

RESOLUTION NO. 20-

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 TO CREATE A CANNABIS ACCOMMODATION COMBINING DISTRICT.

WHEREAS, the applicant, STEPHEN THATCHER, filed an application for a rezone (R_2019-0011) with the Mendocino County Department of Planning and Building Services to establish a Cannabis Accommodation (CA) Combining District. Located at various addresses in Calpella (APNs: 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); The district and all affected parcels are incorporated herein by this reference; all affected parcels have Suburban 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 "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 "A" 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 provisions 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, the Planning Commission, at their August 6, 2020 meeting, was not able to make a recommendation to the Board of Supervisors regarding the Addendum or the proposed Project. The Planning Commission voted to send the Project and Addendum related thereto to the Board of Supervisors without a recommendation; and

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on November 3, 2020, to solicit public comments on the proposed Addendum and the proposed Project, at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally and in writing regarding the Addendum and the proposed Project. All interested persons were given an opportunity to hear and be heard regarding the Addendum and the proposed Project.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors, based on the whole record before it, hereby makes the following findings:

1. The recitals set forth in the above resolution are true and correct and incorporated herein by this reference.
2. The Addendum to the previously adopted MND has been completed in compliance with CEQA and the CEQA Guidelines.
3. The Addendum to the previously adopted MND was presented to the Board of Supervisors, which independently reviewed and considered the addendum and the Board of Supervisors has exercised its independent judgment in making the findings and determinations set forth herein.
4. That, based on the evidence submitted and as demonstrated by the analysis and findings included in the Addendum, none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent negative declaration or environmental impact report have occurred.

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby approves and adopts the Addendum to the previously adopted Mitigated Negative Declaration for Rezoning R_2019-0011 and directs the Mendocino County Department of Planning and Building Services to attach the Addendum to the MND.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2020, by the following vote:

AYES:
NOES:
ABSENT:

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:

CHRISTIAN M. CURTIS, County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy _____