



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: MARCH 16, 2021
TO: MENDOCINO COUNTY PLANNING COMMISSION
FROM: JULIA KROG, ASSISTANT DIRECTOR
SUBJECT: OA_2021-0002 ADDITIONAL INFORMATION

In review of many of the public comments submitted for this item, Staff felt it would be helpful to describe how neighborhood and environmental protections are accounted for within the proposed Chapter 22.18. The key to this discussion is that each cultivation site would be subject to a discretionary permit. Discretion is therefore exercised by the approving authority (Planning Commission or Zoning Administrator) in establishing appropriate conditions and mitigations to ensure adequate protection of the environment and to prevent nuisances to adjacent uses. A key to this is that in order for a discretionary permit to be approved for cannabis cultivation activities there are required findings that must be made (both in Chapter 20.196 and proposed Chapter 22.18). One of the required findings that must be made that supports neighborhood protections is contained in Mendocino County Code section 20.196.020(c), which requires the approving authority to find *"That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect."*

By utilizing a discretionary permit model and not having strict standards spelled out into proposed Chapter 22.18 it allows for greater flexibility in addressing site specific impacts. A discretionary permit allows for the approving authority to review the site specific conditions and determine appropriate conditions and/or mitigations to prevent impacts to the environment and neighboring uses. Neighborhood protections are not gone, but rather than having rigid standards contained in the code, a discretionary permit allows for determination of the appropriate protections based upon the existing physical conditions of the site and the expected impacts of the proposed cultivation activity.

In addition to the required findings for approving a discretionary permit for cultivation activities, each permit will be subject to the California Environmental Quality Act (CEQA). CEQA has defined categories of potential impacts that each project will be required to be evaluated against and appropriate mitigations may be required when necessary to reduce impacts to less than significant levels. The following categories of potential impacts are evaluated pursuant to CEQA:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Tribal Cultural Resources
- Utilities/Service Systems
- Wildfire
- Mandatory Findings of Significance