

Resolution Number _____

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 or 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.

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.

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/Woody Glen 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
