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2018-E0015
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MENDOCINO COUNTY PLANNING
03/20/2018 04:04 PM
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OFFICIAL RECORDS
Susan M. Ranochak - Clerk-Recorder
Mendocino County, CA

Notice of Determination

(TITLE OF DOCUMENT)

This page added to provide adequate space for recording information
(Additional recording fee applies)

POSTED FROM 3/20/18 TO 4/21/18

Print Form

Notice of Determination

Appendix D

To:

☒ Office of Planning and Research

U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044

Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95814

☒ County Clerk
County of: Mendocino
Address: 501 Low Gap Road
Ukiah, CA 95482

From:

Public Agency: Mendocino County
Address: 860 Low Gap Road
Ukiah, CA 95482
Contact: Mary Lynn Hunt
Phone: 707-234-6650

Lead Agency (if different from above):

Address:

Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2016112028

Project Title: County of Mendocino Medical Cannabis Cultivation Regulation

Project Applicant: County of Mendocino

Project Location (include county): County of Mendocino - Inland Areas

Project Description:
Minor changes to the Mendocino County Code, Chapter 20.242 Medical Cannabis Cultivation Site to clarify that expansion of existing cultivation sites in the Rangeland (RL) Zoning District is allowed pursuant to a Zoning Clearance. It also involves removing references to Rangeland from both the double asterisk (**) for Table 1 and from Section 20.242.040(D). This is considered a correction to the ordinance and a non-substantive change.
A Mitigated Negative Declaration was prepared for the Adoption of Chapter 20.242 in 2017. An Addendum was prepared for the amendment and is attached.

This is to advise that the County of Mendocino (☒ Lead Agency or ☐ Responsible Agency) has approved the above described project on 3/13/2018 (date) and has made the following determinations regarding the above described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☐ were ☒ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Planning and Building Services 860 Low Gap Road, Ukiah, CA 95482

Signature (Public Agency): [signature] Title: Director

Date: 3-20-2018 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION

FOR

MENDOCINO COUNTY

MEDICAL CANNABIS CULTIVATION REGULATION

SCH NO. 2016112028

DRAFT

Modified Project Description and Project History:
The Mendocino County Board of Supervisors (County) adopted a Mitigated Negative Declaration (MND) (SCH No. 2016112028) for Ordinance No. 4381, known as the Medical Cannabis Cultivation Regulations, which added Chapters 10A.17 and 20.242 to the Mendocino County Code, on April 4, 2017.

The current project includes minor changes to the previously adopted Ordinance to correct the double asterisk (**) notation to Table 1 of Chapter 20.242.040 to clarify that expansion of existing cultivation sites in the Rangeland (RL) Zoning District is allowed pursuant to a Zoning Clearance. It also involves deleting a reference to Rangeland in Section 20.242.040(D).

Within Table 1 a Zoning Clearance is identified as the permit type for existing cultivation in the Rangeland Zoning District. The requirement to obtain an Administrative Permit in the Rangeland Zoning District appears in a double asterisk (**) associated with Table 1 of Chapter 20.242. The double asterisk (**) reads as follows:

> "** Existing cultivation sites in the FL, TPZ and RL zoning districts are permitted subject to limitations of this section. Expansion of existing cultivation sites in the FL, TPZ and RL zoning districts is permitted, subject to the issuance of an Administrative Permit."

Section 20.242.040(D) reads as follows:

> "An existing cultivation site, which qualifies for a MCCO permit, may continue within the FL Forest Land), the TPZ (Timber Production Zone), or the RL (Rangeland) zoning districts not to exceed 2,500 square feet of cultivation with a Zoning Clearance, Administrative Permit or Minor Use Permit as listed in Table 1. The existing cultivation site may be expanded to a MCCO Outdoor or Mixed Light permit type that allows up to 10,000 square feet of cultivation in conformance with all applicable MCCO requirements and conditions and with an approved Administrative Permit or Use Permit as listed in Table 1."

The references to the Rangeland zoning district in both the double asterisk (**) and Section 20.242.040(D) were added late in the ordinance drafting process. Upon review, the additions were not made as a result of the CEQA analysis or mitigation measure implementation, or pursuant to the direction of the Board of Supervisors.

Under the proposed ordinance change for which this addendum is being prepared, references to Rangeland would be removed from both the double asterisk (**) for Table 1 and from Section 20.242.040(D).

The discussion in the CEQA document related to expansion in Phase 1 requiring an Administrative Permit is limited to lands zoned Forest Land and Timber Production Zone. The need to obtain an Administrative Permit was not anticipated or relied upon within the CEQA analysis for potential impacts. The analysis contained in the Initial Study was conducted assuming cultivation sites in Rangeland would comply with Table 1 and all applicable cultivation permit requirements, performance standards, and mitigation measures contained in the Ordinance and Initial Study. The requirement of an Administrative Permit was not used as a basis of this analysis.

Removing the double asterisk (**) and reference to Rangeland in Section 20.242.040(D) at this time is considered a correction to the ordinance and a non-substantive change consistent with the Board direction received on November 13, 2017.

Purpose:

Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Negative Declaration (ND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent ND have occurred. Section 15162 states that when an ND has been adopted for a project, no subsequent ND 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 require major revisions of the previous ND 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 ND 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 previous ND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous ND; B) significant effect previously examined will be substantially more severe than shown in the previous ND; 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 measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

Removing the double asterisk (**) notation to Table 1 of Chapter 20.242.040 and reference to Rangeland in Section 20.242.040(D) would clarify that no Administrative Permit is required for expansion in Rangeland up to the maximum amount of cultivation allowed for each permit type. These changes are considered a correction to the ordinance and a non-substantive change. No substantial changes are proposed which would require major revisions to the previously approved Mitigated Negative Declaration. The need to obtain an Administrative Permit was not anticipated or relied upon within the CEQA analysis. The analysis contained in the Initial Study was conducted assuming cultivation sites in Rangeland would comply with Table 1 and all applicable cultivation permit requirements, performance standards, and mitigation measures contained in the Ordinance and Initial Study. Because the need to obtain an Administrative Permit was not anticipated or relied upon within the CEQA analysis the change would not require major revisions to the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No additional mitigation is required. All adopted mitigation measures will remain in full force and effect.

All previously assumed baseline conditions are still applicable and cultivation permit requirements, performance standards, and mitigation measures contained in the Ordinance and Initial Study remain. No substantial changes have occurred with respect to the circumstances under which the project was undertaken which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

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 of the previous ND was certified has been identified.

Explanation of Decision Not to Prepare a Supplemental Mitigated Negative Declaration:
See **Purpose** section above. In every impact category analyzed in this review, the projected consequences of the proposed ordinance changes are either the same or less than significantly increased compared to the project for which the Mitigated Negative Declaration was adopted. Based upon this review, the following findings are supported:

Findings:

1. For the modified project there are no substantial changes proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. For the modified project no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. For the modified project there has been 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, showing any of the following:

    a. That the current project will have one or more significant effects not discussed in the previous MND;

    b. That significant effects previously examined will not be substantially more severe than shown in the previous MND;

    c. That there are mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the project.

    d. That, there are 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.

Conclusion:
Based on the above analysis, it is concluded that this Addendum to the adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed ordinance changes and that no additional subsequent environmental review is needed to review the impact of the proposed ordinance changes.

Susan M. Ranochak, Clerk-Recorder
Mendocino County, CA
501 Low Gap Rd., Room 1020
Ukiah, Ca 95482

Receipt: 18-4083

Product	Name	Extended
NTDETER2008	Notice Of Determination	$0.00
	# Pages	1
	Document #	2018-E0015
	# Negative Decl	1
	# Mitigated Negative Decl	0
	# EIR	0
	# Cert. Reg. Pogram	0
	# Conformed Labels	1
Total		$0.00
Change (Cash)		$0.00

Thank You!

Tue Mar 20 16:04:38 PDT 2018 marianna