



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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## MEMORANDUM

**DATE:** AUGUST 4, 2020

**To:** HONORABLE BOARD OF SUPERVISORS

**FROM:** CHEVON HOLMES, PLANNER II  
DEPARTMENT OF PLANNING & BUILDING SERVICES

**SUBJECT:** ADOPTION OF ORDINANCE APPROVING REZONE R\_2019-0014

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### **BACKGROUND**

On December 4, 2018, the Mendocino County Board of Supervisors adopted Ordinance No. 4420 that approved amendments to Chapter 10A.17 (Mendocino Cannabis Cultivation Ordinance) and Chapter 20.242 (Cannabis Cultivation Sites) of the Mendocino County Code (MCC) and established Chapters 20.118 and 20.119 in Mendocino County Code. Chapter 20.119 (Commercial Cannabis Prohibition (CP) Combining Districts) is intended to benefit neighborhoods that feel negatively impacted by commercial cannabis operations and provides an avenue to prohibit commercial cannabis operations. The group of property owners known as the Fracchia Road and Bisby Avenue Neighborhoods collectively initiated the application for this Rezone request to create a Commercial Cannabis Prohibition Combining District in their neighborhood. Together, they seek to develop a new district adjacent to the Boonville Road-Woodyglen Commercial Cannabis Prohibition Combining District area.

On April 16, 2020, the Planning Commission recommended that the Board of Supervisors adopt an Ordinance establishing the Commercial Cannabis Prohibition (CP) Combining District twenty-nine (29) separate legal parcels to prohibit commercial cannabis operations per Mendocino County Code Chapter 20.119. The subject district is located 3.5 ± miles south of the City of Ukiah center, west of California State Highway 101 and includes over twenty-nine (29) parcels (APNs: 185-050-06, 185-050-07, 185-050-08, 185-090-07, 185-100-02, 185-100-06, 185-100-07, 185-100-08, 185-100-09, 185-100-11, 185-100-12, 185-100-13, 185-100-14, 185-100-19, 185-100-20, 185-100-25, 185-100-27, 185-100-28, 185-100-29, 185-100-31, 185-100-36, 185-100-37, 185-100-39, 185-100-40, 185-100-44, 185-100-47, 185-100-48, 185-100-49, 185-100-50).

Commercial Cannabis Prohibition (CP) Combining Districts must be comprised of at least ten (10) parcels only separated by roads, rail lines, utility easements, or similar linear public facilities. Applicants seeking to establish Commercial Cannabis Prohibition Combining District must demonstrate support of affected landowners, and once the district is established, cannabis cultivation sites and cannabis facilities would be prohibited.

### **KEY ISSUES**

**General Plan and Zoning Consistency:** The proposed project is the rezone of multiple parcels to create a combining district or overlay to prohibit cannabis operations. The majority of the subject parcels (69%) are located in the Rural Residential (RR) zoning district and carry the same General Plan designation, allow residential use by right, vary in nonconforming size and are primarily less than one-half acre in size. The Rural Residential classification is not intended to be a growth area, and residences should be located as to create minimal impact on agricultural viability as explained by General Plan Policy DE-14. The largest and only parcel in the Rangeland (RL) classification in the proposed district is approximately 43± acres and is also residential in nature with development hindered by topographical shifts in the terrain. Lying on the northwestern perimeter of the district, this Rangeland parcel is adjacent to the Boonville Road-Woodyglen Cannabis Prohibition District. Eight parcels in the proposed district are found in the Agricultural (AG) designation of which the largest is approximately 13± acres. Aerial imagery accessed from the Mendocino County Geographic Information Systems (GIS) indicates that approximately 18± acres of tree and row crop agriculture currently exist within the proposed district.

**Land Owner Support:** Establishment of a Commercial Cannabis Prohibition Combining District requires the applicant to demonstrate support from more than sixty percent (60%) of the affected property owners. Pursuant to MCC Chapter 20.119.030(B), applications to establish these districts must be accompanied by either a petition or alternative demonstration of applicable landowner support. Of the 29 contiguous parcels within the proposed district, 76% (22) of property owners signed the group's petition supporting creation of the prohibition district. One (1) property owner voted "no" for reasons unknown to staff and six (6) chose to abstain.

**Environmental Determination:** Article 5, Section 15061(b)(3) of the California Environmental Quality Act (CEQA) provides that the "common sense exemption" applies to projects "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Furthermore, CEQA only applies to projects that have the potential for causing a significant environmental effect.

### **RECOMMENDATION**

Adopt an Ordinance rezoning (R\_2019-0014 - the Fracchia Road and Bisby Avenue Neighborhoods) twenty-nine (29) legal parcels, totaling 129.64± acres, to add a Commercial Cannabis Prohibition (CP) Combining District to parcels currently zoned RR, AG and RL; and Authorize Chair to Sign Same.

**Attachments:**

- A. Rezone Ordinance
- B. Planning Commission Staff Report, May 16, 2020
- C. Planning Commission Resolution No. PC\_2020-0003