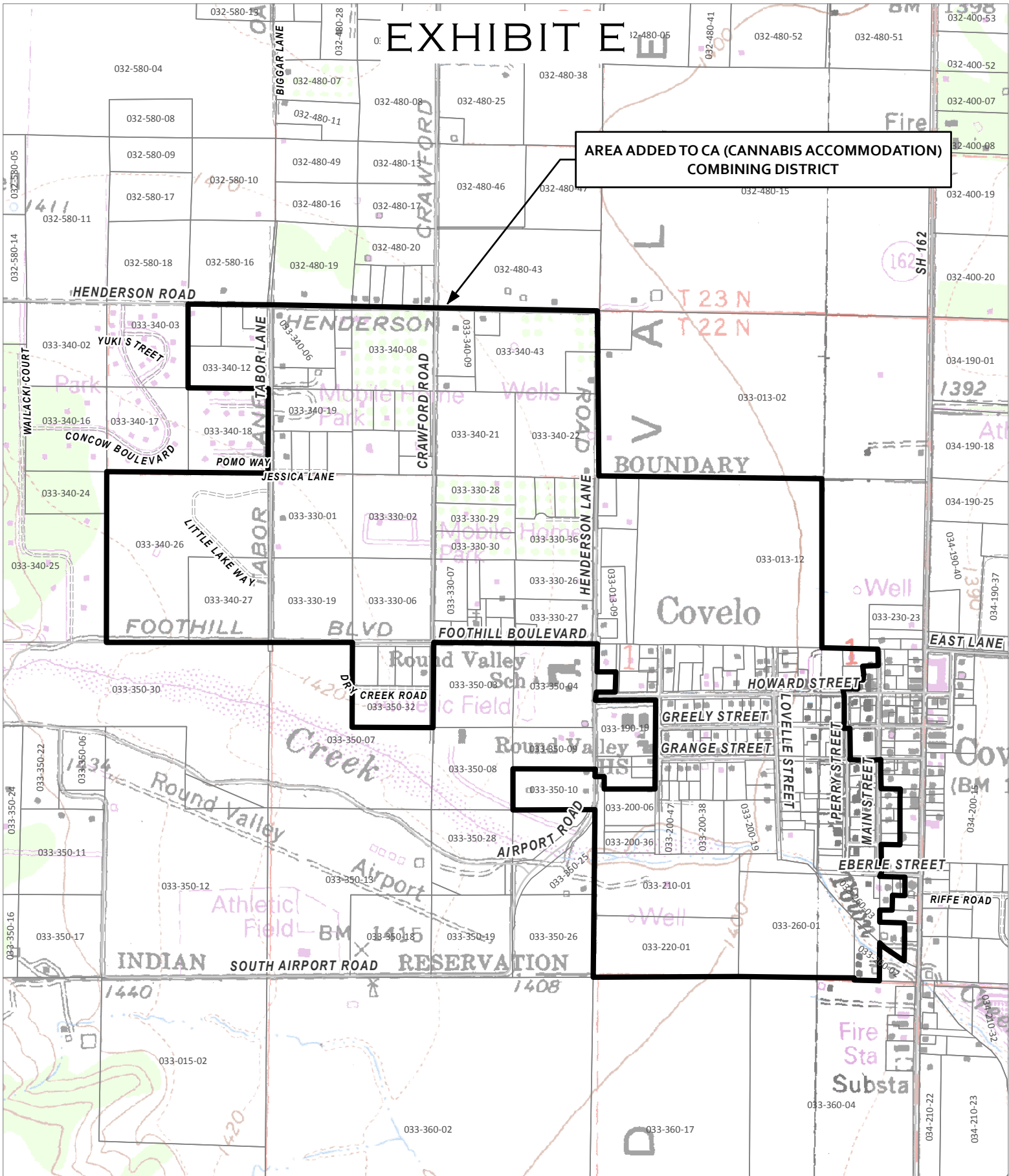
Sec. 20.118.060. Adopted CP Combining Districts.

The CP Combining District has been applied to the following areas, which are more specifically defined in the separate ordinance rezoning the areas to the CP Combining District:

- a. Boonville Road – Woody Glen (Ukiah Area)
- b. Deerwood (Ukiah Area)

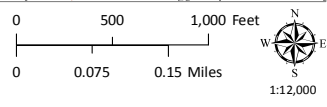
EXHIBIT E

AREA ADDED TO CA (CANNABIS ACCOMMODATION) COMBINING DISTRICT



CASE: CDP 2018-0008 / R 2018-0005
 OWNER: Various
 APN: Various
 APLCT: County of Mendocino
 AGENT: Michael Baker International
 ADDRESS: Various

 Covelo Core CA
 Public Roads

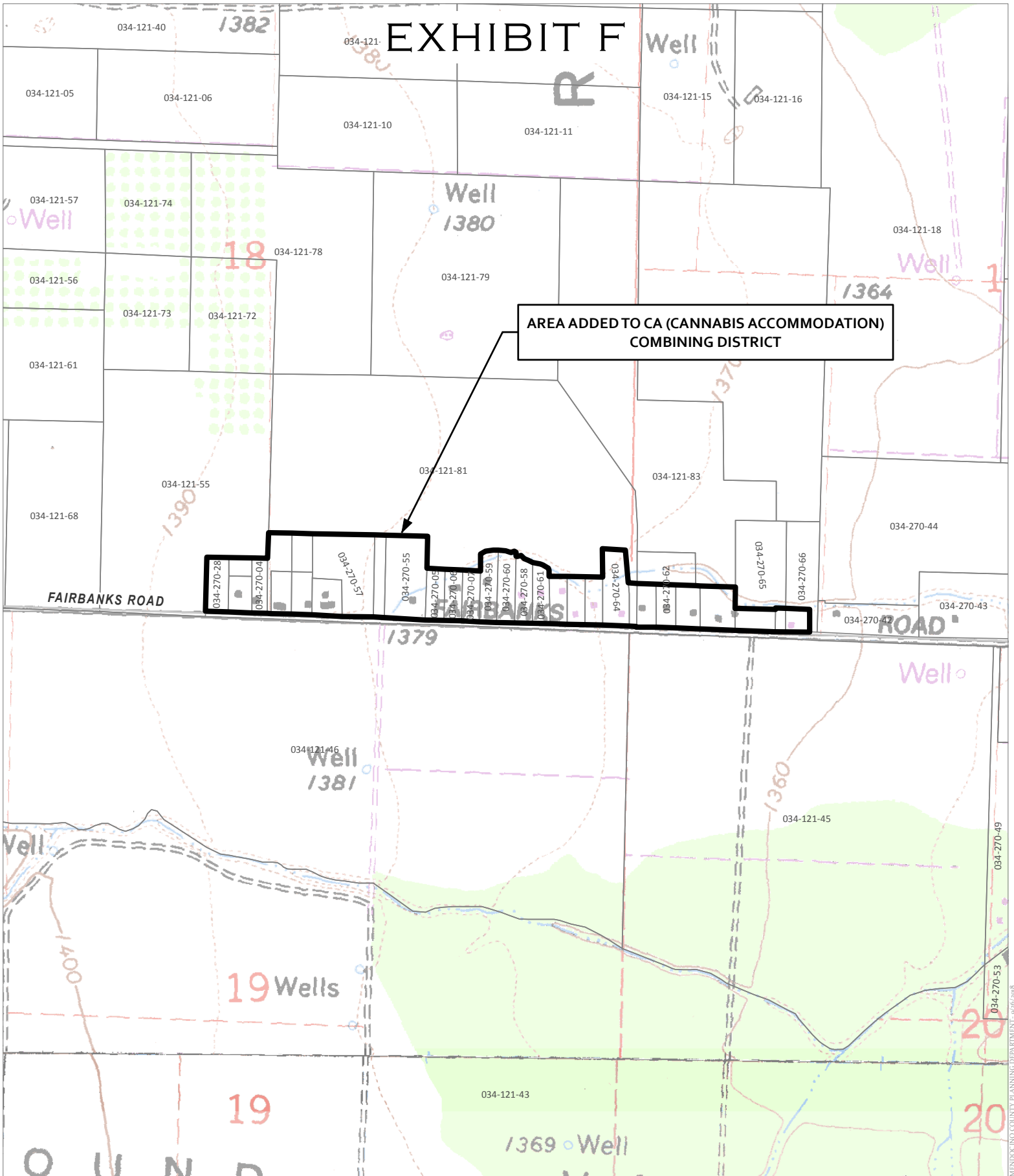


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APNs



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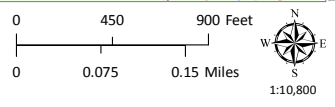
EXHIBIT F



AREA ADDED TO CA (CANNABIS ACCOMMODATION)
COMBINING DISTRICT

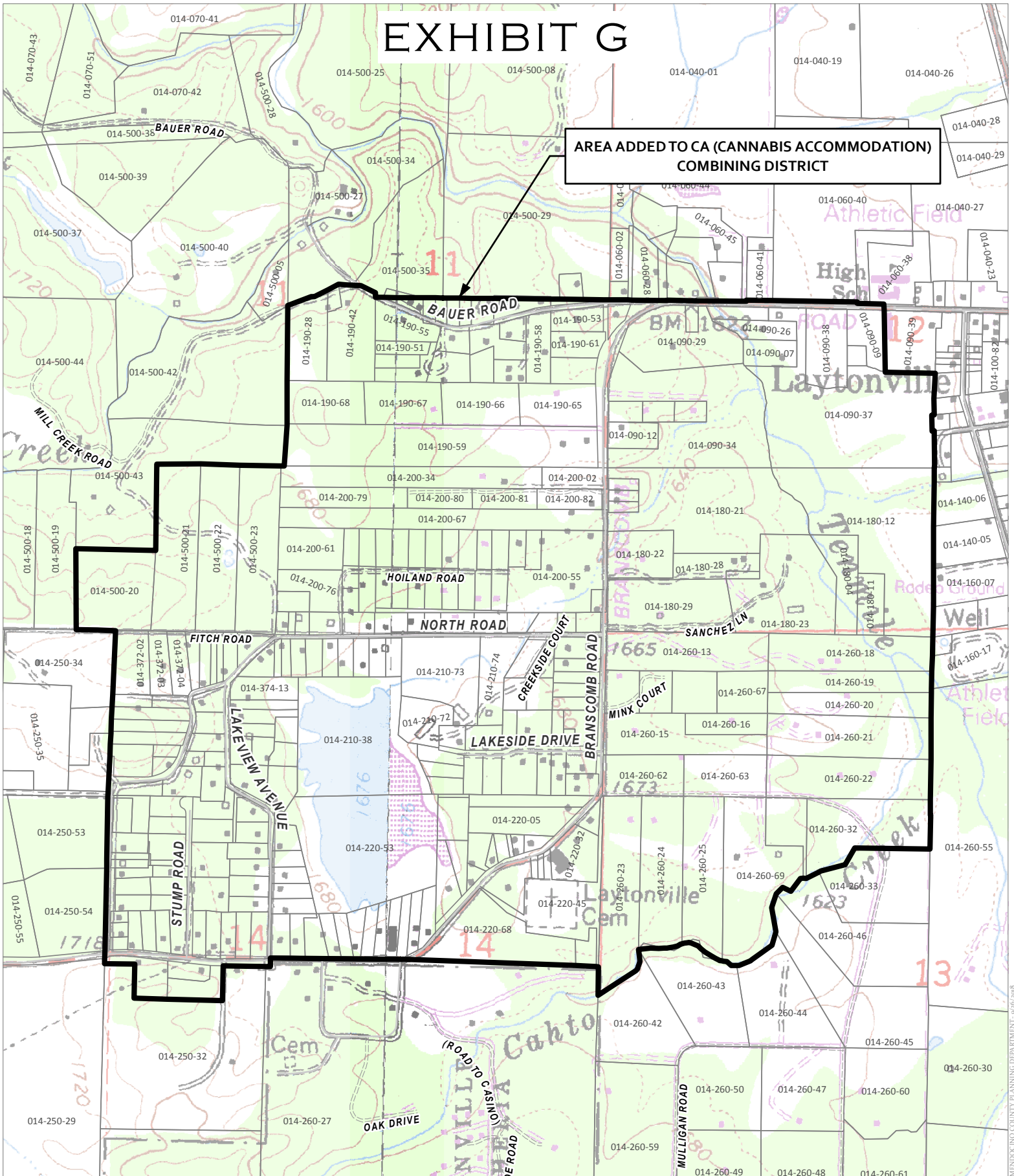
CASE: CDP 2018-0008 / R 2018-0005
OWNER: Various
APN: Various
APLCT: County of Mendocino
AGENT: Michael Baker International
ADDRESS: Various

 Covalo Fairbanks CA
 Public Roads




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DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

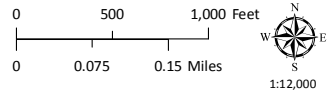
EXHIBIT G



AREA ADDED TO CA (CANNABIS ACCOMMODATION) COMBINING DISTRICT

CASE: CDP 2018-0008 / R 2018-0005
 OWNER: Various
 APN: Various
 APLCT: County of Mendocino
 AGENT: Michael Baker International
 ADDRESS: Various

 Laytonville Opt-In
 Public Roads



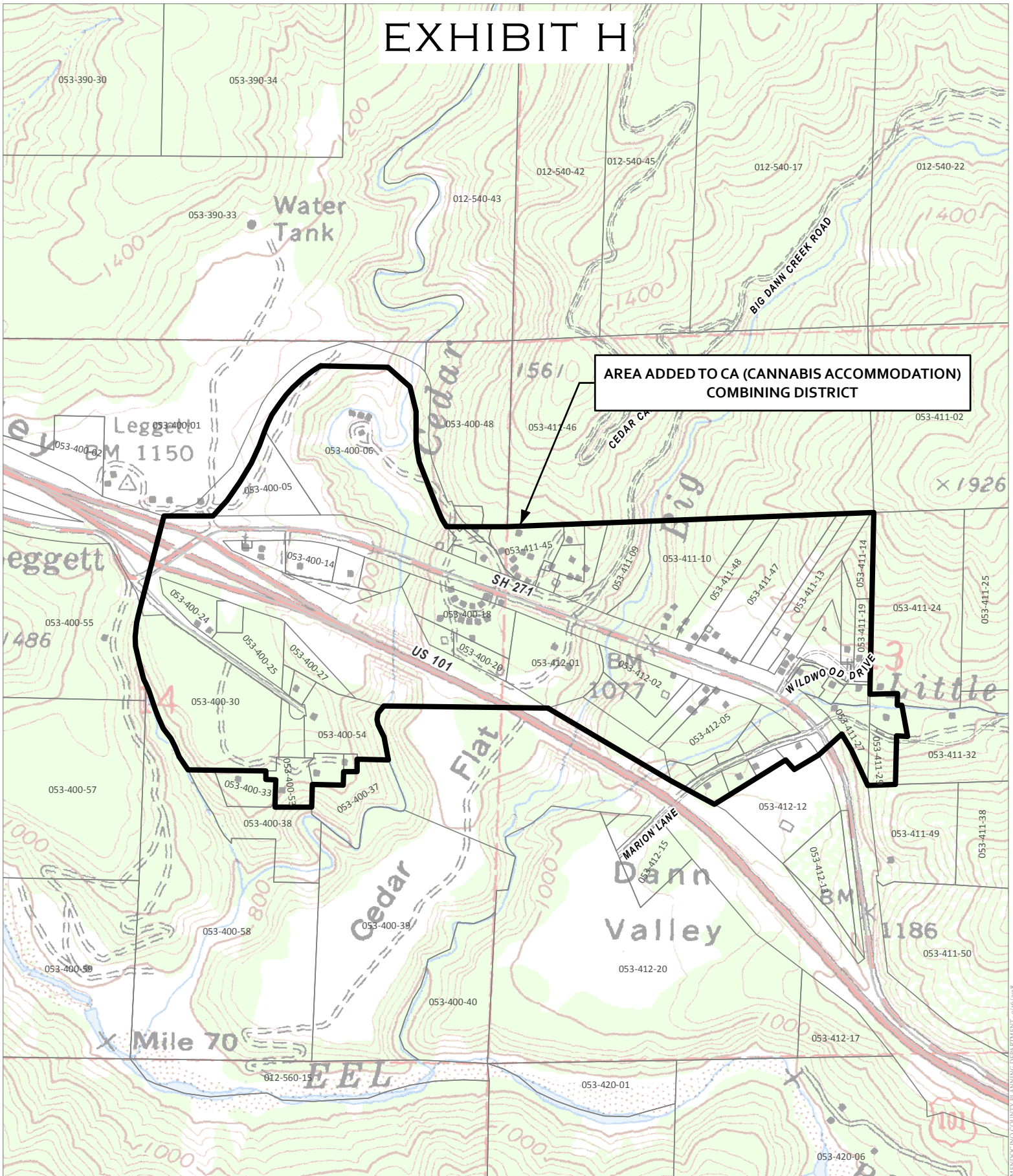
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MENDOCINO COUNTY PLANNING DEPARTMENT - 9/26/2018

APNs



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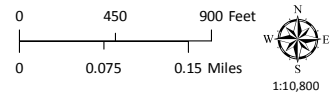
EXHIBIT H



AREA ADDED TO CA (CANNABIS ACCOMMODATION)
COMBINING DISTRICT

CASE: CDP 2018-0008 / R 2018-0005
OWNER: Various
APN: Various
APLCT: County of Mendocino
AGENT: Michael Baker International
ADDRESS: Various

 South Leggett Opt-In
 Public Roads

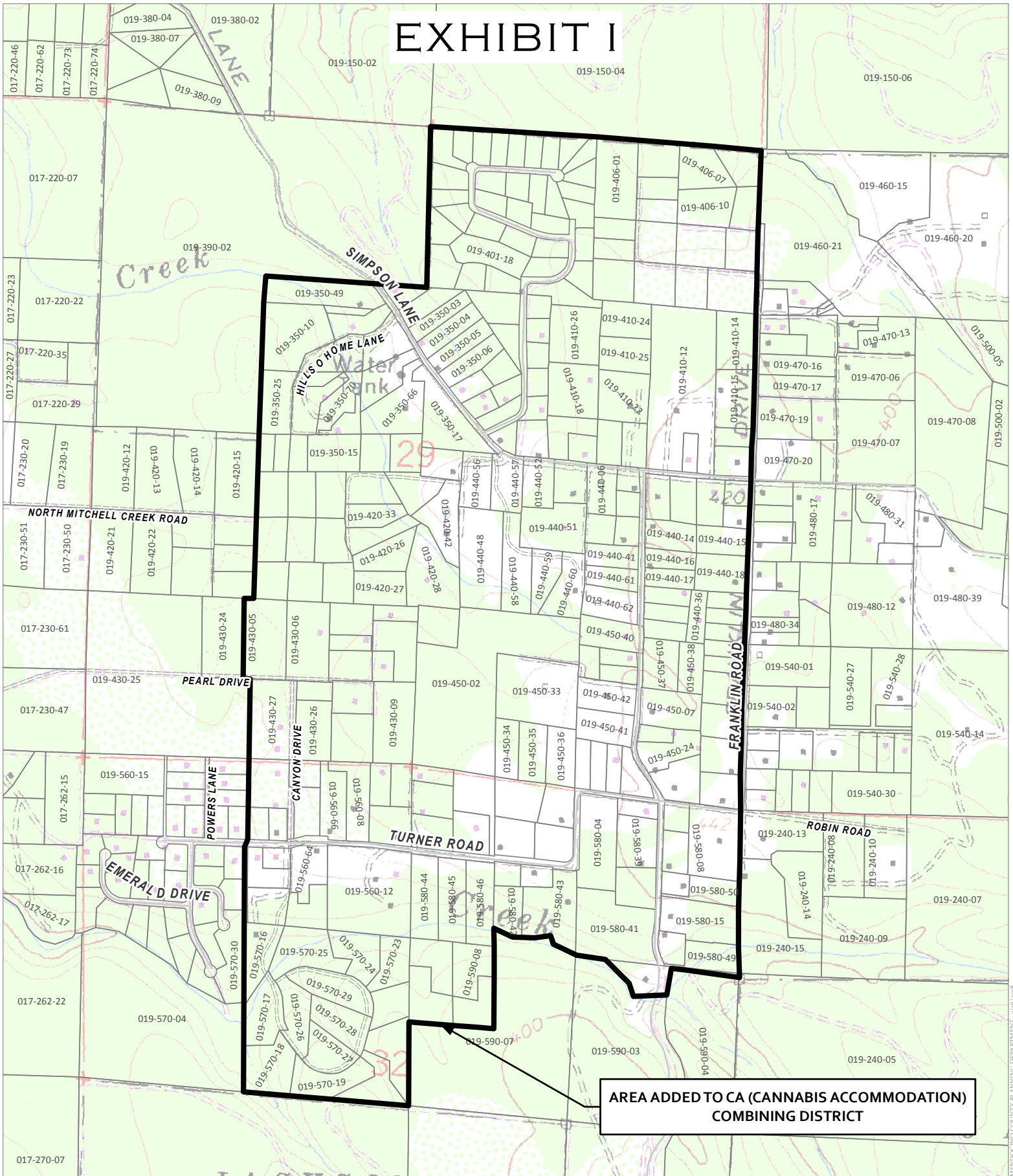


SOUTH LEGGETT CA

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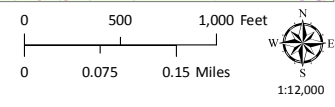
EXHIBIT I



**AREA ADDED TO CA (CANNABIS ACCOMMODATION)
COMBINING DISTRICT**

CASE: CDP 2018-0008 / R 2018-0005
 OWNER: Various
 APN: Various
 APLCT: County of Mendocino
 AGENT: Michael Baker International
 ADDRESS: Various

 Mitchell Creek North CA
 Public Roads



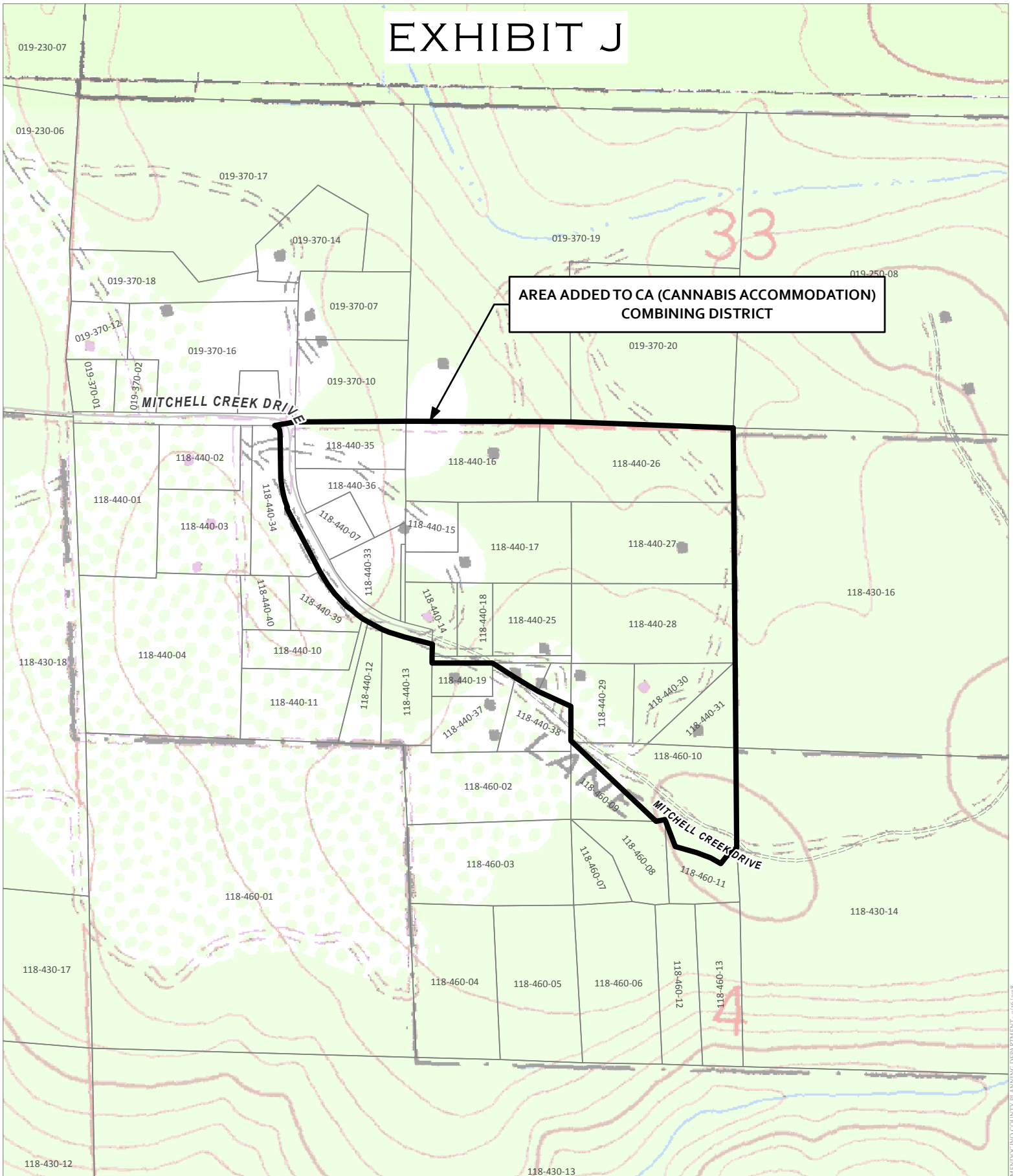
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MENDOCINO COUNTY PLANNING DEPARTMENT - 9/26/2018



APNs

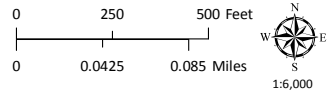
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EXHIBIT J



CASE: CDP 2018-0008 / R 2018-0005
OWNER: Various
APN: Various
APLCT: County of Mendocino
AGENT: Michael Baker International
ADDRESS: Various

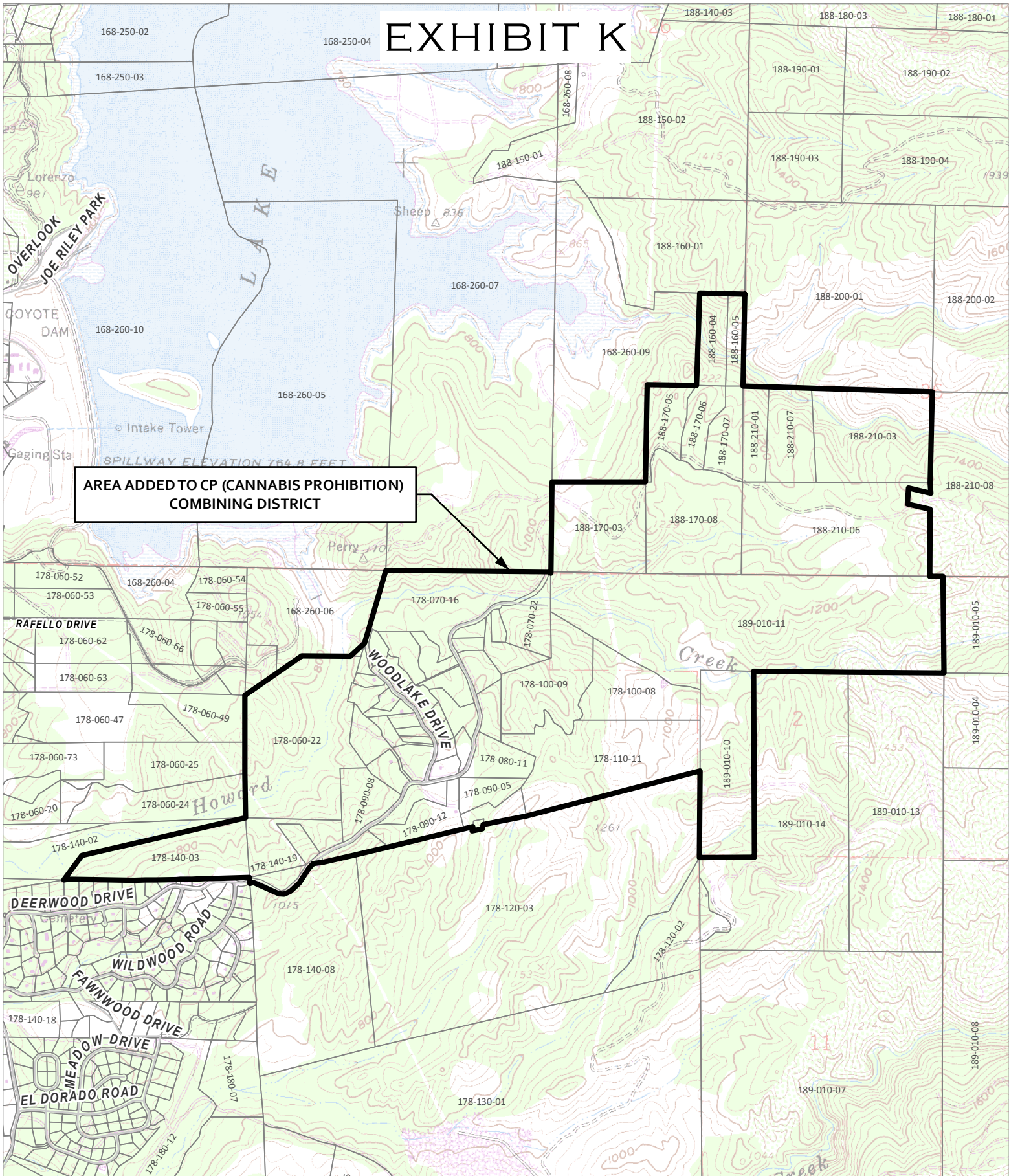
 Mitchell Creek South CA
 Public Roads



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MENDOCINO COUNTY PLANNING DEPARTMENT - 9/27/2018

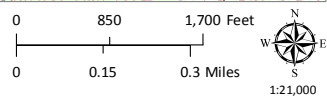
EXHIBIT K



**AREA ADDED TO CP (CANNABIS PROHIBITION)
COMBINING DISTRICT**

CASE: CDP 2018-0008 / R 2018-0005
 OWNER: Various
 APN: Various
 APLCT: County of Mendocino
 AGENT: Michael Baker International
 ADDRESS: Various

 Deerwood CP
 Public Roads



DEERWOOD CP DISTRICT

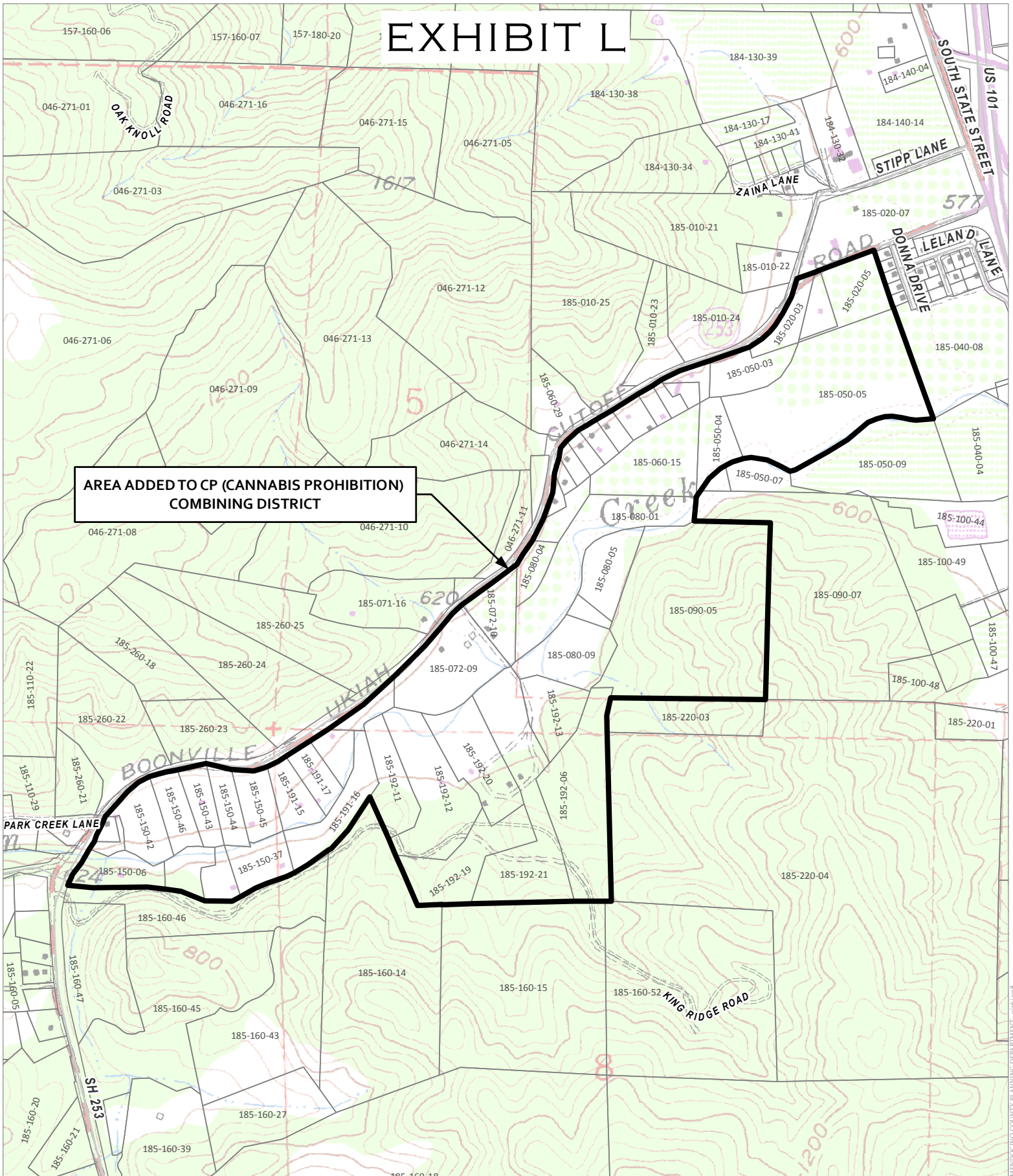
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MENDOCINO COUNTY PLANNING DEPARTMENT - 9/26/2018

APNs



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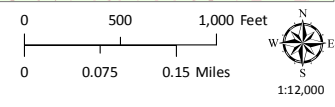
EXHIBIT L



**AREA ADDED TO CP (CANNABIS PROHIBITION)
COMBINING DISTRICT**

CASE: CDP 2018-0008 / R 2018-0005
OWNER: Various
APN: Various
APLCT: County of Mendocino
AGENT: Michael Baker International
ADDRESS: Various

 Boonville Woodyglen CP
 Public Roads



**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

MENDOCINO COUNTY PLANNING DEPARTMENT - 9/26/2018

APNs

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Exhibit M

Addendum to the Mitigated Negative Declaration for the County of Mendocino Medical Cannabis Cultivation Regulations

Introduction

This Addendum was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. This document serves as an Addendum to the previously adopted Mitigated Negative Declaration (MND; SCH#2016112028) for the Mendocino Cannabis Cultivation Regulations. The County of Mendocino was the lead agency for the environmental review of the Medical Cannabis Cultivation Regulations.

Project Background

On April 4, 2017, the Board of Supervisors adopted Ordinance No. 4381, adding Chapters 10A.17 and 20.242 to the County Code to regulate medical cannabis cultivation. A Mitigated Negative Declaration (MND) was adopted for Ordinance No. 4381. The provisions of Ordinance No. 4381 regulated the commercial cultivation of cannabis for medical use by licensed operators, with the primary goal of providing clear standards and permitting pathways to help bring baseline cultivation activities into compliance with local, regional, and statewide regulatory schemes. Bringing baseline/legacy cultivation operations into compliance attenuates potential environmental effects from existing cultivation activities. The adoption of the Medical Cannabis Cultivation Regulations was part of ongoing local efforts to regulate land uses associated with medical marijuana in Mendocino County. The ordinance established regulations for existing, unregulated land uses to help prevent and reduce environmental impacts that are known to result from existing, unpermitted cultivation operations. The ordinance introduced pathways for compliance with new and existing regulations, while providing for local review, inspection, and oversight. The ordinance initiated local-level regulations, consistent with state and regional regulations, including the Cannabis Cultivation Waste Discharge Regulatory Program (CCWDRP) administered by the North Coast Regional Water Quality Control Board and state licensing requirements described in the Medical Marijuana Regulation and Safety Act (SB 643, AB 266, and AB 243, enacted September 11, 2015). Subsequent to the adoption of Ordinance No. 4381, the County adopted various amendments to Chapters 10A.17 and 20.242 of the County Code that adjusted specific provisions, including removal of references to “medical” cannabis to establish consistency with the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) as adopted by the State of California on June 27, 2017.

The focus of the discussion of impacts in the MND was largely related to the reduction or elimination of clandestine cultivation occurring in remote outdoor environments where grid-supplied electricity and municipal water are not available. The electrical demand associated with artificially illuminated cultivation is accommodated by portable generators operating for extended periods, with per kilowatt emissions often far exceeding those associated with grid-supplied energy delivered by a public utility. Water quality impacts occur with cultivation in these remote areas as a result of water diversions from natural waterways, which could include dewatering of streams, as well as sedimentation from land disturbance and pollutant discharges including nutrients and pesticides. The MND proposed changes to the ordinance that were made prior to its adoption and assumed implementation of requirements from

the CCWDRP administered by the North Coast Regional Water Quality Control Board (Order #2015-0023, hereinafter referred to as “the Order”) as mitigating actions required for projects covered in the MND.

Purpose of This Addendum

The County is proposing amendments to Mendocino County Code Chapter 10A.17, Mendocino Cannabis Cultivation Ordinance, and Chapter 20.242, Cannabis Cultivation Sites. The proposed amendments also include new provisions that establish two types of combining districts: Cannabis Accommodation (CA) Combining Districts that establish areas with modified cannabis cultivation regulations to allow operators to enjoy flexible cannabis regulations and development standards; and Cannabis Prohibition (CP) Combining Districts that establish areas where new commercial cannabis operations would be prohibited and existing permitted commercial operations would sunset. Additionally, the proposed amendments establish countywide exceptions that allow, subject to administrative review, minor adjustments to current parcel size and setback requirements. These modifications constitute a “project” subject to CEQA, which triggers the requirement for further environmental review under the California Environmental Quality Act.

In determining whether an Addendum is the appropriate document to analyze the modifications to the project and its approval, CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration) states:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency’s required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

Basis for Decision to Prepare Addendum

When a negative declaration is adopted for a project, CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) sets forth the criteria for determining whether a subsequent EIR or negative declaration should be prepared in support of further agency action on the project. Under these guidelines, a subsequent EIR or negative declaration is to be prepared if any of the following criteria are met.

(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.

As discussed below, the proposed changes do not meet the criteria for preparing a subsequent negative declaration. An Addendum is appropriate here because none of the conditions calling for preparation of a subsequent EIR or negative declaration have occurred.

Proposed Amendments

As noted above, the proposed project would establish two types of combining districts: Cannabis Accommodation (CA) Districts and Cannabis Prohibition (CP) Districts. The CA Districts would allow flexibility of regulations for existing cannabis cultivation operations that are seeking County approvals.

As with the Medical Cannabis Cultivation Regulations, the primary goal of the current amendments is to provide standards and permitting pathways to bring baseline commercial cannabis cultivation activities into compliance with local, regional, and statewide regulatory schemes. The amendments would not allow cultivation in areas where cultivation does not currently occur and would not substantially increase the area of cultivation from existing conditions.

As part of the permitting process, applicants would be required to document proof of prior cultivation, affirm that the cultivation was in operation in 2016 or earlier (existing cultivation), and describe how cultivation operations would comply with County, regional, and state regulations. Cannabis cultivation sites for which applicants are seeking permits would be subject to inspection to ensure compliance with applicable regulations and any requirements applied through the cannabis permit review process, as well as review and permitting by regional and state agencies.

Under current regulations, cultivation sites in the RR-1 and RR-2 zoning districts, as well as any parcels less than 5 acres in size within the RR-5 district, would be subject to sunset and could not receive a County cannabis cultivation permit after the year 2020. The proposed regulations would allow some uses that would otherwise be subject to sunset to continue to receive a County cannabis cultivation permit after 2020, as long as such use is in compliance with County, regional, and state regulations. This provision allows an existing use to continue but does not allow any new cannabis cultivation to be established.

Proposed amendments to the County Code include minor changes to development standards, such as reductions in setbacks and lot area standards subject to approval of an Administrative Permit. Specifically, an applicant may request a reduced property line setback for cultivation or for structures utilized for cultivation, subject to limitations and compliance with various County standards. The proposed amendments also allow a reduction in the setback from an access easement required by County Code Section 10A.17.040(A)(5) subject to an Administrative Permit.

The size of permitted cultivation areas would not be changed under the amendments, except in the following limited circumstances that apply to legal nonconforming lots. A parcel located in a zoning district that allows commercial cultivation and has a lot area between 3.5 and 4.99 acres, and which shares at least 50 percent of its boundaries with parcels 5 acres in size or larger, may obtain a permit as allowed for a 5-acre parcel with similar zoning, subject to approval of an Administrative Permit. In addition, a parcel in a zoning district that allows commercial cultivation and has a lot area between 7.0 and 9.99 acres, and which shares at least 50 percent of its boundaries with parcels 10 acres in size or larger, may obtain a permit as allowed for a 10-acre parcel with similar zoning, subject to approval of an Administrative Permit. In each of these scenarios, the Administrative Permit process is discretionary and would require review pursuant to CEQA. Thus, while the number of applications to which these changes would apply cannot be determined at this time, future applications for increased cultivation area would be subject to environmental review.

Findings

Based on these findings and the environmental analysis which follows, it is concluded that an Addendum to the adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed ordinance amendments.

1. For the proposed amendments, the County does not propose any substantial changes that would require major revisions to the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

No new significant effects or increases in the severity of effects are anticipated. Allowing the continuation of existing cultivation or of cultivation as currently allowed under the County Code will not change the anticipated environmental impacts. Allowing the continuation of use on sites currently in cultivation would not create a new significant impact or increase severity, as these sites were already in existence at the time the MND was drafted and are therefore considered part of the baseline conditions. Minor changes to development standards, such as a reduction in setback and adjustments to allowed permit types based on the parcel's zoning and adjacent parcel sizes would be subject to issuance of an Administrative Permit. Property line setbacks within CA Combining Districts would be reduced from 50 feet to 20 feet by right. Approval of an Administrative Permit and issuance of a cultivation permit would both be subject to review by qualified County staff to determine if suitable habitat for sensitive species may exist and, if potentially present, consultation with the California Department of Fish and Wildlife would be required (Section 10A.17.100). Projects requiring an Administrative Permit would be subject to further CEQA review to determine whether any conditions specific to that project or parcel could result in physical environmental effects. The proposed amendments would therefore not create a new significant impact or increase the severity of previously identified impacts.

2. For the proposed amendments, no substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions to the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Based on the discussion in Finding 1, above, no new significant environmental effects resulting from the proposed amendments are anticipated. The circumstances under which the project is undertaken remain the same.

3. For the modified project, there has been no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

There has been no new information of substantial importance that was not known and could not have been known at the time the previous MND was prepared. The baseline conditions describing the overall impacts of existing cannabis cultivation remain the same.

4. The proposed changes do not constitute a change in the level of significance previously discussed in the adopted MND. As such, it is concluded that the current amendments will not have one or more significant effects not discussed in the previous MND. There are no mitigation measures previously found not to be feasible that would in fact be feasible and substantially reduce one or more significant effects of the project.

The proposed amendments do not involve changes to any mitigation measures. No new potential impacts have been identified requiring new mitigation measures to be developed.

5. Finally, there are no mitigation measures or alternatives identified in this analysis that are considerably different from those analyzed in the previous MND and that would substantially reduce one or more significant effects on the environment.

The proposed amendments do not involve changes to, or analysis of, any mitigation measures.

Environmental Analysis

The analysis below focuses on topics that relate to changes in operation compared to those allowed under the current County Code.

Aesthetics, Light, and Glare

The MND found that bringing baseline/legacy cultivation operations into compliance would help attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting. The MND determined that compliance with the CCWDRP would improve the visual quality in the remote cultivation areas by promoting the protection of riparian buffers, slope and stream stabilization using bioengineering techniques, streambank restoration, and road improvements that will generally improve site vegetation.

The proposed Cannabis Combining Districts and Zoning Exceptions would allow the continuation of cannabis cultivation on certain residential parcels where cultivation currently occurs. The visual character in these residential areas is not characterized by natural landscapes with traditional scenic qualities. These areas are characterized by existing roads, with houses and other structures, and individual lots that are typically fenced. Only properties where cultivation is currently occurring will be permitted for future cultivation and operation in the CA Combining Districts would be the same as current conditions or as allowed under the current County Code. In addition, certain mixed-light facilities would be subject to the approval of an Administrative Permit, which would require the project applicant to demonstrate that impacts such as fugitive light are properly mitigated. Because the operations allowed under the proposed code would occur in the same locations as current operations, there would be no change from existing conditions that would result in a new project-specific or cumulative impact due to the proposed code changes.

Agriculture and Forest Resources

The MND disclosed that some commercial cultivation of cannabis could occur on lands zoned Timberland Production Zone, lands zoned for agricultural use, and lands under Williamson Act contract. However, it was determined that the impact would be less than significant because all applicants for expansion of cultivation within the TPZ zone would be required to obtain a discretionary permit, which would involve the review and permitting of illegal conversions.

The proposed code amendments would allow approval of permits for legal cultivation where cultivation is now occurring. The existing ordinance requires that an applicant obtain a discretionary permit for any expansion of existing commercial cannabis cultivation on lands zoned Timberland Production Zone (TPZ). No new rights to expand cultivation operations on TPZ-zoned land will be permitted under the proposed ordinance. No new agricultural or forest land would be eligible for cannabis cultivation permits through the proposed ordinance. Thus, no agricultural or forest land would be converted to

nonagricultural or non-forest use. There would be no new project-specific or cumulative impact on agricultural or forest land.

Air Quality and Greenhouse Gas Emissions

The MND describes changes in operations due to the permitting of clandestine cultivation. However, the types of changes described in the MND would not apply to the proposed code amendments, as these amendments are limited to existing cultivation generally within suburban or rural residential settings. Thus, activities such as substantial cleanup of cultivation sites with heavy equipment would not occur and emissions would not be generated. Emissions from cannabis cultivation are generated from electricity demand from indoor and greenhouse cultivators, water demand, and employee vehicle trips. Electricity demand would be generated from such activities as lighting, cooling and/or heating, and air circulation for indoor cultivation. As noted above, only properties where cultivation is currently occurring will be permitted for cultivation and operation in the CA Combining Districts would be the same as current conditions or as allowed under the current County Code. Therefore, there would be no change in electricity demand, water demand, or vehicle trips, so there would be no change in emissions associated with the proposed amendments. Like other emissions, the amendments would not result in a substantial increase in odors because odors generated on these sites would be similar to existing conditions or as allowed under the current County Code. Further, the process of permitting would bring into compliance some existing cultivators that are not fully complying with County, regional, and state regulations. Consequently, there would be no new or more severe impacts related to air quality or greenhouse gases.

Biological Resources

The MND describes land-disturbing activities, discharges of waste from cultivation activities, and excessive surface water diversion from unregulated cannabis cultivation as potential impacts to cold freshwater habitat and associated species. Land-disturbing activities and discharges of waste can lead to increased sediment loading to streams, reduced shading, water temperature increases, increased nutrient loading, a reduction in large wood inputs, and direct alterations to stream morphology due to in-channel disturbances. Excessive surface water diversion can lead to dewatering of streams. The MND found that remediation, cleanup, and restoration activities that would occur as part of the permitting of existing cultivation activities in remote rural areas would improve conditions compared to the baseline, and impacts would be less than significant.

The proposed amendments would apply in previously disturbed suburban and rural residential areas. As noted above, prior to issuance of a cultivation permit, proposed sites would be subject to review by qualified County staff to determine if suitable habitat for sensitive species may exist and if potentially present, consultation with the California Department of Fish and Wildlife would be required. Applicants would be required to demonstrate adequate water supply as part of the cannabis permit review process, which would ensure water diversions and other operational impacts that might impact biological resources would not occur in these areas. In addition, permissible cannabis operations in the CA Combining Districts would be of the same character as allowed under the current County Code, so there would be no changes to the physical environment to permit operations in these areas. Therefore, there would be no new significant impacts.

Cultural Resources

The MND determined there would be less than significant impacts related to cultural resources. Impacts on cultural resources could occur if historic or prehistoric resources, including subsurface resources, are impacted by the development or operation of cultivation activities. Because the proposed amendments would allow the continuation of existing cultivation or of cultivation as currently allowed under the County Code, no areas would be disturbed beyond those currently allowed; thus, no changes to historic or prehistoric resources would occur as a result of the proposed amendments. There would be no new significant impacts.

Geology and Soils

Remediation, cleanup, and restoration activities were identified in the MND as potentially creating or exacerbating conditions that could result in impacts related to geologic conditions in the County. The MND found that compliance with actions required in the Order would ensure that impacts related to geology and soils would be less than significant. The proposed amendments would not result in substantial changes to any existing cultivation sites or activities such that there would be physical changes that could affect local or regional geologic conditions. There would be no new significant impacts.

Hazards and Hazardous Materials

Hazardous materials identified in the MND as possibly being used at cultivation sites include petroleum products, fertilizers, herbicides, and pesticides, as well as automotive and machine-related fluids and products including acids, solvents, degreasers, corrosives, antifreeze, and hydraulic fluid. These materials could have been used during initial site preparation, during illicit cultivation activities, or for site cleanup as part of the permitted cultivation activities. With the exception of fertilizers, herbicides, and pesticides, these materials would generally not be used as part of cultivation activities that would occur in the CA Combining Districts currently being proposed. Additionally, as these are existing cultivation sites, fertilizers, herbicides, and pesticides would already be in use in these areas. Permitted sites would also be subject to inspection, which would ensure that these materials are stored and used properly and would not present a risk to the environment or the public. There would be no new significant impacts.

Hydrology and Water Quality

The MND identified several potential impacts related to hydrology and water quality: erosion and transportable sediment, creation or exacerbation of unstable features, temperature impacts from improper hydromodification, potential for adverse geomorphological changes, and creation of habitat/migration barriers. Illicit cultivation in remote rural areas could occur within and adjacent to watercourses and surface waters, altering drainage patterns and watercourse channels, removing riparian vegetation, or blocking or impeding natural stream flows or floodwater flows. These activities could cause water temperature increases and result in or increase the likelihood of pollutant discharges to surface waters or of fill in streams or wetlands. As noted previously, the proposed amendments would only apply to properties with existing cultivation in suburban and rural residential settings. Continuation of cultivation in the CA Combining Districts would not substantially change effects on water quality, except where the existing condition currently impacts water quality. In these instances, water quality would be improved through requirements imposed during the permitting process. As

noted above, permitted cultivation in the CA Combining Districts would be subject to inspection to ensure activities are being conducted responsibly and within the conditions of the permit. There would be no new significant impacts.

Land Use and Planning

The MND found that cultivation operations under the Cannabis Cultivation Regulations would be required to comply with existing regulations and permitting requirements that govern cultivation activities, including water diversion and well development, grading, construction of buildings, on-site sewage disposal, fire protection, and protection of biological resources, wetlands, watercourses, and associated riparian areas. Therefore, that ordinance would not physically divide a community, conflict with existing land use plans, policies, or regulations, or conflict with applicable conservation plans. Similarly, the proposed amendments would bring existing commercial cultivation operations in the County into compliance with new regulations. There would be no new significant impacts.

Mineral Resources

The MND determined that activities associated with outdoor cannabis cultivation generally result in surficial and minor grading. Therefore, activities on sites assumed in the MND would not result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state, nor would the activities result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land use plan. Because the proposed amendments would affect only residential properties that would not generally be used for mineral resource extraction, there would be no new significant impacts.

Noise

The potential for noise impacts identified in the MND was from agricultural activity conducted to prepare for planting and construction activities related to restoration/cleanup/remediation activities at cultivation sites. Other noise sources could include equipment, such as generators to power lights and pumps. The MND found that the use of standard construction best management practices and requiring operation of equipment according to a time schedule would prevent noise impacts, including cumulative impacts. The proposed amendments would involve the continuation of existing cultivation activities in rural residential and suburban areas. Because the sites are existing, substantial site preparation would not be required, and no new noise would be generated beyond existing conditions or that already allowed by the existing County Code. Operational activities could involve the use of equipment for cooling and/or heating and air circulation for indoor cultivation, but this use would be similar to the existing operations and would not increase noise compared to the existing condition. Because utilities are generally available at these residential lots, the use of generators would not be required. There would be no new significant impacts associated with the proposed amendments.

Population and Housing

The MND determined that cultivation of commercial medical cannabis would not induce substantial population growth in an area either directly or indirectly and would not displace substantial numbers of existing housing or people necessitating the construction of replacement housing elsewhere. The proposed amendments would allow the continuation of cannabis cultivation and would not directly or indirectly affect the population or housing. There would be no new significant impacts.

Public Services

The MND acknowledged that illegal, unpermitted cultivation of cannabis could have an impact on public services, particularly fire protection and police protection, given that grows often occur in remote, wooded areas and the illegal nature of the grows may result in the need for police involvement. The MND did not identify any impacts on schools, parks, or other public facilities. The suburban and rural residential areas subject to the current amendments are not remote, as was assumed for properties examined in the MND, and are already served by fire and police protection. Applicants in the CA Combining Districts would be subject to the Code's existing measures related to security plans, compliance with building codes and adherence to fire safety standards. There would be no new significant impacts.

Recreation

The Medical Cannabis Cultivation Regulations would not increase the use of existing neighborhood and regional parks or other recreational facilities and did not include recreational facilities or require the construction or expansion of recreational facilities. The proposed amendments would also have no impact on recreational facilities. There would be no new significant impacts.

Transportation

The MND found that the previous amendments would not exceed the capacity of the existing circulation system, result in increased traffic hazards, result in inadequate emergency access, or conflict with adopted policies, plans, or programs supporting alternative transportation. The proposed amendments would not increase traffic, as the amendments would only allow cultivation activities to continue on properties with existing cultivation sites. There would be no off-site changes that would result in hazardous design features or otherwise introduce new transportation-related impacts. There would be no new significant impacts.

Utilities

The MND noted that the majority of operations affected by the Cannabis Cultivation Regulations are located in rural areas without public water and sewer services, and many are in remote areas without access to grid-supplied electricity. For parcels with access to public water and wastewater, the Cannabis Cultivation Regulations require that will serve letters be provided from the service provider; this requirement would not change with the proposed amendments. While any permitted cultivation under the amendments would result in demands on public utilities, operations affected by the proposed amendments would not substantially differ from current conditions; thus, demand would not increase due to the amendments. There would be no new significant impacts.

Cumulative

The MND disclosed that baseline conditions throughout Mendocino County would result in impacts associated with cannabis cultivation and that these impacts would continue or further degrade without the ordinance. However, the MND determined that measures identified in the ordinance and public process that will occur will improve the current degradation of land, soils, water use, and water quality in the County, and long-term beneficial effects will be realized on air quality, biological resources, geology and soils, hydrology, and noise. As with the Cannabis Cultivation Regulations, the proposed

amendments are aimed at bringing existing cultivators into compliance. Because the proposed amendments would only allow the continuation of existing cultivation operations or cultivation as allowed under the current County Code and would include local review with inspections and oversight of these operations where no oversight previously occurred, there would be positive environmental effects with the project. Thus, the proposed amendments would not create or contribute to a cumulative impact.

Conclusion

Mendocino County, acting as the lead agency, determined that the proposed amendments would not require major revisions to the Medical Cannabis Cultivation Regulations Mitigated Negative Declaration because there are no new significant environmental effects that would require new mitigation. No additional analysis is required.

EXHIBIT N

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 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.

Summary of Community Input

Community input regarding the Cannabis Combining Districts and Cannabis Exceptions efforts occurred in three primary forms: community meetings held on July 26 and July 27; emails received through cannabisoverlay@mendocinocounty.org; and a community survey conducted for each of the proposed Combining Districts. Below are summaries of input received through each of these sources.

Community Meetings

On July 26 and July 27, Michael Baker International conducted four community meetings to solicit input from communities in which Cannabis Overlay Zones have been proposed. The format of these meetings included an introduction and overview of the Cannabis Overlay Zone concept, the efforts to date, and an explanation of how the Overlay Zones would affect cannabis regulations in the various communities. Following introductory remarks, Michael Baker staff responded to questions and accepted comments from community members. Community meetings were as follows:

- **Covelo – July 26, Opt-In Overlay Zone**
Round Valley Public Library, 23925 Howard Street, Covelo
- **Mitchell Creek – July 26, Opt-In Overlay Zone**
Caspar Community Center, South Room, 15051 Caspar Road, Caspar
- **Laytonville and South Leggett – July 27, Opt-In Overlay Zones**
Long Valley Garden Club, 375 Harwood Road, Laytonville
- **Deerwood and Boonville Road/Woody Glen – July 27, Opt-Out Overlay Zones**
County Administration Center, Board Chambers, 501 Low Gap Road, Ukiah

Provide below are summaries of comments shared by meeting participants, including verbal comments during the meetings and comment cards that were submitted to staff.

Covelo Community Meeting Notes – July 26, 10:00 a.m.–12 p.m.

Round Valley Public Library , 23925 Howard Street, Covelo

18 participants signed in/21 comment cards received.

Comments specific to Overlay Zone regulations:

- Near-unanimous support among participants to amend regulations to be more supportive of cannabis growers; some concerns regarding impacts to Native American tribes.
- Generally, the adjustments proposed under the Opt-In Overlay would be very helpful if applied to a broader area.
- Strong consensus that the proposed two small Overlay Zones are not adequate to help the majority of growers in the Covelo community.
- Covelo community is currently facing economic collapse; cannabis is currently the only viable means of income for many residents and local businesses.
- Largest single concern is sunset provision; local community analysis identified 135 growers (approximately 85% of growers) that would not be allowed under sunset.

Comment Card Summary	Times Mentioned
Need to substantially increase the Covelo Overlay Zone: <ul style="list-style-type: none"> • Proposed Overlay Zone is inadequate in area and does not help most growers. • Zone needs to be expanded to include much more area. • Covelo is a patchwork of zoning and land uses and small Overlay Zones don't address growers' issues. • Proposed Overlay Zones do not include 90% of growers in Covelo. 	18
Concern that cannabis business do not benefit long-time residents. Consider impacts on children, animals, and land.	1
Reducing setbacks will make it possible for more parcels to be eligible.	2
Cannabis has contributed to the Covelo economy and helped support businesses and the community. Loss of cannabis income and revenue would be disastrous.	1
The current Overlay Zone approach is ineffective and does not meet the needs of Covelo residents.	3
Would like to see an Overlay Zone for facilities.	1
Reductions in (property line) setbacks are helpful; would like reductions from other setbacks (schools, churches, parks).	1
Overlays are a "band-aid"; the County cannabis ordinance does not work for Covelo.	1
Total Cards Comments	21

Mitchell Creek Community Meeting Notes – July 26, 5:00 p.m.–7:00 p.m.

Caspar Community Center, South Room, 15051 Caspar Road, Caspar

57 participants signed in (100+ participants)/31 comment cards received.

- General comment: The majority of meeting participants appeared to be supportive of grower accommodations (Opt-In regulations), but property owners in attendance that were not supportive felt they were underrepresented in the audience due to lack of meeting notice.
- Meeting discussion was roughly evenly split between individuals supportive of cannabis cultivation and individuals opposed to cannabis cultivation.
- Concerns over cannabis cultivation in Mitchell Creek included:
 - Impacts to water supply; crime resulting from cultivation activities; impacts to property values; proliferation of cannabis cultivation; commercial uses fundamentally incompatible with residential character of the neighborhood.
- Comments in support of Opt-In Overlay:
 - Some long-time Mitchell Creek growers have contributed to overall improvement of Mitchell Creek; cultivators are also members of the community who own property, raise families, want the Mitchell Creek neighborhood to be a good place to live; sunset regulations will force growers to leave and will cause property values to drop.
- Information provided by Michael Baker and County staff:
 - A thorough process of evaluating water supply is conducted by regional and state agencies in the cannabis permit review process.
 - The proposed Opt-In Overlay would not allow for an increase in current cultivation; it would only allow existing cultivation to continue.

Master Comment	Times Mentioned
Supportive of Overlay/Opt-In.	7
If a Mitchell Creek Opt-In Zone is established, would prefer Alternative 2 (smaller area).	4
Concerned about water use – potential for cultivators to impact available water supplies.	4
Supportive of Alternative 1 (larger area), which includes a greater area in the Opt-Out zone.	3
Supports Alternative 1; Alternative 2 would be detrimental to local businesses that provide jobs and support the local economy.	2
If no Overlay is established, some existing growers will be forced to leave Mitchell Creek and this would impact the neighborhood.	2
Individual comments from comment cards: <ul style="list-style-type: none"> • Consider limiting cultivation to indoor only. • Loss of cannabis growers would be detrimental to local economy. • Cannabis is a highly regulated crop and permitting process addresses environmental (water) issues. • Redwood Springs Drive should not be included in the Overlay Zone. 	
Total Comments	31

Laytonville and South Leggett Community Meeting Notes – July 27, 10:00 a.m.–12 p.m.

Long Valley Garden Club, 375 Harwood Road, Laytonville

15 participants signed in/1 comment card received.

- Discussion of the petition process to qualify an Overlay Zone for consideration – comments that petition process is problematic and asked that other options be considered.
- Fence requirements – interest in relying upon existing perimeter fence as portion of the cultivation area fence.
- Request to expand the Laytonville Opt-In Zone eastward from Branscomb Road to include additional RR-1 zoned land.
- Request for flexibility on the 150-foot separation between cultivation area and adjacent house – no change to this requirement was proposed under the Opt-In or the Exceptions regulations at the time of the community meeting.
- Discussion of need for transferability of permits – Michael Baker staff responded this is outside the Cannabis Exceptions work.
- Question regarding how the Overlay will affect distribution/microbusiness/other commercial uses – Michael Baker staff responded that Overlay only applies to cultivation.
- Discussion on limitations of personal use cultivation – Michael Baker staff responded this is outside the Cannabis Exceptions work.

Comment	Times Mentioned
Please include all RR-1 to protect growers on the larger parcels from sunsetting out.	1
Total Comments	1

Deerwood and Boonville Road/Woody Glen Community Meeting Notes – July 27, 5:00 p.m.–7:00 p.m.
 County Administration Center, Board Chambers, 501 Low Gap Road, Ukiah
 29 participants signed in/10 comment cards received.

- Interest/concern regarding timing for new regulations to be considered by the Planning Commission – Michael Baker staff commented that likely three months to get to Planning Commission.
- Discussion of the process and implications of an Opt-Out Zone being repealed.
- For Deerwood and Boonville/Woody Glen, a petition process to demonstrate wide community support is feasible.
- Opposition to cannabis operations included that commercial operations in the affected neighborhoods just aren't appropriate.
- Interest in notifying potential property buyers of an existing or proposed Opt-Out Zone; avoid investment based on expectation to cultivate.
- Discussion of water regulations that apply to cultivators; regional and state agencies regulate water supplies and are involved in permitting cannabis cultivation.
- How will an application under review be affected by a proposed Opt-Out Zone?
- Residents in Lower Deerwood (subject to sunset and therefore not in the proposed Opt-Out Zone) are affected by cultivators in Upper Deerwood.
- Substantial majority of meeting participants were in favor of the proposed Opt-Out Zones. Show of hands resulted in the following:
 - 19 participants support Boonville Road/Woody Glen Opt-Out
 - 12 participants support Deerwood Opt-Out
- No one spoke in direct opposition to the proposed Opt-Out Zones, but comments were made regarding the fiscal impact of eliminating cultivation in Mendocino County.

Master Comment	Times Mentioned
Supportive of Opt-Out to preserve residential neighborhood.	10
Total Comments	10

Community Survey Results

Community surveys were conducted for each of the proposed Cannabis Accommodation and Cannabis Prohibition Combining Districts. Surveys were conducted using the online tool SurveyMonkey. Postcards were mailed to the owners of each property inside of or within 350 feet of a proposed Combining District. Each survey included a unique code associated with the property's Assessor Parcel Number. The surveys were, by design, brief and included a short explanation of the Combining District regulations, a map of the associated district, and a link with additional information. While it was possible for individuals to submit The survey was open from August 27 through September 17.

Response rates varied from approximately 12% to 49% of property owners within each District. Michael Baker's goal had been to generate at least a 20% response rate for each proposed district. Due to low response rates in Laytonville, Covelo, and South Leggett, a second postcard was mailed on September 7 to property owners in those communities, and surveys for those communities were held open for an additional week.

Upon completion of all surveys, the responses were filtered to exclude any responses that lacked a valid code. In one instance a respondent appeared to transpose two numbers on his/her code and that response was accepted. There were no other cases in which the response validity was in question.

Due to concerns over petitions, schedule and feasibility for larger proposed Combining Districts, the Community Surveys described herein are providing the basis for determining whether there is 60 percent support among landowners for the proposed CA (Opt-In) and CP (Opt-Out) Combining Districts. All proposed Combining Districts did achieve the 60% support threshold, except for the two Mitchell Creek CA Districts that were far below the required 60 percent support level.

Covelo Core CA District

Covelo Core area residents were asked the following three questions in their survey:

- Do you support the establishment of the Covelo Core Opt-In Combining District?
- Do you support allowing existing cannabis cultivators within the boundaries of the Covelo Core Opt-In Combining District to continue their cultivation activities provided they meet all state and County requirements?
- Do you support reducing setbacks (required distance from property lines) for cannabis cultivation sites within the boundaries of the Covelo Core Opt-In Combining District?

The number of yes and no responses to the three survey questions were identical:

- Response rate: 20%
- Support for District: 48
- Opposed to District: 11
- **Approval rate: 81%**

Covelo Fairbanks Road CA District

Covelo Fairbanks Road residents were asked the following three questions in their survey:

- Do you support the establishment of the Covelo Core Opt-In Combining District?
- Do you support allowing existing cannabis cultivators within the boundaries of the Covelo Core Opt-In Combining District to continue their cultivation activities provided they meet all state and County requirements?
- Do you support reducing setbacks (required distance from property lines) for cannabis cultivation sites within the boundaries of the Covelo Core Opt-In Combining District?

The number of yes and no responses to the three questions were identical:

- Response rate: 27%
- Support for District: 6
- Opposed to District: 4
- **Approval rate: 60%**

Mitchell Creek North CA District

Mitchell Creek North area residents were asked the following five questions in their survey:

- Do you support the general concept of establishing a Mitchell Creek Opt-In Combining District?
- Do you prefer the boundaries of Mitchell Creek Option 1 (larger area)?
- Do you prefer the boundaries of Mitchell Creek Option 2 (smaller area)?
- Do you support reducing setbacks (required distance from property lines) for cannabis cultivation sites within the boundaries of the Mitchell Creek Opt-In Combining District?
- Would you support the Mitchell Creek Opt-In Combining District if cannabis cultivation was limited to indoor cultivation only? Mendocino County defines Indoor Cultivation as cultivation occurring within a fully enclosed and secure structure that complies with the California Building Code (CBC), as adopted by the County of Mendocino.

The survey for Mitchell Creek included five questions to test preferences related to size of district and requirements for indoor cultivation. The number of yes and no responses to the five questions were very similar, with responses ranging from 87% to 94% in opposition to accommodating cannabis cultivation. The term “averaged” below refers to the average number of responses in support of and in opposition to the five questions:

- Response rate: 43%
- Averaged Support for District: 11
- Averaged Opposed to District: 101
- **Approval rate: 10%**

Mitchell Creek South CA District

Mitchell Creek South residents were asked the following three questions in their survey:

- Do you support the establishment of the Covelo Core Opt-In Combining District?
- Do you support allowing existing cannabis cultivators within the boundaries of the Covelo Core Opt-In Combining District to continue their cultivation activities provided they meet all state and County requirements?
- Do you support reducing setbacks (required distance from property lines) for cannabis cultivation sites within the boundaries of the Covelo Core Opt-In Combining District?

The number of yes and no responses to the three questions varied, with the lowest support for question 1 (25% support) and slightly higher support for questions 2 and 3 (37% support):

- Response rate: 15%
- Averaged Support for District: 2.66
- Averaged Opposed to District: 5.33
- **Approval rate: 33%**

Laytonville CA District

Laytonville area residents were asked the following three questions in their survey:

- Do you support the establishment of the Covelo Core Opt-In Combining District?
- Do you support allowing existing cannabis cultivators within the boundaries of the Covelo Core Opt-In Combining District to continue their cultivation activities provided they meet all state and County requirements?
- Do you support reducing setbacks (required distance from property lines) for cannabis cultivation sites within the boundaries of the Covelo Core Opt-In Combining District?

The number of yes and no responses were nearly identical for the three questions:

- Response rate: 12%
- Support for District: 33
- Opposed to District: 8
- **Approval rate: 80%**

South Leggett CA District

South Leggett residents were asked the following three questions in their survey:

- Do you support the establishment of the Covelo Core Opt-In Combining District?
- Do you support allowing existing cannabis cultivators within the boundaries of the Covelo Core Opt-In Combining District to continue their cultivation activities provided they meet all state and County requirements?
- Do you support reducing setbacks (required distance from property lines) for cannabis cultivation sites within the boundaries of the Covelo Core Opt-In Combining District?

The number of yes and no responses to the three survey questions were identical

- Response rate: 20%
- Support for District: 15
- Opposed to District: 2
- **Approval rate: 88%**

Deerwood CP District

Deerwood residents were asked the following question in their survey:

- Do you support the establishment of the Deerwood Opt-Out Combining District, thereby restricting commercial cannabis operations within the Deerwood Opt-Out Combining District?

The response to the survey was as follows:

- Response rate: 48%
- Support for District: 49
- Opposed to District: 3
- **Approval rate: 94%**

Booneville Road/Woody Glen CP District

Boonville Road/Woody Glen residents were asked the following question in their survey:

- Do you support the establishment of the Boonville Woody Glen Opt-Out Combining District, thereby restricting commercial cannabis operations within the Boonville Woody Glen Opt-Out Combining District?

The response to the survey was as follows:

- Response rate: 49%
- Support for District: 46
- Opposed to District: 4
- **Approval rate: 92%**

Email Messages – cannabisoverlay@mendocinocounty.org

A dedicated email address was established to receive input, questions and requests for support from community members. In total, more than 150 emails were received. Approximately 40 individuals posed questions or requested assistance with the Combining District Survey through this portal and direct responses to such messages were provided. Messages received through this portal have been organized by Combining District area and are summarized below.

Mitchell Creek Community		<i>Total Emails Received: 88</i>
The majority of all emails received were in reference to the proposed Mitchell Creek Opt-In zoning overlay. Emails received related to the Mitchell Creek Districts were, overall, strongly in opposition.		
MAIN COMMENTS	Times Mentioned	
<ul style="list-style-type: none"> Concern about water use and potential for cultivators to impact available water supplies for the surrounding residential area. 	42	
<ul style="list-style-type: none"> Concern over potential rise in crime in residential neighborhoods due to commercial cannabis cultivation and operations. 	29	
<ul style="list-style-type: none"> Road access and traffic impacts: Concern about wear and tear to roads from commercial trucks and increased traffic from activity of suppliers, employees, etc. Consensus that emergency access (ingress/egress) from Simpson Lane is inadequate. (Roads specifically mentioned include Simpson Lane, Turner Road, Shane Drive, and Redwood Springs Drive.) 	23	
<ul style="list-style-type: none"> Noticing of the community meetings was not adequate to allow many community members to attend. (References made to Brown Act violation = 5.) 	22	
<ul style="list-style-type: none"> Concern of overall incompatibility of commercial cannabis activity in a residential area (including but not limited to noise, lighting, odor, etc.) 	20	
<ul style="list-style-type: none"> Concern over negative impacts to residential property values from allowing commercial cannabis cultivation and operations. 	12	
<ul style="list-style-type: none"> Environmental concerns (pollution to land and waterways, etc.) 	10	
<ul style="list-style-type: none"> Opposition to any type of commercial agriculture operations in this district due to water scarcity. 	5	
<ul style="list-style-type: none"> Frustration expressed over “straw-vote” at community meeting being skewed due to lack of representation from opposition. 	5	
<ul style="list-style-type: none"> Concern that a 20-foot setback requirement for cultivation from adjacent properties is inadequate. 	5	
<ul style="list-style-type: none"> Request that an environmental impact report (EIR) be prepared to determine water usage impacts from cultivation activities on district. 	5	
<ul style="list-style-type: none"> Frustration with “revolving door renters” that stay a short period of time and are unfriendly with the neighborhood. 	2	
<ul style="list-style-type: none"> <i>Requested to be added to mailing list:</i> Roslyn Satten, Simpson Lane Daniel R. Barrett, Emerald Drive, danjane@mcn.org Mark and Kathy Bibbens, 16861 Hills O Home Lane Lin and Ginny Varnum, 17751 Redwood Springs Drive 		

Input from those in favor of Opt-In overlay zone:

- Opt-In overlay will protect the livelihood of small farmers who have been cultivating cannabis for years without negatively impacting property values, the healthy balance of our ecosystem, or public safety.
- The county overlay project does not increase cannabis cultivation in the Mitchell Creek area. It supports continuation of low-impact farming practices through the most stringent, lengthy requirements and regulations ever imposed on any agricultural sector in this country's history. The County Requirements for Commercial Cottage Indoor Cultivation (which is the category of most cannabis farms in this area) consist of 28 detailed steps to reach compliance that must be taken by permit applicants. The state regulations are as onerous, consisting of 24 specific requirements which applicants must meet. These regulations come with huge permit and license application fees and other costs associated with securing approval of the Water Board, Fish & Wildlife, and other agencies.
- Over the last ten years, wells have not dried up at any greater rate as a result of cannabis farms. Cannabis farmers in the Mitchell Creek area have offered to meter their water use and enact cultivation practices that reduce water use significantly.
- The opt-in overlay zone will not change Mitchell Creek from a residential zone to a commercial zone. The existing zoning explicitly allows agriculture. The opening definition in our zoning code says "Rural Residential Zoning "...is intended to create and enhance residential areas where agricultural use compatible with a permanent residential use is desired."
- Cannabis cultivation is less of a safety issue than it was in the underground market. By requiring compliance with stringent county and state requirements, existing small farmers in the Mitchell Creek area will be more engaged in taking safe business and property precautions than ever before. They will be operating in the light of official and public scrutiny and are less likely to engage with or attract criminal elements to their farms. Public safety has been increased with legalization and regulation.
- Sustained commercial cannabis cultivation on a small scale has existed harmoniously with the community for decades. Many of the residents of this area are dependent on cannabis for their livelihoods and have built businesses and reputations from their cultivation sites in Mitchell Creek.
- The Opt-In Overlay for Mitchell Creek would not cause cultivators to be allowed to enter the area, it would simply allow them to stay and continue what they have already been doing.
- The assumption that Cannabis Cultivators have no concern for the environment or water supply is inaccurate and offensive. By implementing specific use parameters and a robust record-keeping requirement there would be essentially no risk to the water supply Mitchell Creek.
- Allowing commercial cannabis cultivation will provide more jobs to the community and will boost the local economy.

Number of emails received in favor of Opt-In Overlay

10

Questions:

1. What research, if any, has the California Water Board done to determine that commercial level water use in this zone will not have a negative effect on residential wells?
2. Was there any geological or hydrology research done on the area?
3. What are the legal issues of giving a small group of cottage industries exclusive rights to do commercial business in this densely populated residential zone?
4. What contaminants will be added to that aquifer. Will this be total organic gardening? No fertilizers? Who will monitor what goes into the aquifer?
5. Will our roads have to have more industrial usage? They are already not taken care of too well. Cal Trans will get extra money to make sure the extra industrial use is considered?
6. Property values? Who will be reimbursing us for the loss in sales?
7. How did this proposal originally get started? Can you please tell me how to find out more information on this?
8. Will I have a choice in my neighbors choosing to enter the production of pot? I wish to OPT OUT. How do I do that? I do not want to be next to any pot farms.
9. When we moved into this neighborhood 1999, there were covenant restrictions that prohibited commercial farming and livestock production. What are the legal issues of giving a small group of cottage industries exclusive rights to do commercial agricultural business in this densely populated residential zone?
10. By what date is the survey due back?
11. Providing only a digital response option is problematic; is there another, paper, option more familiar to most folks? There are most likely a good number of residents in here still without Internet access, or in the least, unfamiliar with online apps. One suggestion you might consider would be to set up 'labs' in our residential area with Internet and lap top access to assist those who need it to complete the survey.
12. Has anyone considered the fact that publishing a map of a cannabis zone is basically providing a map to criminal home invaders of the most "productive" areas to target?
13. Has the California Water Resources Control Board been engaged at all? Have any consultants been engaged to study water effects?
14. Concerning depletion of the water table in this residential zone
 - a. What research has been done on the hydrology of the area?
 - b. Will there be a baseline study on the water table in the area?
 - c. Will commercial grows be metered for water use and required to pay into a remediation fund for the specific overlay area if granted?
15. Has CDFW been involved in this process at all? Has any thought been given to environmental effects? Has the effects of pesticides and other farm chemicals been considered at all for such a densely settled residential area?
16. Will current grows be allowed to expand?
17. What will happen when a permit owner sells his/her property?
18. Why is this area being targeted for commercial growing? How many other areas are being targeted?

Laytonville and South Leggett Communities	
<i>Total Emails Received: 4</i>	
MAIN COMMENTS	Times Mentioned
<ul style="list-style-type: none"> Request for reduction of 50-foot property boundary setback requirement for smaller RR-1 lots in Opt-In Overlay. No messages were received in opposition of the proposed districts. 	1
<p>Questions:</p> <ol style="list-style-type: none"> Can a better map be provided that shows how many parcels there are and what the average size of the parcel is within the range land zoning section of the Laytonville overlay map? There is a religious facility (Jehovah Witness Kingdom Hall) within the boundary of the proposed overlay zone. Will the current set back requirements for religious facilities within the ordinance be maintained? Are there any meetings regarding the overlay program in Laytonville scheduled that I can attend? I am also wondering why the proposed overlay district in Laytonville does not include my 1.3 acre property (zoned RR2) that seems to be a couple of hundred feet outside the proposed overlay zone? 	

Covelo Community; Covelo Commercial Cannabis Accommodation (Opt-In) Combining District
<i>Total Emails Received: 2</i>
No messages were received in direct opposition or support of the proposed Opt-In zoning overlay.
<p>Question(s):</p> <ol style="list-style-type: none"> The proposed map for the overlay area is just north of the existing elementary school and not far from additional educational facilities. Has the Round Valley School District or Board of Trustees been contacted regarding concerns to the youth attending the local schools in the area in relation to the proposed overlay area proposal? A tribal community member said that it is illegal for the county to be imposing the overlay on tribal land since the county does not have jurisdiction over land use on these property types. I was a member of the sub-committee that worked closely with the consultants (Michael Baker) to draft the proposed map and stated very clearly that Round Valley is a checkerboard reservation. Was this not considered when the final map proposal came out?

Deerwood and Boonville Road/Woody Glen Communities	
<i>Total Emails Received: 17 (Deerwood) 11 (Boonville Road/Woody Glen)</i>	
All messages received voiced support for the proposed Opt-Out zoning overlay.	
MAIN COMMENT	Times Mentioned
<ul style="list-style-type: none"> Support for Opt-Out Overlay to prohibit commercial cannabis activity in these districts. 	28