



# R 2021-0003 (Rock Tree)

Mendocino County Board of Supervisors – September 26, 2023

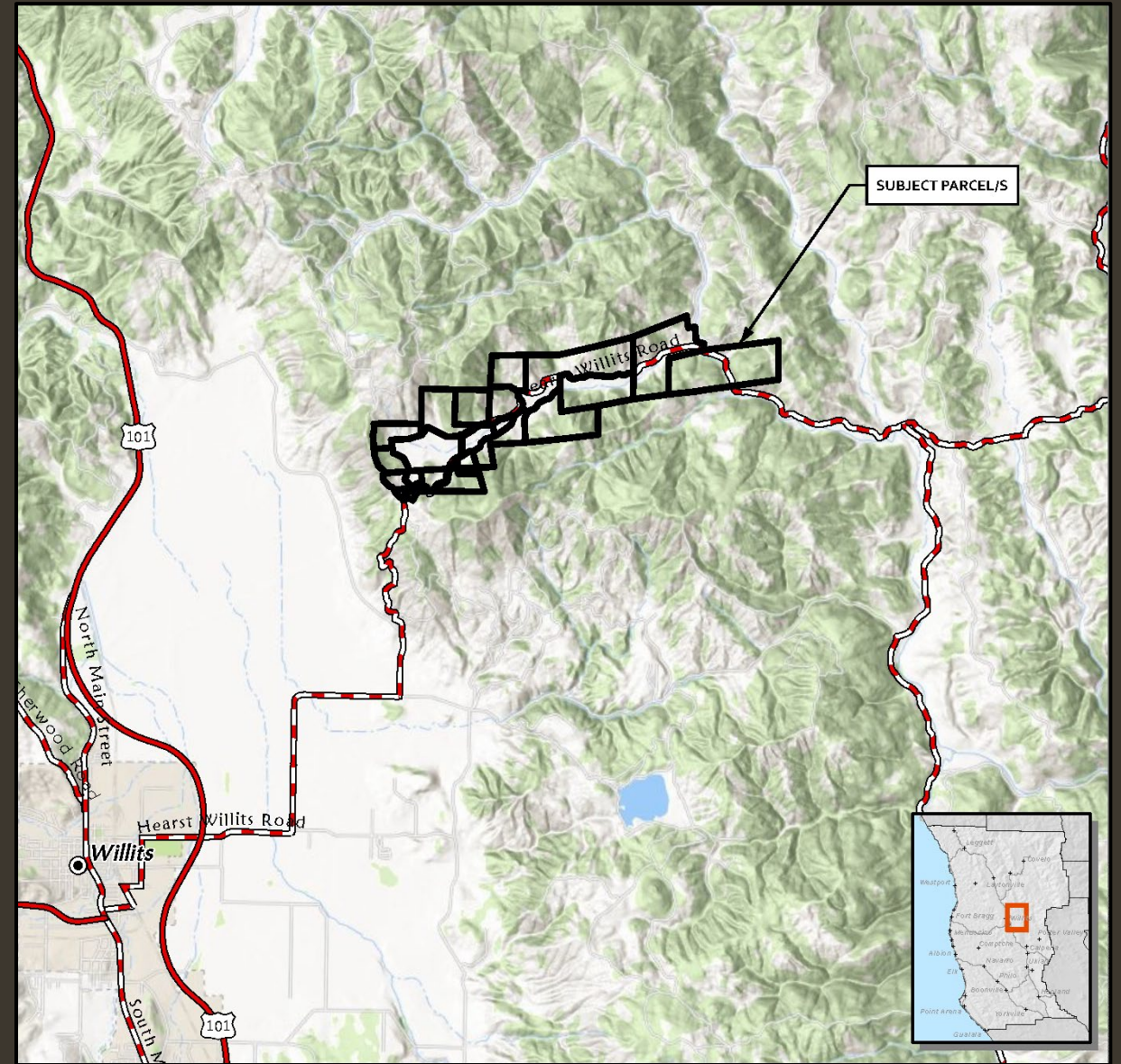


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establish a Cannabis Prohibition  
(CP) Combining District



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- The proposed district lies 3.5 ± miles northeast of Willits City Center

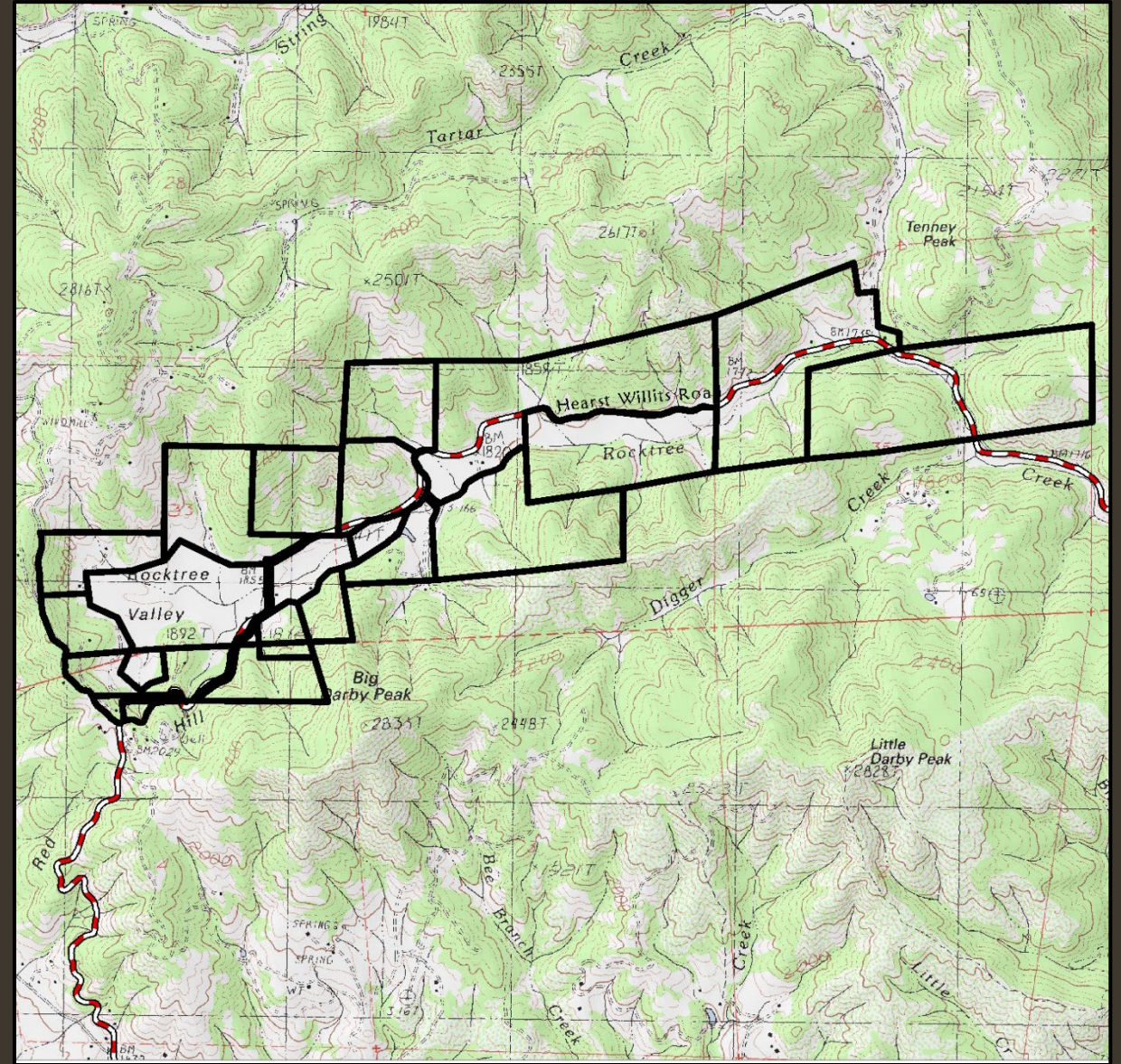


Location Map



# R 2021-0003 is an application to establish a Cannabis Prohibition (CP) Combining District

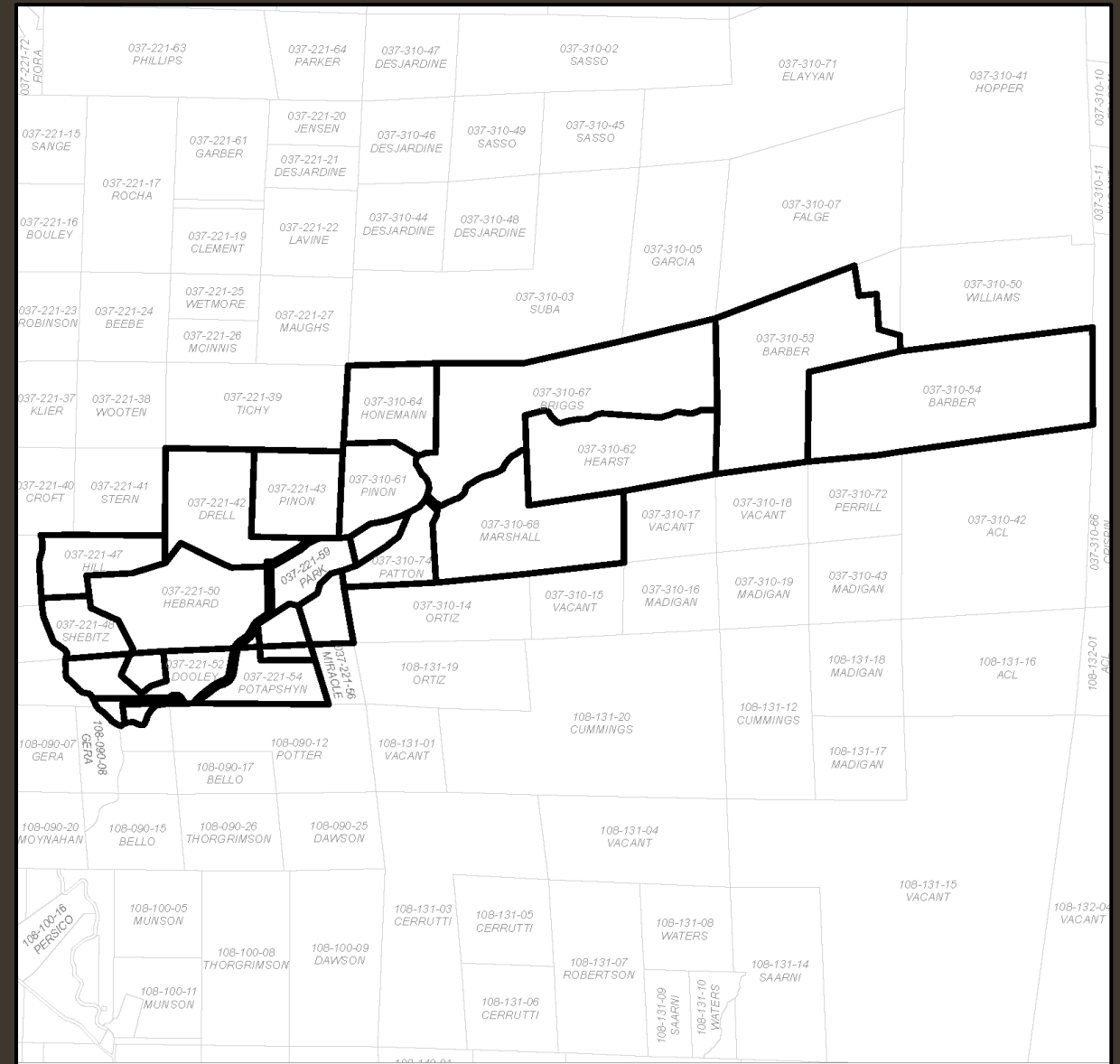
- The proposed district lies  $3.5 \pm$  miles northeast of Willits City Center
- The district generally encompasses the geological area mapped as Rock Tree Valley.



### Proposed District Boundary (Topography)

# R 2021-0003 is an application to establish a Cannabis Prohibition (CP) Combining District

- The proposed district lies  $3.5 \pm$  miles northeast of Willits City Center
- The district generally encompasses the geological area mapped as Rock Tree Valley.
- The District includes 25 Assessor's Parcel Numbers (APNs) comprising 18 legal parcels.



### Proposed District Boundary (Adjacent Parcels)

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  - A CP District may be applied to an area where a majority of the parcels allow residential uses by right. (*MCC 20.119.020(A)*)
  - A CP Combining District shall be composed of no fewer than ten (10) legally created parcels. (*MCC 20.119.020(B)*)

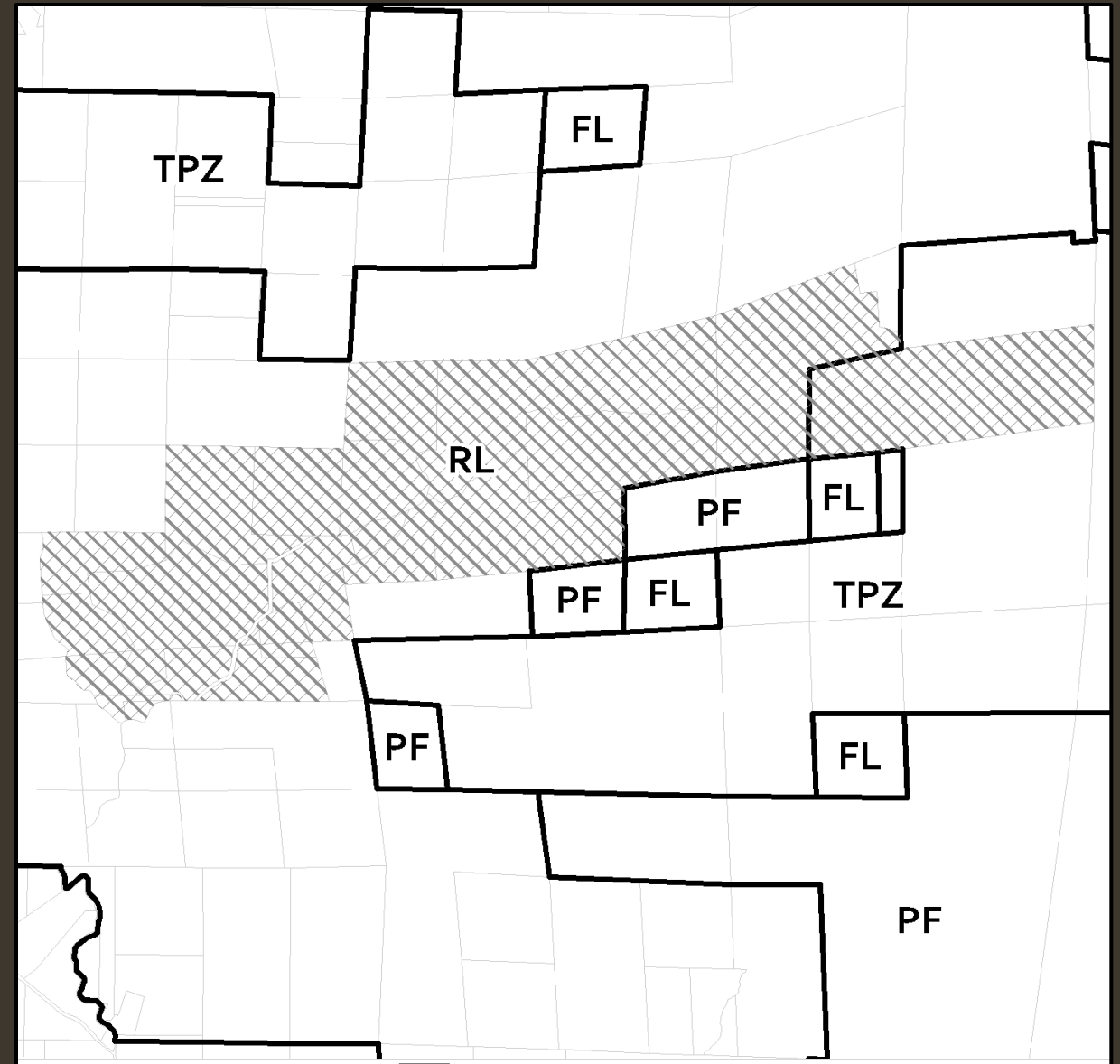


# Minimum Requirements for Establishing a CP District:

- Mendocino County Code (MCC) Chapter 20.119 provides three primary requirements for CP Districts:
  - A CP District may be applied to an area where a majority of the parcels allow residential uses by right. *(MCC 20.119.020(A))*
  - A CP Combining District shall be composed of no fewer than ten (10) legally created parcels. *(MCC 20.119.020(B))*
  - The applicants must include a demonstration of support for the proposal by more than sixty percent (60%) of the affected property owners, at the time of application. Said demonstration may be in the form of one owner's signature per legal parcel, or an alternative demonstration of support as approved by the County. *(MCC 20.119.030(B)(1))*

# Minimum Requirements for Establishing a CP District:

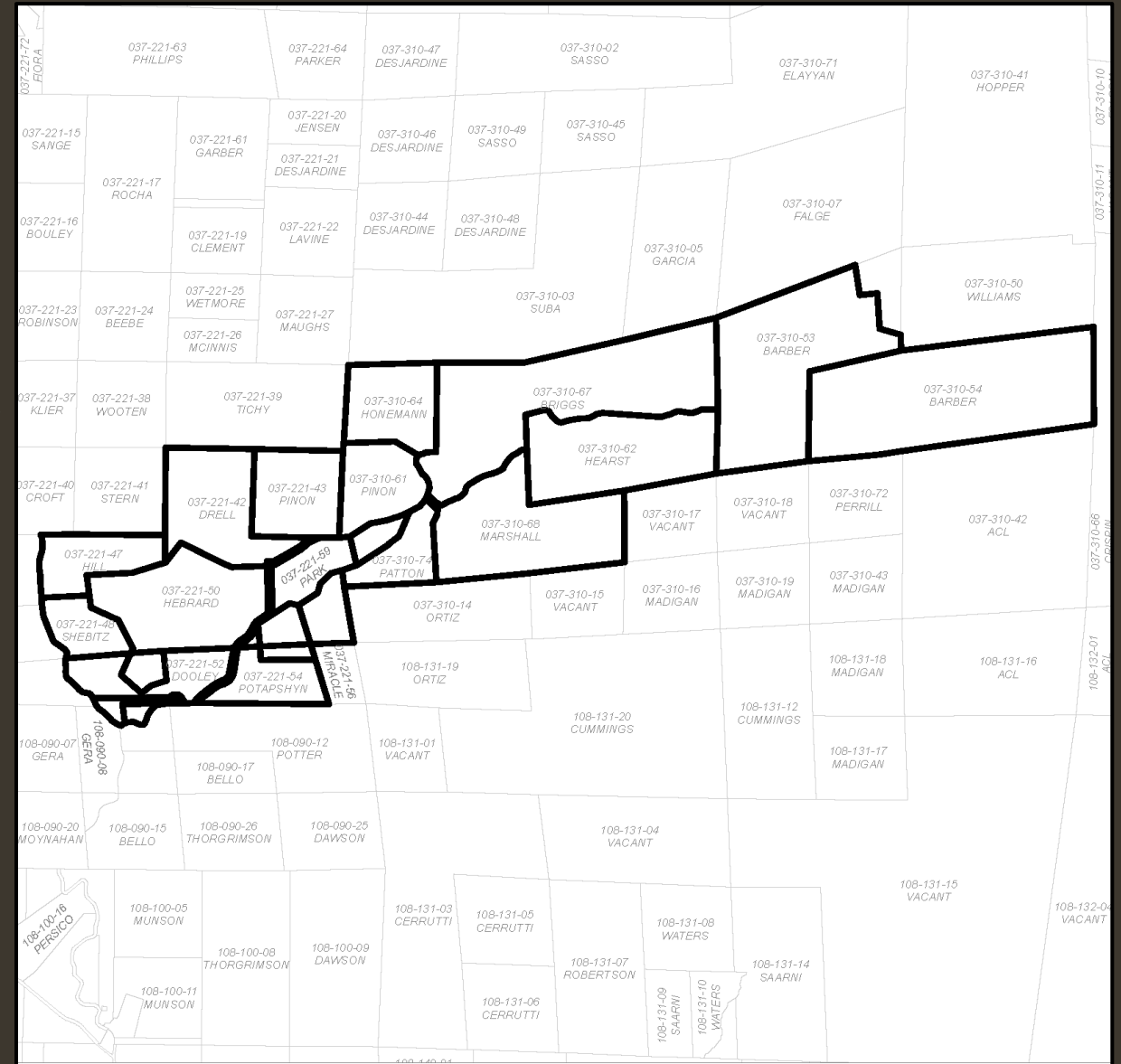
- The proposed district is comprised of parcels zoned Rangeland (RL) and Timberland Production Zoning (TPZ) that both allow residential uses by right. (*MCC 20.119.020(A)*)



District Zoning Map

# Minimum Requirements for Establishing a CP District:

- The proposed district is comprised of parcels zoned Rangeland (RL) and Timberland Production Zoning (TPZ) that both allow residential uses by right. (*MCC 20.119.020(A)*)
- The proposed district is comprised of 18 legal parcels. (*MCC 20.119.020(B)*)

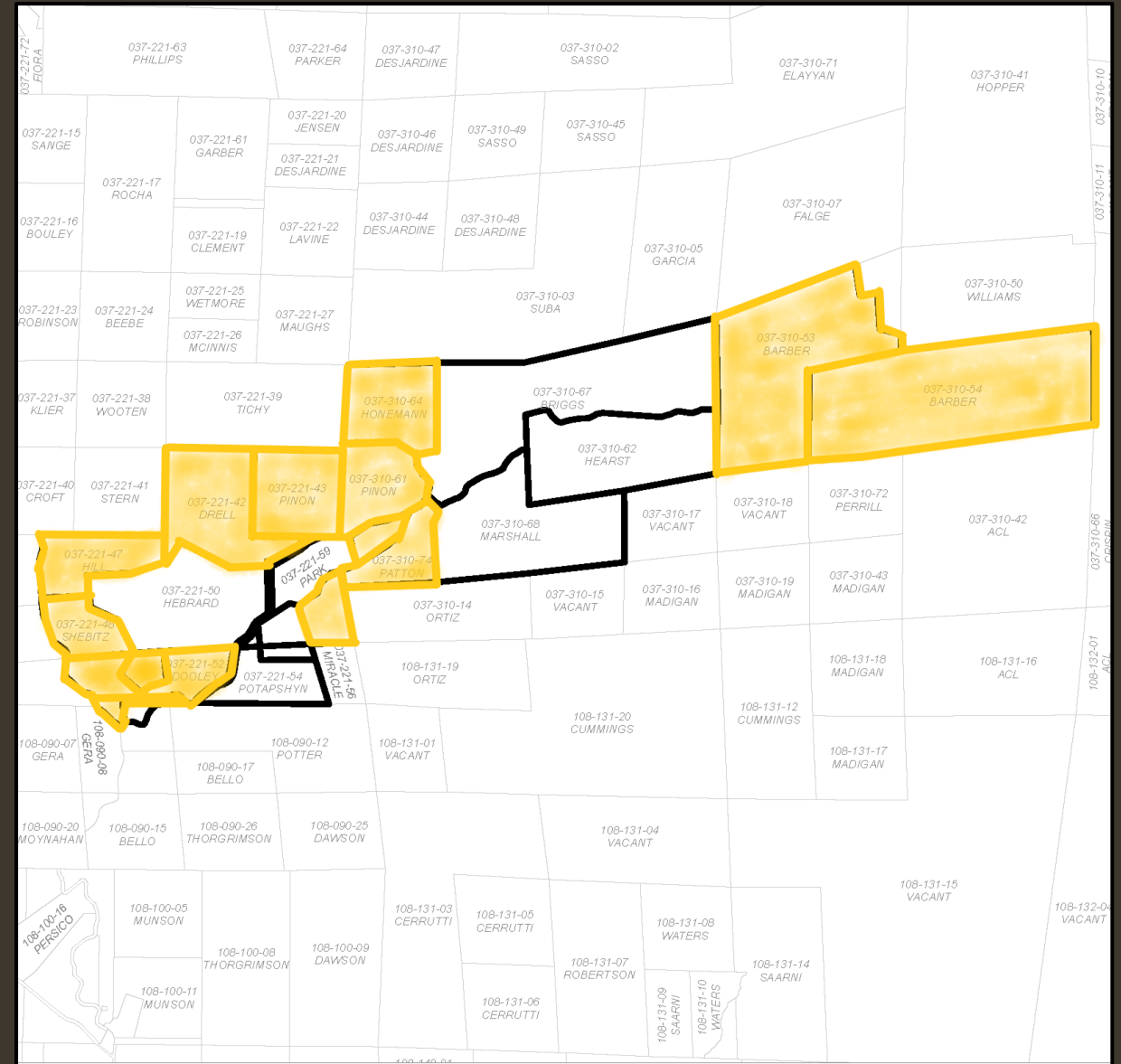


# District Zoning Map



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- The proposed district is comprised of 18 legal parcels. (*MCC 20.119.020(B)*)
- At the time of submittal, the application included letters of support from 11 of the 18 parcels = 61%. (*MCC 20.119.030(B)(1)*)

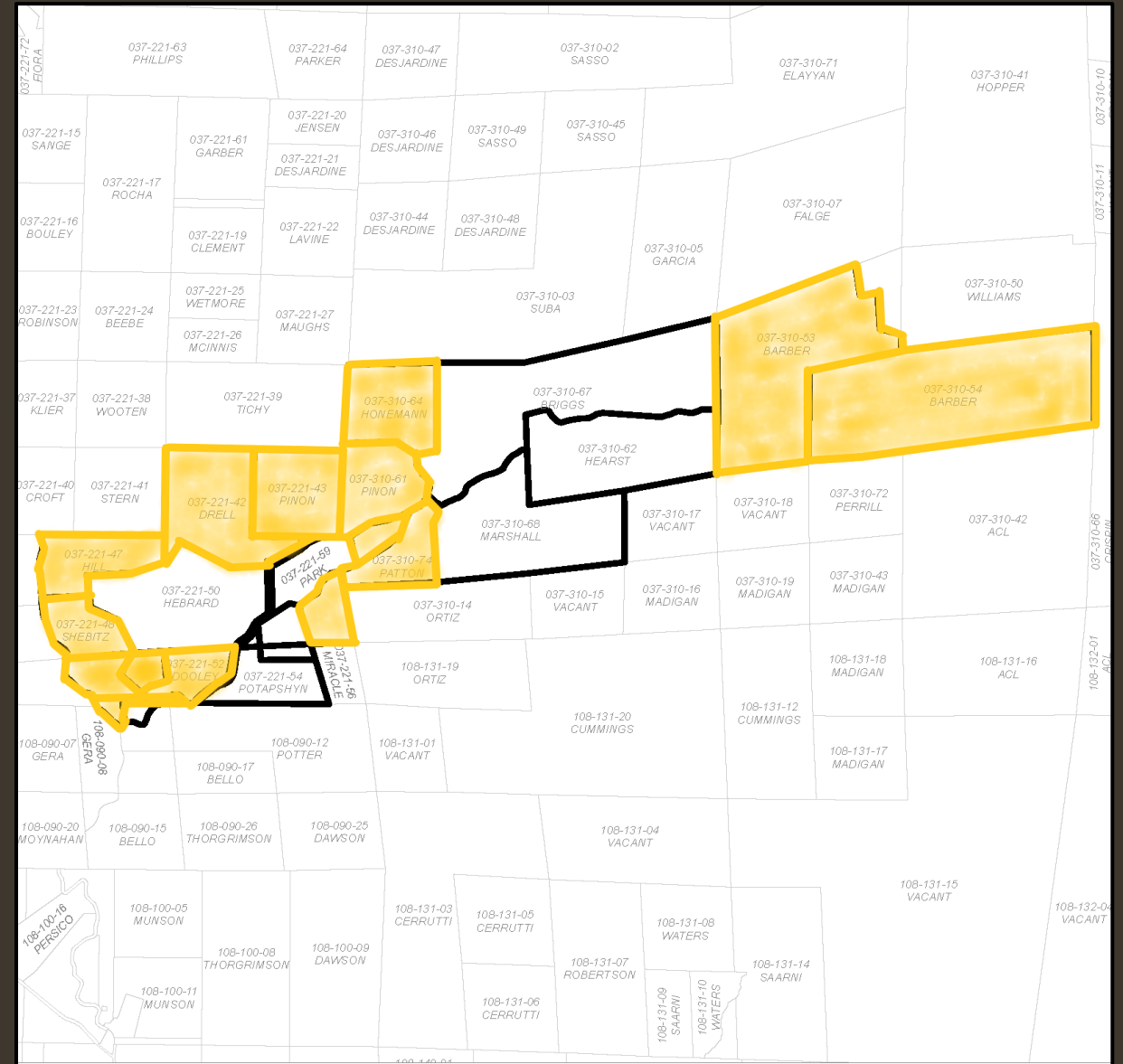


Support by Parcel Location

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- The proposed district is comprised of 18 legal parcels. *(MCC 20.119.020(B))*
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The application as proposed meets the minimum requirements for review and consideration per MCC Chapter 20.119



### Support by Parcel Location

# Items for Consideration



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- Zoning and rezoning of property is a policy decision, which can make it difficult to apply the same sort of technical analysis that accompanies other projects.

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- Zoning and rezoning of property is a policy decision, which can make it difficult to apply the same sort of technical analysis that accompanies other projects.
- The following factors are offered as items for your review and consideration.

# Items for Consideration

Consistency with the General Plan



# Items for Consideration

## Consistency with the General Plan

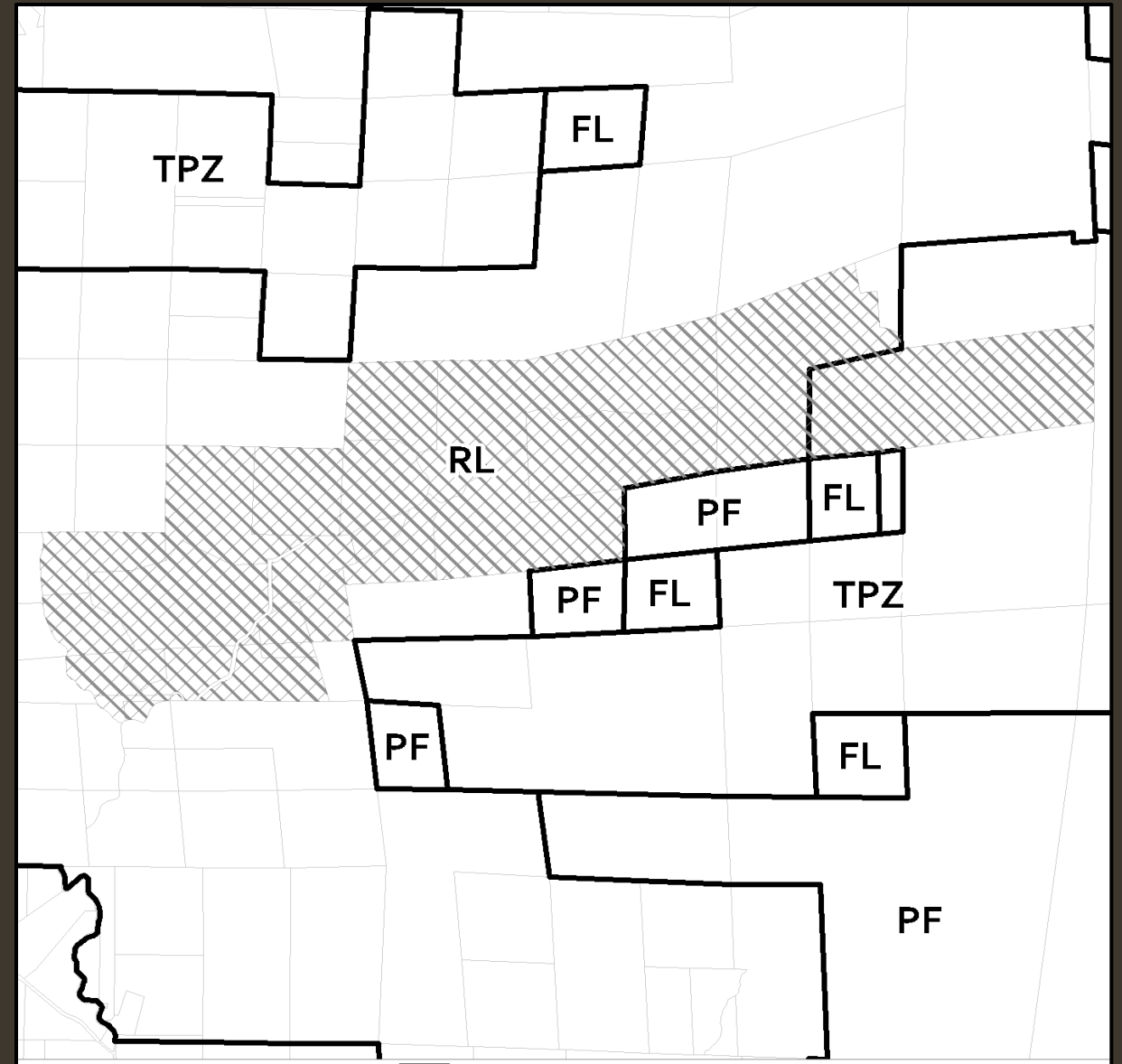
Though the Cannabis ordinances were adopted after the General Plan, analysis concluded that they were deemed to be consistent with the relevant elements of the General Plan. This project has also demonstrated compliance with MCC Chapter 20.119, which is itself consistent with the General Plan

# Items for Consideration

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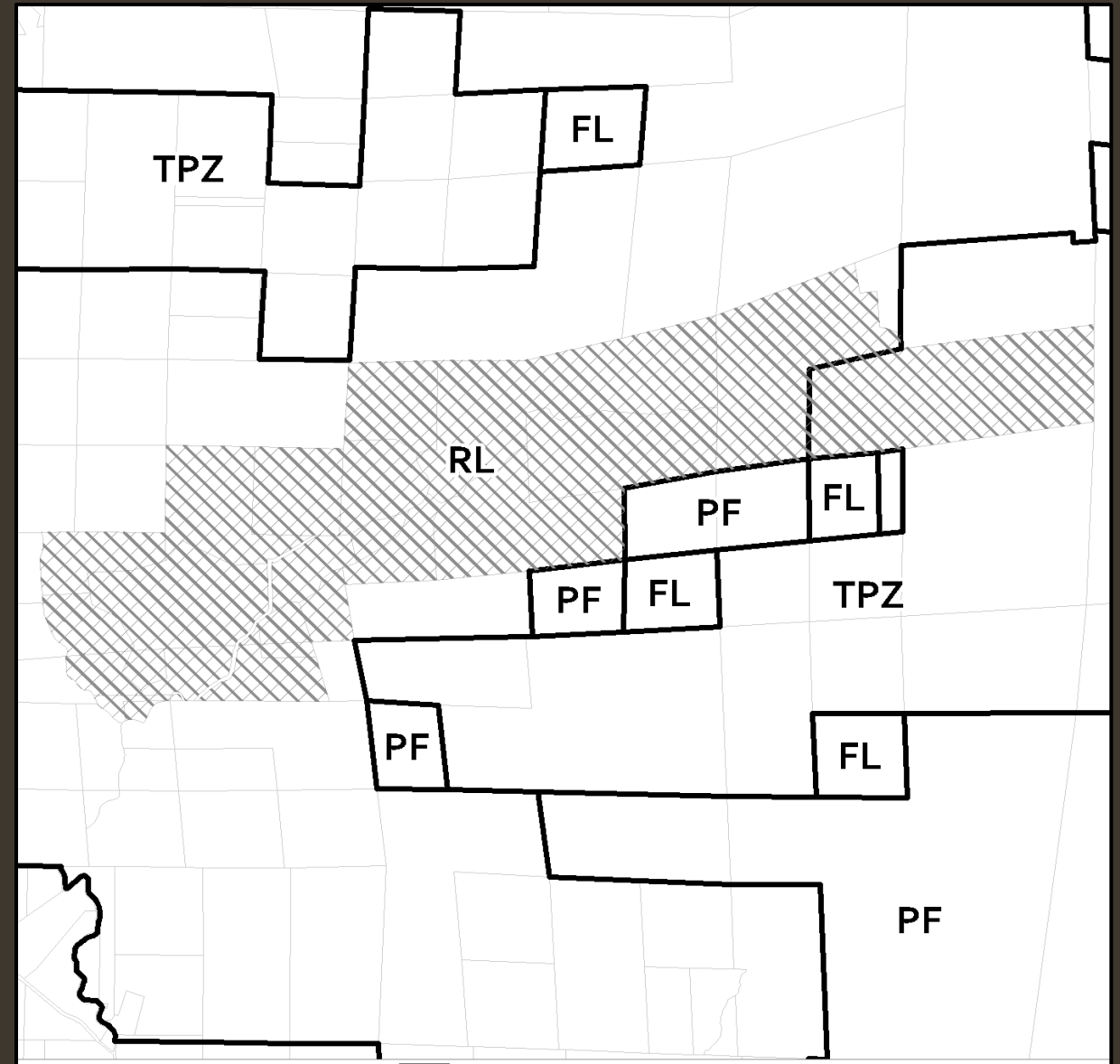
District Zoning Map



# Items for Consideration

The location, size, and shape of the proposed district, including if it is appropriate to include all proposed parcels in the District.

- 96% of the district is zoned RL which does not allow for new cultivation permits under Phase 3 of Ch. 10A.17.

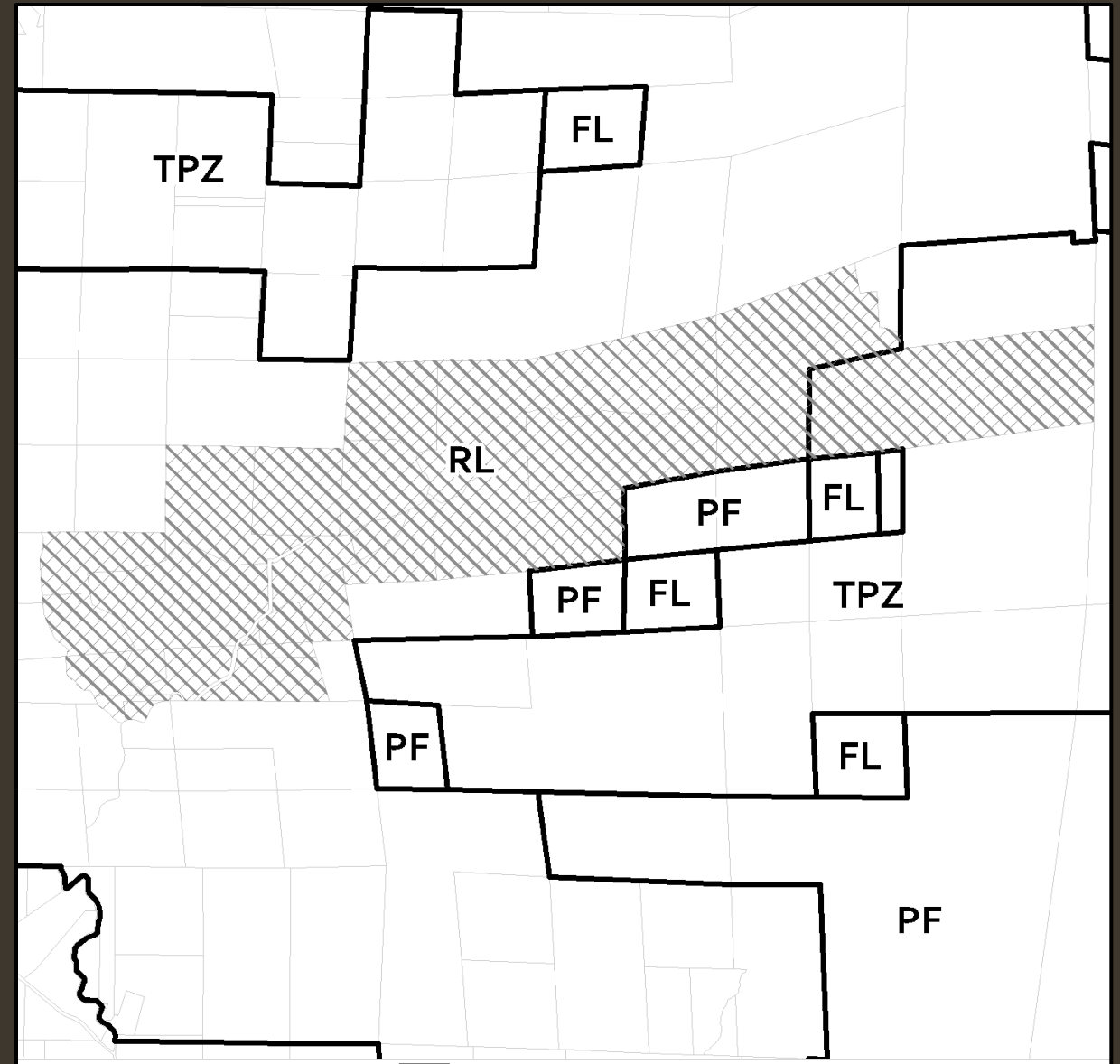


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- 96% of the district is zoned RL which does not allow for new cultivation permits under Phase 3 of Ch. 10A.17.
- The remaining 4% is zoned TPZ which also does not allow for new cultivation permits under Phase 3 of Ch. 10A.17

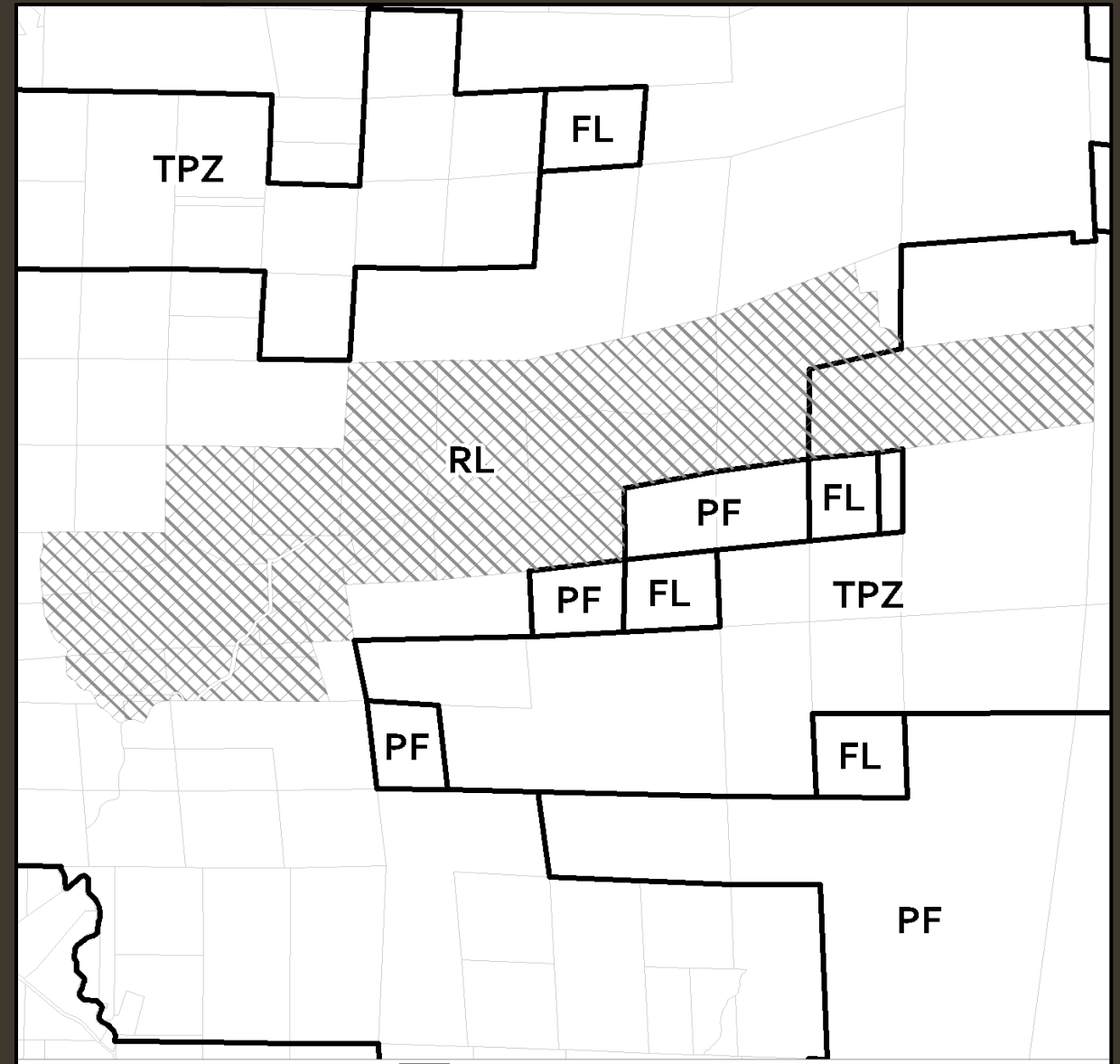


District Zoning Map

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- 96% of the district is zoned RL which does not allow for new cultivation permits under Phase 3 of Ch. 10A.17.
- The remaining 4% is zoned TPZ which also does not allow for new cultivation permits under Phase 3 of Ch. 10A.17
- Staff had discussion with the applicant regarding the appropriateness of the application, and what benefit it might add to apply a restrictive CP district to an already restrictive base zoning district for cannabis uses.

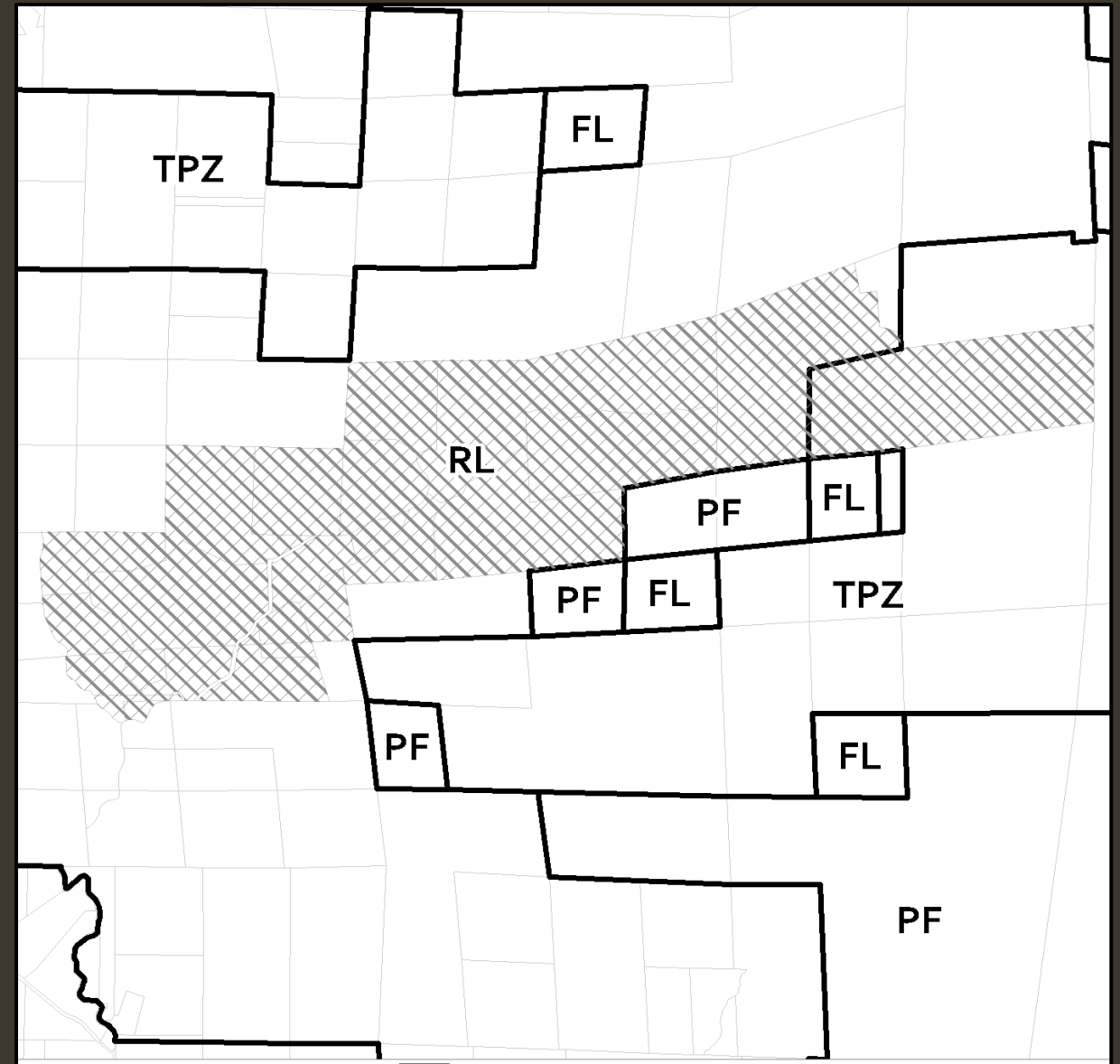


District Zoning Map

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- Ultimately it was determined that the proposed application did not violate any planning principles, and met the requirements as contained in Ch. 20.119.
- Additionally, the applicant expressed their continued interest to clearly prohibit cannabis uses within this area against any possible future changes in zoning allowances.

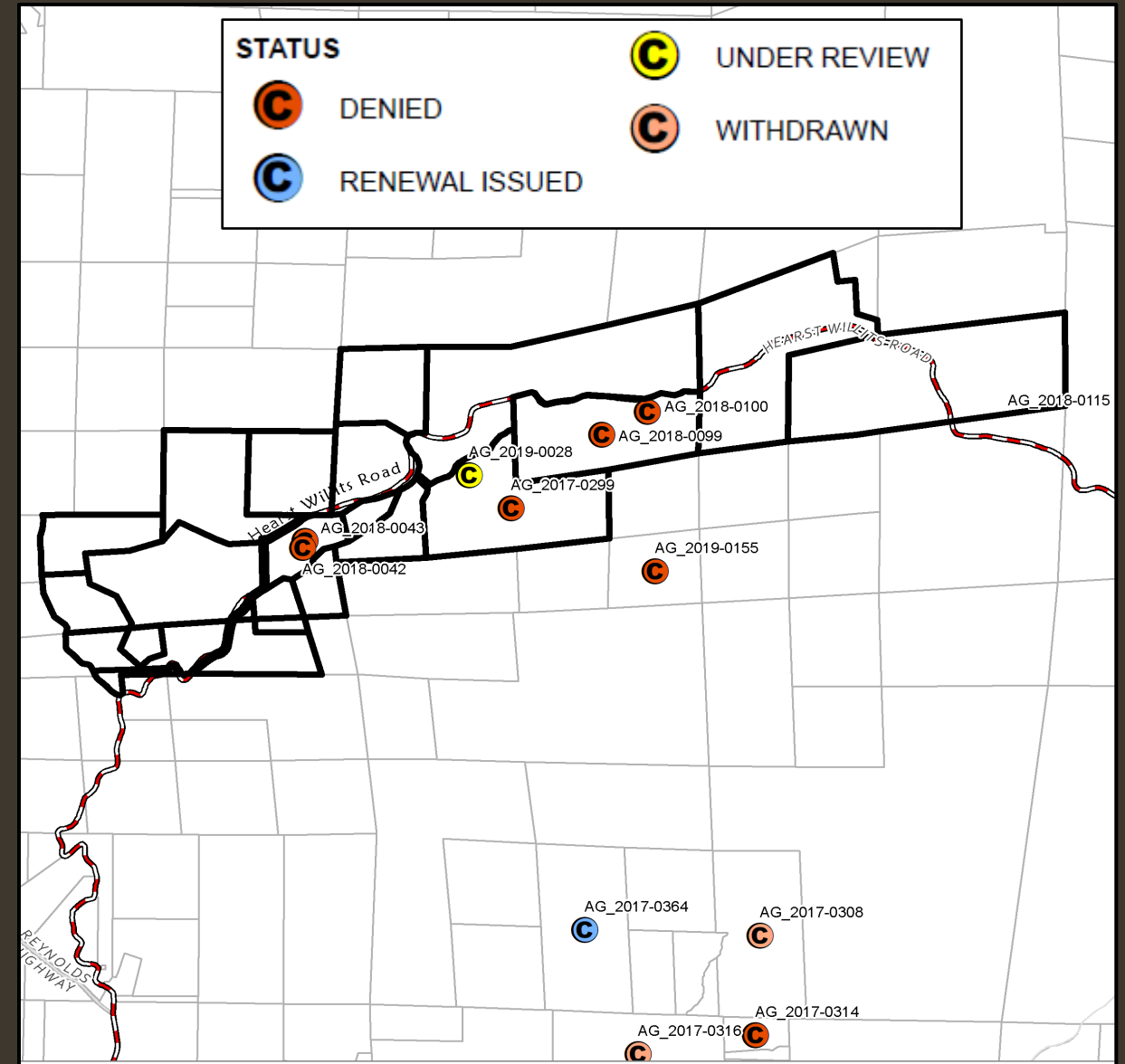


District Zoning Map



# Items for Consideration

The effect of the CP district on existing and future land uses, including pending applications.

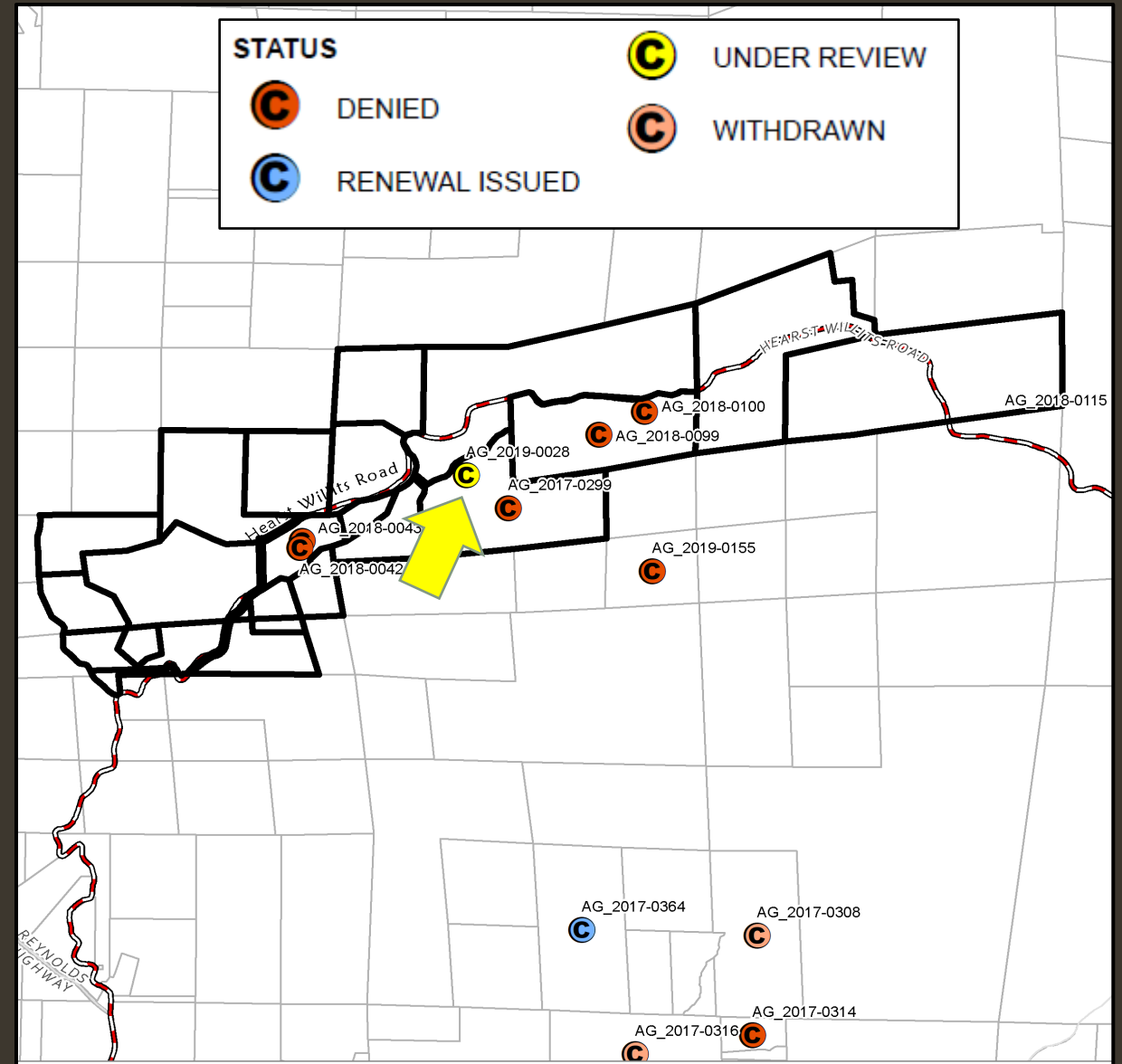


District Zoning Map

# Items for Consideration

The effect of the CP district on existing and future land uses, including pending applications.

- The immediate effect of adoption would prohibit the approval of the existing cannabis cultivation permit under review (**AG\_2019-0028**) as well as any future Cannabis Facility Business Licenses (CFBL).

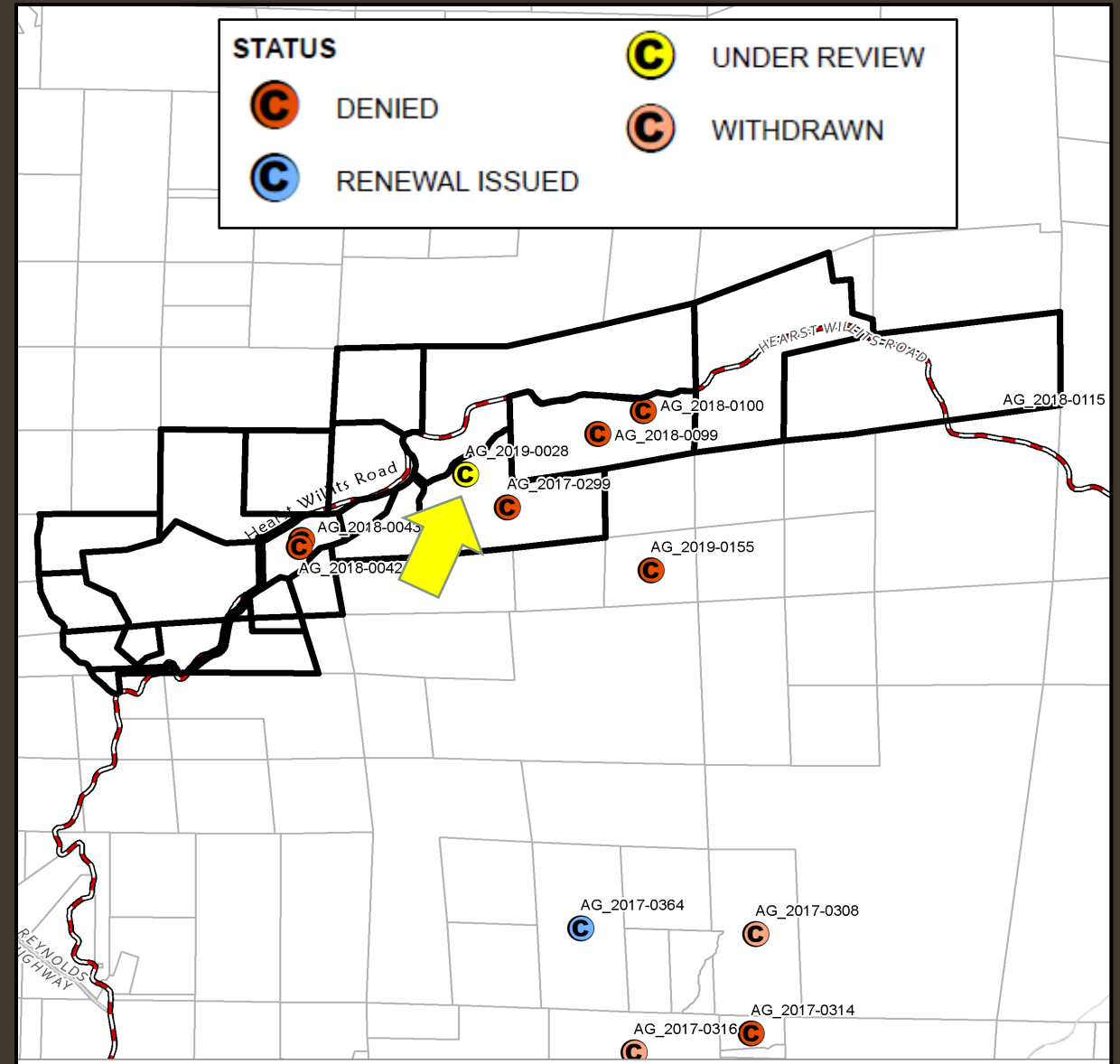


District Zoning Map

# Items for Consideration

The effect of the CP district on existing and future land uses, including pending applications.

- The immediate effect of adoption would prohibit the approval of the existing cannabis cultivation permit under review (AG\_2019-0028) as well as any future Cannabis Facility Business Licenses (CFBL).
- RL and TPZ districts are not presently eligible for new cannabis cultivation permits under Phase 3 of Ch. 10A.17.

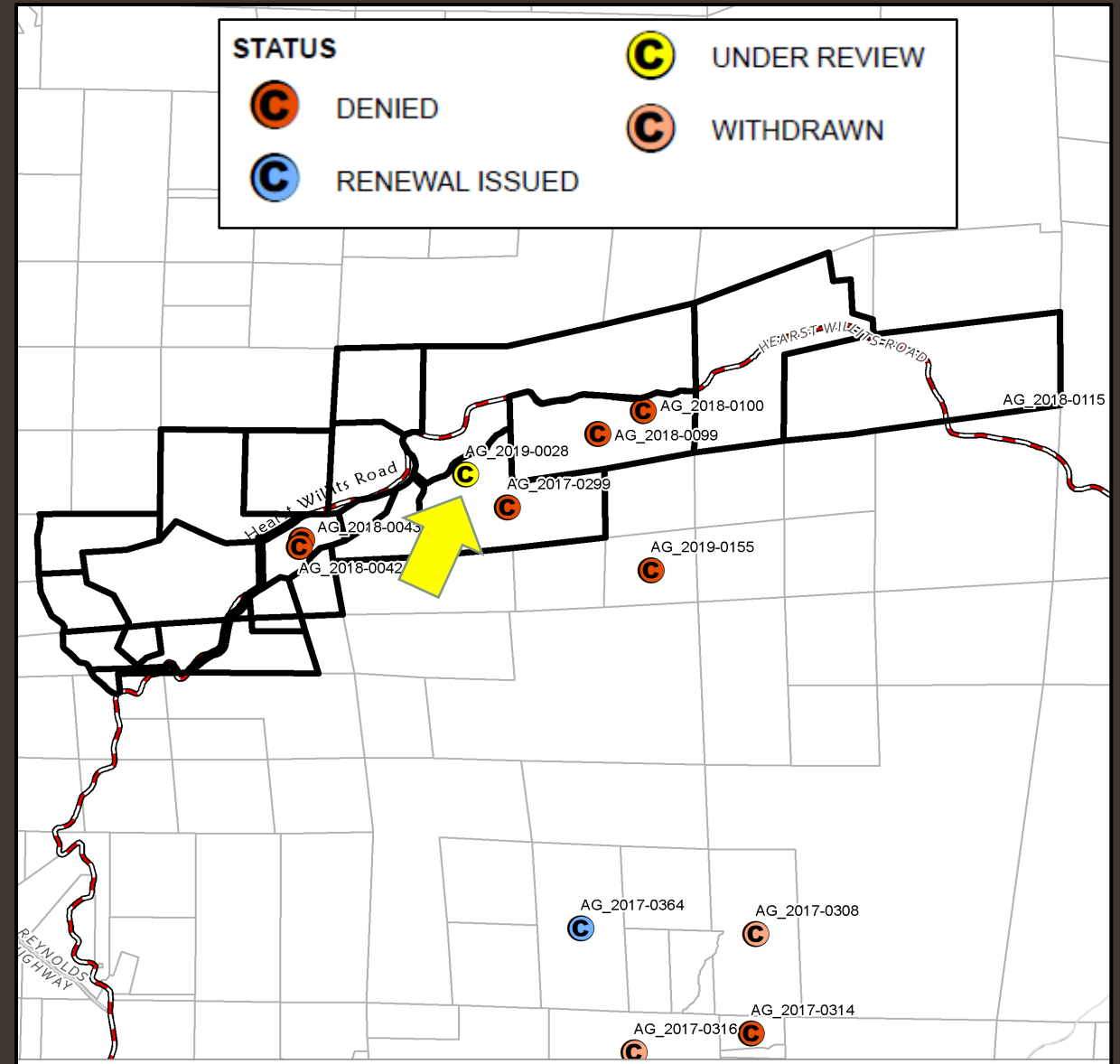


District Zoning Map

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The effect of the CP district on existing and future land uses, including pending applications.

- The immediate effect of adoption would prohibit the approval of the existing cannabis cultivation permit under review (**AG\_2019-0028**) as well as any future Cannabis Facility Business Licenses (CFBL).
- RL and TPZ districts are not presently eligible for new cannabis cultivation permits under Phase 3 of Ch. 10A.17.
- CFBLs are already heavily prohibited within these districts, except for the processing of cannabis. This would be the only CFBL affected by this District.



District Zoning Map

# Items for Consideration

1. Consistency with the General Plan
2. The location, size, and shape of the proposed CP district including if it is appropriate to include all proposed parcels in the District.
3. The effect of the CP district on existing and future land uses, including pending applications.



# Items for Consideration

1. Consistency with the General Plan
2. The location, size, and shape of the proposed CP district including if it is appropriate to include all proposed parcels in the District.
3. The effect of the CP district on existing and future land uses, including pending applications.
4. The effect of the CP district on the “public health, safety, morals, peace, comfort, convenience, prosperity and general welfare”, as cited in Chapter 20 of the MCC.

# Planning Commission Recommendation

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- On July 20, 2023, the Planning Commission voted 3-0 recommending the modification of the boundaries of the proposed CP District to the Board of Supervisors.

# Planning Commission Recommendation

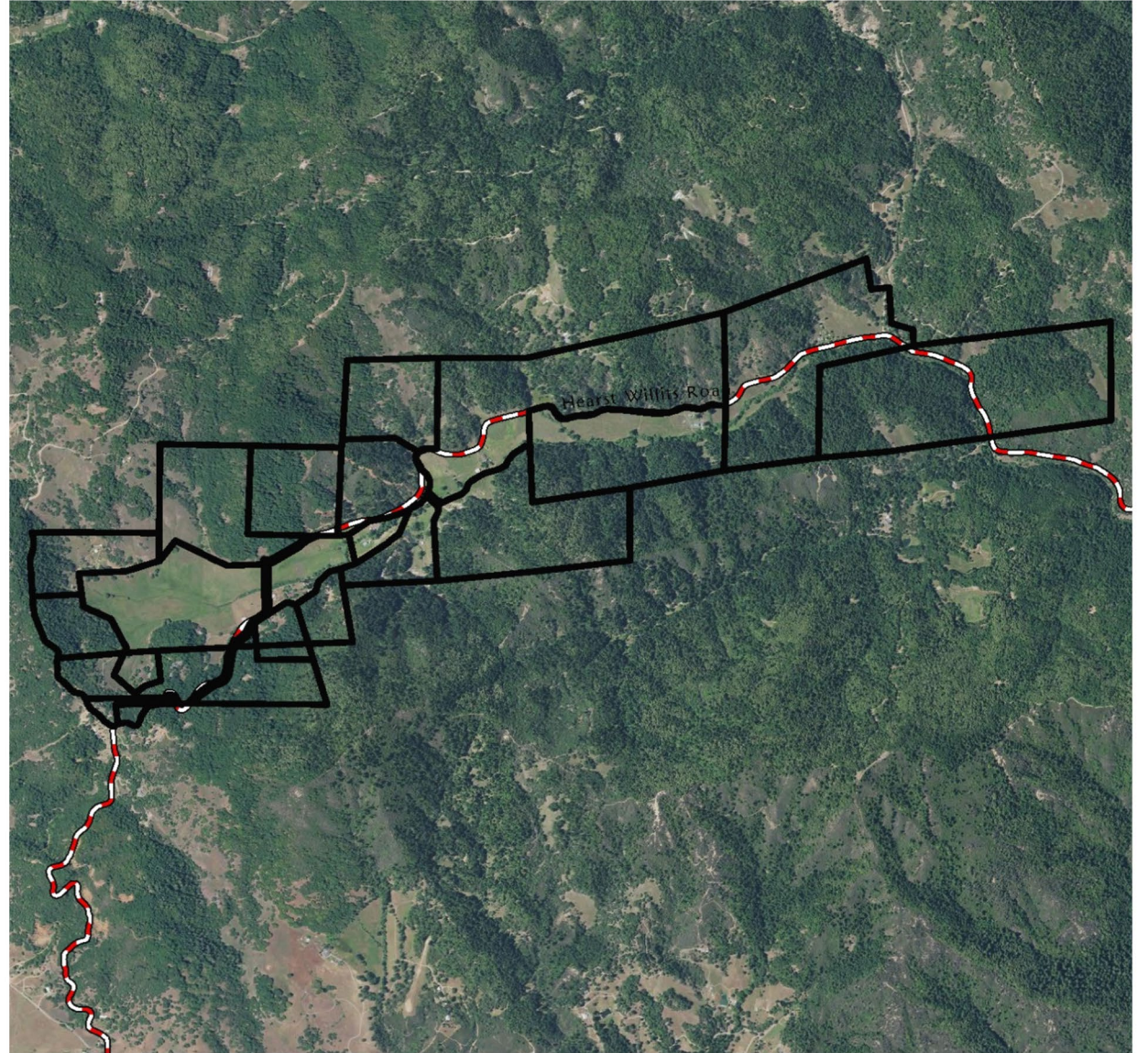
- On July 20, 2023, the Planning Commission voted 3-0 recommending the modification of the boundaries of the proposed CP District to the Board of Supervisors.
- The modifications exclude APN 037-310-68 recognizing that the property has a phase 1 cannabis cultivation application under review.

# Possible Actions



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- 1) Approve the project as modified by the Planning Commission
- 2) Further modify the boundaries and approve the project
- 3) Approve the project as requested by the applicant
- 4) Deny the project







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Mendocino County Planning Commission— July 20, 2023

