

RESOLUTION NO. 17-042

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO
ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE MEDICAL CANNABIS
CULTIVATION REGULATION**

WHEREAS, the County of Mendocino desires to regulate the cultivation of medical cannabis within the unincorporated areas of Mendocino County in a manner consistent with current State law, including the Medical Cannabis Regulation and Safety Act ("MCRSA"); and

WHEREAS, County staff has, under the direction of the Board of Supervisors of Mendocino County, prepared draft regulations in the form of two (2) proposed new chapters of the Mendocino County Code: Chapter 10A.17- Medical Cannabis Cultivation Ordinance and Chapter 20.242 - Medical Cannabis Cultivation Site Regulation of the Mendocino County Inland Zoning Ordinance, which chapters are together known as the Medical Cannabis Cultivation Regulation or "MCCR"; and

WHEREAS, an Initial Study was prepared for the MCCR and noticed and made available for agency and public review on November 9, 2016 (SCH# 2016112028), and subsequently recirculated on December 5, 2016, in accordance with the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; "CEQA") and the State and County CEQA Guidelines, which Initial Study recommended the adoption of a Mitigated Negative Declaration; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public meeting on December 1, 2016, to solicit public comments on the proposed MCCR, and subsequently held a public hearing on December 15, 2016, which it continued to January 19, 2017, at which times the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Initial Study/Mitigated Negative Declaration and the MCCR. All interested persons were given an opportunity to hear and be heard regarding the Initial Study/Mitigated Negative Declaration and the MCCR; and

WHEREAS, on January 19, 2017, the Planning Commission adopted Resolution No. PC 2017-001, making its report and recommendation to the Board of Supervisors on the MCCR, Initial Study/Mitigated Negative Declaration, and revisions to the County's Policies and Procedures for Agricultural Preserves and Williamson Act Contracts ("Policies and Procedures"); and

WHEREAS, on January 24, February 7 and February 14, 2017, the Board of Supervisors held additional public meetings regarding the MCCR, Initial Study/Mitigated Negative Declaration and revisions to the Policies and Procedures, at which times the Board of Supervisors heard additional public testimony and gave additional direction to County staff regarding the MCCR, Initial Study/Mitigated Negative Declaration and revisions to the Policies and Procedures; and

WHEREAS, pursuant to the direction of the Board of Supervisors, mitigation measures AES-1, AG-4, AIR-1, BIO-1 and BIO-3 were modified and mitigation measure AIR-2 was eliminated, as described in more detail in the memoranda accompanying this resolution as well as the errata attached to this resolution as Exhibit C, which errata also makes certain clarifying changes to the Initial Study/Mitigated Negative Declaration; and

WHEREAS, CEQA Guidelines section 15074.1 provides that prior to deleting and substituting for a mitigation measure, a lead agency shall hold a public hearing on the matter and adopt specified written findings; and

WHEREAS, on March 21, 2017, the Board of Supervisors held a duly noticed public hearing on the MCCR, the Initial Study/Mitigated Negative Declaration and revisions to the Policies and Procedures at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally or in writing regarding the MCCR, Initial Study/Mitigated Negative Declaration and revisions to the Policies and Procedures; all interested persons were given an opportunity to hear and be heard; and

WHEREAS, as part of its report and recommendation to the Board of Supervisors on the MCCR and Initial Study, the Planning Commission recommended that the proposed draft revisions to the Policies and Procedures be brought before the Board of Supervisors; and

NOW, THEREFORE BE IT RESOLVED, based on the evidence in the record before it, that the Board of Supervisors makes the following determinations and findings:

1. The recitals set forth in the above resolution are true and correct and incorporated herein by this reference.

2. The Initial Study/Mitigated Negative Declaration for the MCCR was prepared pursuant to CEQA and the CEQA Guidelines.

3. Revised mitigation measures AES-1, AG-4, AIR-1, BIO-1 and BIO-3 are, for the reasons described in the memoranda accompanying this resolution and in the record as a whole, equivalent at mitigating or avoiding potential significant effects and will not, in and of themselves, cause any potentially significant effect on the environment.

4. Because standards are already in place, including mitigation measure AIR-1, the elimination of mitigation measure AIR-2, for the reasons stated in the memoranda accompanying this resolution and in the record as a whole, does not cause any potentially significant effect on the environment and the in-place standards mean that equivalency at mitigating or avoiding potential significant effects has been achieved.

5. The Board of Supervisors hereby certifies that the Initial Study/Mitigated Negative Declaration, in the form attached to this resolution as Exhibit A and as modified by the errata attached to this resolution as Exhibit C, has been completed, reviewed and considered, together with the comments received during the public review process, in compliance with CEQA and the State and County CEQA Guidelines, and finds that the Initial Study/Mitigated Negative Declaration reflects the independent judgment and analysis of the Board of Supervisors.

6. The Board of Supervisors hereby finds and determines, on the basis of the whole record before it, that there is no substantial evidence in the record that there is any significant environmental impact that might arguably be anticipated to occur as a result of the MCCR that cannot be adequately mitigated through the conditions of approval and that there is no substantial evidence that the MCCR will have a significant effect on the environment.

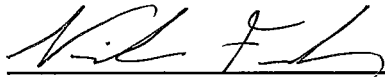
7. The Board of Supervisors hereby adopts the Initial Study/Mitigated Negative Declaration attached to this resolution as Exhibit A, as revised by the errata attached to this resolution as Exhibit C, and the Mitigation Monitoring and Reporting Program attached to this resolution as Exhibit B and incorporated herein by this reference. The Board of Supervisors hereby directs the Department of Planning and Building Services to file a notice of determination following the adoption of the MCCR in accordance with CEQA and the CEQA Guidelines.

The foregoing Resolution introduced by Supervisor Brown, seconded by Supervisor Gjerde, and carried this 21st day of March, 2017, by the following vote:

AYES: Supervisors Brown, McCowen, and Gjerde
NOES: None
ABSENT: None
RECUSED: Supervisor Hamburg

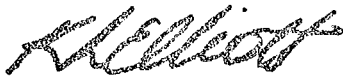
WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board



Deputy

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

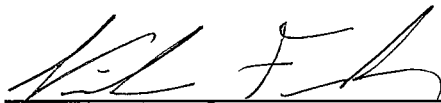




JOHN MCCOWEN, Chair
Mendocino County Board of Supervisors

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