



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA #6(c)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 14 complete sets (original, single-sided+13 copies) – Items must be signed-off by appropriate departments and/or County Counsel
- Transmittal of electronic Agenda Summaries and associated records must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Agenda Transmission Checklist: Agenda Summary Records If applicable, list other online information below
- Executed records will be returned to the department within one week. Arrangements for expedited processing must be made in advance

TO: Board of Supervisors DATE: May 10, 2016
 FROM: Supervisors McCowen and Woodhouse MEETING DATE: May 16, 2016
 DEPARTMENT RESOURCE/CONTACT: Katharine L. Elliot PHONE: 234- Present On Call
 Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: 1 hr.

■ **AGENDA TITLE:** Discussion and Possible Adoption of an Urgency Ordinance Amending Chapter 9.31 of Title 9 of the Mendocino County Code Entitled, "Medical Marijuana Cultivation Regulation"

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** Since adoption in 2008, Chapter 9.31 has been amended numerous times, including in 2010 to allow for a permitting program and in 2012 to eliminate the permitting program.

■ **SUMMARY OF REQUEST:** The Medical Marijuana Ad Hoc Committee recommends adoption of an urgency ordinance (see attached) amending Chapter 9.31 of Title 9 of the Mendocino County Code. On April 18, 2016, during discussion regarding development of a revised ordinance authorizing local permits for license types authorized by the State Medical Marijuana Regulation and Safety Act (MMRSA), the Ad Hoc Committee reported there were procedural issues that would delay adoption of the proposed ordinance for several months. The Board previously gave direction supporting the adoption of local permits for cultivation, nursery operations, manufacturing, testing, dispensing, distributing and transporting, but with a priority for developing permits for cultivation. An urgency ordinance, if approved, will allow for enhanced oversight and regulation this cultivation season while staff proceeds with development of comprehensive regulations implementing local permit types that have been authorized by the Board. In order to adopt an urgency ordinance the Board must make findings that adoption of the ordinance is necessary to protect the public peace, health, or safety. An urgency ordinance requires approval by a 4/5ths vote and takes effect immediately upon adoption.

The proposed urgency ordinance protects the public peace, health and safety by requiring registration of all marijuana cultivation except for a limited exception for qualified patients and primary caregivers; adopts a more stringent definition of legal parcel than was previously in effect; adopts new requirements for wildlife exclusionary fencing, secure storage of fertilizer and other soil amendments; adopts a ban on anti-coagulants for rodent control; and requires anyone cultivating more than 25 plants to apply for, obtain, and comply with numerous conditions designed to limit community and environmental impacts.

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** N/A
 ■ **ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):**

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____
 RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____



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FISCAL IMPACT: NA			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
			Yes <input type="checkbox"/> No <input type="checkbox"/>

■ SUPERVISORIAL DISTRICT: 1 2 3 4 5 All ■ VOTE REQUIREMENT: Majority 4/5ths

■ **RECOMMENDED ACTION/MOTION:** Adopt Urgency Ordinance Amending Chapter 9.31 of Title 9 of the Mendocino County Code entitled "Medical Marijuana Cultivation Regulation" and authorize Chair to sign same.

■ **ALTERNATIVES:** Do not adopt the urgency ordinance, adopt as amended, or give other direction.

■ **CEO REVIEW (NAME):** _____ **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION

- Approved _____
- Records Executed _____

Date of Meeting _____

- Referred to _____
- Other _____