

## ATTACHMENT B

### Resolution Number PC 2022-0003

County of Mendocino  
Ukiah, California

FEBRUARY 3, 2022

R\_2019-0013 VARIOUS

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS RECOMMENDING THE DENIAL OF THE REZONING OF CERTAIN PARCELS TO CREATE A COMMERCIAL CANNABIS ACCOMMODATION COMBINING DISTRICT (R\_2019-0013).

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 provision 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, pursuant to Government Code Section 65850 et seq., the Planning Commission is to provide its report and recommendation to the Board of Supervisors on ordinances related to land use regulation; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on the evidence in the record, makes the following report and recommendation to the Mendocino County Board of Supervisors regarding the proposed Project:

1. The Planning Commission recommends that the Board of Supervisors deny Rezone application R\_2019-0013 to create a Commercial Cannabis Accommodation Combining District over 10 parcels, as listed in Exhibit "A" to this Resolution, and find the following:

**ATTACHMENT B**

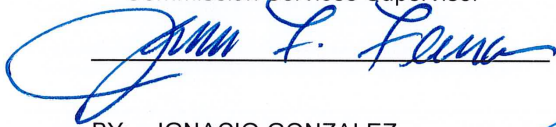
- a. That the proposed Commercial Cannabis Accommodation Combining District is inconsistent with the requirements of Chapter 20.118 of Mendocino County Code. Commercial Cannabis Accommodation Districts are intended to be neighborhood or community in scale. The boundaries of the proposed District consist 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 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 Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

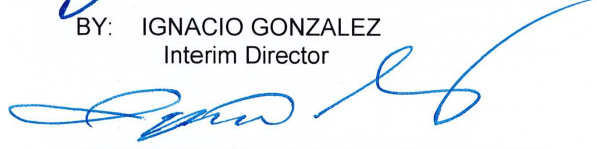
*I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.*

ATTEST:

JAMES F. FEENAN  
Commission Services Supervisor

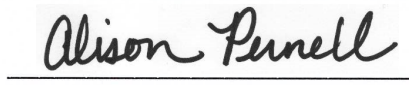


BY: IGNACIO GONZALEZ  
Interim Director

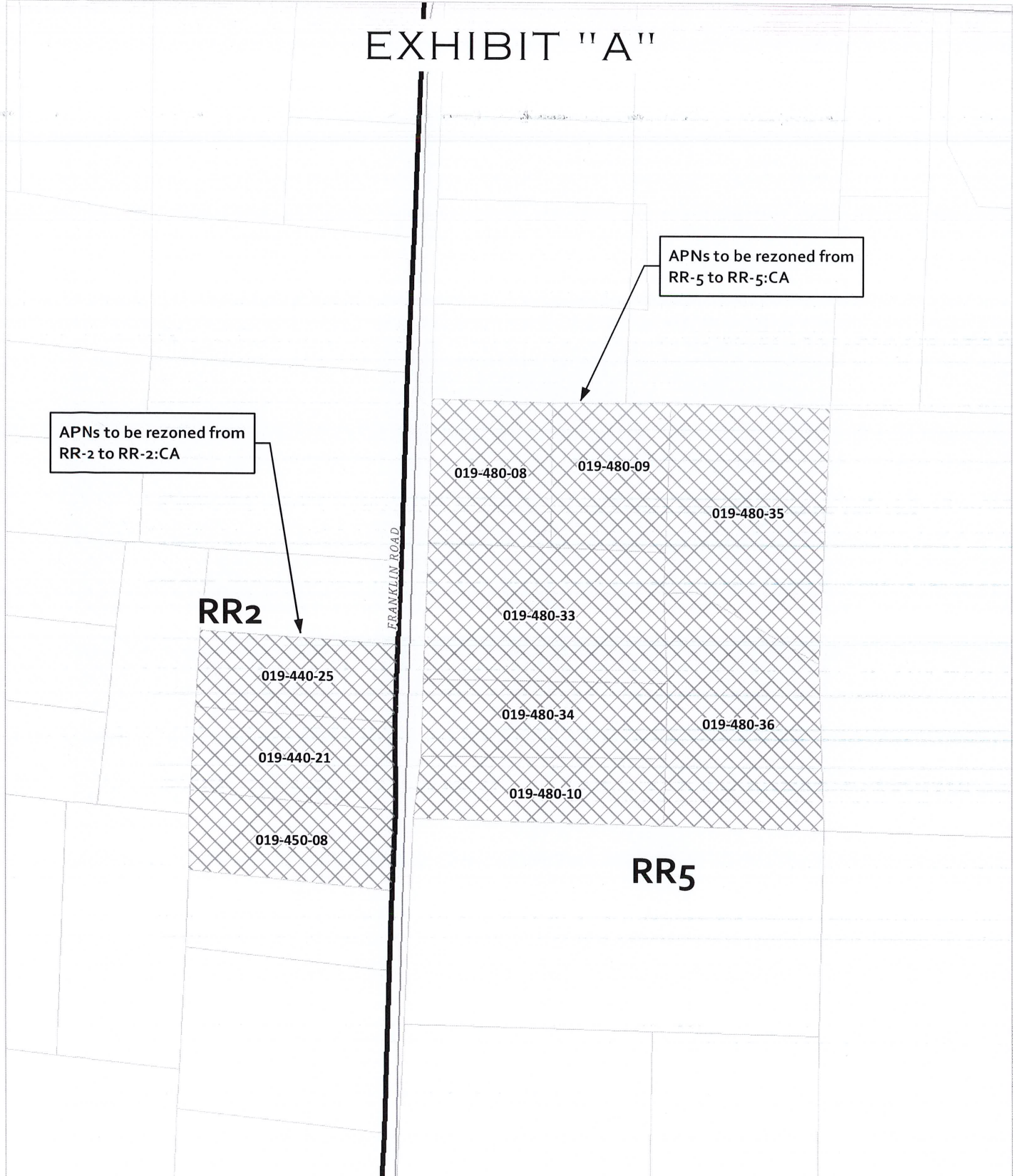


**EXHIBIT A: REZONE EXHIBIT MAP**


ALISON PERNELL, CHAIR  
Mendocino County Planning Commission





# EXHIBIT "A"

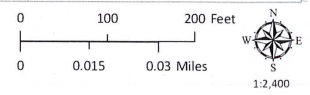


CASE: R 2019-0013  
 OWNER: Various  
 APN: Various  
 APLCT: Brandy Moulton  
 AGENT: Brandy Moulton  
 ADDRESS: Franklin Road, Fort Bragg

 Zoning Districts

 Public Roads

 REZONE FROM: RR-2 & RR-5 (Rural Residential 2 & 5 acre minimums)  
 TO: RR-2:CA & RR-5:CA (Rural Residential 2 & 5 acre minimums, Cannabis Accommodation)



REZONE EXHIBIT