

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California

March 19, 2021

OA\_2021-0001

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 THE MENDOCINO COUNTY CODE CHAPTERS 6.36 – CANNABIS FACILITIES BUSINESSES AND CHAPTER 20.243 – CANNABIS FACILITIES

WHEREAS, on October 17, 2017, the Board of Supervisors adopted Ordinance Number 4394, adding Chapters 6.36 and 20.243 to the Mendocino County Code; and

WHEREAS, on June 5, 2018, the Board of Supervisors adopted Ordinance Number 4410 amending Chapters 6.36 and 20.243 of the Mendocino County Code; and

WHEREAS, on August 7, 2018, the Board of Supervisors created the Non-Cultivation Working Group to review the language of Chapter 6.36 and Chapter 20.243 and recommend potential amendments for the Board of Supervisors to consider as direction to County staff; and

WHEREAS, the County of Mendocino desires to amend Mendocino County Code, 6.36 – Cannabis Facilities Businesses and 20.243 – Cannabis Facilities, applicable to the inland unincorporated areas of Mendocino County, based on the recommendations made by the Non-Cultivation Working Group and accepted by the Board; and

WHEREAS, County Staff has, pursuant to the direction of the Board of Supervisors of Mendocino County, prepared amendments to the Mendocino County Code, 6.36 – Cannabis Facilities Businesses and 20.243 – Cannabis Facilities, which are attached to this Resolution as Exhibit A and incorporated herein by this reference (the “Project”); and

WHEREAS, the general rule exemption of section 15061(b)(3) of the California Environmental Quality Act Guidelines (Title 14, Cal. Code Regs., section 15000 *et seq.*; “CEQA Guidelines”) applies to this action because, for the reasons set forth in the staff memorandum accompanying this resolution, the Project does not have the potential to cause a significant effect on the environment and is therefore not subject to CEQA, as the Project only applies to areas that have been previously been disturbed; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on March 19, 2021, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Addendum and the Project. All interested persons were given an opportunity to hear and be heard regarding the Addendum and the Project; 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 the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based on the evidence in the record before it and all the findings and determinations provided in the staff report, makes the following report and recommendation to the Mendocino County Board of Supervisors regarding Ordinance Amendment OA\_2021-0001 thereto:

1. The Planning Commission recommends that the Board of Supervisors review Ordinance Amendment OA\_2021-0001 and find the adoption of the Categorical Exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3).
2. The Planning Commission recommends that the Board of Supervisors find that the adoption of Ordinance Amendment OA\_2021-0001 is consistent with the General Plan.
3. The Planning Commission recommends that the Board of Supervisors adopt Ordinance Amendment OA\_2021-0001, making the changes to code sections as shown in the attached Exhibit A, with the following recommended changes:-
  - A. Section 6.36.020(D) shall be revised to delete the phrase “as soon as such State licenses become available.”
  - B. Modify or review and report to the Board of Supervisors on the following definitions in section 20.243.030:

The definition of “cannabinoid” or “phytocannabinoid” shall be reviewed by staff for accuracy.

A definition of “cannabis events” shall be added to read as follows: “A cannabis event is an event which focuses on cannabis or cannabis products, or an event at which cannabis or cannabis products are retailed.”

The definition of “microbusiness” shall be revised to specify the differences in limitations between a home occupation and cottage industry.

The second definition of “Nonvolatile solvent” shall be deleted.
  - C. Modify section 20.243.040(D) to change the title of the paragraph (D) to “Retailer” and make further changes to clarify the distinction between the Retail Dispensary and Non-Storefront Retailer subcategories of the Retailer use type.
  - D. Modify section 20.243.040(D)(7)(b) and section 20.243.040(D)(9)(a) to reflect the following:

Farm tours of parcels with frontage on a publicly maintained road may have up to 3 tours per week as an accessory use to the cannabis cultivation, with each tour not to exceed 25 persons. For more than 3 tours per week, a minor use permit shall be required, which shall be under the jurisdiction of the Planning Commission.

Farm tours are not permitted on any parcel zoned as RR and SR.
  - E. Modify section 20.243.050(B) to align with the setback language of section 6.36.020(C)(1).
4. The Planning Commission recommends that farm tours of parcels without frontage on a publicly maintained road be subject to a use permit, but were unable to agree on the type

of use permit to be required and whether or not there should be an allowance for any number of farm tours on such parcels as an accessory use.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other materials which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Department of 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:            JAMES F. FEENAN  
                         Commission Services Supervisor

By: \_\_\_\_\_

BY: IGNACIO 'NASH' GONZALEZ  
      Interim Director

ALISON PERNELL, Chair  
Mendocino County Planning Commission

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