

Resolution Number _____

County of Mendocino
Ukiah, California

May 6, 2021

OA_2021-0002

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS FURTHER REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING PROPOSED ADOPTION OF MENDOCINO COUNTY CODE CHAPTER 22.18 – COMMERCIAL CANNABIS ACTIVITY LAND USE DEVELOPMENT ORDINANCE AND CORRESPONDING PROPOSED AMENDMENTS TO MENDOCINO COUNTY CODE CHAPTERS 10A.17 – MENDOCINO CANNABIS CULTIVATION ORDINANCE AND 20.242 – CANNABIS CULTIVATION SITES

WHEREAS, on April 4, 2017, the Board of Supervisors adopted Ordinance Number 4381, adding Chapters 10A.17 and 20.242 to the Mendocino County Code; and

WHEREAS, the Board of Supervisors has made subsequent amendments to Chapters 10A.17 and 20.242; and

WHEREAS, the County of Mendocino desires to add Chapter 22.18 – Commercial Cannabis Activity Land Use Development Ordinance to Mendocino County Code and amend Mendocino County Code Chapters 10A.17 – Mendocino Cannabis Cultivation Ordinance and 20.242 Cannabis Cultivation Sites, applicable to the unincorporated areas of Mendocino County excluding the coastal zone; and

WHEREAS, County Staff has, pursuant to the direction of the Board of Supervisors of Mendocino County, prepared a draft Mendocino County Code Chapter 22.18 – Commercial Cannabis Activity Land Use Development Ordinance and associated amendments to the Mendocino County Code Chapters 10A.17 – Mendocino Cannabis Cultivation Ordinance and 20.242 Cannabis Cultivation Sites, which are attached to this Resolution as Exhibit A and incorporated herein by this reference (the “Project”); and

WHEREAS, Business and Professions Code section 26055(h) provides that the California Environmental Quality Act (“CEQA”) (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity; and

WHEREAS, the Project establishes discretionary review and approval of permits to engage in commercial cannabis activity and therefore is statutorily exempt from CEQA pursuant to section 26055(h) of Business and Professions Code; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on March 19, 2021, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission provided their report and recommendation to the Board of Supervisors in Resolution No. PC_2021-0004; and

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on April 19, 2021, at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Board of Supervisors continued the hearing to a special meeting on April 27, 2021; and

WHEREAS, the Board of Supervisors at the continued hearing on April 27, 2021 referred the Project to the Planning Commission for additional report and recommendation on several items; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a meeting on May 6, 2021 to discuss the Project as referred by the Board of Supervisors; 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 Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based on the evidence in the record before it and all the findings and determinations provided in the staff report, makes the following second report and recommendation to the Mendocino County Board of Supervisors regarding Ordinance Amendment OA_2021-0002:

1. The Planning Commission recommends that the Board of Supervisors find that the adoption of Ordinance Amendment OA_2021-0002 is consistent with the General Plan.
2. The Planning Commission recommends that the Board of Supervisors adopt Ordinance Amendment OA_2021-0002, making the changes to code sections as shown in the attached Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other materials which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Department of 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: JAMES FEENAN
Commission Services Supervisor

By: _____

BY: NASH GONZALEZ
Interim Director

ALISON PERNELL, Chair
Mendocino County Planning Commission
