

RESOLUTION NO. 22-093

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DENYING REZONE R_2019-0013 (MOULTON – FRANKLIN ROAD) TO CREATE A CANNABIS ACCOMMODATION COMBINING DISTRICT OVER TEN PARCELS IN THE MITCHELL CREEK AREA OF FORT BRAGG

WHEREAS, the applicant, Brandy Moulton, filed an application to establish a Commercial Cannabis Accommodation (CA) Combining District with the Mendocino County Department of Planning and Building Services. The district and all affected parcels are shown in Exhibit “A” to this Resolution, which is attached hereto and incorporated herein by this reference; located 3.9± miles southeast of Fort Bragg City center; lying on the west side of Franklin Rd. (CR 414D), 0.2 miles south of its intersection with Simpson Ln. (CR 414), located at multiple addresses; APN's: 019-450-08, 019-440-21, 019-440-25, 019-480-08, 019-480-09, 019-480-10, 019-480-33, 019-480-34, 019-480-35, 019-480-36. Rural Residential Zoning and General Plan designations; Supervisorial District 4; (the “Project”); and

WHEREAS, pursuant to Public Resources Code section 21080(b)(5), the California Environmental Quality Act (Public Resources Code section 21000 et seq.; “CEQA”) does not apply to projects which a public agency rejects or disapproves and CEQA Guidelines section 15270 provides that the projects which are disapproved are Statutorily Exempt from CEQA. However, an Addendum to the previously adopted Mitigated Negative Declaration (SCH #2016112028) was prepared for the Project in accordance with CEQA and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on February 3, 2022, to solicit public comments on the Project, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission, at their February 3, 2022 meeting adopted a resolution, PC_2022-0003, recommending denial of the Project to the Board of Supervisors; and

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on April 19, 2022, to solicit public comments on the Project, at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally and in writing regarding the Addendum and the proposed Project. All interested persons were given an opportunity to hear and be heard regarding the Project.

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. That the proposed Commercial Cannabis Accommodation Combining District is inconsistent with the requirements of Chapter 20.118 of Mendocino County Code. Commercial Cannabis Accommodation Districts are intended to be neighborhood or community in scale. The boundaries of the proposed District consist of only a small portion of the area in which it is situated, though certain impacts like traffic will impact the entire surrounding area. The boundaries also exclude properties that reasonably should be included if attempting to be neighborhood or community in scale, such as the parcels adjacent along Franklin Road. The proposed District boundaries are designed in an irrational and arbitrary manner and are not proposed at a community or neighborhood scale.

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby denies Rezoning R_2019-0013.

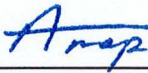
BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board of Supervisors as the custodian of the documents and other materials, which constitutes the record of proceedings upon which the Board of Supervisors' decision herein is based. These documents may be found at the office of the Office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Room 1010, Ukiah, CA 95482.

The foregoing Resolution introduced by Supervisor Gjerde, seconded by Supervisor Haschak, and carried this 19th day of April, 2022, by the following vote:

AYES: Supervisors McGourty, Haschak, Gjerde, and Williams
NOES: Supervisor Mulheren
ABSENT: None

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


ATTEST: DARCIE ANTLE
Interim Clerk of the Board



Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel





TED WILLIAMS, Chair
Mendocino County Board of Supervisors

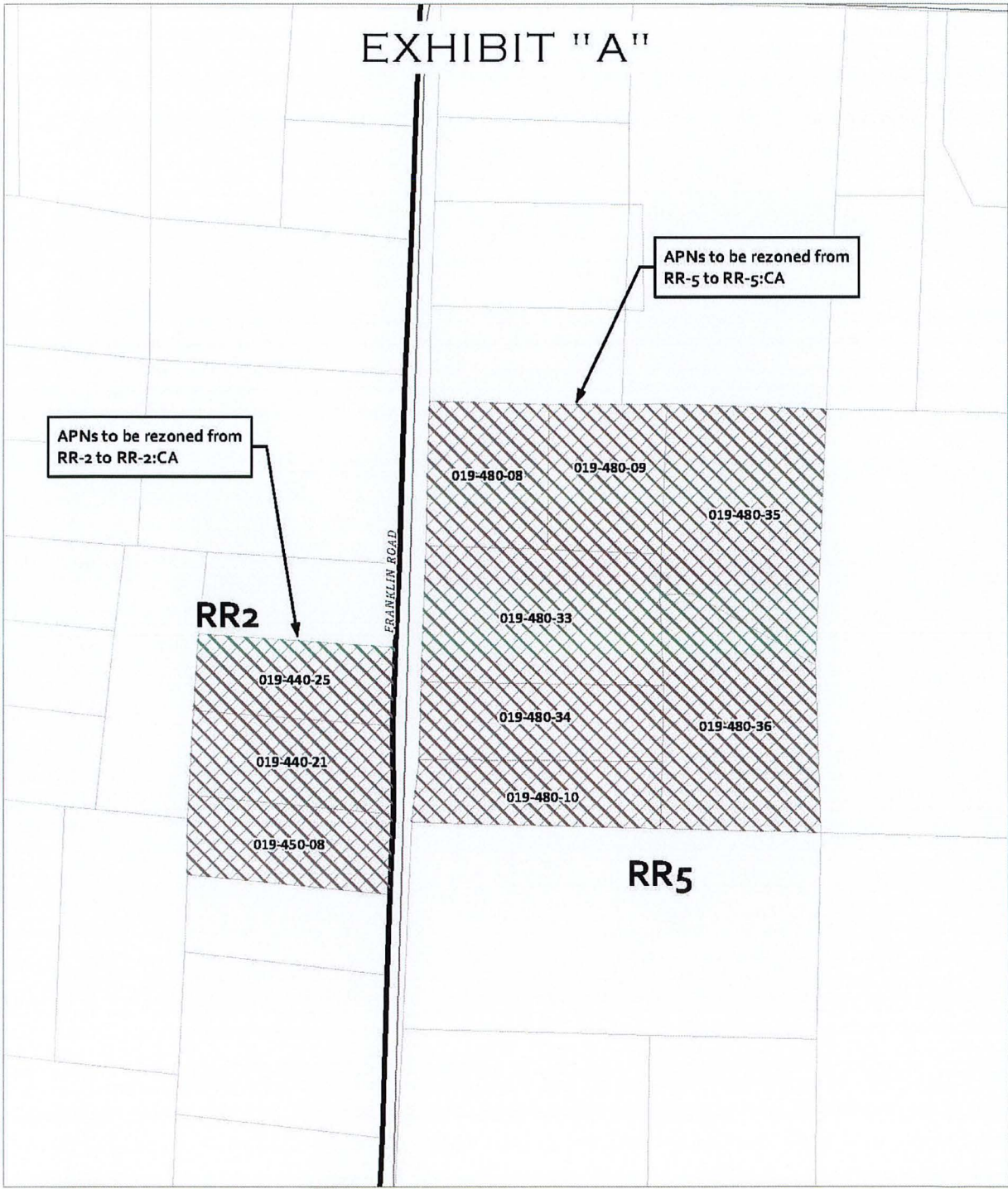
I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: DARCIE ANTLE
Interim Clerk of the Board



Deputy

EXHIBIT "A"



APNs to be rezoned from RR-2 to RR-2:CA

APNs to be rezoned from RR-5 to RR-5:CA




RR2

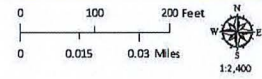
019-440-25
019-440-21
019-450-08

019-480-08 019-480-09 019-480-35
019-480-33
019-480-34 019-480-36
019-480-10

RR5

CASE: R 2019-0013
OWNER: Various
APN: Various
APLCT: Brandy Moulton
AGENT: Brandy Moulton
ADDRESS: Franklin Road, Fort Bragg

-  Zoning Districts
-  Public Roads
-  REZONE FROM: RR-3 & RR-5 (Rural Residential 3 & 5 acre minimums)
TO: RR-2:CA & RR-5:CA (Rural Residential 2 & 5 acre minimums, Cannabis Accommodation)



REZONE EXHIBIT