

ORDINANCE NO. 4465

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY

WHEREAS, the applicant, FRACCHIA ROAD & BISBY AVENUE NEIGHBORHOODS, filed an application for a rezone (R_2019-0014) with the Mendocino County Department of Planning and Building Services to add a Commercial Cannabis Prohibition (CP) Combining District to the existing zoning designations of twenty-nine (29) legal parcels, located 3.5± miles south of the City of Ukiah center, lying on the west side of Burke Hill Road (CR #140), extending northwest from its intersection with Bisby Avenue (Private), Ukiah (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); General Plan RR, AG and RL; Zoning RR:10, AG:40 and RL:160; Supervisorial District 5; (the "Project"); and

WHEREAS, on April 16, 2020, the Planning Commission held a noticed public hearing, received comments and recommended the Board of Supervisors approve R_2019-0014; and

WHEREAS, the Project is Statutorily Exempt from review under the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines pursuant to Article 5, Section 15061(b)(3) which 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", and the Project was noticed and made available for agency and public review in accordance with CEQA and the State and County CEQA Guidelines; and

WHEREAS, in accordance with the applicable provisions of law, the Board of Supervisors held a public hearing on August 4, 2020, at which time the Board of Supervisors 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.

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1. Findings. Based on the information provided in the memorandum accompanying this ordinance and evidence in the record, the Board of Supervisors makes the following findings:

- (a) The Rezone (R_2019-0014) is Exempt from CEQA pursuant to Section 15261(b)(3) of the State CEQA Guidelines.
- (b) The subject parcels are located with the Rural Residential, Agricultural and Rangeland General Plan designations. The intent of the Commercial Cannabis Prohibition Combining District is to maintain the residential qualities of neighborhoods where residents feel commercial cannabis cultivation and facilities are incompatible with existing residential uses. As provided by community petition, this proposal seeks to prohibit commercial cannabis activities that could otherwise be facilitate on the aforementioned Assessor Parcel Numbers. The Mendocino County General Plan emphasizes the role of the community – local residents, organizations and others, as well as the importance of self-determination in shaping communities'

future through public planning processes. As such, this proposal aligns with the County's General Plan, particularly 'Principle 2-3 b', as the establishment of a Cannabis Prohibition or Accommodation District "Encourage(s) and empower(s) local communities and organizations to engage in local planning and community improvement", especially as they "Promote open, inclusive public planning and development Processes."

- (c) That the proposed district meets the stated intent of the Commercial Cannabis Prohibition Combining District as stated in Mendocino County Code Chapter 20.119 (Cannabis Prohibition Combining District). As a combining district, aspects related to the underlying zoning districts, including 20.048 (Rural Residential), 20.052 (Agricultural) and 20.060 (Rangeland) remain applicable.

Section 2. Rezone. Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the following real properties within Mendocino County are hereby changed as follows:

Said zoning change adds the Commercial Cannabis Prohibition (CP) Combining District to the current zoning designations of Rural Residential (RR), Agricultural (AG) and Rangeland (RL) and encompasses the properties as described by Assessors' Parcel Numbers 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 as shown in Exhibit "A", attached hereto.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 4th day of August, 2020 by the following vote:

AYES: Supervisors Brown, McCowen, Haschak, Gjerde, and Williams

NOES: None

ABSENT: None

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

JOHN HASCHAK, 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.

APPROVED AS TO FORM:
CHRISTIAN M CURTIS, County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Deputy

Deputy

CASE#: Rezone #R 2019-0014

OWNER: MULTIPLE