



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: NOVEMBER 3, 2020

To: HONORABLE BOARD OF SUPERVISORS

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

SUBJECT: REZONE R_2019-0009 TO ADD A CANNABIS ACCOMMODATION (CA) COMBINING DISTRICT TO THE CURRENT ZONING DESIGNATION OF RURAL RESIDENTIAL (RR)

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 20.118 (Cannabis Accommodation (CA) Combining Districts) is intended to benefit neighborhoods comprised of sites currently engaged in cannabis activities by providing access to modified regulations regarding cannabis activities, primarily related to cultivation:

- Sunset Provision for Residential Districts would not apply to permitted cannabis cultivation uses.
- Permitted cultivation activities would be limited to 2,500 square feet of flowering cannabis.
- Reduced setbacks of cultivation sites to property boundaries.

County staff presented the project and associated Addendum to the adopted Mitigated Negative Declaration on August 6, 2020 to the Mendocino County Planning Commission. The Planning Commission was unable to reach a majority decision and ultimately voted to move the request to the Board of Supervisors without a recommendation from the Planning Commission. Staff maintains their previous recommendation of approval of the project to the Board of Supervisors to establishing a CA district that includes fourteen (14) separate parcels to allow continuance of existing commercial cannabis operations per Mendocino County Code Chapter 20.118. The subject district is located 2.8± miles northwest of Redwood Valley town center and includes fourteen (14) parcels APNs: 160-150-11, 160-150-22, 160-150-39, 160-150-40, 160-190-12, 160-190-13, 160-190-14, 160-200-27, 160-200-32, 160-200-33, 160-200-34, 160-200-35, 160-200-36 and 160-200-37.

Cannabis Accommodation (CA) 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 CA Combining Districts 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: Goal CP_RV-3 as described in the General Plan seeks to maintain the agricultural nature of the Valley by avoiding incremental increases in rural densities. The proposed project is the rezone of multiple parcels to create a combining district or overlay to support cannabis related activities and allow continued operation of eligible existing sites within the Redwood Valley Community planning area of no more than 2,500 square feet of cannabis. Continued operation of these small existing farms engenders development of ancillary improvements such as temporary and permanent greenhouses and do not increase rural dwelling densities as desired by the General Plan.

All of the parcels within the subject district are located in the Rural Residential (RR) zoning district and allow residential use by right. As a critical source of income and stability for the community, agricultural production of conventional tree and row crops, as well as commercial cannabis cultivation, continues to play a pivotal role as a socioeconomic driver in Redwood Valley. The Redwood Valley Fire (Mendocino Lake Complex) began October 8, 2017 and burned for 123 days and destroyed 36,523 acres across Mendocino County. The catastrophic event

precipitated an extraordinary increase in development needs throughout the Valley. Google Earth aerial imagery accessed via the internet four months after the County adopted the Cannabis Cultivation Ordinance indicates that 79% of the parcels within the proposed district engaged in some level of outdoor cannabis cultivation activities. Within four months, near the end of October 2017, only remnants of the improvements cannabis cultivators built in response to the opening market can be seen from satellite. Many established operations within the proposed district were completely destroyed by the fire. County records report that at least five homes and two ancillary structures were destroyed within the proposed district. If approved, this Rezone request will create a compliant pathway allowing residents to generate revenue to replace structures that have been lost due to years of catastrophic wildfire in the area.

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 20.118.030(B), applications to establish these districts must be accompanied by either a petition or alternative demonstration of applicable landowner support. Of the fourteen (14) contiguous parcels within the proposed district, 93% (13) of property owners signed the owner petition supporting creation of the accommodation district. One (1) property owner did not vote for reasons unknown to staff. Other property owners wrote to staff of the vital importance of this district in an effort to rebuild what was destroyed by wildfire. Given the historical presence of cannabis cultivation within the proposed district as well as adjacent parcels, staff finds the collection of parcels acceptable for development of a CA Combining District and meets the required thresholds as enumerated in Chapter 20.118 of Mendocino County Zoning Code.

Environmental Determination: An Addendum to the existing Mitigated Negative Declaration (SCH # 2016112028) has been completed in compliance with the California Environmental Quality Act (CEQA) and guidelines. Adoption of the Addendum attached to the enclosed Resolution is supported by the incorporated analysis and findings which established the basis for determining that none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent Mitigated Negative Declaration have occurred.

RECOMMENDATION

Adopt a Resolution approving and adopting an addendum to the previously adopted Mitigated Negative Declaration, in compliance with California Environmental Quality Act requirements for Rezoning (R_2019-0009); Adopt an Ordinance rezoning (R_2019-0009 – Redwood Valley/West Road District) fourteen (14) legal parcels, totaling 27.03± acres, to add a Cannabis Accommodation (CA) Combining District to parcels currently zoned Rural Residential (RR); and Authorize Chair to Sign Same.

Attachments:

- A. Planning Commission Staff Report, August 6, 2020
- B. Planning Commission Public Comment
- C. Planning Commission Hearing Minutes, August 6, 2020