



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR
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July 23, 2020

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT ADDENDUM TO THE PREVIOUSLY ADOPTED
MITIGATED NEGATIVE DECLARATION FOR PUBLIC REVIEW

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at their regular meeting on Thursday, August 6, 2020 at 9:00 a.m. will conduct a public hearing on the following project and the Draft Addendum Mitigated Negative Declaration at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>. The meeting is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>

CASE#: R_2019-0009

DATE FILED: 10/25/2019

OWNER: STEPHEN & SHANNON COLLINGS

APPLICANT: DYLAN MCGINTY

REQUEST: A Rezone request to create a Cannabis Accommodation District to facilitate greater flexibility in the development standards related to cannabis cultivation for existing commercial cannabis cultivation sites and suspend the 'Sunset Provision for Residential Districts' to facilitate continued operation.

ENVIRONMENTAL DETERMINATION: An Addendum to the previously adopted Mitigated Negative Declaration (MND; SCH#2016112028) pursuant to Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA) for the Mendocino Cannabis Cultivation Regulations appropriately addressed requirements under CEQA and determined that no conditions calling for preparation of a subsequent environmental document and no additional analysis is required.

LOCATION: 2.8± miles northwest of Redwood Valley town center, lying on the west side of West Road (CR 237), adjacent to its intersection with Mohawk Trail (CR 237G), located at various addresses in Redwood Valley (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).

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: CHEVON HOLMES

The staff report, addendum and notice will be available 10 days before hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>

Your comments regarding the above project(s) and the Draft Addendum are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by August 5, 2020 or orally via telecomment in lieu of personal attendance. All public comment will be made immediately available to the Commissioners, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>

To submit public comments via telecomment a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>

The Planning Commission's action regarding this item shall be a recommendation to the Board of Supervisors, and the Board's action shall be final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

BRENT SCHULTZ, Director of Planning and Building Services



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July 21, 2020

TO: Ukiah Daily Journal
FROM: James Feenan
SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on July 26, 2020 in the Legal Notices Section of the Ukiah Daily Journal.

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT ADDENDUM TO THE PREVIOUSLY ADOPTED
MITIGATED NEGATIVE DECLARATION FOR PUBLIC REVIEW

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CASE#: R_2019-0009

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APPLICANT: DYLAN MCGINTY

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Valley (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).

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: CHEVON HOLMES

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BRENT SCHULTZ, Director of Planning and Building Services



**PLANNING COMMISSION
STAFF REPORT- REZONE**

**AUGUST 6, 2020
R_2019-0009**

SUMMARY

OWNER: VARIOUS

APPLICANT: DYLAN MCGINTY
10400 WEST ROAD
REDWOOD VALLEY, CA 95470

REQUEST: A Rezone request to create a Cannabis Accommodation (CA) Combining District to facilitate greater flexibility in the development standards related to cannabis cultivation for existing commercial cannabis cultivation sites and suspend the 'Sunset Provision for Residential Districts' to facilitate continued operation.

LOCATION: 2.8± miles northwest of Redwood Valley town center, lying on the west side of West Road (CR 237), adjacent to its intersection with Mohawk Trail (CR 237G), located at various addresses in Redwood Valley (APN's: 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).

TOTAL ACREAGE: 27.03± Acre Cannabis Accommodation Combining District

GENERAL PLAN: Rural Residential, 5 Acre Minimum (RR:5)

ZONING: Rural Residential, 5 Acre Minimum (RR:5)

SUPERVISORIAL DISTRICT: 1 (Brown)

ENVIRONMENTAL DETERMINATION: An Addendum to the previously adopted Mitigated Negative Declaration (MND; SCH#2016112028)

RECOMMENDATION: The Planning Commission recommends that the Board of Supervisors adopt the attached Addendum to the Mitigated Negative Declaration and approve Rezone R_2019-0009.

STAFF PLANNER: CHEVON HOLMES

BACKGROUND

PROJECT DESCRIPTION: A Rezone request to create a Cannabis Accommodation Combining District of approximately 27.03 acres located 2.8± miles northwest of Redwood Valley town center. Consisting of fourteen (14) legal parcels zoned Rural Residential (RR) requiring two and five acre minimum parcel sizes (RR:2 & RR:5), the proposed district encompasses smaller parcels. The applicant, born and raised in Mendocino County and longtime cannabis cultivator seeks to continue their small cannabis production operation which has existed with continued use on the subject property that they own since 2015. In the case of this Rezone application (R_2019-0009) to create a Cannabis Accommodation Combining District, the property which the applicant has demonstrated continued cannabis operations is approximately 1.985± acres, 0.015 acre short of the required two (2) acre minimum.

As explained in Chapter 20.118 of the Mendocino County Zoning Code, the intent of the Cannabis Accommodation Combining District is to facilitate greater flexibility in the development standards related to cannabis cultivation for existing commercial cannabis cultivation sites and suspend the 'Sunset Provision for Residential Districts' and allow continued operation.

APPLICANT'S STATEMENT: As provided by the applicant:

My intent is to create a CA District in the 10400 block of Redwood Valley, many of the potential sites are already existing farms that are family ran and operated, many mainly used as secondary income, job retirement or plainly as a passion. Out of the 11 signatures 6 parcels are enrolled in the cannabis program, with 2 more that would have applied but didn't due to fearing it would be a waste of money to apply pay the fees, and still be able to comply with the commercial building codes just to be terminated by 2020....

...Turning this area into a CA District wouldn't change our farms but allow us to continue to cultivate and not have us worry about more expenses that we would incorporate by moving our farms and possible family's. Most of the sunset farms around me are already established not needing to or having the room to expand in our little areas. No Grading needed, no tree removal needed and no threats to waterways. This area was greatly affected by the 2017 fires, some farmers lost their homes but not gardens and some lost gardens and not homes, allowing us to continue to cultivate will allow some in the CA District to rebuild their lives and feel normal again.

CANNABIS CULTIVATION REGULATORY BACKGROUND: The Mendocino County Board of Supervisors adopted Ordinance No. 4381 on April 4, 2017, adding Chapters 10A.17 and 20.242 and a Mitigated Negative Declaration (MND) was adopted by Resolution Number 17-042 for the ordinance. The provisions of the ordinance intended to regulate production by licensed operators and provide clear standards and permitting pathways to help bring baseline cannabis cultivation activities into compliance with existing regulatory frameworks. The ordinance outlines pathways for compliance with new and existing regulations that provide for local review, inspection and oversight ultimately reducing potential environmental effects from existing and proposed cultivation activities. The Board of Supervisors then adopted various amendments to Chapters 10A.17 and 20.242 of County Code that adjusted specific provisions further allowing continuance of current cultivation activities for qualified applicants. Even still, many existing small commercial operations were too constrained by the development standards in the code related to cannabis cultivation operations to meet the minimum requirements for obtaining a cultivation permit.

As such, the Mendocino County Board of Supervisors directed that a Request for Proposals (RFP) be circulated to identify and implement strategies to facilitate the permitting of commercial cannabis uses throughout the County. Specific areas of concern were identified and the Board furthermore requested analysis of the potential use of Overlay Zones or Combining Districts to allow for existing cultivation activities to continue in some zoning designations and total prohibition of cultivation activities in others. Two types of districts were ultimately established by adoption of Ordinance No. 4420 on December 4, 2018 with corresponding new chapters to the zoning code. Chapter 20.118 created Cannabis Accommodation (CA) Combining Districts to support continued operation of existing cultivation sites and Cannabis Prohibition (CP) Combining Districts in Chapter 20.119 intended to prohibit new commercial cannabis use and would end existing permitted commercial cannabis use. On May 22, 2018, the Board of Supervisors adopted Resolution NO. 18-076 which included an addendum to the MND to allow for applications to be processed for Accommodation and Prohibition Combining Districts. In doing so, the County reviewed the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, including Section 15162 (Subsequent EIRs and Negative Declarations) and Section 15164 (Addendum to an EIR or Negative Declaration). Cannabis Accommodation Combining Districts allow the permitting of cultivation sites that can demonstrate prior existence and does not provide a basis for permitting new cultivation sites. Additionally, the robust permitting processes includes site inspections and required compliance with County, regional and state permitting standards, therefore reducing the potential for negative impacts resulting from unpermitted cultivation activities.

CANNABIS ACCOMMODATION COMBINING DISTRICTS: Subject to the approval of a Rezone request and pursuant to Chapter 20.118 of Mendocino County Zoning Code Cannabis Accommodation (CA) Combining Districts may be applied to areas that include existing commercial cannabis cultivation operations and where the zoning designation of the majority of the lots allows residential use by right. A CA Combining District must be comprised of at least ten legal parcels as defined in Section 10A.17.020 of Mendocino County Zoning Code. The parcels may only be separated by roads, rail lines, utility easements, or similar linear public facilities. Applicants seeking to establish a CA Combining district must demonstrate support of affected landowners. The regulations applied to CA Combining Districts is supplemental to the underlying zoning district. The CA Combining Districts are often referred to as a "Cannabis Overlay."

Establishment of a CA Combining District-Mendocino County Code Section 20.118.030

- A Cannabis Accommodation Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed district.
- Applications for CA Combining Districts must include evidence of support for the proposed CA district by more than sixty percent (60%) of the affected property owners within that district.

Modified Regulations of Established CA Districts-Mendocino County Code Section 20.118.040

- Sunset Provision for Residential Districts would not apply to permitted cannabis cultivation uses.
- Cannabis cultivation permit types (C) Small Outdoor, (C-A) Small Indoor, Artificial Light, and (C-B) Small, Mixed Light would not be subject to current 2 acre minimum lot size.
 **Small refers to 2,500 square feet of flowering canopy.*
- Property line setback noted in Section 10A.17.040 (A)(5) would be reduced to 20 feet.
- Property line setback noted in Section 10A.17.040 (A)(5) may be reduced to less than 20 feet or waived subject to Administrative Permit approval.
- Setback from an occupied residential structure on adjacent property noted in Section 10A.17.040 (A)(2) could be reduced to 20 feet subject to Administrative Permit approval.

Restrictions on Modifications to Established CA Districts- Mendocino County Code Section 20.118.050

- Ineligible for repeal or amendment by a member of the public until 10 years after date of approval.
- Once eligible, a request to repeal or amend an established CA District could be initiated by petition of sixty percent (60%) or more of all current property owners within that district.
- Adjacent parcels to the established district could be added within the 10-year period.
- If a CA Combining District is repealed, permitted cultivation authorized through the district could continue for three years.
- Three years following the date of repeal, rights for cultivation that does not meet the standards of the underlying zoning designation would cease.

RELATED APPLICATIONS:

Within District

- AG_2017-0746 Cannabis Cultivation Permit (Issued)
- AG_2017-0747 Cannabis Cultivation Permit (Notice of Application Stay)
- AG_2017-0357 Cannabis Cultivation Permit (Denied)

Adjacent to District

- AG_2017-0049 Cannabis Cultivation Permit (Renewed)

SITE CHARACTERISTICS: The subject Cannabis Accommodation (CA) Combining District is conceived with the applicant's property regarded as the 'subject parcel' or center of the proposed district and is located 2.8± miles northwest of Redwood Valley town center, lying on the west side of West Road (CR 237). The Mendocino County General Plan identifies Redwood Valley as a specific community planning area in which local land use patterns and themes are anticipated to experience the greatest change or growth during the planning period.¹ Bisected by the Russian River, the Redwood Valley community encompasses the town of Redwood Valley and the area north of State Route 20 via East Road. Aside from the commercial downtown core, the valley is primarily agricultural land comprised of residential ranchettes of 5 to 10 acres as well as clusters of smaller parcels, as in the case of the proposed district.

The soil types of parcels within the district are complimentary to agricultural production. Accessed via the Mendocino County Geographic Information System (GIS), the California Department of Conservation Farmland Mapping and Monitoring program classified the lands within the proposed district as Urban & built-up (residential, industrial, institutional facilities etc.) as well as Rural Residential and Rural Commercial (farmsteads, residential areas, composting facilities etc.).² Agricultural in nature, there are several existing agricultural farms adjacent to the proposed district, some designated as Prime Agricultural Land. Often planted with tree or row crops, parcels along the district periphery are limited in development under Williamson Act Contracts.

West Road (CR 237) provides access as the primary north-south bound arterial within the proposed district. Mohawk Trail (CR 237G), Inez Way (CR 237 F) and Road K (237 C) are each west-east roadways providing access to the parcels and Rolling Hills Road (Private) is the only private road providing access to six parcels in the south of the proposed district.

SURROUNDING LAND USE AND ZONING: The subject Cannabis Accommodation Combining District is surrounded by parcels with similar land-uses and zoning designations. The Rural Residential (RR) District applies to enhanced residential areas where agricultural use compatible with a permanent residential use is desired. The largest adjacent parcel (32± acres), an active local vineyard, has the General Plan and Zoning designations as Agricultural and require a 40 acre minimum parcel size.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential	Rural Residential	1.05± Acres	Residential/Vacant
EAST	Agricultural	Agriculture	32± Acres	Agricultural
SOUTH	Agriculture & Rural Residential	Agriculture & Rural Residential	1.3± Acres & 1.40± Acres	Residential
WEST	Rural Residential	Rural Residential	2.59± Acres	Residential

PUBLIC SERVICES:

Access: WEST ROAD (CR 237) MOHAWK TRAIL (CR 237G), INEZ WAY (CR 237 F) AND ROAD K (237 C)
Fire District: REDWOOD VALLEY/CALPELLA FIRE PROTECTION DISTRICT
Water District: WILLOW COUNTY WATER DISTRICT
Sewer District: NONE
School District: UKIAH UNIFIED SCHOOL DISTRICT

¹ Mendocino County General Plan, Chapter 3: Development Element 3-3 pg. 3-6 and Chapter 6: Community Specific Policies pg. 6-38

² California Department of Conservation, Farmland Mapping and Monitoring Program; Important Farmland. Categories Website; Accessed June 8, 2020: <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>

AGENCY COMMENTS:

On December 18, 2019 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below.

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Environmental Health-FB/Ukiah	No Comment
Building Services-Ukiah	No Comment
County Addresser	No Response
Assessor	No Response
Air Quality Management District	No Comment
Resource Lands Management Committee	No Response
CalFire-Prevention	No Comment
CalFire-Resource Management	No Response
Redwood Valley Municipal Advisory Council	Comment
Redwood Valley Water District	No Comment
Redwood Valley-Calpella Fire District	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

On January 16, 2020 Staff received a letter from the Redwood Valley Municipal Advisory Council (MAC) regarding the subject Rezone request to create a Cannabis Accommodation (CA) Combining District where the council requested basic information about the process and requirements to develop a CA district. Staff spoke with the Redwood Valley MAC Development Review Committee Chair and provided answers to questions raised in the aforementioned letter. No additional or subsequent inquiries have been requested by any reviewing agencies.

KEY ISSUES

1. General Plan and Zoning Consistency:

The Mendocino County General Plan identifies Redwood Valley as a specific community planning area in which local land use patterns and themes are anticipated to experience the greatest change or growth during the planning period. Bisected by the Russian River, the Redwood Valley community encompasses the town of Redwood Valley and the area north of State Route 20 via East Road.

Goal CP-RV-3: Maintain the agricultural nature of the valley by retaining Agricultural zoning and avoiding incremental increases in rural densities.

The purpose and intent of the Cannabis Accommodation (CA) Combining District is to support cannabis cultivation that currently exists and, except for limited aspects of development standards, could be legally permitted under current regulations. The County's cannabis regulations were analyzed under the California Environmental Quality Act (CEQA) to determine how cannabis activities may impact the environment. The Mitigated Negative Declaration found that as applied, there were no new significant environmental effects that would require new mitigation. Furthermore, the regulations do not conflict with the policies of the General Plan and rather address and comply with the newly developed framework. The Rezone request R_2019-0009 seeks to allow for eligible existing cannabis cultivators within the proposed district to continue operation of cannabis farms of no more than 2,500 square feet of cannabis. Continued operation of these small existing farms engenders development of greenhouses both temporary and permanent as components to complete operations, further developing the parcels for commercial use rather than increasing rural dwelling densities.

Policy DE-14: “The Rural Residential classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. 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.”³

All of the parcels within the subject district are located in the Rural Residential (RR) zoning district and allow residential use by right. Varying in size and conformity, the parcels that comprise the proposed district are developed with residences and ancillary structures including but not limited to storage sheds, workshops, swimming pools, garages and barns. 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 in providing a socioeconomic driver in Redwood Valley.

The Redwood Valley Fire began October 8, 2017 and burned for 123 days and destroyed 36,523 acres across Mendocino County.⁴ The catastrophic event precipitated an extraordinary increase in development needs throughout the valley. The process to rebuild the community destroyed by fire occurred concurrently with implementation of a legal cannabis cultivation framework at the local and state levels.

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 and larger 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. As asserted by the applicant in the above section, those most affected by the fire were existing cultivators who will be incapable of rebuilding their properties and businesses without approval of a Cannabis Accommodation Combining District.

Land Owner Support: The application for R_2019-0009 was submitted by the applicant on behalf of all property owners of parcels within the proposed district. The application was initiated in response to the County's *Sunset Clause* regarding existing commercial cannabis cultivation operations on parcels less than two acres in size. The applicant and primary cultivator seeking the CA Combining District has operated the commercial farm on the current parcel 0.015 acres below the 2 acre threshold for some time. As previously discussed, sixty percent (60%) of the affected property owners are required to demonstrate support for the district. Pursuant to Section 20.118.030 (B) of county code, applications to establish these districts must be accompanied by either a petition or alternative demonstration of applicable landowner support. To protect the privacy of applicable landowners, the results of the petition are synthesized in the following paragraph.

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 explaining the absolute importance of the ability to continue existing cannabis cultivation activities 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.

2. Environmental Determination: Cannabis Accommodation Combining Districts only allow the permitting of cultivation sites that can demonstrate prior existence and do not provide a basis for permitting new cultivation sites. Additionally, through the process of permitting, including site inspection and required compliance with County, regional, and state permitting standards, impacts resulting from unpermitted cultivation are reduced.

³ Mendocino County General Plan Chapter 3: Development Element; Policy DE-14 pg 3-74.

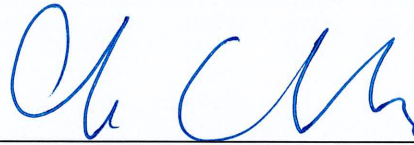
⁴ Redwood Valley Fire (Mendocino Lake Complex) as reported on the CalFire Website; accessed 6/8/2020: <https://www.fire.ca.gov/incidents/2017/10/8/redwood-valley-fire-mendocino-lake-complex/>

An Addendum to the existing Mitigated Negative Declaration (SCH # 2016112028) has been completed in compliance with the California Environmental Quality Act (CEQA) and CEQA guidelines. Adoption of the Addendum attached to the enclosed resolution is supported by the incorporated analysis and findings which establish 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

By Resolution, the Planning Commission recommends that the Board of Supervisors adopt an Addendum to the Mitigated Negative Declaration and approve the requested Rezone, as proposed by the applicant, based on the facts and findings contained in the resolution.

July 24, 2020
DATE



CHEVON HOLMES
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$1616.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Cannabis Sites Map
- D. Zoning Map
- E. General Plan
- F. Adjacent Parcels Map
- G. Fire Hazards and Responsibility Map
- H. Wetlands Map
- I. Soils Map
- J. Williamson Act Map
- K. Farmland Classifications Map

RESOLUTION AND Exhibit A:



CASE: R 2019-0009
OWNER: Various
APN: Various
APLCT: Allan McGinty
AGENT:
ADDRESS: West Road, Redwood Valley

Major Towns & Places
Major Rivers
Highways

Major Roads

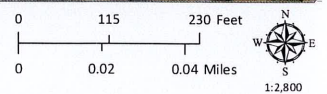
0 2,550 5,100 Feet
0 0.5 1 Miles
1:63,360

LOCATION MAP
ATTACHMENT A




CASE: R 2019-0009
 OWNER: Various
 APN: Various
 APLCT: Allan McGinty
 AGENT:
 ADDRESS: West Road, Redwood Valley

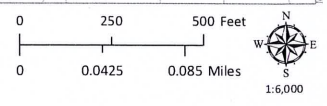
== Public Roads
 == Private Roads

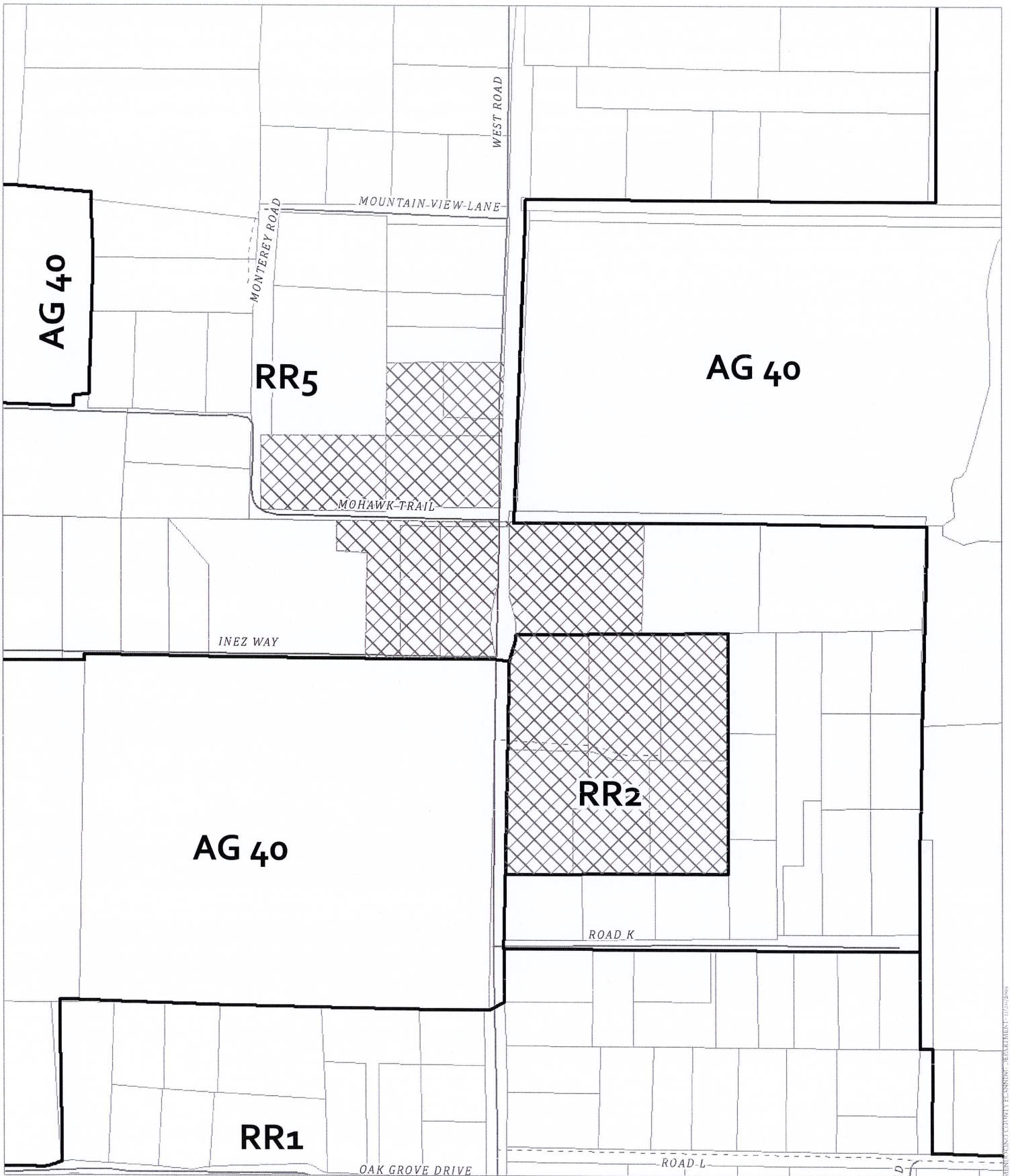






CASE: R 2019-0009
OWNER: Various
APN: Various
APLCT: Allan McGinty
AGENT:
ADDRESS: West Road, Redwood Valley

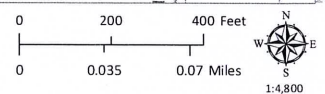
 Cannabis Cultivation Sites

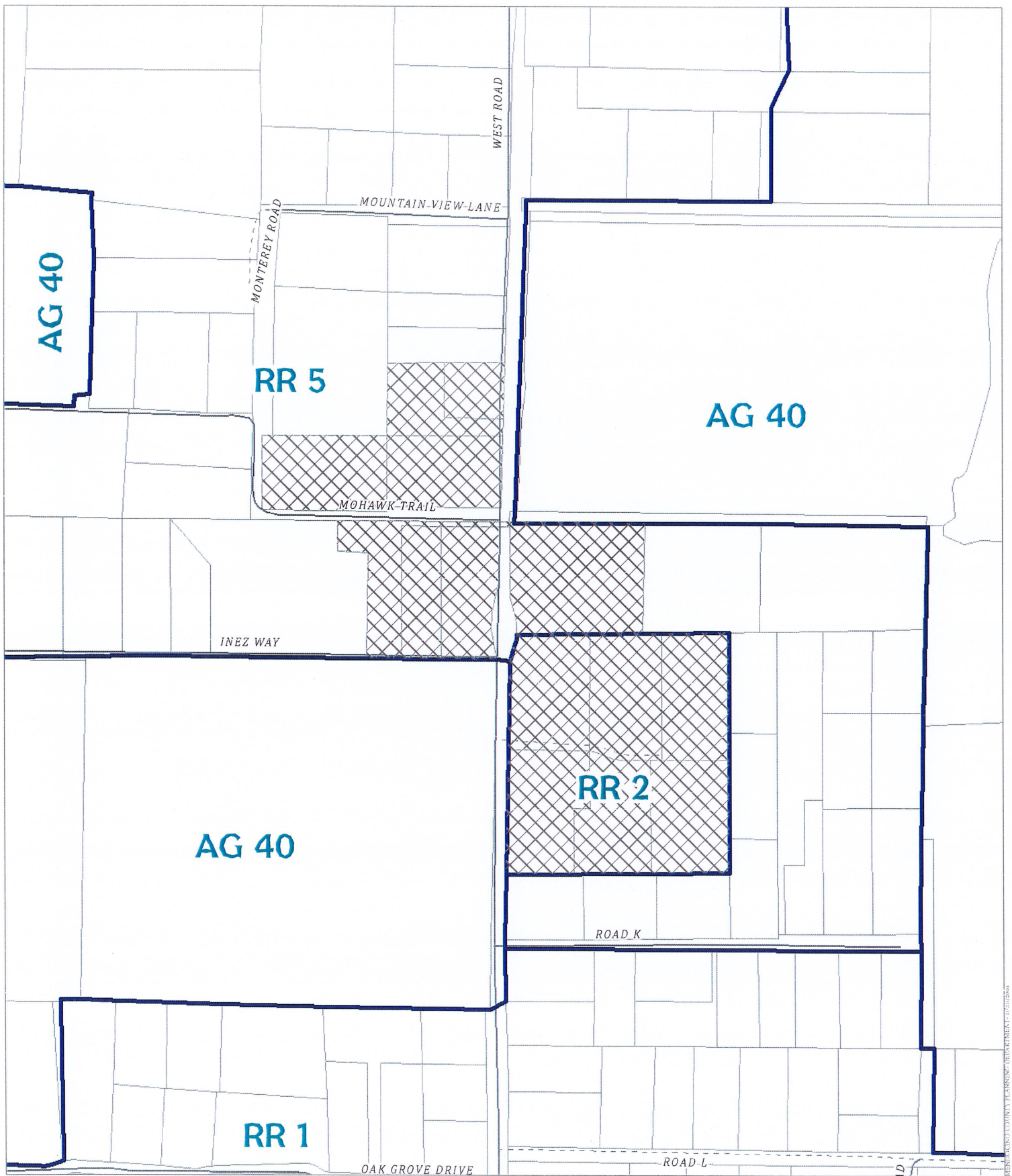






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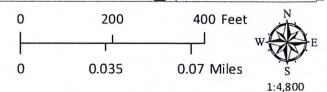
 Zoning Districts
 Public Roads

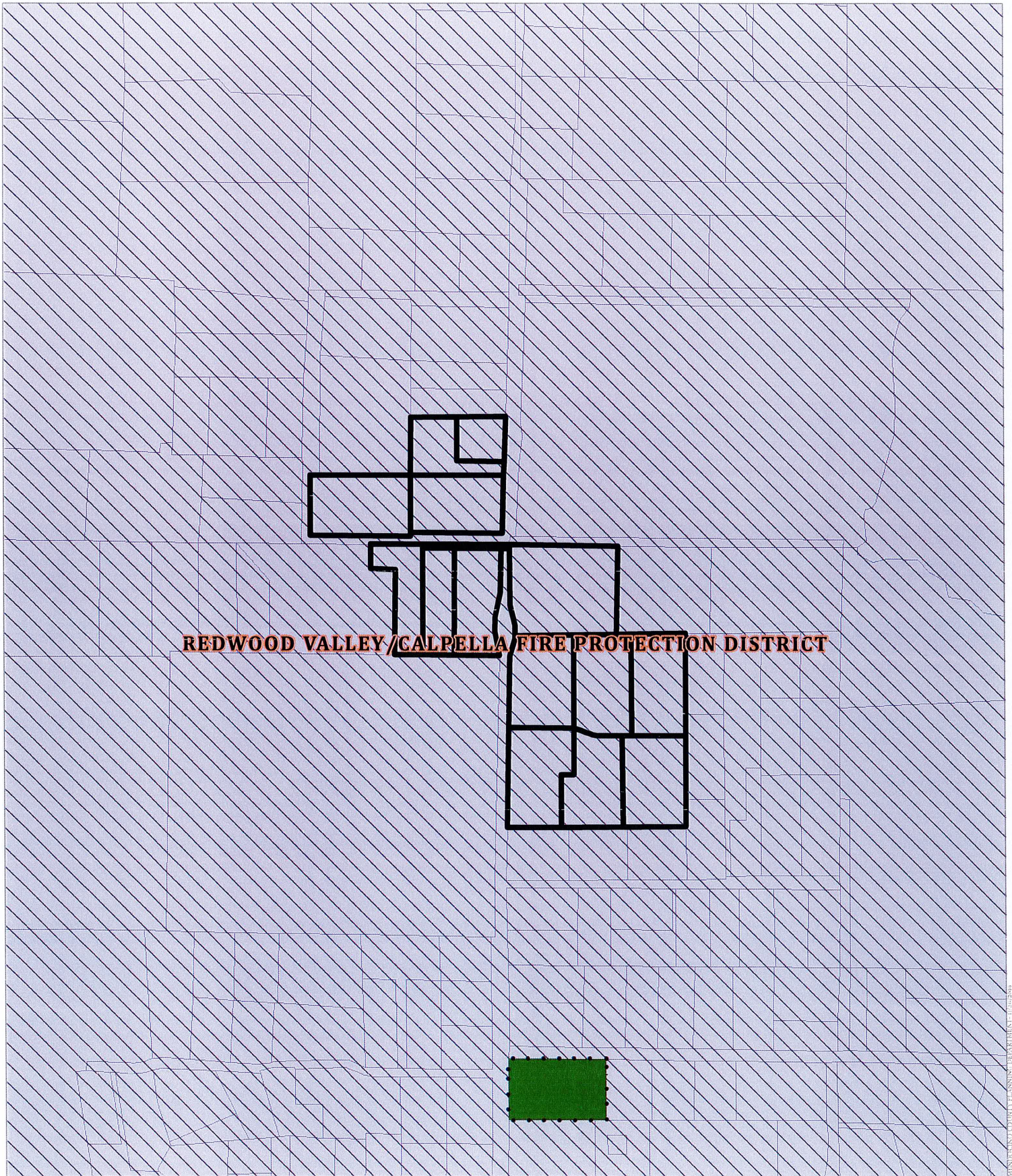




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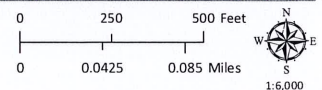
 General Plan Classes
 Public Roads



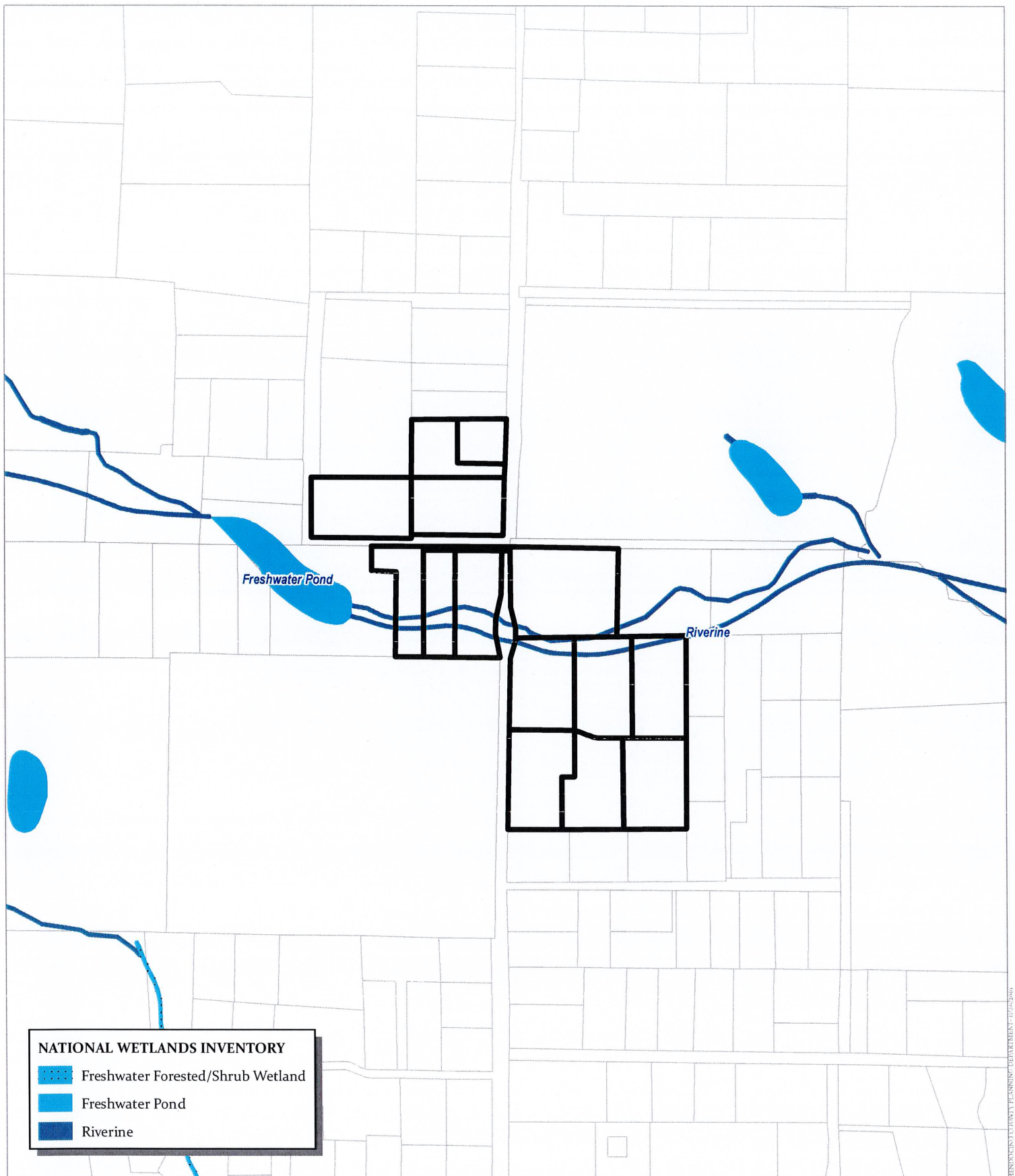


REDWOOD VALLEY/CALPELLA FIRE PROTECTION DISTRICT

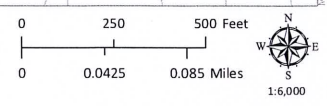
CASE: R 2019-0009
OWNER: Various
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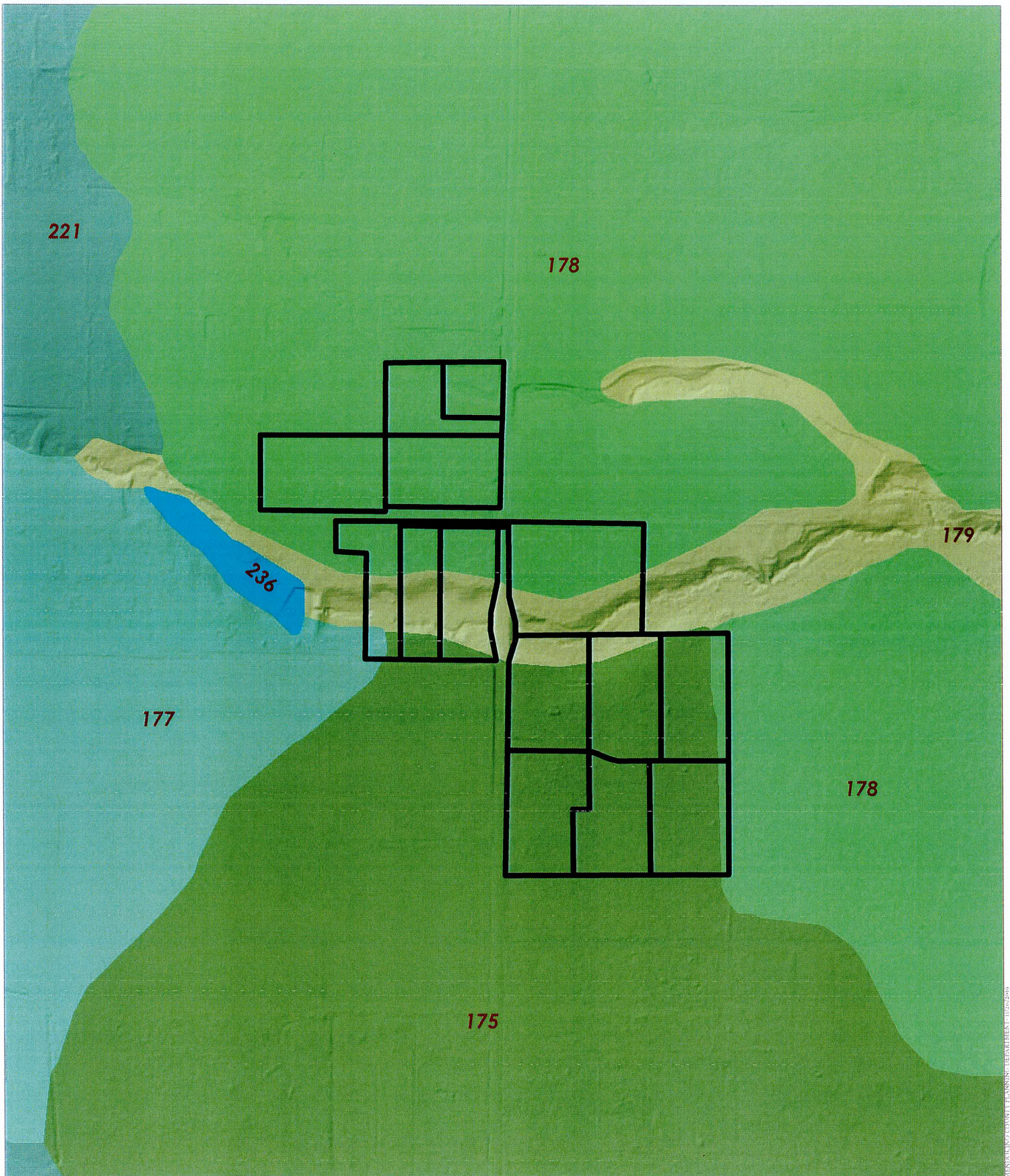


LOCAL RESPONSIBILITY AREA
ATTACHMENT G

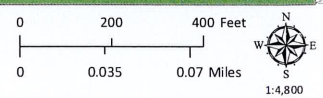


CASE: R 2019-0009
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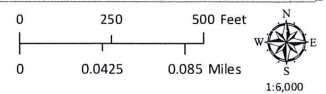


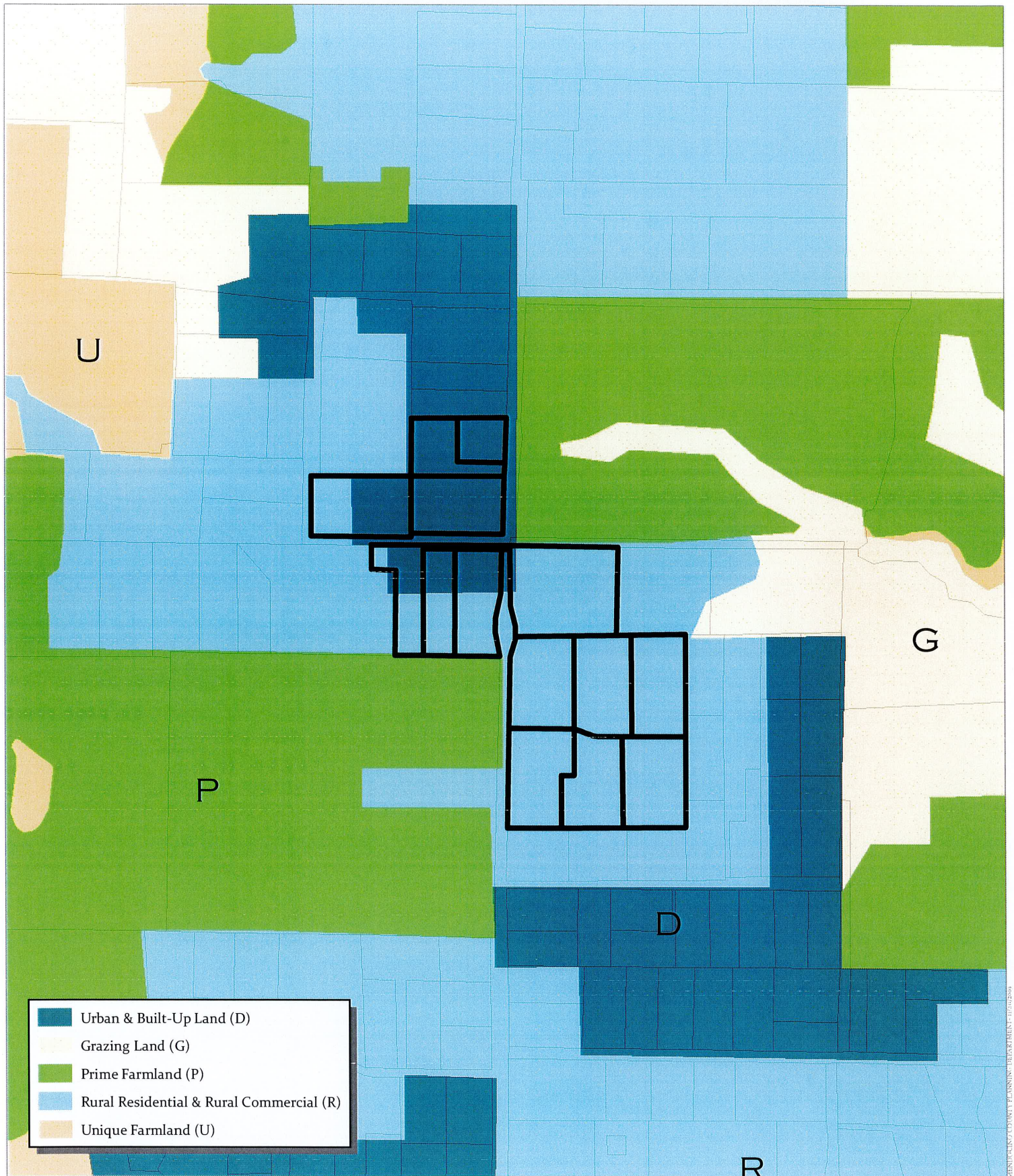
CASE: R 2019-0009
OWNER: Various
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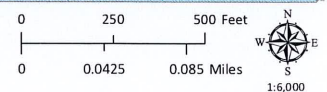
Williamson Act 2018

Prime Ag 2018





CASE: R 2019-0009
 OWNER: Various
 APN: Various
 APLCT: Allan McGinty
 AGENT:
 ADDRESS: West Road, Redwood Valley



Resolution Number _____

County of Mendocino
Ukiah, California
August 6, 2020

R_2019-0009 STEPHEN J & SHANNON L COLLINGS

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING AN ADDENDUM TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION (MND; SCH#2016112028), IN COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS TO REZONE CERTAIN PARCELS AND CREATE A COMMERCIAL CANNABIS ACCOMMODATION COMBINING DISTRICT.

WHEREAS, the applicant, Dylan McGinty, 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 2.8± miles northwest of Redwood Valley town center, lying on the west side of West Road (CR 237), adjacent to its intersection with Mohawk Trail (CR 237G), located at various addresses in Redwood Valley (APN's: 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); Rural Residential Zoning and General Plan designations; Supervisorial District 1; (the "Project"); and

WHEREAS, on April 4, 2017, the Board of Supervisors adopted Ordinance No. 4381, adding chapters 10A.17 and 20.242 to the Mendocino County Zoning Code, referred to as the Mendocino Cannabis Cultivation Regulations (MCCR); and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA) and the CEQA Guidelines (Title 14 California Code of Regulations section 15000 et seq.) an Initial Study was prepared, which determined that the Project will not have a significant effect on the environment with the implementation of mitigation measures, which supported the adoption of a Mitigated Negative Declaration (MND); and

WHEREAS, the Mendocino County Board of Supervisors adopted a Mitigated Negative Declaration (MND) (SCH #2016112028) for the initial adoption of the Mendocino County Code Chapter 10A.17 Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 Cannabis Cultivation Sites Project on 3/27/17, following a public review period as required by CEQA and the CEQA Guidelines; and

WHEREAS, following the initial adoption of the MCCR, multiple ordinance amendments have been processed which have been reviewed pursuant to CEQA and for which addenda pursuant to CEQA have been adopted, including the adoption of a new Chapter 20.118 "Commercial Cannabis Accommodation Combining District" and Chapter 20.119 "Commercial Cannabis Prohibition Combining District"; and

WHEREAS, Section 15164 of the CEQA Guidelines provides that an addendum to a previously adopted MND may be prepared if only minor technical changes or additions to the project are necessary and if none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent environmental impact report or mitigated negative declaration have occurred; and

WHEREAS, County staff has prepared an Addendum to the adopted Mitigated Negative Declaration related to the proposed Project, which is attached to this resolution as Exhibit "B" and

incorporated herein by this reference ("Addendum"), and which determines that none of the conditions described in CEQA Guidelines Section 15162 will occur as a result of the Project; and

WHEREAS, in accordance with applicable provision of law, the Planning Commission held a public hearing on August 6, 2020, to solicit public comments on the proposed Project, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the addendum and proposed Project. All interested persons were given an opportunity to hear and be heard regarding the Addendum and proposed 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 Addendum and proposed 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 and Addendum related thereto:

1. The Planning Commission recommends that the Board of Supervisors adopt the Addendum to the previously adopted Mitigated Negative Declaration (SCH #2016112028) for the Mendocino County Cultivation Regulations as described in Exhibit "B" to this Resolution.
2. The Planning Commission recommends that the Board of Supervisors approve Rezone application R_2019-0009 to create a Commercial Cannabis Accommodation Combining District over 14 parcels, as listed in Exhibit "A" to this Resolution.

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:

BY: JAMES F. FEENAN
Commission Services Supervisor

BY: BRENT SCHULTZ
Director

MARILYN OGLE, Chair
Mendocino County Planning Commission

EXHIBIT A: REZONE EXHIBIT MAP

EXHIBIT B: ADDENDUM TO MND

EXHIBIT "A"

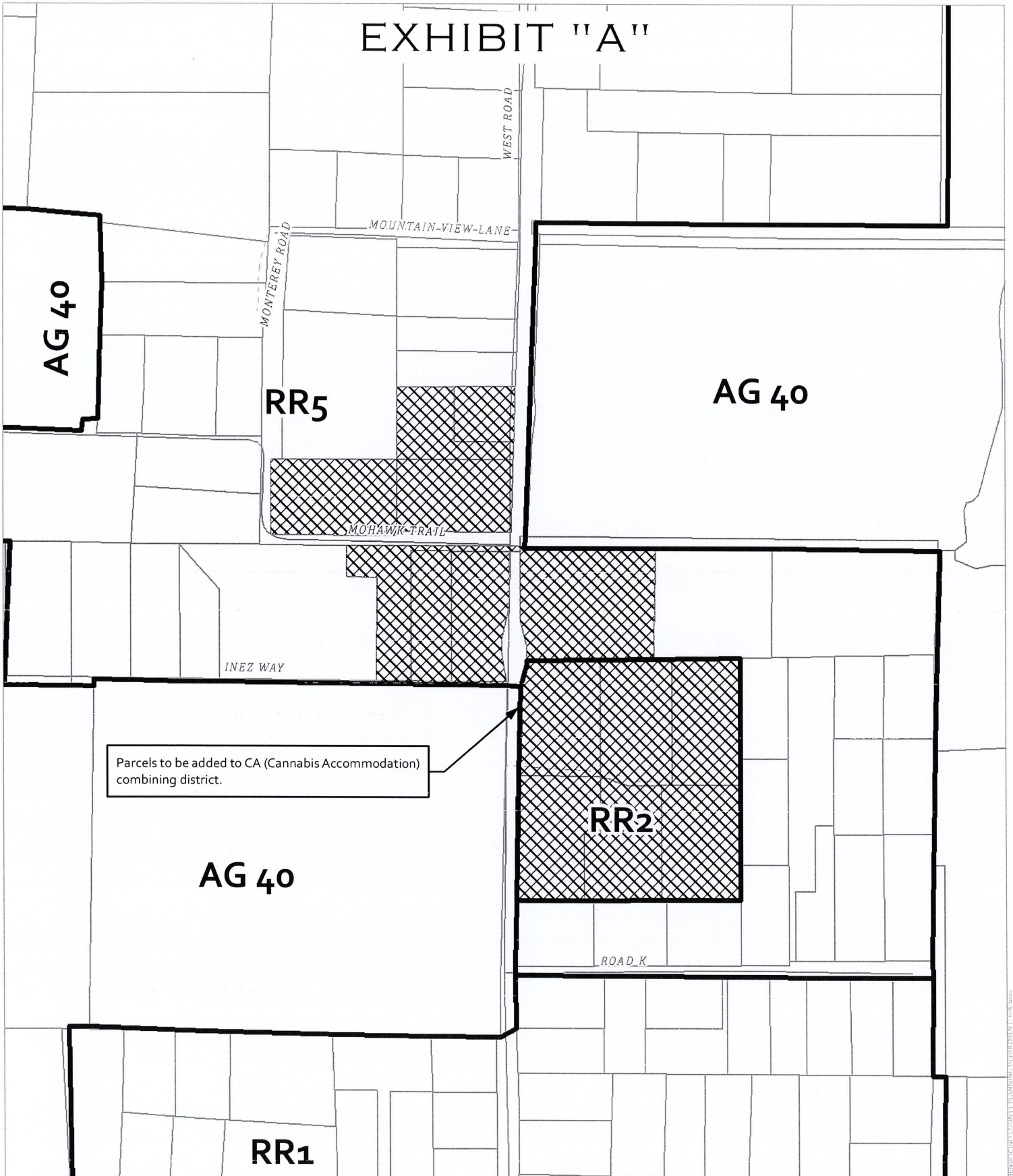


EXHIBIT "A" CONT.

APN	PROPERTY ADDRESS
16015011	10400 WEST RD
16015022	1900 MOHAWK TRAIL
16015039	
16015040	10480 WEST RD
16019012	1921 MOHAWK TRAIL
16019013	1931 MOHAWK TRAIL
16019014	10380 WEST RD
16020027	10375 WEST RD
16020032	2565 ROLLING HILLS RD
16020033	2530 ROLLING HILLS RD
16020034	2560 ROLLING HILLS RD
16020035	2580 ROLLING HILLS RD
16020036	2585 ROLLING HILLS RD
16020037	10201 WEST RD

Exhibit "B"

July 20, 2020

Addendum to the Mitigated Negative Declaration (MND: SCH#2016112028 Adopted April 4, 2017 by the Mendocino County Board of Supervisors) for the County of Mendocino Cannabis Cultivation Regulations

Commercial Cannabis Accommodation Combining District

Rezone Application R_2019-0009

Assessor Parcel Numbers: 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

Prepared By: Chevon Holmes
Planner II

This Addendum has been prepared in accordance with Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA) and serves as an Addendum to the previously adopted Mitigated Negative Declaration (MND; SCH#2016112028) for the Mendocino Cannabis Cultivation Regulations. The County of Mendocino was the lead agency for the environmental review of the Cannabis Cultivation Regulations.

BACKGROUND

The Mendocino County Board of Supervisors adopted Ordinance No. 4381 on April 4, 2017, adding Chapters 10A.17 and 20.242 and a Mitigated Negative Declaration (MND) was adopted by Resolution Number 17-042 for the ordinance. The provisions of the ordinance intended to regulate production by licensed operators and provide clear standards and permitting pathways to help bring baseline cannabis cultivation activities into compliance with existing regulatory frameworks. The ordinance outlines pathways for compliance with new and existing regulations that provide for local review, inspection and oversight ultimately reducing potential environmental effects from existing and proposed cultivation activities. The Board of Supervisors then adopted various amendments to Chapters 10A.17 and 20.242 of County Code that adjusted specific provisions further allowing continuance of current cultivation activities for qualified applicants.

Impacts discussed in the MND were primarily focused on methods to reduce and ultimately eliminate clandestine cannabis cultivation activities occurring in remote and off-grid environments throughout the county. Cannabis cultivation facilities exclusively powered by generators that operate for extended periods produce significant levels of emissions compared to operations with access to grid-supplied energy via public utility. Unauthorized water diversions from natural waterways contribute to the dewatering of streams and provide a mechanism for sediment delivery from land disturbance and pollutant discharge such as pesticides. To attenuate these impacts, the MND proposed changes to the ordinance as mitigating actions required for projects covered in the MND. Even still, many existing small commercial operations were too constrained by the development standards in the code related to cannabis cultivation operations to meet the minimum requirements for obtaining a cultivation permit.

As such, the Mendocino County Board of Supervisors directed that a Request for Proposals (RFP) be circulated to identify and implement strategies to facilitate the permitting of commercial cannabis uses throughout the County. Specific areas of concern were identified and the Board subsequently requested analysis of the potential use of Overlay Zones or Combining Districts to allow for existing cultivation activities to continue in some zoning designations and total prohibition of cultivation activities in others.

Two types of districts were ultimately established with corresponding new chapters to the zoning code. Chapter 20.118 created Cannabis Accommodation (CA) Combining Districts to support continued operation of existing cultivation sites and Cannabis Prohibition (CP) Combining Districts in Chapter 20.119 intended to prohibit commercial cannabis use and end existing permitted commercial cannabis use. On May 22, 2018, the Board of Supervisors adopted Resolution NO. 18-076 which included an addendum to the MND to allow for applications to be processed for Accommodation and Prohibition Combining Districts. In doing so, the County reviewed the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, including Section 15162 (Subsequent EIRs and Negative Declarations) and Section 15164 (Addendum to an EIR or Negative Declaration). Cannabis Accommodation Combining Districts will only allow the permitting of cultivation sites that can demonstrate prior existence and will not provide a basis for permitting new cultivation sites. Additionally, the robust permitting processes includes site inspections and required compliance with County, regional and state permitting standards, the potential for negative impacts resulting from unpermitted cultivation is reduced through the process of securing and maintaining a cannabis cultivation permit.

PURPOSE

As provided in Section 15164 of the California Environmental Quality Act (CEQA), the lead agency shall determine whether an Addendum is the appropriate document to analyze proposed modifications to a project. In the case with the subject Rezone application R_2019-0009, the applicant seeks to create the

Commercial Cannabis Accommodation Combining District. If approved, the existing cannabis cultivation operations can operate with greater flexibility in the development standards related to cannabis cultivation and alleviate the 'Sunset Provision for Residential Districts' and continue operation.

DECISION ANALYSIS

Establishment of a new Cannabis Accommodation District constitutes a "project" subject to CEQA which precipitates the requirement for further environmental review under the California Environmental Quality Act. Section 15162 of the California Environmental Quality Act explains that when a Mitigated Negative Declaration (ND) has been adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the mitigated negative declaration was adopted shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous mitigated negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous mitigated negative declaration;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one of more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or
 - d. Mitigation measures or alternative which are considerably different from those analyzed in the previous mitigated negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No additional mitigation is required. Creation of the district itself does not affect the effectiveness of the mitigation measures outlined in the adopted Mitigated Negative Declaration as there will be no additional environmental impacts associated with establishing the district. The Cannabis Accommodation (CA) Combining Districts allow existing cannabis cultivation operations that are actively seeking County approval or cultivation permits flexibility of regulations and ultimately provide standards and permitting pathways to bring baseline commercial cannabis cultivation activities into compliance. As part of the cannabis cultivation permitting process for legacy applicants, proof of prior cultivation functions as an eligibility requirement, an affirmation that existing cultivation activities were in operation in 2016 or earlier. Cultivation sites for which applicants seeking permits, are subject to inspection and must comply with applicable regulations and any requirements applied through the cannabis permit review process, as well as review and permitting by regional and state agencies.

The applicant's request to create a Commercial Cannabis Accommodation Combining District does not meet the criteria for preparing a subsequent mitigated negative declaration. An Addendum is appropriate as none of the conditions constituting preparation of a subsequent mitigated negative declaration have occurred.

FINDINGS

1. For the proposed Rezone application R_2019-0009 to create a Commercial Cannabis Accommodation Combining District, no substantial changes that would require major revisions to the previous Mitigated Negative Declaration (MND) have been identified. No new significant environmental effects increase in the severity of those previously identified in the adopted MND.

Allowing the continuation of use on sites currently in cultivation would not create a new significant impact or increase severity as these sites were already in existence at the time the MND was drafted and are therefore considered part of the baseline conditions. The proof-of-prior cultivation eligibility requirement for cultivation permits charges applicants to demonstrate that cannabis cultivation activities had existed prior before the MND was adopted. All permitted cannabis cultivation sites within approved CA Combining Districts are restricted to 2,500 square feet of canopy, the least allowed in any zoning designation in the county. The proposed Rezone will only allow the continuation of existing cultivation operations or cultivation as allowed under the current County Code and would include local review with inspections and oversight of these operations where no oversight previously occurred.

2. For the Commercial Cannabis Accommodation Combining District, no substantial changes occurred with respect to the circumstances under which the project is undertaken that requires major revisions of the previous mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The circumstances under which the project is undertaken remain the same and based on the discussion above, no new significant environmental effects resulting from the proposed project are anticipated. The applicant is a current and active permitted Mendocino County Cannabis Cultivator (AG_2017-0746) and holds a Provisional Adult Use Cannabis Cultivation License (CCL18-0001421) issued by the California Department of Food and Agriculture.

3. For the Commercial Cannabis Accommodation Combining District, there no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

There has been no new information of substantial importance that was not known and could not have been known at the time the previous MND was prepared and adopted April 4, 2017 by the Mendocino County Board of Supervisors. The baseline conditions describing the overall impacts of existing cannabis cultivation remain the same.

4. The proposed district does not constitute a change in the level of significance previously discussed in the adopted MND. As such, it is concluded that the current Commercial Cannabis Accommodation Combining District will not have one or more significant effects not discussed in the previous MND. There are no mitigation measures previously found not to be feasible that would in fact be feasible and substantially reduce one or more significant effects of the project.

The proposed district does not require changes to any mitigation measures. No new potential impacts have been identified requiring new mitigation measures to be developed.

5. Finally, there are no mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the previous MND, and which would substantially reduce one or more significant effects on the environment.

The Rezone R_2019-0009 request to create a Commercial Cannabis Accommodation Combining District does not involve changes to, or analysis of any mitigation measures previously identified or adopted.

CONCLUSION

Based on the above discussion it is concluded that an Addendum to the adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed Commercial Cannabis Accommodation Combining District because there are no new significant environmental effects that would require new mitigation. The proposed project is consistent with Section 15164 Article II, Title 14 of the California Code of Regulations (CCR) as required by the California Environmental Quality Act (CEQA). Therefore, no additional analysis is required.

June 10, 2020

To Whom it May Concern:

Thank you for your consideration to allowing our parcels the ability to be accepted into an overlay program to allow us to continue cultivating cannabis legally. My family purchased this two acre parcel 4 or 5 years ago, we were excited to find an empty lot on the valley floor that would allow us to continue to be a part of the Redwood Valley area. We had adopted our daughter a year prior and were ready to begin building a home closer to schools and the community. Prior, we had been cannabis farming further out in the hills. With the passing of legalization, it felt like a smart move to purchase the property as all indications were that two acre parcels would be allowed to have a "Small Cottage grow" of 2500 square feet. Shortly after purchasing the laws changed a little and we were told we would have 3 year sunset period, after which we wouldn't be able to grow. This was devastating. Having just purchased and used up all our equity and funds, along with needing to build a residence to meet the loan requirements, we weren't and aren't able to purchase a larger parcel of land.

We were hopeful that something would change or that we would be able to get accepted into the overlay program to be able to continue being a part of this community. Needless to say, the last couple years have not gone well. We applied for and received our original license as soon as we could. Then in 2018, as everyone is aware, the Mendo Complex Fire happened and decimated the community. It burned through our subdivision, luckily stopping within 10 feet of the house I was in the process of building myself. It burned up a good majority of my building supplies and also destroyed my cannabis garden and infrastructure. This was obviously a devastating blow of needing to repurchase building supplies as well as losing my years work and income. The following year, 2019, the last year of the sunset program, I lost my entire harvest again when the rental house burned down we were staying in.

I'm asking for you to please allow us into an overlay program to continue being able to grow legally. We love the area and the people and want our children (now two) to grow up in this area as the way the community pulled together after the fires really made us feel like this should be our home. If we aren't able to get into the legal side of the industry, we will be forced to leave the area.

Sincerely,

A handwritten signature in black ink, appearing to read "Ahren Osterbrink". The signature is fluid and cursive, with a large, stylized initial "A" and "O".

Ahren Osterbrink

2585 Rolling Hills, Redwood Valley CA