

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTERS 20.118 AND 20.119 OF THE MENDOCINO COUNTY CODE TO AMEND THE PROCEDURES TO ESTABLISH OR MODIFY CANNABIS ACCOMMODATION AND COMMERCIAL CANNABIS PROHIBITION COMBINING DISTRICTS AND ELIMINATE THE LISTING OF INDIVIDUAL DISTRICTS

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1: Section 20.118.030 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.118.030. - Establishment of CA Combining District.

The establishment of a CA Combining District shall be in accordance with the provisions of Chapter 20.212, except that the process may only be initiated by a minute order of the Board of Supervisors or the Planning Commission.

Section 2: Section 20.118.050 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.118.050. - Changes to CA Combining District.

- (A) The amendment or repeal of a CA Combining District shall be in accordance with the provisions of Chapter 20.212, except that the process may only be initiated by a minute order of the Board of Supervisors or the Planning Commission.
- (B) If a CA Combining District is repealed at any time, all current cultivators that do not meet the development standards of the underlying zoning district shall be permitted to continue operations for three (3) years from the date of repeal of the CA Combining District. After three (3) years following the date of repeal of the CA Combining District, permits for cultivators that do not meet the standards of the underlying zoning district shall not be renewed by the County.

Section 3: Section 20.118.060 of the Mendocino County Code is hereby repealed.

Section 4: Section 20.118.070 of the Mendocino County Code is hereby repealed.

Section 5: Section 20.119.030 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.119.030 – Establishment of CP Combining District.

The establishment of a CP Combining District shall be in accordance with the provisions of Chapter 20.212, except that the process may only be initiated by a minute order of the Board of Supervisors or the Planning Commission.

Section 6: Section 20.119.050 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.119.050 – Changes to CP Combining District.

The amendment or repeal of a CP Combining District shall be in accordance with the provisions of Chapter 20.212, except that the process may only be initiated by a minute order of the Board of Supervisors or the Planning Commission.

Section 7: Section 20.119.060 of the Mendocino County Code is hereby repealed.

Section 8: Section 20.119.070 of the Mendocino County Code is hereby repealed.

Section 9. CEQA. Environmental review for Ordinance No. 4420, which added Chapters 20.118 and 20.119, was done through adoption of an addendum to the 2017 Mitigated Negative Declaration that was adopted for the County's cannabis cultivation permit ordinance. The proposed changes to Chapters 20.118 and 20.119 are purely procedural in nature regarding how zoning amendments may be applied for and are not a change to the project within the meaning of CEQA as they constitute an administrative activity that will not result in direct or indirect physical changes in the environment. Further, these changes do not trigger any of the conditions requiring subsequent CEQA review under CEQA Guidelines section 15162, in particular that these changes are not substantial changes to the project itself, and the changes do not require the preparation of an addendum. Pursuant to CEQA Guidelines section 15162, subdivision (b), no further documentation is required.

Section 10: Severability. If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2023, by the following roll call vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: DARCIE ANTLE
 Clerk of the Board

GLENN MCGOURTY, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
Christian M. Curtis
County Counsel

BY: DARCIE ANTLE
 Clerk of the Board

Deputy