



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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DATE: FEBRUARY 1, 2018

TO: PLANNING COMMISSION

FROM: MARY LYNN HUNT, CHIEF PLANNER
MATTHEW KIEDROWSKI, DEPUTY COUNTY COUNSEL
ELIZABETH BURKS, LACO ASSOCIATES

SUBJECT: OA_2018-0001- AMENDMENT TO THE MENDOCINO COUNTY CODE MEDICAL CANNABIS CULTIVATION SITE REGULATIONS OF THE INLAND ZONING ORDINANCE TO AMEND CHAPTER 20.242.040(B) TABLE 1 AND 20.242.040(D)

PROJECT: The Mendocino County Board of Supervisors has directed staff to amend the Mendocino County Code Chapter 20.242.040(B) Table 1, and (D) of the Zoning Ordinance (Mendocino County Code, Title 20, Division I), which is administered by the Department of Planning and Building Services.

The amendment would apply to all unincorporated inland areas within Mendocino County. The areas not included are, the city limits of Ukiah, Fort Bragg, Willits and Point Arena, and is not applicable to those areas within the designated Coastal Zone Areas of the County.

The change would remove the double asterisk (**) notation to Table 1 of Chapter 20.242 (B) to clarify that expansion of existing cultivation sites in the Rangeland (RL) Zoning District is allowed pursuant to a Zoning Clearance. It also involves deleting a reference to Rangeland in Section 20.242.040(D).

Within Table 1 a Zoning Clearance is identified as the permit type for existing cultivation in the Rangeland Zoning District. The requirement to obtain an Administrative Permit in the Rangeland Zoning District appears in a double asterisk (**) associated with Table 1 of Chapter 20.242.040(B). The double asterisk (**) reads as follows:

“** Existing cultivation sites in the FL, TPZ and RL zoning districts are permitted subject to limitations of this section. Expansion of existing cultivation sites in the FL, TPZ and RL zoning districts is permitted, subject to the issuance of an Administrative Permit.”

Section 20.242.040(D) reads as follows:

“An existing cultivation site, which qualifies for a MCCO permit, may continue within the FL Forest Land), the TPZ (Timber Production Zone), or the RL (Rangeland) zoning districts not to exceed 2,500 square feet of cultivation with a Zoning Clearance, Administrative Permit or Minor Use Permit as listed in Table 1. The existing cultivation site may be expanded to a MCCO Outdoor or Mixed Light permit type that allows up to 10,000 square feet of cultivation in conformance with all applicable MCCO requirements and conditions and with an approved Administrative Permit or Use Permit as listed in Table 1.”

The references to the Rangeland zoning district in both the double asterisk (**) and Section 20.242.040(D) were added late in the ordinance drafting process. Upon review, the additions were not made as a result of the CEQA analysis or mitigation measure implementation, or pursuant to the direction of the Board of Supervisors.

Under the proposed ordinance change, for which this addendum is being prepared, references to Rangeland would be removed from both the double asterisk (**) for Table 1 and from Section 20.242.040(D).

The discussion in the CEQA document related to expansion in Phase 1 requiring an Administrative Permit is limited to lands zoned Forest Land and Timber Production Zone. The need to obtain an Administrative Permit was not anticipated or relied upon within the CEQA analysis for potential impacts. The analysis contained in the Initial Study was conducted assuming cultivation sites in Rangeland would comply with Table 1 and all applicable cultivation permit requirements, performance standards, and mitigation measures contained in the Ordinance and Initial Study. The requirement of an Administrative Permit was not used as a basis of this analysis.

Removing the double asterisk (**) and reference to Rangeland in Section 20.242.040(D) at this time is considered a correction to the ordinance and a non-substantive change consistent with the Board direction.

BACKGROUND: The Mendocino County Board of Supervisors (County) adopted a Mitigated Negative Declaration (MND) (SCH No. 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.

At its meeting on November 13, 2017 the Board of Supervisors directed staff to review and make the necessary correction to the ordinance as noted in the Project Description above.

ENVIRONMENTAL DETERMINATION: 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, that one or more of several circumstances have occurred.

Staff has prepared an addendum pursuant to Section 15164, which is attached to this report and the proposed resolution for this item. The analysis of the addendum concludes that the addendum alone is appropriate to address the requirements under CEQA for the proposed ordinance changes and that no additional subsequent environmental review is needed to review the impact of the proposed ordinance changes.

RECOMMENDED MOTION FOR THE PLANNING COMMISSION: Adopt resolution making the necessary findings and recommend that the Board of Supervisors approve Ordinance Amendment No. OA 2018-0001 which will modify the inland zoning ordinance of Chapter 20 of the Mendocino County Code specifically section 20.242.040, finding that the Addendum to the adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed ordinance changes and that no additional subsequent environmental review is needed to review the impact of the proposed ordinance changes.

ATTACHMENTS:

1. OA_2018-0001 Ordinance Redline Version
2. OA_2018-0001 CEQA Addendum
3. OA_2018-0001 Planning Commission Resolution
4. OA_2018-0001 Ordinance Final Version