



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_2019-0011 TO ADD A CANNABIS ACCOMMODATION (CA) COMBINING DISTRICT TO THE CURRENT ZONING DESIGNATION OF SUBURBAN RESIDENTIAL (SR)

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 activities:

- 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 Negative Mitigated 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 establishing a CA district that includes twelve (12) separate parcels to allow continuance of existing commercial cannabis operations per Mendocino County Code Chapter 20.118. The subject district is located 4.9± miles northeast of the Ukiah town center, lying on the south side of Milani Drive (CR 227A), 0.05 mile west from its intersection with East Calpella Road (CR 227), located various addresses in Calpella including APN's: 168-184-02, 168-181-05, 168-181-06, 168-182-08, 168-184-03, 168-184-04, 168-184-05, 168-184-06, 168-185-05, 168-185-06, 168-185-20, 168-185-21.

Cannabis Accommodating (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: The Suburban Residential (SR) land use category in the General Plan classifies the designation as lands that should have moderate to light constraints for residential development. The intent of the Suburban Residential zoning is to create and enhance neighborhoods where a mixture of residential, public facilities and community oriented commercial uses are desired. The Parcels within the subject district are accessed by public roads are most limited in development by size and existing structures. 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.

Land Owner Support: Establishment of a Commercial Cannabis Prohibition Combining District requires that the applicant demonstrate support from at least 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 twelve (12) contiguous parcels within the proposed district, 83% (10) of property owners signed the owner petition supporting creation of the accommodation district. Two (2) property owners did not vote for reasons unknown to staff. Although excluded from the proposed district, additional contiguous property owners submitted letters supporting creation of the CA Combining District. A few described the cannabis cultivation site as “professional” and an “ethically ran business” having experienced the brand’s production within the neighborhood for more than twelve years. Given the historical presence of cannabis cultivation within the proposed district as well as on adjacent parcels, staff finds the collection of parcels acceptable for development of a Cannabis Accommodation Combining District and meets the required thresholds as enumerated in Chapter 20.118 of the Mendocino County Zoning Code.

Ukiah Valley Area Plan: The proposed project is subject to the Ukiah Valley Area Plan (UVAP) and found to be consistent with the policies of the Plan. Described as a distinct community in the UVAP, the town of Calpella includes features such as picturesque views of the Russian River, open space and agricultural lands immediately adjacent to the built environment.¹ Land Use Goal LU-1 in the UVAP encourages creation of compact, mixed-use, and well-balanced communities that can achieve the plan’s principles of sustainability. Approved Commercial Cannabis Accommodation Combining Districts provide all eligible cannabis operators within the district access to a live-work opportunity often unavailable in a rural setting. In this situation, operators have historically lived where they cultivate for several reasons, including minimizing operations costs associated with residential uses or cultivation sites. In doing so, cultivation activities are configured on residential parcels which allows cannabis operators to function within an integrated socioeconomic nexus.

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 Rezone (R_2019-0011 – Calpella/Milani Drive District); Adopt an Ordinance rezoning twelve (12) legal parcels, totaling 8.96± acres, to add a Cannabis Accommodation (CA) Combining District to parcels currently zoned Suburban Residential (SR); 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

¹ Ukiah Valley Area Plan (UVAP), Section 4 Community Design, pg. 4-5.