

TO: Board of Supervisors

FROM: County Counsel Cannabis

MEETING DATE: May 22, 2023

DEPARTMENT CONTACT: Christian Curtis
DEPARTMENT CONTACT: Matthew Kiedrowski

PHONE: 234-6885
PHONE: 234-6885

ITEM TYPE: Regular Agenda

TIME ALLOCATED FOR ITEM: 1.5 Hours

AGENDA TITLE:

Discussion and Possible Action Including (1) Adoption of Resolution Adopting an Addendum to the Previously Adopted Mitigated Negative Declaration for Amendments to Mendocino County Code Chapters 10A.17 and 20.242 to Streamline Cannabis Cultivation Permitting Processes and Approving an Amended Mitigation Monitoring and Reporting Program and (2) Adoption of an Urgency Ordinance Amending Chapter 10A.17 – Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 – Cannabis Cultivation Sites to Streamline Cannabis Cultivation Permitting Processes
(Sponsors: County Counsel and Cannabis)

RECOMMENDED ACTION/MOTION:

Adopt (1) resolution adopting an addendum to the previously adopted mitigated negative declaration for amendments to Mendocino County Code Chapters 10A.17 and 20.242 to streamline cannabis cultivation permitting processes and approving an amended mitigation monitoring and reporting program, and (2) urgency ordinance amending Chapter 10A.17 – Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 – Cannabis Cultivation Sites to streamline cannabis cultivation permitting processes, and authorize Chair to sign same.

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:

At the March 14th Board of Supervisors meeting, the Board directed County Counsel to prepare a draft ordinance and environmental document removing or streamlining local cannabis permit requirements while maintaining all of the same environmental protection measures. At an April 14th special meeting of the General Government Committee, a draft of the ordinance was reviewed and direction was provided to staff.

SUMMARY OF REQUEST:

On March 14th, the Board of Supervisors directed County Counsel to prepare a draft ordinance streamlining the current cannabis permitting process while maintaining existing environmental protection measures. Because this proposal would remove the County's ability to generate local documentation to satisfy the obligation of the State of California Department of Cannabis Control (DCC) to generate site-specific environmental reviews in connection with its discretionary review process (commonly called an "Appendix G" document), the Board directed County Counsel and the Executive office to meet with DCC to discuss alternative options to allow Mendocino County cultivators a clear and viable pathway to state licensure.

After meeting with DCC, the State has proposed to provide site-specific environmental reviews in connection with its issuance of discretionary cannabis permits in the form of an addendum to a programmatic EIR. Mendocino and DCC have worked together to amend the scope of the County's LJAGP agreement under which funding will be utilized to generate a programmatic EIR specific to state cannabis licensing in Mendocino, with an eye towards generating suitable addenda for individual permits. The amendment to that document is a separate agenda item today. This approach, which has been utilized by Humboldt County, would allow DCC to generate the environmental documents it needs as part of its discretionary permitting process, while removing the burden on Mendocino County to generate additional paperwork and analysis not required by local regulation.

The proposed ordinance attached is written to streamline local cannabis permitting while maintaining all substantive restrictions on these activities, including environmental protection measures. This approach will reduce the amount of work during the initial review stages while relying more heavily on local enforcement tools to assure compliance. The draft has been updated to reflect input from the industry representatives.

Attached to this agenda item are both a redline and clean version of the draft ordinance. The redline shows all changes being made to Chapters 10A.17 and 20.242, with changes made following the April 14 General Government Committee shown in bold, highlight and redline. These consist of making revisions to certain paragraphs in response to comments made by the Mendocino Cannabis Alliance and the direction of the Committee, revised section references, language added to Section 10A.17.040(K) to reflect the change made by Ordinance No. 4519, adopted on April 11, 2023, and urgency finding language.

An Addendum to the Mitigated Negative Declaration (MND) adopted in 2017 for the County's cannabis cultivation regulations was prepared to analyze potential impacts of the proposed ordinance amendments as compared to the project evaluated in the adopted MND. The conclusion of the analysis presented in the Addendum is that the proposed amendments would not result in any significant effects not discussed in the MND and that no previously examined significant effects would be substantially more severe than those shown in the MND. The Addendum identifies minor revisions to adopted mitigation measures to address changes being made by the proposed amendments and to update certain mitigation measures. The updated mitigation measures are incorporated into an Amended Mitigation Monitoring and Reporting Program (Amended MMRP).

The Addendum to the MND and the Amended MMRP are attached to the CEQA resolution. A separate redline version of the Amended MMRP is included as part of this item.

ALTERNATIVE ACTION/MOTION:

Do not adopt resolution and urgency ordinance; provide direction to staff.

DOES THIS ITEM SUPPORT THE GENERAL PLAN? N/A

STRATEGIC PLAN PRIORITY DESIGNATION: An Effective County Government

SUPERVISORIAL DISTRICT: ALL

VOTE REQUIREMENT: 4/5ths

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: N/A

FISCAL DETAILS:

SOURCE OF FUNDING: n/a

CURRENT F/Y COST: n/a

ANNUAL RECURRING COST: n/a

BUDGET CLARIFICATION: n/a

BUDGETED IN CURRENT F/Y: N/A

IF NO, PLEASE DESCRIBE:

REVENUE AGREEMENT: No

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: Yes

CEO LIAISON: Darcie Antle, CEO

CEO REVIEW: Choose an item.

CEO COMMENTS:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Final Status:Item Status

Executed Item Type: item Number:

