



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_2019-0011

DATE FILED: 10/29/2019

OWNER/APPLICANT: STEPHEN THATCHER

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: 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 at various addresses in Calpella (APN: 168-184-02, 168-181-06, 168-181-05, 168-182-08, 168-184-05, 168-184-04, 168-184-03, 168-185-20, 168-185-21, 168-185-05, 168-185-06, 168-184-06).

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: CHEVON HOLMES

The staff report 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

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_2019-0011

DATE FILED: 10/25/2019

OWNER/APPLICANT: STEPHEN THATCHER

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 Calpella

(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).

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>

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BRENT SCHULTZ, Director of Planning and Building Services



**PLANNING COMMISSION
STAFF REPORT- REZONE**

**AUGUST 6, 2020
R_2019-0011**

SUMMARY

OWNER: VARIOUS

APPLICANT: STEPHEN THATCHER
361 MILANI DR
UKIAH, CA 95482

REQUEST: A Rezone request to create a Cannabis Accommodation 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: 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 (APN: 168-184-02, 168-181-06, 168-181-05, 168-182-08, 168-184-05, 168-184-04, 168-18-03, 168-185-20, 168-185-21, 168-185-05).

TOTAL ACREAGE: 8.96± Acre Cannabis Accommodation Combining District

GENERAL PLAN: Suburban Residential, 12,000 Square Foot Minimum (SR12K)

ZONING: Suburban Residential, 12,000 Square Foot Minimum (SR:12K)

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_2019-0011.

STAFF PLANNER: CHEVON HOLMES

BACKGROUND

PROJECT DESCRIPTION: Rezone request to create a Cannabis Accommodation Combining District of approximately 8.96± acres 4.9± miles northeast of the Ukiah town center. Consisting of twelve (12) legal parcels zoned Suburban Residential (SR) requiring 12,000 square feet minimum parcel sizes (SR:12K). The applicant, a long-time Mendocino County resident and cannabis cultivator seeks to continue their small cannabis production operation which has existed with continued use on the subject property which they own for some time. In the case of this Rezone application (R_2019-0011) to create a Commercial Cannabis Accommodation Combining District, the property which the applicant has demonstrated continued cannabis operations is approximately 1.04± acres, 0.96 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 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:

I have a provisional California state license #pal18-0001720 for cultivating cannabis. I have completed an application with Mendocino County for cultivation 2500 square feet. With everything in compliance, now issued. I have been working on this since 2017. After achieving all that work, the end of the sunset program can shut me down. With not a lot of time on my hands. I have been working with my neighbors that are supporting this, that are not cultivators, and I have neighbors that are supporting this, that are cultivators looking to be compliant, once the district is in place.

All of these owners and owner neighbors have sign a document stating they are in favor of being part of a special Cannabis District. Enclosed are copies of these documents. I sent a lot of neighbors in our area a letter asking them if they were interested in being part of the Cannabis district. I was very successful in approved signed documents returned to me. Some neighbors jumped on board to help. The neighbors that have not reply will not be put on the map if they are outside the area. Those that are in the area will be shown in the maps we present. Please help us to be in compliance and part of the solution and not the problem. Thank you for your consideration.

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) Districts Combining 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 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 is 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:

On-Site

- AG_2017-0360 Cannabis Cultivation Permit (Issued)
- BU_2017-0567 Water Well Improvements
- BU_2017-0568 Amnesty Greenhouse
- BU_2017-0672 Amnesty Trellis to Existing Shop
- BU_2018-1111 Roof Mount Solar
- BU_2019-0028 Additional Battery for Solar

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 4.9± miles northeast of the Ukiah town center, lying on the south side of Milani Drive (CR 227A). Also known as Calpella, this area is located on the Russian River, and as encouraged in the Mendocino County General Plan, should be developed around agriculture and related industries.¹

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, suitable for residential, industrial and commercial facilities. According to the Mendocino County Western Soil Survey, three primary soil types exist on parcels within the district; Vandamme loam (Type 221), Mackerricher sandy loam (Type 181) and Iversen loam (Type 176) of which have comparable permeability and viability in terms of agricultural production. Located within the Russian River Flood Control District, the parcels are able to access domestic water from the Millview County Water District while some parcels, such as in the case with the applicant's parcel, utilize private wells to provide adequate additional water supply.

Milani Drive (CR 227A) provides access as the primary arterial within the proposed district with parcels on the south end accessed by East Side Calpella Road (CR 227).

SURROUNDING LAND USE AND ZONING: The subject Cannabis Accommodation Combining District is surrounded by parcels with similar land-uses and zoning designations. The Suburban Residential (SR) classification is intended to be applied to transitional lands adjacent to cities or towns, including in portions of Community Planning Areas where only residential activities are considered desirable, which lands are appropriate to accommodate future growth.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Suburban Residential	Suburban Residential	47,987 ± Square Feet	Residential
EAST	Suburban Residential	Suburban Residential	44,145 ± Square Feet	Residential
SOUTH	Suburban Residential	Suburban Residential	23,419 ± Square Feet	Residential
WEST	Suburban Residential	Suburban Residential	41,212 ± Square Feet	Residential

PUBLIC SERVICES:

Access: MILANI DRIVE (CR 227A), EAST SIDE CALPELLA ROAD (CR 227)
Fire District: UKIAH VALLEY FIRE PROTECTION DISTRICT
Water District: MILLVIEW COUNTY WATER DISTRICT
Sewer District: NONE
School District: UKIAH UNIFIED SCHOOL DISTRICT

AGENCY COMMENTS:

On February 18, 2020 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.

¹ Mendocino County General Plan, Chapter 3: Development Element; pg. 3-4.

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

KEY ISSUES

1. General Plan and Zoning Consistency: The project is consistent with the General Plan designation of Suburban Residential and is further explained in the Land Use Section of the General Plan.

Suburban Residential Land Use Category Policy DE-13:

The Suburban Residential classification is intended to be applied to transitional lands adjacent to cities or towns, including in portions of Community Planning Areas where only residential activities are considered desirable, which lands are appropriate to accommodate future growth. Lands within the Suburban Residential classification should have moderate to light constraints for residential development, should be served by the publicly maintained road network, and should be located within public service districts or the logical extensions thereof. Portions of lands within the Suburban Residential classification will be appropriate for development of residential subdivisions. Such areas should be developed as major subdivisions, not minor subdivisions; or retained in parcels of sufficient size to be economically developed as subdivisions at some future time.

The parcels within the subject district are accessed by public roads. As most of the parcels are limited in development by parcel size and existing structures, the project itself does not request an increase in the amount of cannabis to be cultivated onsite. Rather, the purpose of the Cannabis Accommodation (CA) Combining District is to allow for existing and eligible cannabis cultivators to continue onsite operations.

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_2019-0011 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.

Land Owner Support: The application for R_2019-0011 was submitted by the applicant on behalf of several property owners 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 Cannabis Accommodation (CA) Combining District has operated the commercial farm on the current parcel which is 0.956± 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 Chapter 20.118.030 (B), 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 as follows.

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.

2. 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.²

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. Specifically, Policy LU 1.2:

Utilize planning tools and incentives to guide the development process towards creating a compact, mixed-use community achieving a balance among social, economic, and environmental systems.

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. Unlike other industries that require off-site locations, cannabis operators can reduce impacts to the community through sustainable business practices such as working where they live.

3. 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 is reduced.

An Addendum to the existing Mitigated Negative Declaration (SCH # 2016112028) has been completed in compliance with California Environmental Quality Act (CEQA) and CEQA guidelines. Adoption of the Addendum 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.

² Ukiah Valley Area Plan (UVAP), Section 4 Community Design, pg. 4-5.

RECOMMENDATION

By Resolution, the Planning Commission recommends that the Board of Supervisors adopt an attached 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

Oh CAs

CHEVON HOLMES
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$1616.00

ATTACHMENTS:

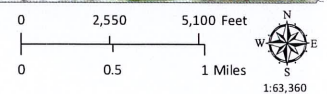
- A. Location Map
- B. Aerial Map
- C. Cannabis Sites Map
- D. Zoning Map
- E. General Plan
- F. Adjacent Parcels Map
- G. Fire Hazards and Responsibility Map
- H. Water Districts Map
- I. Soils Map
- J. Williamson Act Map

RESOLUTION AND Exhibit A:

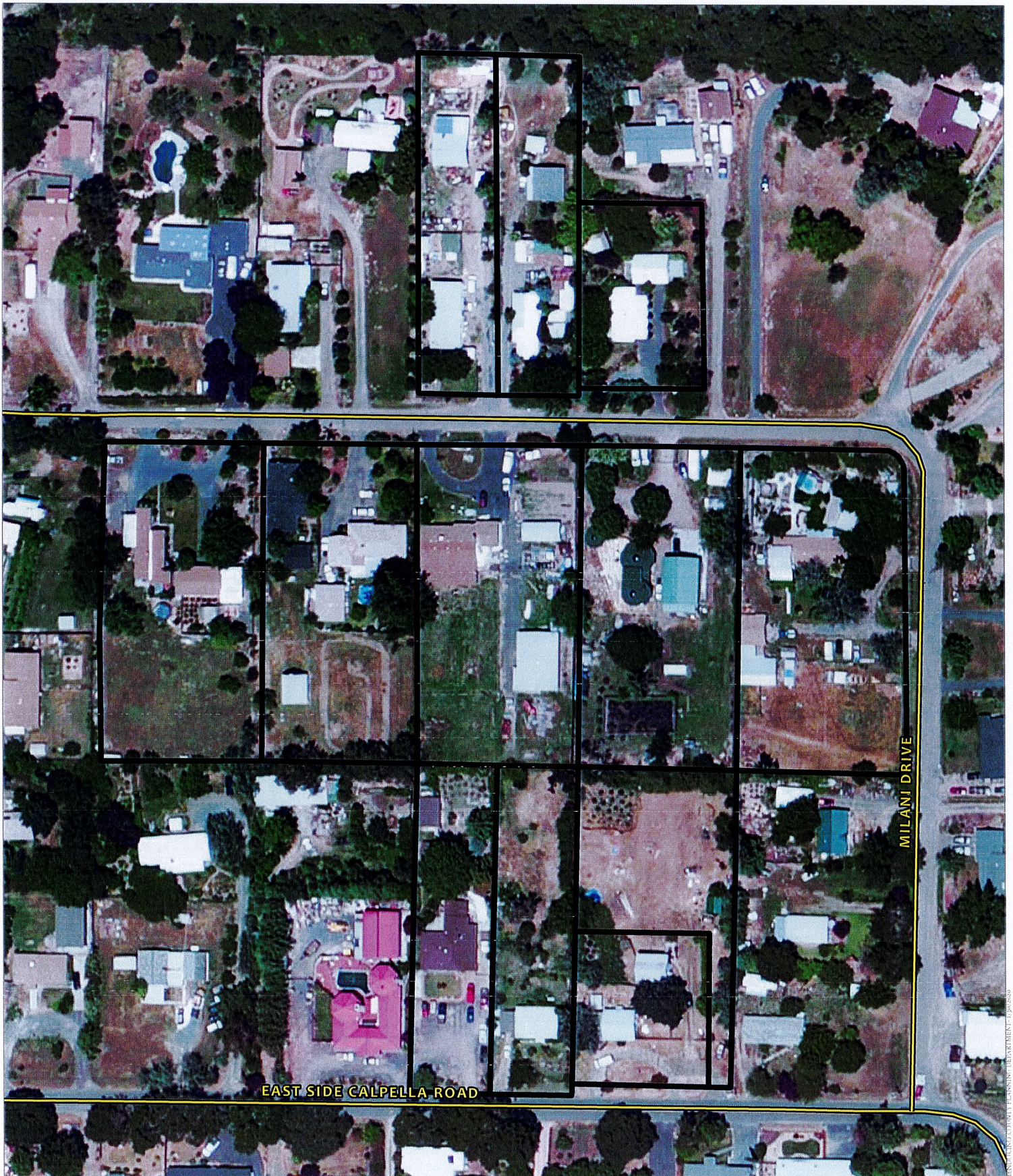


CASE: R 2019-0011
 OWNER: Various
 APN: Various
 APLCT: Stephen Thatcher
 AGENT:
 ADDRESS: Milani Drive, Ukiah

- Major Towns & Places
- City Limits
- Highways
- Major Roads
- Major Rivers

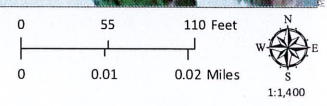


LOCATION MAP
 ATTACHMENT A

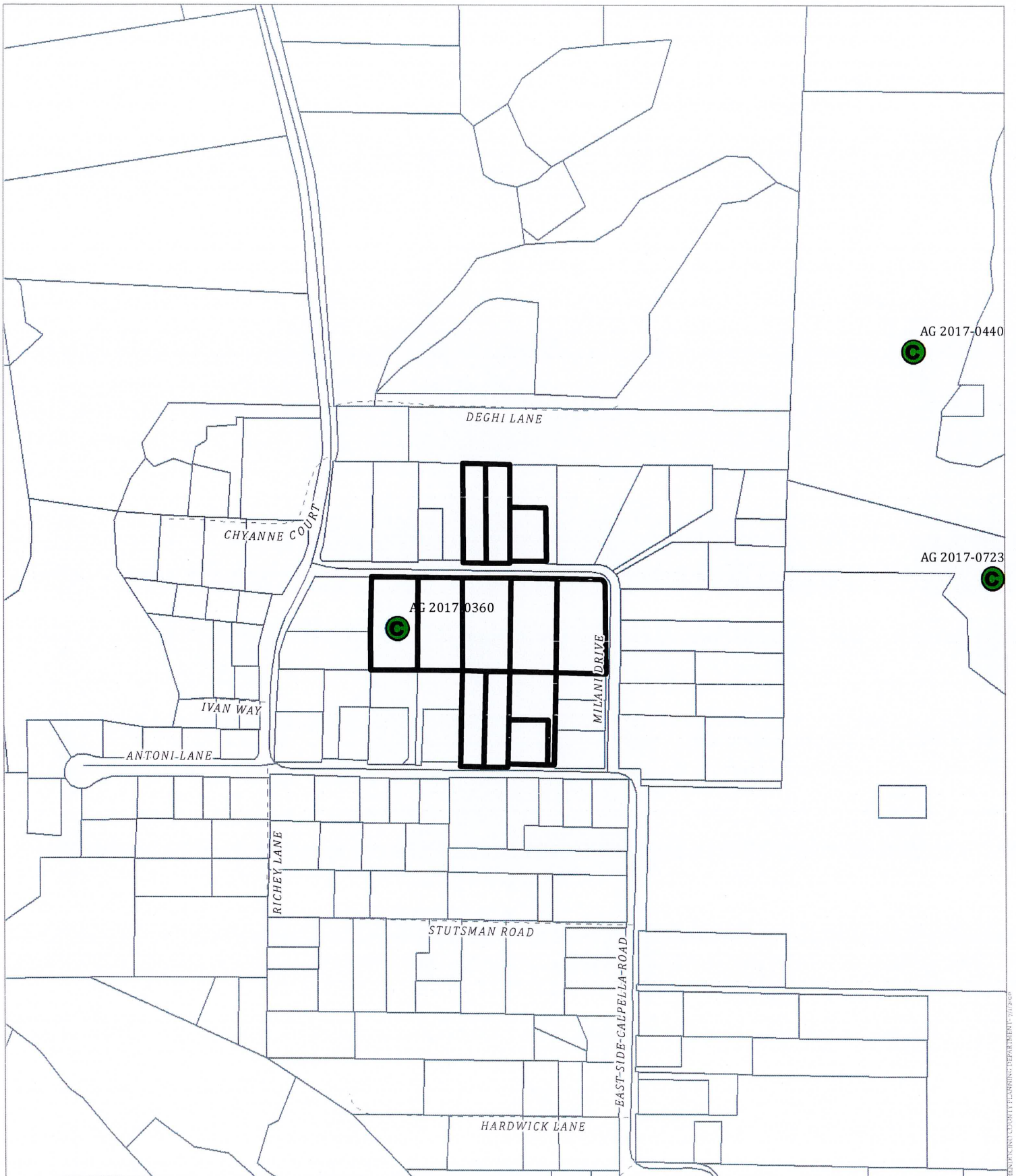


CASE: R 2019-0011
OWNER: THATCHER, Stephen, ET AL
APN: 168-184-02, ET AL
APLCT: Stephen Thatcher
AGENT:
ADDRESS: 361 Milani Drive, Ukiah




Public Roads

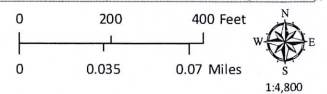


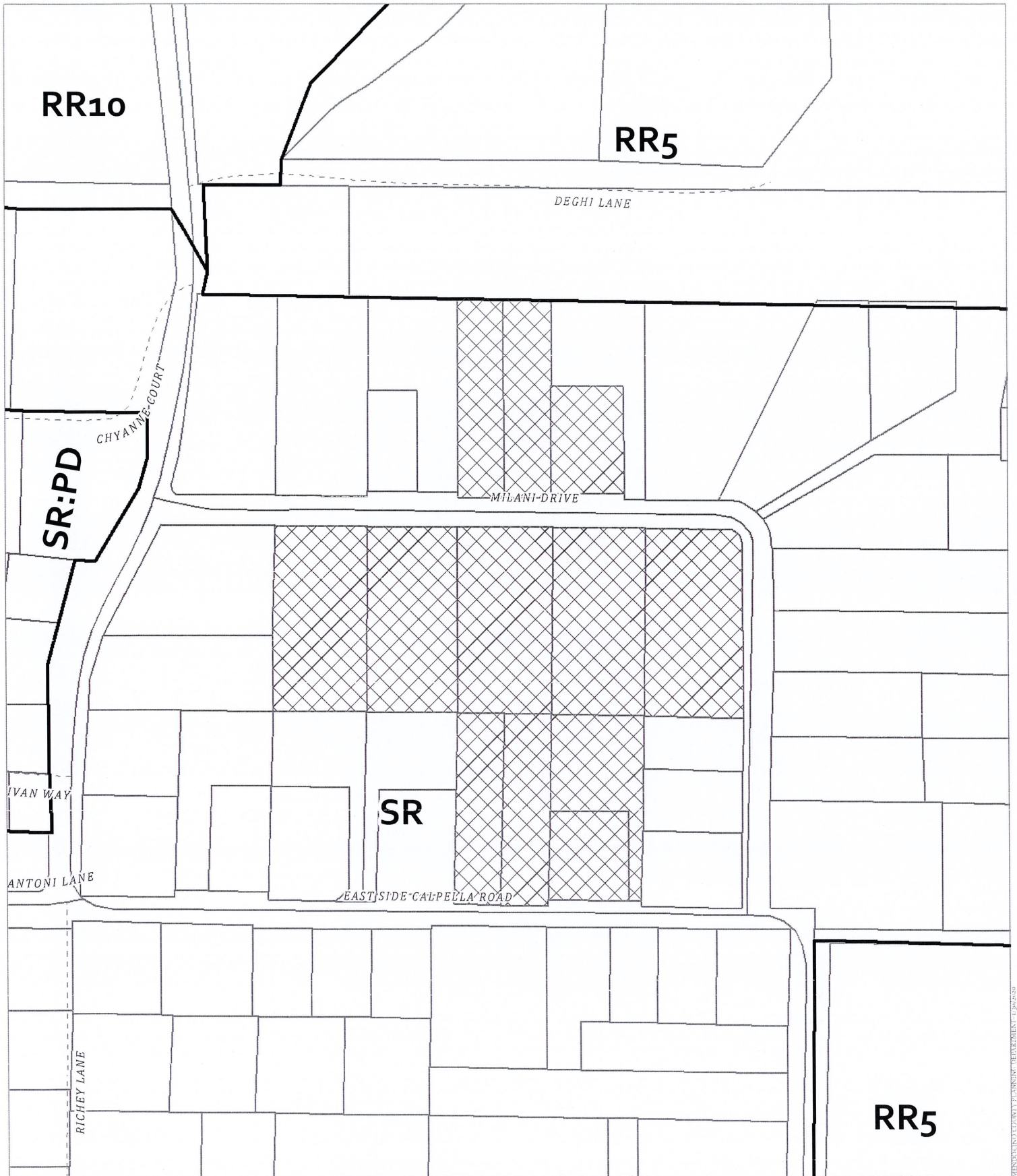
AERIAL IMAGERY
ATTACHMENT B






CASE: R 2019-0011
 OWNER: THATCHER, Stephen, ET AL
 APN: 168-184-02, ET AL
 APLCT: Stephen Thatcher
 AGENT:
 ADDRESS: 361 Milani Drive, Ukiah

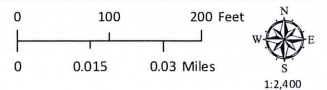
-  Cannabis Cultivation Sites
-  Public Roads
-  Assessor's Parcels



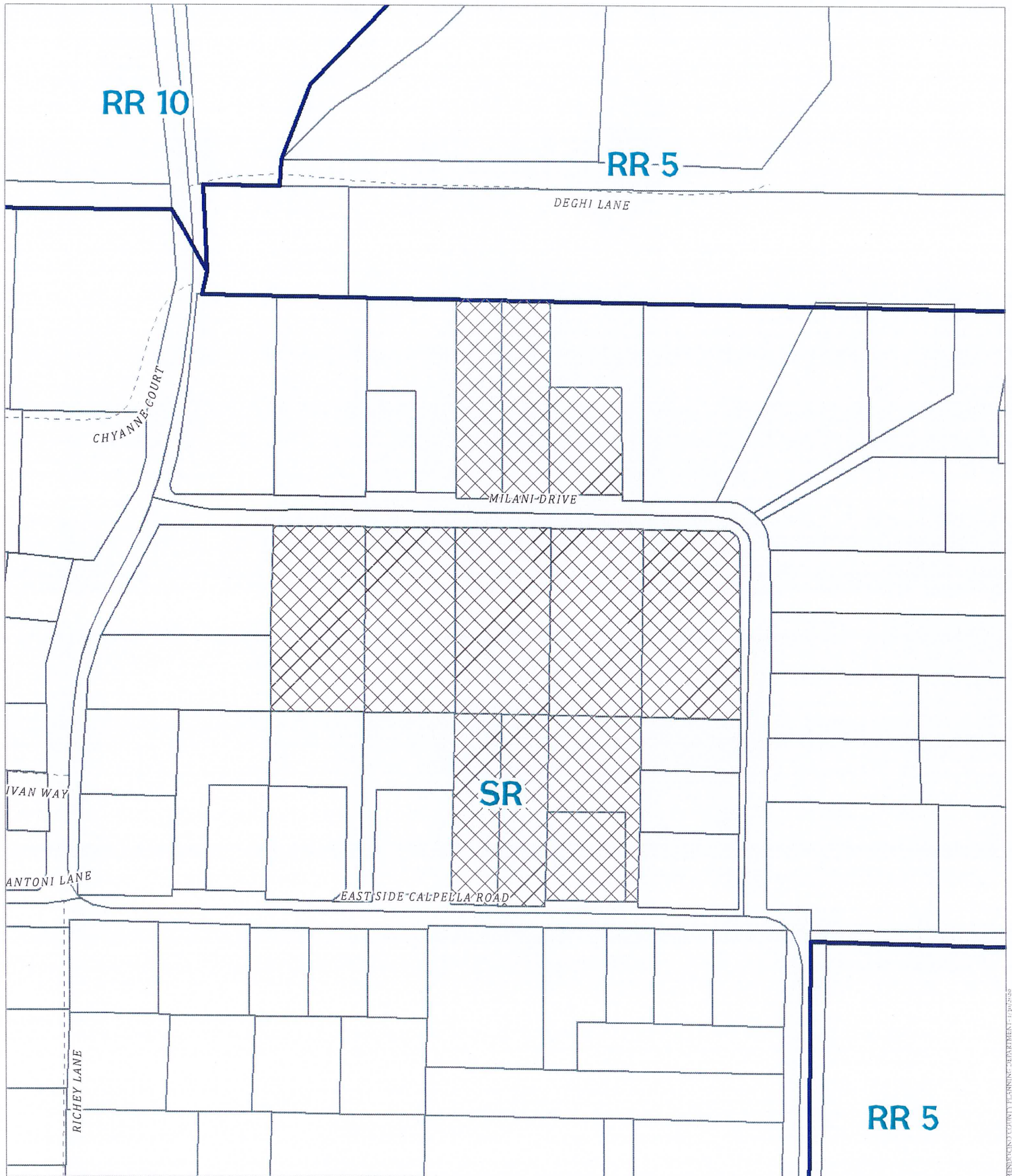


CASE: R 2019-0011
 OWNER: THATCHER, Stephen, ET AL
 APN: 168-184-02, ET AL
 APLCT: Stephen Thatcher
 AGENT:
 ADDRESS: 361 Milani Drive, Ukiah

-  Zoning Districts
-  Public Roads
-  Assessors Parcels

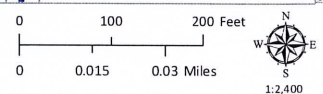


ZONING DISPLAY MAP
 ATTACHMENT D

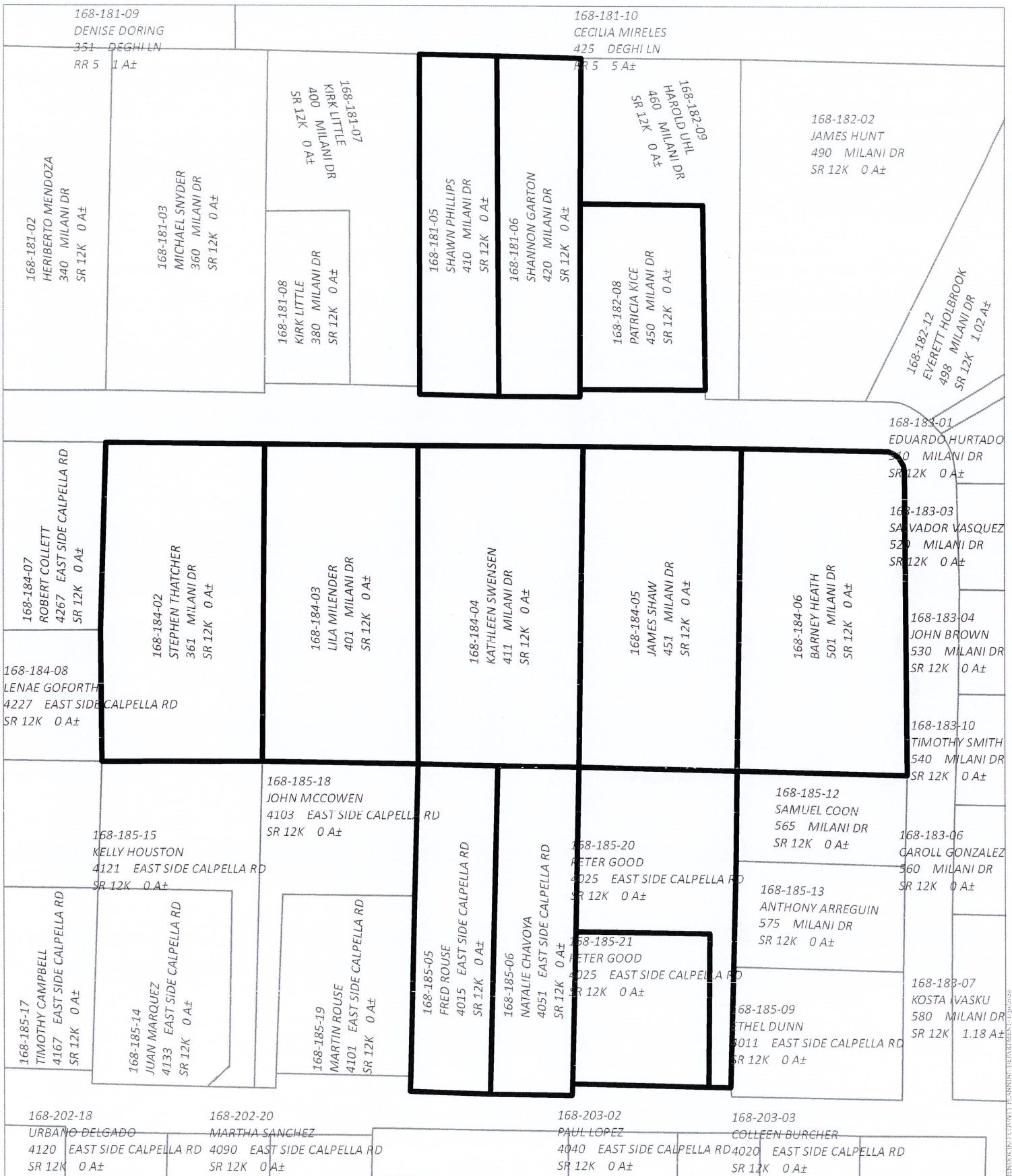


CASE: R 2019-0011
 OWNER: THATCHER, Stephen, ET AL
 APN: 168-184-02, ET AL
 APLCT: Stephen Thatcher
 AGENT:
 ADDRESS: 361 Milani Drive, Ukiah

- General Plan Classes
- Public Roads
- Assessor's Parcels

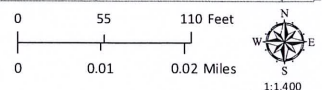


GENERAL PLAN CLASSIFICATIONS
 ATTACHMENT E

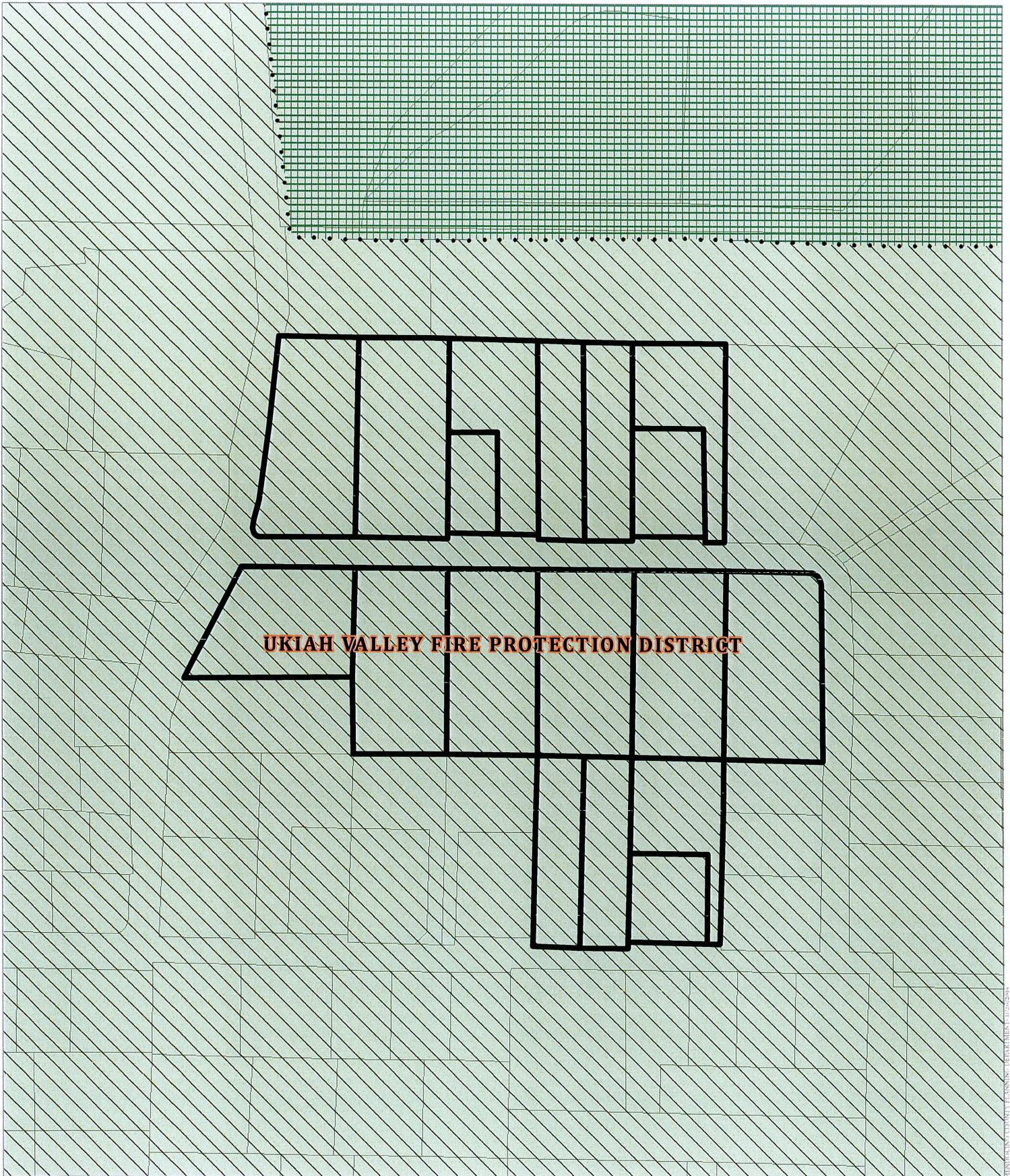


CASE: R 2019-0011
OWNER: THATCHER, Stephen, ET AL
APN: 168-184-02, ET AL
APLCT: Stephen Thatcher
AGENT:
ADDRESS: 361 Milani Drive, Ukiah

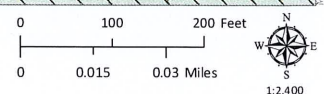
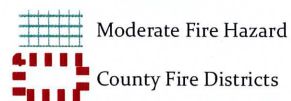
Assessors Parcels



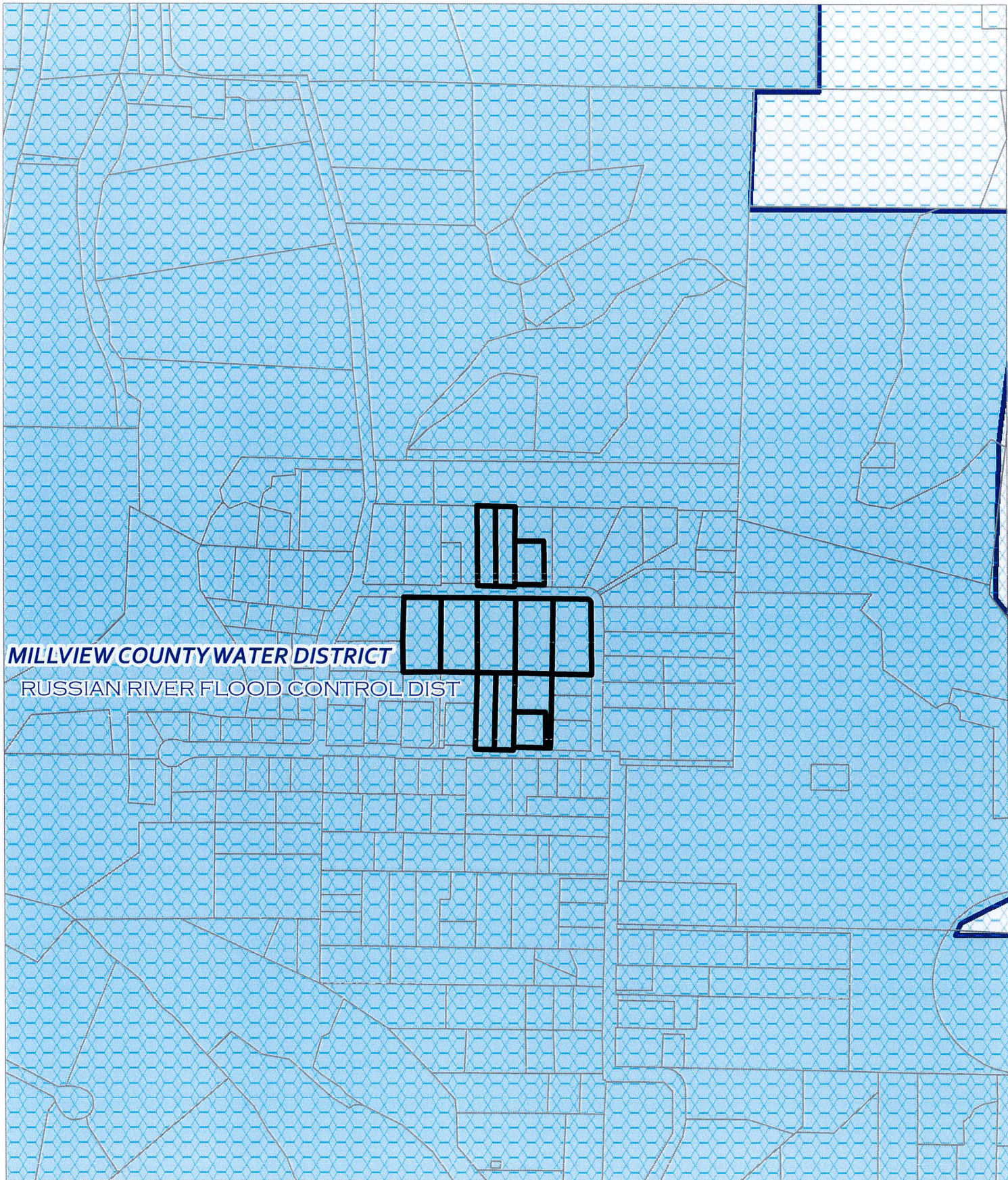
ADJACENT PARCELS
ATTACHMENT F






CASE: R 2019-0011
OWNER: Various
APN: Various
APLCT: Stephen Thatcher
AGENT:
ADDRESS: Milani Drive, Ukiah

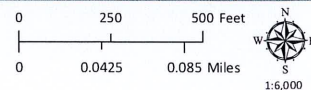


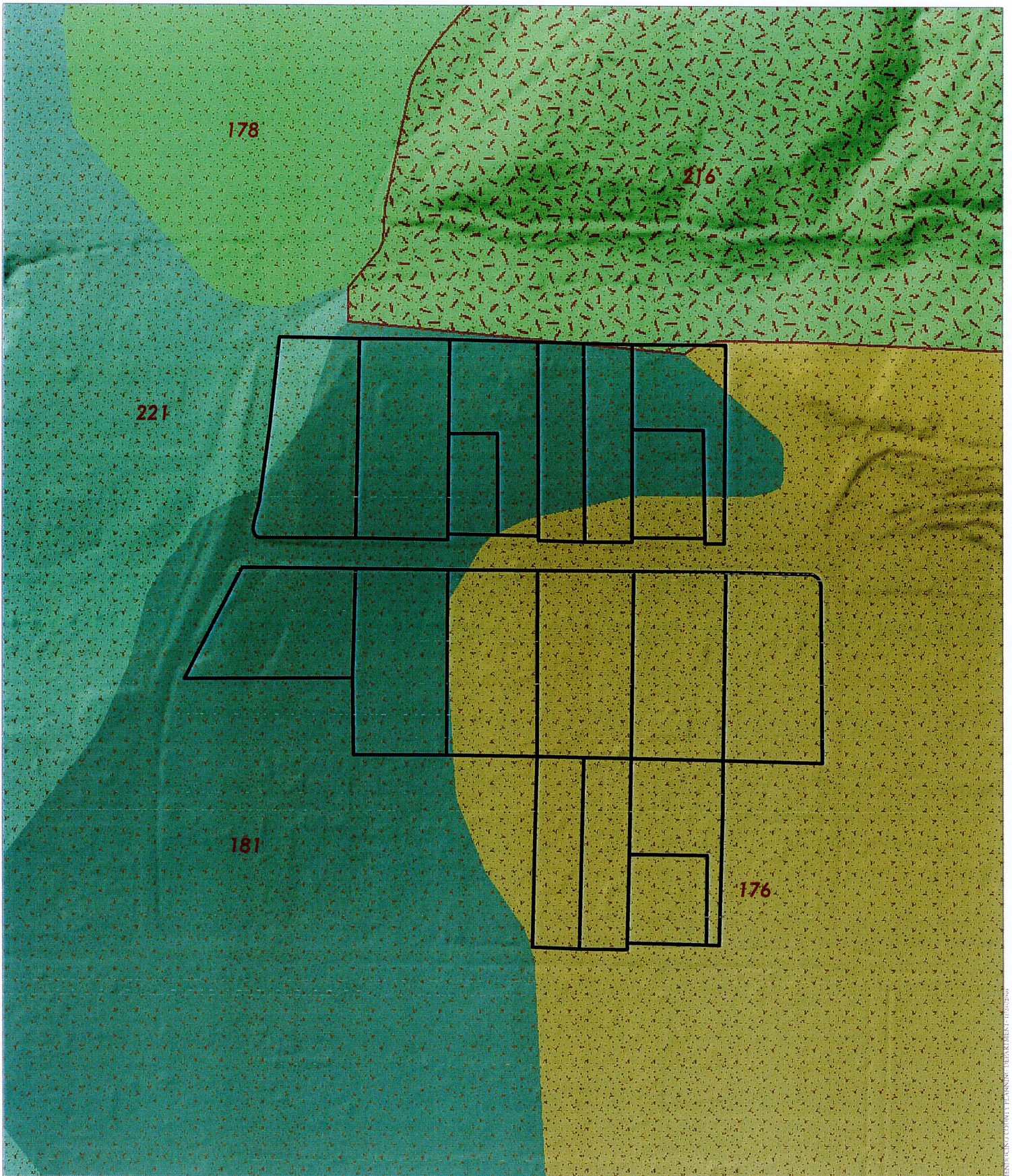
LOCAL RESPONSIBILITY AREA
ATTACHMENT G





CASE: R 2019-0011
OWNER: THATCHER, Stephen, ET AL
APN: 168-184-02, ET AL
APLCT: Stephen Thatcher
AGENT:
ADDRESS: 361 Milani Drive, Ukiah

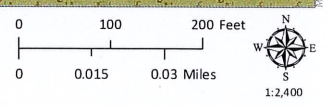
-  Assessors Parcels
-  Russian River Flood District
-  County Water Districts

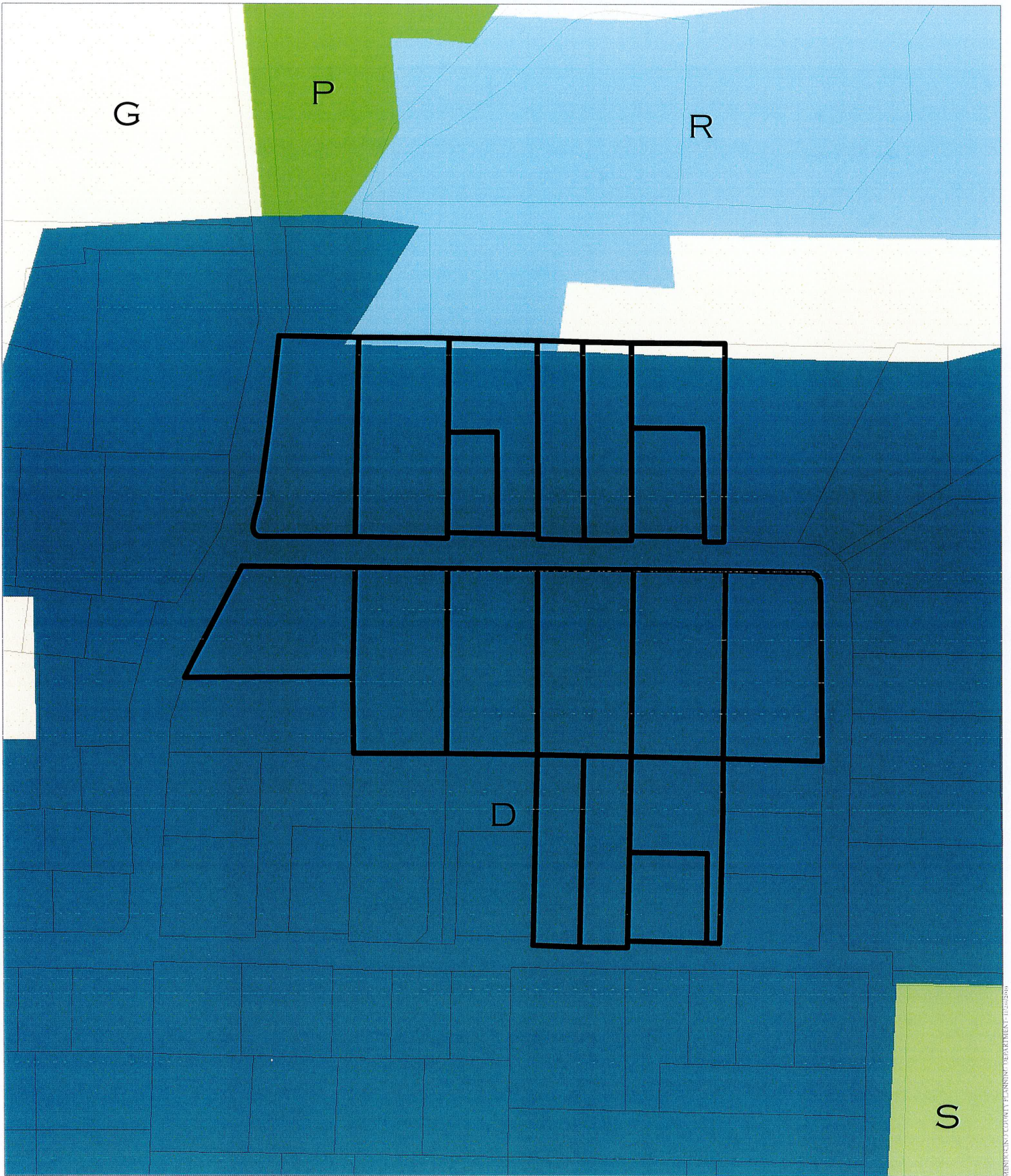




CASE: R 2019-0011
 OWNER: Various
 APN: Various
 APLCT: Stephen Thatcher
 AGENT:
 ADDRESS: Milani Drive, Ukiah

 Naturally Occurring Asbestos
 Eastern Serpentine Inclusions





CASE: R 2019-0011
OWNER: Various
APN: Various
APLCT: Stephen Thatcher
AGENT:
ADDRESS: Milani Drive, Ukiah

FARMLAND CLASSIFICATIONS
ATTACHMENT J

Resolution Number _____

County of Mendocino
Ukiah, California
August 6, 2020

R_2019-0011 STEPHEN THATCHER

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, Stephen Thatcher, 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 contained in Exhibit "A" to this Resolution and incorporated herein by reference. 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 (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). Suburban Residential Zoning and General Plan designations; Supervisorial District 1; (the "Project"); and

WHEREAS, on April 4, 2017, the Board of Supervisors adopted Ordinance Number 4381, adding chapters 10A.17 and 20.242 to the Mendocino County Zoning Code (Inland), referred to as the Mendocino County Cannabis Regulation (Project); 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 meeting 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_2019-0011 to create a Commercial Cannabis Accommodation Combining District over 12 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

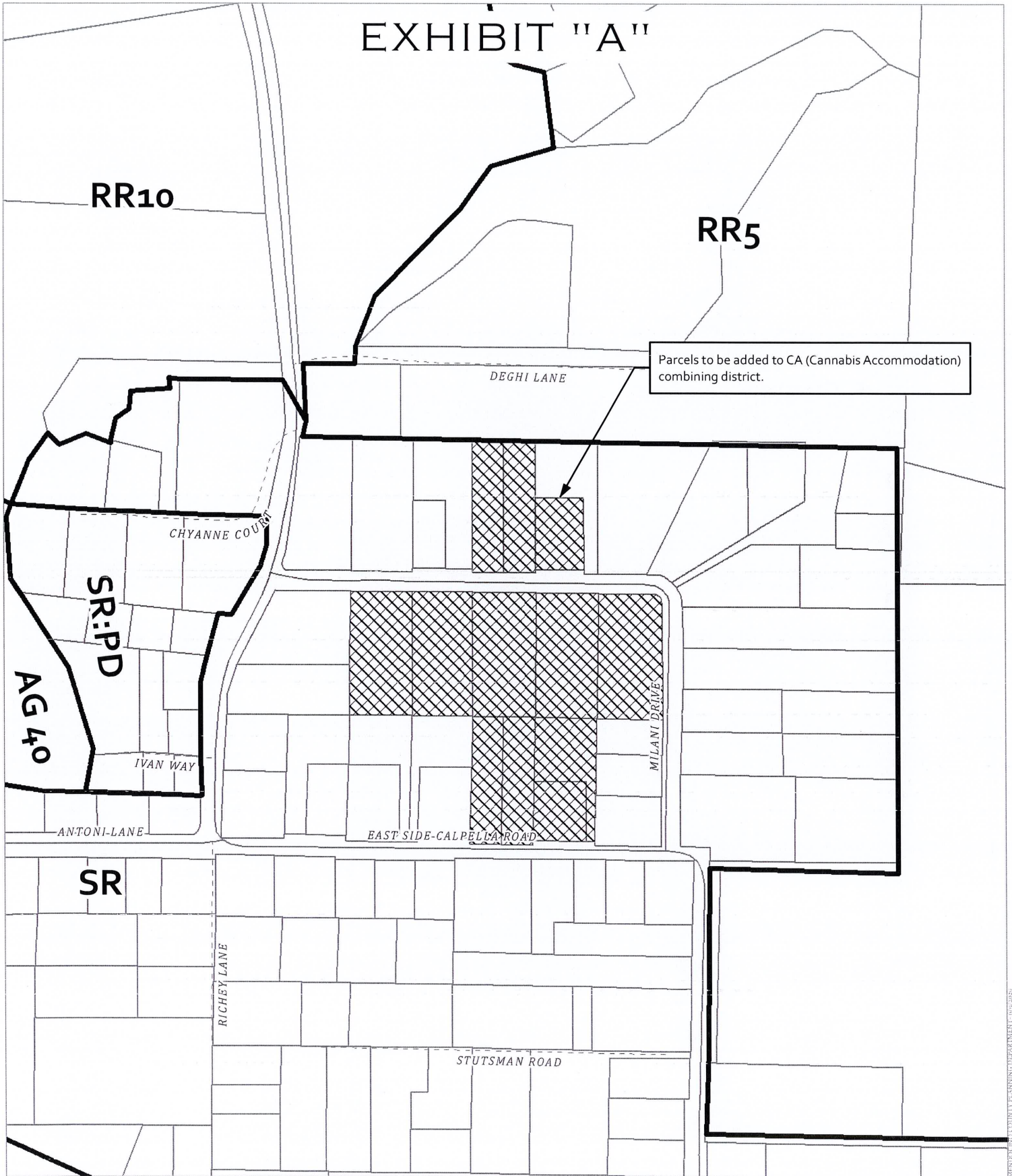
BY: BRENT SCHULTZ,
Director

MARILYN OGLE, Chair
Mendocino County Planning Commission




EXHIBIT A: REZONE EXHIBIT MAP


EXHIBIT B: ADDENDUM TO MND

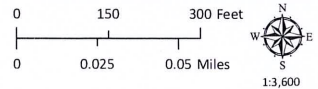
EXHIBIT "A"



CASE: R 2019-0011
 OWNER: THATCHER, Stephen, ET AL
 APN: 168-184-02, ET AL
 APLCT: Stephen Thatcher
 AGENT:
 ADDRESS: Milani Drive, Ukiah

-  Zoning Districts
-  Public Roads
-  Assessors Parcels

 REZONE FROM: S-R (Suburban Residential)
 TO: S-R:CA (Suburban Residential, Cannabis Accommodation)



REZONE EXHIBIT

EXHIBIT "A" CONT.

APN	PROPERTY ADDRESS
16818105	410 MILANI DR
16818106	420 MILANI DR
16818208	450 MILANI DR
16818402	361 MILANI DR
16818403	401 MILANI DR
16818404	411 MILANI DR
16818405	451 MILANI DR
16818406	501 MILANI DR
16818505	4015 EAST SIDE CALPELLA RD
16818506	4051 EAST SIDE CALPELLA RD
16818520	4025 EAST SIDE CALPELLA RD
16818521	4025 EAST SIDE CALPELLA RD

Exhibit "B"

July 24, 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_2019-0011

Assessor Parcel Numbers: 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

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) Districts Combining in Chapter 20.119 intended to prohibit new 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 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_2019-0011, the applicant seeks to create the Commercial Cannabis Accommodation (CA) 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 or 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_2019-0011 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 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 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_2017-0360) and holds a Provisional Adult Use Cannabis Cultivation License (CCL18-0001720) issued by the California Department of Food and Agriculture.

3. For the Cannabis Accommodation Combining District, there is 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 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_2019-0011 request to create a 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 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.

5/15/20

Dear Sir or Madam:

This letter is in regards to my neighbor of 12 years, Steve Thaler, who has been in the cannabis industry during that entire period. I couldn't ask for a better neighbor.

I heartily approve of his mendo-blendo business next door and always have found him a very professional and ethical business man.

If you have any questions I would be pleased if you would call me at 707-485-5826 or mail me at 391 Milani Dr.

Sincerely,

Bob Miller

To Whom It may Concern:

May, 9, 2020

I'm Dorcas Collett Next door
neighbor, of Steve Thatcher I live at
4267 Eastside Calpella Rd. I'm on the west
side of Steve.

I am aware of his Mendo Blend
Business. He's always been a good
neighbor always Ethical, and a polite man.

I approve of his Business Being next
door its cause us no worries or concerns
were happy living next door to Steve its
been 13 yrs and no problems.

Sincerely

Robert + Dorcas Collett

if you have any questions please call

707-510-1808