

RESOLUTION NO. 24-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AND ADOPTING AN ADDENDUM TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION, IN COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS, FOR AMENDMENTS TO CHAPTER 10A.17 OF THE MENDOCINO COUNTY CODE TO EXPRESSLY LIMIT TWO NON-NURSERY CANNABIS LICENSES TO 10,000 SQ. FT. OF TOTAL PLANT CANOPY.

WHEREAS, on April 4, 2017, the Board of Supervisors adopted Ordinance Number 4381, adding Chapters 10A.17 and 20.242 to the Mendocino County Code, referred to as the Medical Cannabis Cultivation Regulation, which was subsequently renamed the Mendocino Cannabis Cultivation Regulation (Project); and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; CEQA) and the CEQA Guidelines (Title 14 California Code of Regulations section 15000 *et seq.*) an Initial Study was prepared, which determined that the Project will not have a significant effect on the environment with the implementation of mitigation measures, which supported the adoption of a Mitigated Negative Declaration (MND); and

WHEREAS, by Resolution Number 17-042, adopted on March 21, 2017, following a public review period as required by CEQA and the CEQA Guidelines, the Mendocino County Board of Supervisors adopted an MND for the Project; 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 MND have occurred; and

WHEREAS, following the adoption of the MND and receiving applications for medical cannabis cultivation, the Board of Supervisors adopted amendments to Chapters 10A.17 and 20.242 of the Mendocino County Code, by Ordinance Nos. 4381, 4392, 4405, 4408, 4411, 4413, 4420, 4422, 4438, 4463, 4522, and 4534 for all of which the Board of Supervisors adopted addenda pursuant to CEQA; and

WHEREAS, the Board of Supervisors is desirous of making additional certain changes to Chapter 10A.17 of the Mendocino County Code, as more specified in the agenda summary and ordinance accompanying this resolution; and

WHEREAS, an addendum to the MND for the Project (Addendum) related to the changes proposed to be made to Chapter 10A.17 has been prepared, which is attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors, based on the whole record before it, hereby makes the following findings:

1. The above recitals are true and correct and incorporated herein by this reference.
2. The Addendum to the previously adopted MND has been completed in compliance with CEQA and the CEQA Guidelines.
3. The Addendum to the previously adopted MND was presented to the Board of

Supervisors, which independently reviewed and considered the addendum and the Board of Supervisors has exercised its independent judgment in making the findings and determinations set forth herein.

- 4. That, based on the evidence submitted and as demonstrated by the analysis and findings included in the Addendum, none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent negative declaration or environmental impact report have occurred.

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby approves and adopts the Addendum to the previously adopted Mitigated Negative Declaration for the Mendocino Cannabis Cultivation Regulation and directs the Mendocino County Department of Planning and Building Services to attach the Addendum to the MND.

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby approves and adopts the proposed ordinance amendment to limit two non-nursery cannabis licenses on one parcel to 10,000 square feet of total plant canopy attached here as Exhibit B.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2024, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board

Maureen Mulheren, 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:
CHARLOTTE E. SCOTT
County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy

Deputy

ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION

FOR

**MENDOCINO COUNTY
MEDICAL AND ADULT-USE CANNABIS CULTIVATION REGULATION**

SCH NO. 2016112028

DRAFT

Modified Project Description and Project History

The Mendocino County Board of Supervisors (County) adopted a Mitigated Negative Declaration (“MND”) (SCH# 2016112028) for Ordinance No. 4381, known as the Medical Cannabis Cultivation Regulations, which added Chapters 10A.17 and 20.242 to the Mendocino County Code, on April 4, 2017. Since that time, the County has approved multiple modifications for minor changes, which have had separate addenda.

The current project involves modifying the previously adopted ordinance (Chapter 10A.17) to expressly limit two non-nursery commercial cannabis business licenses on one parcel to 10,000 square feet of total plant canopy. The proposed amendment makes minor changes to the adopted ordinance and no substantial changes are proposed. The proposed changes fall within the intent of the MND and all mitigation measures.

Purpose

Section 15164 of the California Environmental Quality Act (“CEQA”) provides that the lead agency shall prepare an addendum to a previously adopted Negative Declaration (“ND”) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent ND have occurred. Section 15162 states that when an ND has been adopted for a project, no subsequent ND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. *Substantial changes are proposed in the project which require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
2. *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
3. *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous ND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous ND; B) significant effect previously examined will be substantially more severe than shown in the previous ND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

No substantial changes are proposed which would require major revisions to the previously approved MND. The proposed change to the project will not increase the severity of previously identified significant effects. The proposed change will not result in a new environmental effect.

No additional mitigation is required. The proposed change does not affect the effectiveness of the mitigation measures as there will be no additional environmental impact associated with expressly limiting two non-nursery commercial cannabis business licenses on one parcel to 10,000 square feet of total plant canopy.

Explanation of Decision Not to Prepare a Supplemental Mitigated Negative Declaration:

See the Purpose section above. In every impact category analyzed in this review, the projected consequences of the proposed ordinance change are the same as the project for which the Mitigated Negative Declaration was adopted. Based upon this review, the following findings are supported:

Findings

1. For the modified project there are no substantial changes proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The proposed amendments to Chapter 10A.17 expressly limit two non-nursery commercial cannabis business licenses on one parcel to 10,000 square feet of total plant canopy and 5,000 square feet of total plant canopy for parcels zoned Rural Residential (lot size five (5) acres [R-R: L-5]), as was the original legislative intent. In calculating the total available acreage for cannabis cultivators in assessing the potential environmental impacts of the project, the MND took into consideration that any parcel that is eligible for a commercial cannabis business license would be allowed to have 22,000 square feet of nursery cultivation plant canopy. Here, the proposed changes would expressly limit all non-nursery commercial cannabis business license holders to a maximum of 10,000 square feet of total plant canopy. As such, it will not cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. For the modified project no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Based on the discussion in Finding 1, above, no new significant environmental effects resulting from the proposed definition are anticipated. The circumstances under which the project is undertaken remain the same.

3. For the modified project there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

There has been no new information of substantial importance that was not known and could not have been known at the time the previous MND was completed. The baseline conditions describing the overall impacts of cannabis cultivation remain the same.

4. The proposed changes do not constitute a change in the level of significance previously discussed in the original MND. As such, it is concluded that: the current project will not have one or more significant effects not discussed in the previous MND. Furthermore, the significant effects previously examined will not be substantially more severe than shown in the previous MND. There are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the project.

The proposed amendments do not involve substantial changes to, or analysis of, any mitigation measures. No new potential impacts have been identified requiring new mitigation measures to be developed.

5. Finally, there are no mitigation measures or alternatives identified in this analysis that are considerably different from those analyzed in the previous MND, and which would substantially reduce one or more significant effects on the environment.

The proposed amendments to Chapter 10A.17 do not involve substantial changes to, or analysis of, any mitigation measures.

Conclusion

Based on these findings it is concluded that an Addendum to the adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed ordinance change.