

Rezone Request 2019-0013

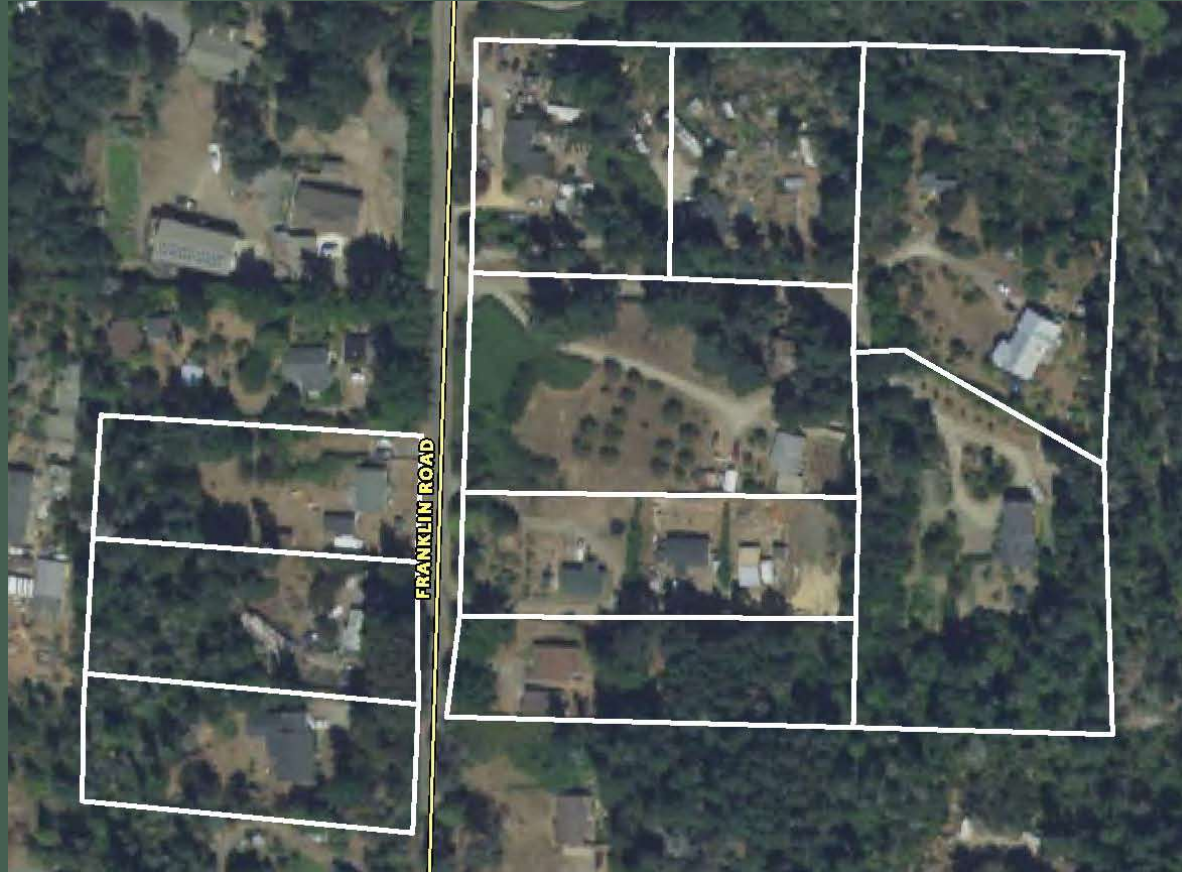
Request to create a Cannabis Accommodation Combining District of 10 RR legal and contiguous parcels near Franklin Rd.

Applicant Brandy Moulton

Mendocino County Board of Supervisors Meeting

— April 19, 2022

Proposed CACD Location

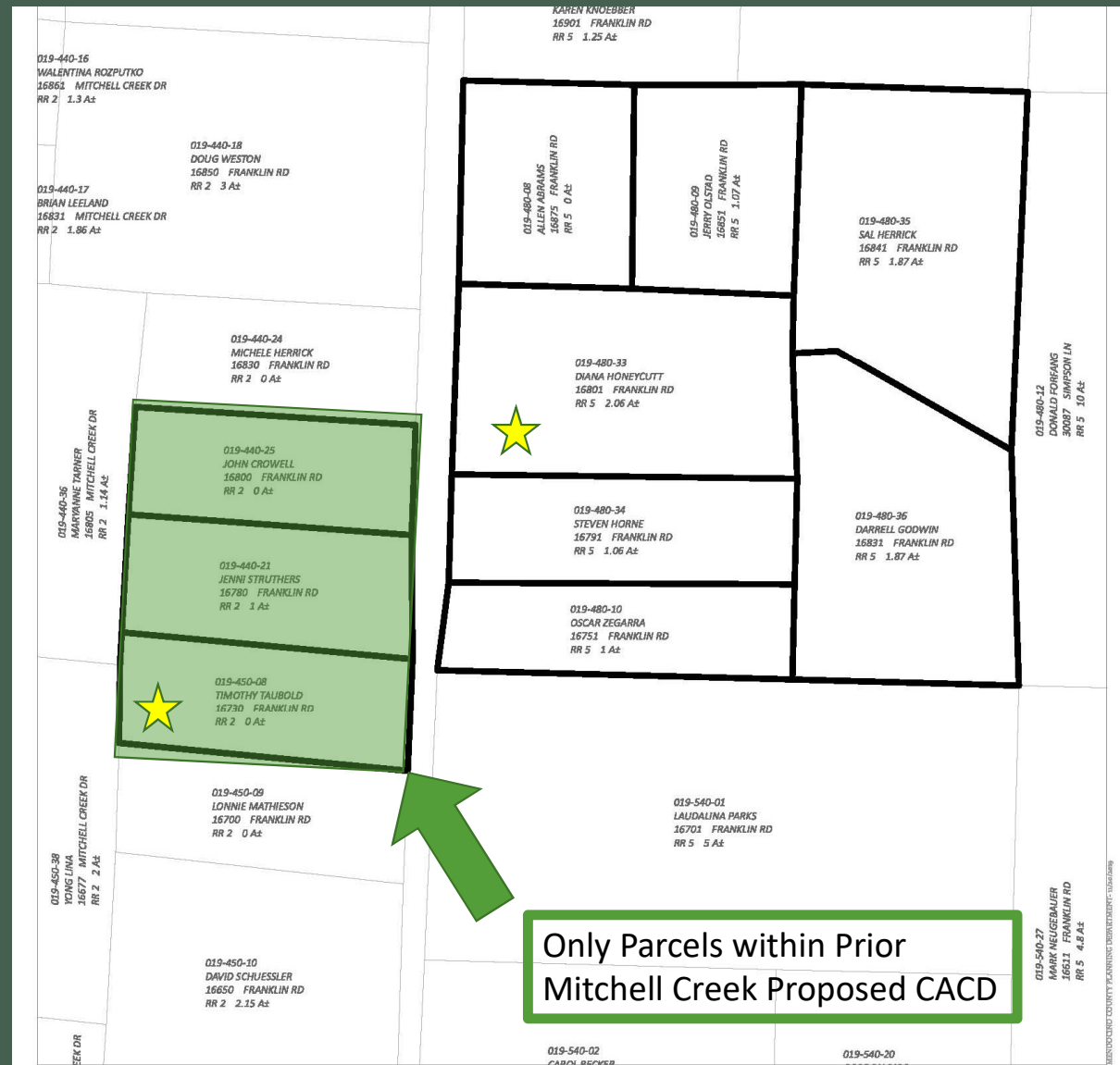


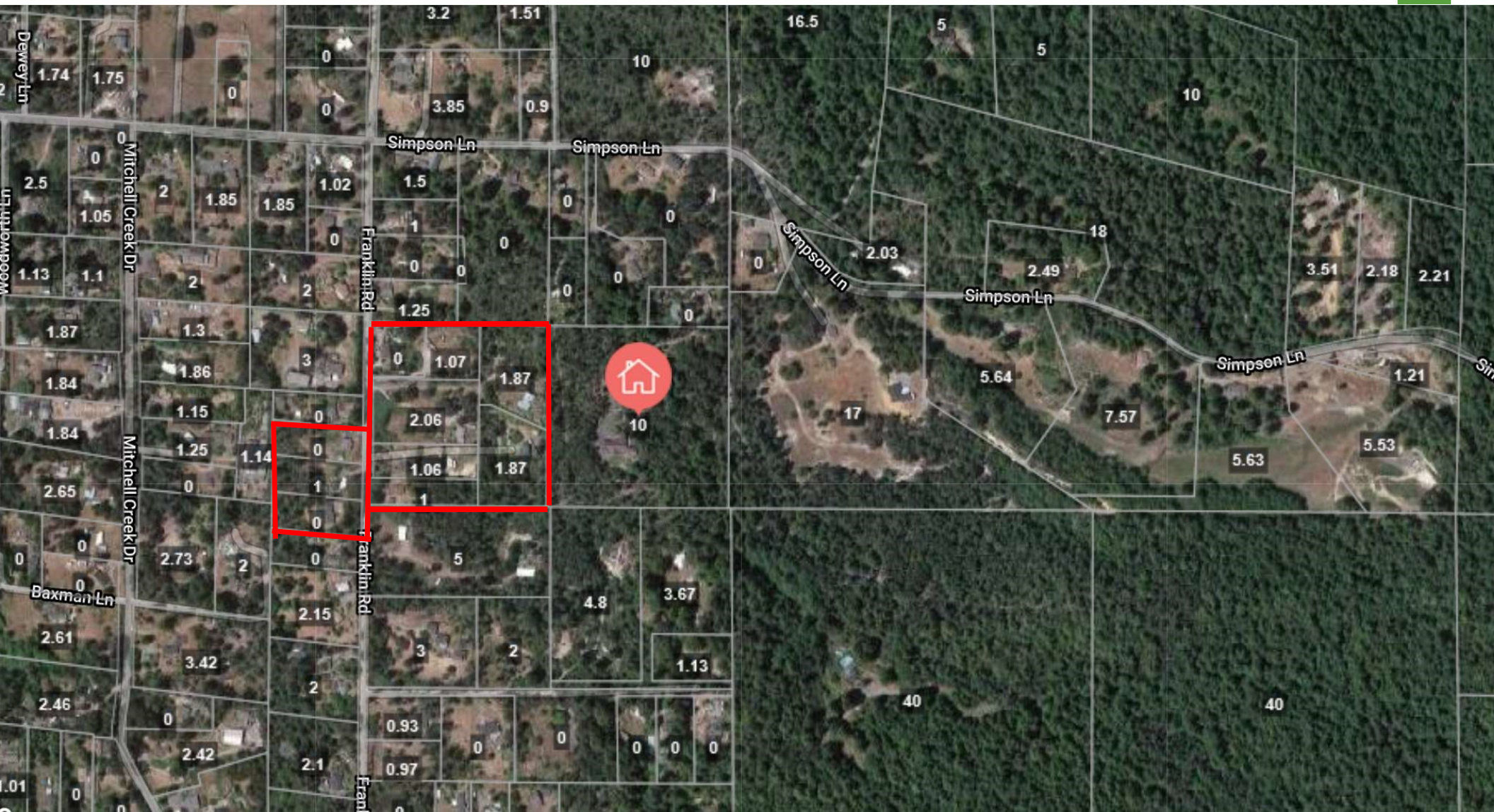
Proposed CACD

➤ 12.79± acres

➤ RR:2 and RR:5

➤ ★ = Existing or Prior Known Cultivation



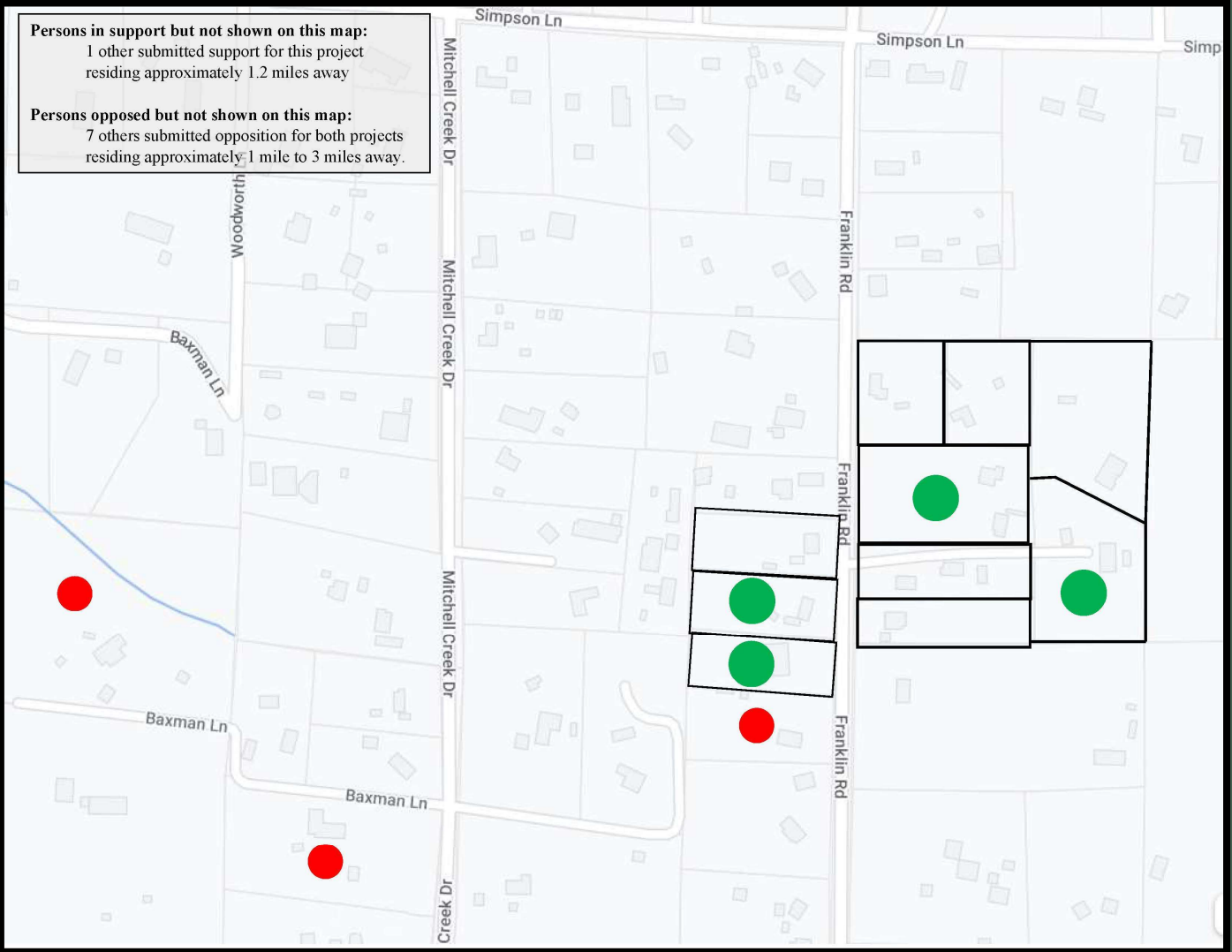


Background

- **10/30/19: Applicant's timely submission of CACD application**
- **12/2/19: CACD application deemed complete**
- **5/20/21: Staff Planner informs applicant of June 3, 2021 PC Hearing; provides staff report.**
- **5/24/21: County unilaterally pulls application from June 3, 2021 PC Hearing stating incomplete staff report.**
- **8+ months later**
- **02/03/22: Planning Commission hearing**

Persons in support but not shown on this map:
1 other submitted support for this project
residing approximately 1.2 miles away

Persons opposed but not shown on this map:
7 others submitted opposition for both projects
residing approximately 1 mile to 3 miles away.



No Basis For Objections

- **No Decrease In Property Values**
- **No Increase In Water Usage**
- **Only Existing Operations – No New Operations**
- **No Impact To Watershed**
- **No Increase of Fire Risk**

Planning Commission – No Proper Findings

- **PC did not address or analyze the merit of opposition**
- **PC did not identify which finding(s) it could not make to approve project**

a. 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 neighboring parcels on Shane Drive. There is also a lack of direct connectivity within the District as designed. The proposed District boundaries are designed in an irrational and arbitrary manner and are not proposed at a community or neighborhood scale.

General Plan Consistency

- **Each parcel designated as Rural Residential land use**
- **DE-14: RR land use is intended to encourage local and small-scale farming**
- **General RR land uses include: residential uses, agricultural uses, and cottage industries (small scale businesses operating in or near residential uses)**
- **PP 2-2(B): Encourages a variety of land uses and employment opportunities in community areas**

CACD Shape & Size

- **Planning Staff's recommendation for denial stems from the misapplication of 20.118.020(B).**

(B) A CA Combining District may range from neighborhood to community in scale, but in no case be composed of fewer than ten (10) legal parcels as that term is defined in section 10A.17.020. All parcels within a CA Combining District shall be contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).

Opposition Lacks Merit

- **CACD impacts already evaluated via project-specific CEQA Review**
 - **water, traffic, noise, odor, etc.**

FINDINGS

1. For the proposed Rezone application, R_2019-0013, to create a Cannabis Accommodation (CA) Combining District, no substantial changes that would require major revisions to the previously adopted Mitigated Negative Declaration (MND) have been identified. No new significant environmental effects increase in the severity of those previously identified in the adopted MND.

CACD Approval Findings Can Be Made

- 1. Rezone Request is consistent with the General Plan.**
- 2. Rezone Request is consistent with the Zoning District.**
- 3. Rezone Request is consistent with the CACD requirements.**
 - a. Application by property owner in CACD**
 - b. 70% property owner support**
 - c. 10 legal and contiguous parcels**

Questions?

The background features a dark teal gradient. On the right side, there are several overlapping, angular shapes in shades of blue, green, and yellow-green, creating a dynamic, abstract composition.