



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING & BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH, CALIFORNIA 95482
120 WEST FIR STREET • FORT BRAGG, CALIFORNIA 95437

JULIA KROG, DIRECTOR
PHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

MEMORANDUM

DATE: SEPTEMBER 26, 2023

TO: HONORABLE BOARD OF SUPERVISORS

FROM: STEVEN SWITZER, PLANNER II

SUBJECT: R_2021-0003 (ROCKTREE) REZONE TO ESTABLISH A CANNABIS PROHIBITION (CP) COMBINING DISTRICT

PROPOSED DISTRICT: The proposed CP Combining District is situated within the Rock Tree Valley, located 3.5± miles northeast of Willits City center, at the intersection of Hearst Willits Road (CR 306) and String Creek Road (private), and 1± miles west of the Hearst Willits Road (CR 306) intersection with Tomki Road (CR 237D), between mile post MEN 4.19 and MEN 7.95. The CP Combining District includes 25 Assessor's Parcel Numbers (APNs) comprising 18 legal parcels totaling 964± acres. These 18 legal parcels have two General Plan land use classifications, Range Lands (RL) and Forest Lands (FL) with their respective Rangeland (RL) and Timberland Production Zoning (TPZ) Zoning Districts.

The applicant provides in their project description that existing cannabis regulations, permit processes, and enforcement options have not protected their neighborhood from the undesirable effects of commercial cannabis. It is also mentioned that recent and future movements to change existing regulations are uncertain and may further weaken protections. The applicant and supporting property owners wish to have commercial cannabis clearly prohibited by the establishment of the CP Combining District.

ENVIRONMENTAL DETERMINATION: Pursuant to Article 5, Section 15061(b)(3) of the California Environmental Quality Act (CEQA), a "common sense exemption" applies to projects "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment". Adoption of the proposed CP district would prohibit one specific commercial-scale use on an RL-zoned parcel. This parcel could still host other agricultural uses and other uses as allowed by the Zoning Code, which may be less or more intense than commercial cannabis cultivation. Elimination of a single activity from these parcels will not have a significant impact on the environment within the CP district.

In addition, the prohibition of commercial cannabis activities would not affect personal cannabis activities that are in accordance with the Adult Use of Marijuana Act of 2016 (Proposition 64) as codified in California Health and Safety Code Section 11362.2.

The elimination of commercial cannabis cultivation within the proposed CP district would not have a significant impact on the environment beyond the district's boundaries. Only 4% of the district is made up of parcels zoned TPZ which are not eligible for new cultivation permits under Phase 3 of Chapter 10A.17. The remaining 96% of the district is zoned RL which is also not eligible for new cultivation permits under Phase 3 of Chapter 10A.17. The Mitigated Negative Declaration (SCH No. 2016112028) adopted for Chapter 10A.17 calculated available acreages in each zoning district where cultivation could be permitted. Table 1 of the Mitigated Negative Declaration shows the area of zoning districts potentially available for cannabis cultivation. "Available acres" as used in Table 1 includes the gross acreage of all parcels potentially eligible for permits while a maximum 10,000 square feet of cultivation (less than a 1/4 acre) or 22,000 square feet in nursery (cannabis in vegetative state only) on any parcel would be eligible for a permit. Similarly, the number of "Available Parcels" is based on the number of separate Assessor's Parcel Numbers (APNs) assigned in each zoning district. Actual cultivation permits are based on legal lots of

record which may vary from the number of APNs. If approved, the proposed CP district would not result in a reduction of “available acres or “available parcels” as new cultivation is already prohibited in both the TPZ and RL zoning districts and the only pending applications are for Phase 1 applicants for which the application period has closed.

Considering the analysis contained the *Planning Commission Hearing Packet* attachment and the findings required by CEQA Guidelines Section 15061, staff finds that the proposed project would not result in any significant environmental effect on the environment and is exempt from further environmental review within the meaning of the CEQA.

Should the Board of Supervisors choose to deny the project, pursuant with CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

PLANNING COMMISSION RECOMMENDATION: At the July 20, 2023, Planning Commission hearing Commissioner Jones made a motion seconded by Commissioner Wiedemann and carried by a roll call vote of (3-0) recommending the modification of the boundaries of the proposed CP District to the Board of Supervisors, based on the facts and findings contained in the Resolution with the proposed revisions as presented during the public meeting.

The proposed modification to the boundaries of R_2021-0003 exclude APN 037-310-68 recognizing that the property has a phase 1 cannabis cultivation application under review. The modified shape of the district reflects a reasonable neighborhood configuration that includes the flatlands of the Rock Tree valley floor.

ATTACHMENTS:

- A. Draft Ordinance
- B. Planning Commission Hearing Packet
- C. Planning Commission July 20, 2023, Adopted Minutes
- D. Planning Commission Resolution PC_2023-0016
- E. Public Comment Received for Planning Commission Hearing