

TO: Board of Supervisors

FROM: Planning and Building Services __

MEETING DATE: September 26, 2023

DEPARTMENT CONTACT: Steven Switzer

PHONE: 707.234.6650

DEPARTMENT CONTACT: Julia Krog

PHONE: 707.234.6650

ITEM TYPE: Regular Agenda

TIME ALLOCATED FOR ITEM: 30 Minutes

AGENDA TITLE:

Noticed Public Hearing - Discussion and Possible Action Including Adoption of an Ordinance Rezoning 24 Assessor's Parcel Numbers (APNs) in the Willits Area to Add a Cannabis Prohibition (CP) Combining District to the Current Zoning Designations of Rangeland (RL) and Timberland Production Zoning (TPZ) (R_2021-0003).

RECOMMENDED ACTION/MOTION:

Adopt an ordinance rezoning 24 Assessor Parcel Numbers in the Willits area to add a Cannabis Prohibition (CP) Combining District to the current zoning designations of Rangeland (RL) and Timberland Production Zoning (TPZ) (R_2021-0003); and authorize Chair to sign same .

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:

On December 18, 2018, the Board of Supervisors adopted Ordinance 4420 which amended Chapter 10A.17 and Chapter 20.242 of the Mendocino County Code, and added Chapters 20.118 and 20.119 allowing for the creation of Cannabis Accommodation (CA) and Cannabis Prohibition (CP) Combining Districts. The provisions for Section 20.118's CA districts have now sunset, but 20.119 remains active.

SUMMARY OF REQUEST:

The request is a rezone to establish a Cannabis Prohibition (CP) Combining district ("district") in the Willits area over parcels currently zoned Rangeland (RL) and Timberland Production Zoning (TPZ). The district is located 3.5± miles northeast of Willits City center, at the intersection of Hearst Willits Road (CR 306) and String Creek Road (private), and 1± miles west of Hearst Willits Road (CR 306) intersection with Tomki Road (CR 237D) and as originally proposed contained 25 Assessor's Parcel Numbers (APNs) with 24 APNs (856± acres) zoned Rangeland (RL) and 1 APN (108± acres) zoned Timberland Production Zoning (TPZ). The previous total proposed district size was 964± acres. Adoption of the district would immediately prohibit future applications for commercial cultivation within its boundaries and give the any existing permitted commercial sites currently located within the proposed district three (3) years to cease operation. There is currently one (1) existing Phase 1 cultivation operation within the RL zoned portion of the proposed district that is under review. If adopted, the CP district would not be eligible for repeal by any member of the public for a period of ten (10) years.

The Planning Commission discussed the Rezone request at their July 20, 2023, meeting and voted to recommend that the Board of Supervisors modify the boundaries of the Rezone application R_2021-0003 to exclude APN 037-310-68 recognizing that the property has a phase 1 cannabis cultivation application under review, and create a Commercial Cannabis Prohibition Combining District over 24 assessor parcels, as shown in Exhibit "A" and listed in Exhibit "B" to this Resolution.

See attached draft Ordinance, Staff Memo, Planning Commission Report, public comment letters, and the July 20 2023 Planning Commission Minutes.

ALTERNATIVE ACTION/MOTION:

Deny the proposed CP District or provide direction to staff.

DOES THIS ITEM SUPPORT THE GENERAL PLAN? Yes

STRATEGIC PLAN PRIORITY DESIGNATION: An Effective County Government

SUPERVISORIAL DISTRICT: DISTRICT 4

VOTE REQUIREMENT: Majority

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: <https://www.mendocinocounty.org/government/planning-building-services/public-notice>

FISCAL DETAILS:

SOURCE OF FUNDING: N/A

CURRENT F/Y COST: N/A

ANNUAL RECURRING COST: N/A

BUDGET CLARIFICATION: N/A

BUDGETED IN CURRENT F/Y: N/A

IF NO, PLEASE DESCRIBE:

REVENUE AGREEMENT: N/A

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: Yes

CEO LIAISON: Steve Dunicliff, Deputy CEO

CEO REVIEW: ...

CEO COMMENTS:

FOR COB USE ONLY

Executed By: ..

Date:

Final Status:..

Executed Item Type: . Number:



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING & BUILDING SERVICES

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MEMORANDUM

DATE: SEPTEMBER 26, 2023

TO: HONORABLE BOARD OF SUPERVISORS

FROM: STEVEN SWITZER, PLANNER II

SUBJECT: R_2021-0003 (ROCKTREE) REZONE TO ESTABLISH A CANNABIS PROHIBITION (CP) COMBINING DISTRICT

PROPOSED DISTRICT: The proposed CP Combining District is situated within the Rock Tree Valley, located 3.5± miles northeast of Willits City center, at the intersection of Hearst Willits Road (CR 306) and String Creek Road (private), and 1± miles west of the Hearst Willits Road (CR 306) intersection with Tomki Road (CR 237D), between mile post MEN 4.19 and MEN 7.95. The CP Combining District includes 25 Assessor's Parcel Numbers (APNs) comprising 18 legal parcels totaling 964± acres. These 18 legal parcels have two General Plan land use classifications, Range Lands (RL) and Forest Lands (FL) with their respective Rangeland (RL) and Timberland Production Zoning (TPZ) Zoning Districts.

The applicant provides in their project description that existing cannabis regulations, permit processes, and enforcement options have not protected their neighborhood from the undesirable effects of commercial cannabis. It is also mentioned that recent and future movements to change existing regulations are uncertain and may further weaken protections. The applicant and supporting property owners wish to have commercial cannabis clearly prohibited by the establishment of the CP Combining District.

ENVIRONMENTAL DETERMINATION: Pursuant to Article 5, Section 15061(b)(3) of the California Environmental Quality Act (CEQA), a "common sense exemption" applies to projects "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment". Adoption of the proposed CP district would prohibit one specific commercial-scale use on an RL-zoned parcel. This parcel could still host other agricultural uses and other uses as allowed by the Zoning Code, which may be less or more intense than commercial cannabis cultivation. Elimination of a single activity from these parcels will not have a significant impact on the environment within the CP district.

In addition, the prohibition of commercial cannabis activities would not affect personal cannabis activities that are in accordance with the Adult Use of Marijuana Act of 2016 (Proposition 64) as codified in California Health and Safety Code Section 11362.2.

The elimination of commercial cannabis cultivation within the proposed CP district would not have a significant impact on the environment beyond the district's boundaries. Only 4% of the district is made up of parcels zoned TPZ which are not eligible for new cultivation permits under Phase 3 of Chapter 10A.17. The remaining 96% of the district is zoned RL which is also not eligible for new cultivation permits under Phase 3 of Chapter 10A.17. The Mitigated Negative Declaration (SCH No. 2016112028) adopted for Chapter 10A.17 calculated available acreages in each zoning district where cultivation could be permitted. Table 1 of the Mitigated Negative Declaration shows the area of zoning districts potentially available for cannabis cultivation. "Available acres" as used in Table 1 includes the gross acreage of all parcels potentially eligible for permits while a maximum 10,000 square feet of cultivation (less than a 1/4 acre) or 22,000 square feet in nursery (cannabis in vegetative state only) on any parcel would be eligible for a permit. Similarly, the number of "Available Parcels" is based on the number of separate Assessor's Parcel Numbers (APNs) assigned in each zoning district. Actual cultivation permits are based on legal lots of

record which may vary from the number of APNs. If approved, the proposed CP district would not result in a reduction of “available acres or “available parcels” as new cultivation is already prohibited in both the TPZ and RL zoning districts and the only pending applications are for Phase 1 applicants for which the application period has closed.

Considering the analysis contained the *Planning Commission Hearing Packet* attachment and the findings required by CEQA Guidelines Section 15061, staff finds that the proposed project would not result in any significant environmental effect on the environment and is exempt from further environmental review within the meaning of the CEQA.

Should the Board of Supervisors choose to deny the project, pursuant with CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

PLANNING COMMISSION RECOMMENDATION: At the July 20, 2023, Planning Commission hearing Commissioner Jones made a motion seconded by Commissioner Wiedemann and carried by a roll call vote of (3-0) recommending the modification of the boundaries of the proposed CP District to the Board of Supervisors, based on the facts and findings contained in the Resolution with the proposed revisions as presented during the public meeting.

The proposed modification to the boundaries of R_2021-0003 exclude APN 037-310-68 recognizing that the property has a phase 1 cannabis cultivation application under review. The modified shape of the district reflects a reasonable neighborhood configuration that includes the flatlands of the Rock Tree valley floor.

ATTACHMENTS:

- A. Draft Ordinance
- B. Planning Commission Hearing Packet
- C. Planning Commission July 20, 2023, Adopted Minutes
- D. Planning Commission Resolution PC_2023-0016
- E. Public Comment Received for Planning Commission Hearing

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1. Findings. Based on the information provided in the memorandum accompanying this ordinance and evidence in the record, the Board of Supervisors makes the following findings:

- (a) The Project is Categorical Exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines.
- (b) Per Mendocino County Code Section 20.119.020(A), all of the parcels subject to the CP Combining District allow residential uses by right. The parcels within the district are currently zoned either Range Lands (RL) and Timberland Production Zoning (TPZ) that both allow residential uses by right.
- (c) Per MCC Section 20.119.020(B), the district is composed of no fewer than ten (10) legally created parcels, as the proposed district contains 18 legal parcels.
- (d) Per MCC Section 20.119.030(B)(1), the applicants were able to demonstrate the support of more than sixty percent (60%) of the affected parcels at the time of application via individual, signed petitions from property owners.

Section 2. Rezone. Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as follows:

The zoning of the APNs within the district boundary are hereby changed from Rangeland (RL) to Rangeland, Cannabis Prohibition (RL:CP), and from Timberland Production Zoning (TPZ) to Timberland Production Zoning, Cannabis Prohibition (TPZ:CP), as shown on the map attached as Exhibit A. Exhibit B includes a list of Assessor's Parcels within the proposed district, but should errors in the APN list be present, the map in Exhibit A shall supersede.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2023, by the following vote:

- AYES:
- NOES:
- ABSENT:

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

ATTEST: DARCIE ANTLE
Clerk of the Board

GLENN MCGOURTY, 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

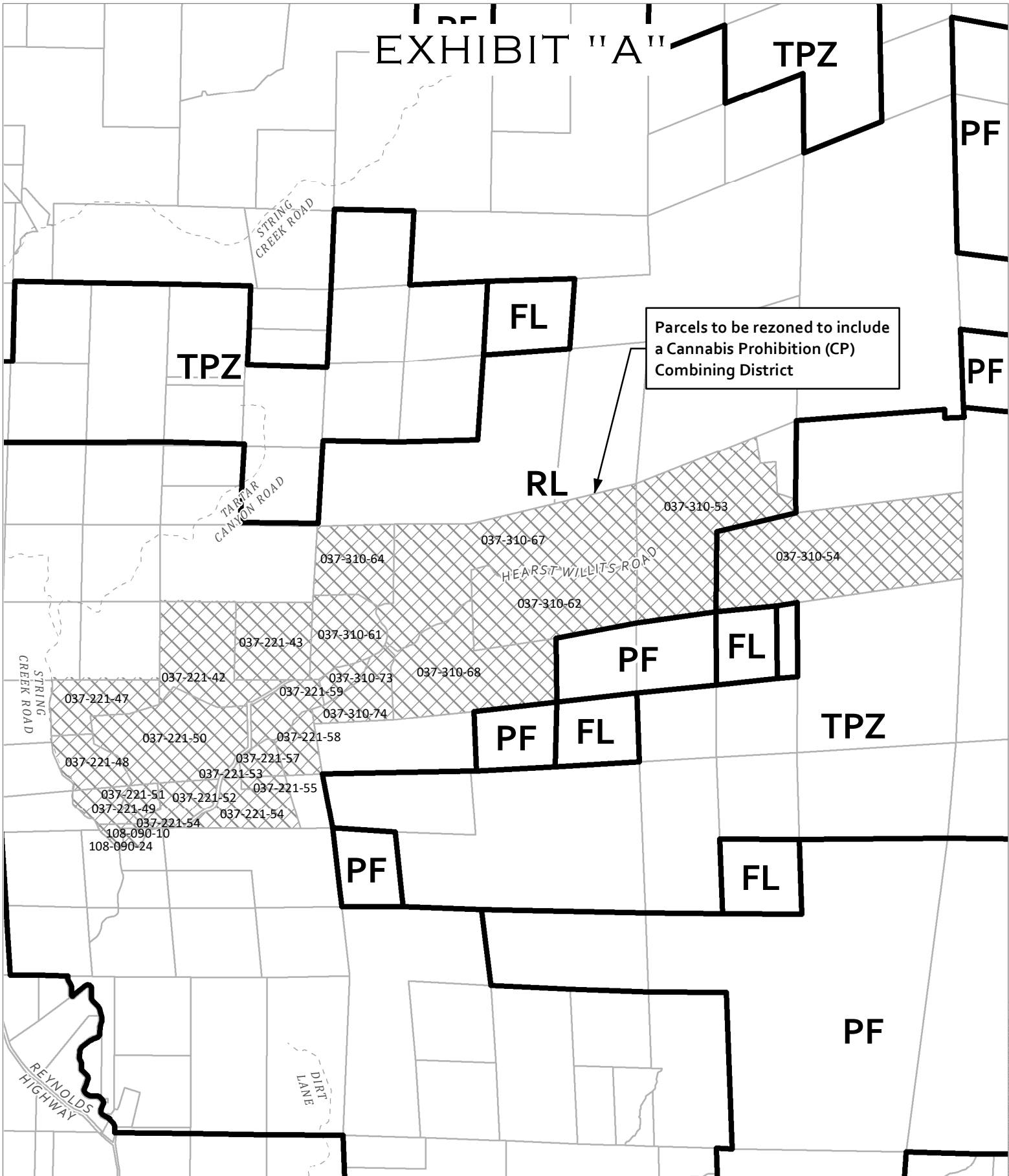
BY: DARCIE ANTLE
Clerk of the Board

Deputy

Deputy

CASE#: Rezone R_2021-0003
OWNER: VARIOUS

EXHIBIT "A"



Parcels to be rezoned to include a Cannabis Prohibition (CP) Combining District

CASE: R 2021-0003
OWNER: Various
APN: Various
APLCT: Robert Cronin
AGENT: Bruce Jackson
ADDRESS: Hearst-Willits Road, Willits

Zoning Districts
 Public Roads
 REZONE to include a Cannabis Prohibition (CP) Combining District

0 1,000 2,000 Feet
 0 0.175 0.35 Miles
 1:25,283

REZONE EXHIBIT

MENDOCINO COUNTY PLANNING DEPARTMENT - 1/10/2023

EXHIBIT "B"

LIST of APNs in the CP COMBINING DISTRICT

03722158

03731053

03731054

03731067

03731073

03722151

03722152

03722142

03731062

03722150

03722147

03731064

03731068

03722159

03731074

03722143

03731061

03722153

03722154

10809010

10809024

03722155

03722157

03722148

03722149



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July 5, 2023

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission, at their regular meeting to be held on Thursday, July 20, 2023, at 9:30 a.m., will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard. This meeting will be held in the Board of Supervisors Chambers, **501 Low Gap Road, Ukiah, California**, and virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance, 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>

CASE#: R_2021-0003

DATE FILED: 10/7/2021

OWNER: VARIOUS

APPLICANT: ROBERT CRONIN

AGENT: BRUCE JACKSON

REQUEST: Rezone to establish a Cannabis Prohibition (CP) Combining District to prohibit commercial cannabis operations per Mendocino County Code Chapter 20.119 that includes 25 Assessor's Parcel Numbers (APNs) comprising 18 legal parcels.

ENVIRONMENTAL DETERMINATION: Exempt [CCR Section 15061(b)(3)]

LOCATION: 3.5± miles northeast of Willits City center, at the intersection of Hearst Willits Road (CR 306) and String Creek Road (private), and 1± miles west of Hearst Willits Road (CR 306) intersection with Tomki Road (CR 237D), Assessor's Parcels: 03722158; 03731053; 03731054; 03731067; 03731073; 03722151; 03722152; 03722142; 03731062; 03722150; 03722147; 03731064; 03731068; 03722159; 03731074; 03722143; 03731061; 03722153; 03722154; 10809010; 10809024; 03722155; 03722157; 03722148; 03722149

SUPERVISORIAL DISTRICT: 3 (Haschak)

STAFF PLANNER: STEVEN SWITZER

The staff report and notice will be available for public review 10 days prior to the 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) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, 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 July 19, 2023, or orally via telecomment in lieu of personal attendance. All public comment will be made available to the Planning Commission, 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>.

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.

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.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 707-234-6650, 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.

JULIA KROG, Director of Planning and Building Services



**PLANNING COMMISSION
STAFF REPORT- REZONE**

**JULY 20, 2023
R_2021-0003**

SUMMARY

OWNER: VARIOUS OWNERS IN THE ROCK TREE VALLEY AREA

APPLICANT: ROBERT CRONIN
6201 HEARST WILLITS ROAD
WILLITS, CA 95490

AGENT: BRUCE JACKSON
6800 HEARST WILLITS ROAD
WILLITS, CA 95490

REQUEST: Rezone to establish a Cannabis Prohibition (CP) Combining District to prohibit commercial cannabis operations per Mendocino County Code Chapter 20.119 that includes 25 Assessor's Parcel Numbers (APNs) comprising 18 legal parcels.

LOCATION: 3.5± miles northeast of Willits City center, at the intersection of Hearst Willits Road (CR 306) and String Creek Road (private), and 1± miles west of Hearst Willits Road (CR 306) intersection with Tomki Road (CR 237D), Assessor's Parcels: 03722158; 03731053; 03731054; 03731067; 03731073; 03722151; 03722152; 03722142; 03731062; 03722150; 03722147; 03731064; 03731068; 03722159; 03731074; 03722143; 03731061; 03722153; 03722154; 10809010; 10809024; 03722155; 03722157; 03722148; 03722149. See Attachment A.

TOTAL ACREAGE: 964± Total Acreage for 25 APNs

GENERAL PLAN: Range Lands (RL), Forest Lands (FL)

ZONING: Rangeland (RL), Timberland Production Zoning (TPZ)

SUPERVISORIAL DISTRICT: 3 (Haschak)

ENVIRONMENTAL DETERMINATION: Exempt [CCR Section 15061(b)(3)]

STAFF PLANNER: STEVEN SWITZER

BACKGROUND

PROJECT DESCRIPTION: Rezone to establish a Cannabis Prohibition (CP) Combining District that includes 25 parcels to prohibit commercial cannabis operations per Mendocino County Code Chapter 20.119 in the Rock Tree Valley Area northeast of the City of Willits. See *Parcels in the Proposed District* attachment for a list of the parcels within the proposed CP Combining District.

APPLICANT'S STATEMENT: See the *Applicant's Project Description* attachment for the applicant's in-depth project description.

SITE CHARACTERISTICS: The proposed CP Combining District is situated within the Rock Tree Valley, located 3.5± miles northeast of Willits City center, at the intersection of Hearst Willits Road (CR 306) and String Creek Road (private), and 1± miles west of the Hearst Willits Road (CR 306) intersection with Tomki

Road (CR 237D), between mile post MEN 4.19 and MEN 7.95. The CP Combining District is comprised of 25 parcels totaling 964± acres with agricultural and low-density residential uses. Farmland Classifications for these 25 parcels are predominately Grazing Land, with areas of Rural Residential and Rural Commercial.¹ The subject parcels are served by private well connections for groundwater resources and private on-site sewage systems. The responsible fire agencies are Little Lake Fire Protection District and California Department of Forestry and Fire Protection (CAL FIRE).² To date, three (3) separate parcels within the proposed CP Combining District have applied for cannabis cultivation permits, with a total of six (6) applications with the County.³ Of those six (6) applications, five (5) have been denied with one (1) still under review with the Cannabis Department.

CANNABIS PROHIBITION DISTRICT BACKGROUND: On November 16, 2018, the Mendocino County Board of Supervisors adopted Ordinance No. 4420, which made amendments to Chapter 10A.17–Mendocino Cannabis Cultivation Ordinance and Chapter 20.242–Cannabis Cultivation Sites of the Mendocino County Code and also adopted Chapter 20.118 – “CA” Cannabis Accommodation Combining District and Chapter 20.119 – “CP” Commercial Cannabis Prohibition Combining District Provisions of Chapter 20.119 are intended to allow the County to designate specific areas where commercial cannabis operations are prohibited.

Chapter 20.119 provides that CP Combining Districts must be composed of no fewer than ten (10) legally created parcels that are contiguous, except for separations by public and private roads, rail lines, utility easements, or similar linear public facilities.⁴ The establishment of a CP Combining District may be initiated by one (1) or more property owners within the boundaries of the proposed Combining District. Applications filed with the Planning and Building Services Department for said Combining Districts must demonstrate landowner support.⁵

To provide assurances to existing and future residents choosing to reside in a CP Combining District, the following modification restrictions apply to established prohibition districts:

- Ineligible for repeal by property owner request for 10 years following date of approval.
- After 10 years, a request to repeal or amend a CP Combining District can be initiated by petition of 60% or more of all current property owners within that district.
- Parcels adjacent to a CP District may be added to it within the initial 10-year period.
- Changes to the zoning of parcels within a CP District would have no effect on the prohibition of cannabis cultivation and/or facilities established through adoption of the CP District.

Except as provided in Section 20.119.030, the establishment of a CP Combining District shall be processed in accordance with the provisions of Chapter 20.212–Amendments, Alterations, and Changes in Districts, and so are held to the same standards as other rezone applications.

As provided in Chapter 20.212, the zoning reclassification of property is subject to action by the Planning Commission as well as action by the Board of Supervisors. In addition to the above specific characteristics of CP Districts, these districts like all other zoning districts are an exercise of the County’s police power over land uses and development and are intended to protect health, safety and welfare. The rezoning of property is a legislative act, and zoning regulations and decisions must bear a substantial relationship to public health, safety, morals, or general welfare and not be arbitrary or irrational.

¹ Farmland Classifications Map

² Fire Hazard Zones and Responsibility Map

³ Cannabis Sites Map

⁴ MCC, Division I, Section 20.119.020(B)

⁵ MCC, Division I, Section 20.119.030(B)

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Range Lands (RL), Forest Lands (FL)	Rangeland (RL), Timberland Production Zoning (TPZ)	73.32±; 11.25±; 133.76±; 80.00±; 160.00±; 80.00±; 40.00±; 40.00± Acres	Agricultural, Residential
EAST	Range Lands (RL)	Range Lands (RL:160)	191.00± Acres	Agricultural, Residential
SOUTH	Range Lands (RL), Public Lands (PL)	Rangeland (RL), Timberland Production Zoning (TPZ), Public Facility (PF)	8.40±; 60.00±; 9.50±; 80.00±; 40.00±; 40.00±; 40.00±; 40.00±; 149.01± Acres	Agricultural, Residential
WEST	Range Lands (RL)	Rangeland (RL)	21.7±; 20.1±; 20.8± Acres	Agricultural, Residential

PUBLIC SERVICES:

ACCESS: Hearst Willits Road (CR 306)
FIRE DISTRICT: Little Lake Fire Protection District
WATER DISTRICT: None
SEWER DISTRICT: None
SCHOOL DISTRICT: Willits Unified

KEY ISSUES

GENERAL PLAN AND ZONING CONSISTENCY: The project proposes the establishment of a Commercial Cannabis Prohibition (CP) Combining District that includes 25 APNs. These 25 APNs have two General Plan land use classifications, Range Lands (RL) and Forest Lands (FL) with their respective Rangeland (RL) and Timberland Production Zoning (TPZ) Zoning Districts.

Mendocino County General Plan, Chapter 3–Development Element, Policy DE-18: Land Use Category: FL-Forest Lands provides the following:

Intent: The Forest Lands classification is intended to be applied to lands that are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products. The classification should include lands eligible to be zoned for Timberland Production, intermixed smaller parcels, and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of timber resource lands. The policy of the County and the intent of this classification shall be to protect these lands from the pressures of development and preserve them for future use as designated.

General Uses: Residential uses, forestry, timber processing, agricultural uses, cottage industries, residential clustering, uses determined to be related to and compatible with forestry, conservation, processing, and development of natural resources, recreation, utility installations. (Mendocino County General Plan, Chapter 3, Policy DE-18)

Currently one (1) of the 25 APNs of the proposed CP Combining District is under the FL land use classification totaling 108± acres. This parcel is currently within the TPZ District. Mendocino County Zoning Code Chapter 20.068 provides that with the intent of the TPZ District is to be applied to areas of the County which because of their general soil types, location and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such. New cannabis cultivation (Phase 3) is not allowed in the TPZ District, see the *Permit Requirements*

for *New Cultivation Sites* attachment.⁶

Mendocino County General Plan, Chapter 3–Development Element, Policy DE-17: Land Use Category: RL-Range Lands provides the following:

Intent: The Range Lands classification is intended to be applied to lands which are suited for and are appropriately retained- for the grazing of livestock. The classification should include land eligible for incorporation into Type II agricultural preserves, other lands generally in range use, intermixed smaller parcels, and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of rangelands. The policy of the County and the intent of this classification shall be to protect these lands from the pressures of development and preserve them for future use as designated.

General Uses: Residential uses, agricultural uses, forestry, cottage industries, residential clustering, uses determined to be related to and compatible with ranching, conservation, processing and development of natural resources, recreation, utility installation (Mendocino County General Plan, Chapter 3, Policy DE-17)

The remaining 24 of the 25 APNs of the proposed CP Combining District are under the RL land use classification totaling 856± acres. Current land uses including agricultural and low-density residential uses on these 24 APNs are consistent with the prescribed General Uses from Policy DE-17. To date, none of these said properties with the RL land use classification are designated as an Agricultural Preserve or lands under Williamson Act Contract.

Further, these 24 APNs all share the RL Zoning District classification. Mendocino County Zoning Code Chapter 20.060 provides that the intent of the RL District is to create and preserve areas for the grazing of livestock, the production and harvest of natural resources, and the protection of such natural resources as watershed lands from fire, pollution, erosion, and other detrimental effects. Though cannabis cultivation is an agricultural use, new cannabis cultivation sites (Phase 3) are not allowed on parcels within the RL Zoning District, see the *Permit Requirements for New Cultivation Sites* attachment.⁷

With regards to existing cannabis cultivation sites⁸, historical application analysis provides that the following cultivation permit applications are all located within the proposed rezone: AG_2018-0042, AG_2018-0043, AG_2018-0099, AG_2018-0100, AG_2017-0299, AG_2019-0028. The Cannabis Department was able to confirm that AG_2018-0042, AG_2018-0043, AG_2018-0099, AG_2018-0100, and AG_2017-0299 have all been denied. AG_2019-0028 is still under review as a permit application and has local authorization to apply for a state license.

In addition to the cultivation of cannabis, cannabis facilities that include the manufacturing, testing, dispensing, retailing, and distributing of cannabis within the proposed CP Combining District would also be prohibited, see Attachment M. Of the listed cannabis facility types, only processing would be allowed within the RL Zoning District. A "Processing Facility" means a location or facility where cannabis is dried, cured, graded, trimmed, and/or packaged at a location separate from the cultivation site where the cannabis is grown and harvested.⁹ The Cannabis Prohibition Combining District section of this report provides more information on this Cannabis Facility Business License use type.

Apart from the one (1) cannabis cultivation permit application under review, the potential for new permitted commercial cannabis activities on any of the given 25 APNs within the proposed CP Combining District is limited by current zoning requirements. As previously mentioned, new cannabis cultivation sites are not allowed on parcels within either the RL or TPZ zoning districts. The only potential for new commercial cannabis activities on any given property within the proposed CP Combining District would be a Cannabis

⁶ Mendocino County Code, Div. I, Sec. 20.242.060–New Cannabis Cultivation Sites

⁷ Mendocino County Code, Div. I, Sec. 20.242.060–New Cannabis Cultivation Sites

⁸ Mendocino County Code, Div. I, Sec. 20.242.040(A)–Agriculture Commissioner's determination that the cultivation site existed prior to January 1, 2016

⁹ Mendocino County Code, Div. I, Sec. 20.243.030–Definitions

Facility Business License for the processing of cannabis on a RL zoned parcel subject to an administrative permit.

Considering the establishment of the proposed CP Combining District would not restrict other bona-fide agricultural and permitted uses, and the prohibitive zoning requirements for the RL and TPZ Districts, staff finds that the project would not conflict with the Mendocino County Zoning Code Chapter 20.060 and Chapter 20.068 or General Plan Policy DE-17 and Policy DE-18.

As for the selection of the 25 APNs that comprise the proposed CP Combining District, Merriam Webster Dictionary offers the following definition for a neighborhood:

*“Neighborhood” means the people living near one another or a section lived in by neighbors and usually having distinguishing characteristics.*¹⁰

While the distinguishing characteristics of a given neighborhood may be open to question, certain commonalities are frequently considered, including culture, history, and geography. The proposed CP Combining District is situated within and generally encompasses the entirety of the geological area mapped as Rock Tree Valley, including the flatlands in the valley floor, Rock Tree Creek, and the surrounding slopes of forests and grasslands. The main access for the neighborhood is via Hearst Willits Road (CR 306), an old stagecoach route that is partially paved and now serves as a local connector. Historically Rock Tree Valley has been largely agricultural, with small-scale cattle grazing, horse ranching, non-commercial gardening, and residential uses. In consideration of these distinguishing characteristics the property owners and residents of the 25 APNs identified and selected for the proposed CP Combining District are likely to consider the Rock Tree Valley area as a neighborhood.

CANNABIS PROHIBITION COMBINING DISTRICT: On October 1, 2021, Planning and Building Services accepted the Rezone application requesting the establishment of a CP Combining District to prohibit commercial cannabis operations over 25 APNs comprising 18 legal parcels within the Rock Tree Valley Area northeast of the City of Willits.

In accordance with Mendocino County Zoning Code Section 20.119.030(B), 60% of the affected property owners have demonstrated support for the proposed district by signed petition at the time of the application (see the *Petition Demonstrating Support* attachment). The 11 property owners in support of the CP Combining District constitute 61% of the total 18 legal parcels contained within the CP Combining District. In addition to these signed petitions of support, the *Applicant’s Project Description* provides further detail on community concerns regarding the prohibition of commercial cannabis within the proposed CP Combining District.

Mendocino County Zoning Code Section 20.119.020 provides that the CP Combining District may be applied to an area where a majority of the parcels allow residential use by right, and that a CP Combining District shall be composed of no fewer than ten (10) legally created parcels that are contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities). As currently proposed, the CP Combining District meets these requirements.

Should the proposed CP Combining District be established, Mendocino County Zoning Code Section 20.119.040 provides the following regulations:

- (A) *All new and unpermitted cannabis cultivation sites as defined in section 10A.17.020, except those uses identified as exempt under section 10A.17.030, and all cannabis facilities as defined in section 20.243.030 shall be prohibited within the CP district.*
- (B) *Existing permitted cannabis cultivation sites or permitted cannabis facilities located within a newly adopted CP Combining District zone shall be permitted to continue operations for three (3) years from the date of establishment of the CP district. After three (3) years following the date of establishment of the district, all previously permitted commercial*

¹⁰ [Neighborhood Definition & Meaning - Merriam-Webster](https://www.merriam-webster.com/dictionary/neighborhood), www.merriam-webster.com/dictionary/neighborhood

cannabis cultivation sites and commercial cannabis facilities shall cease operations.

(C) *Nothing in this section shall be construed to extend the period of allowed cultivation as established under Mendocino County Code section 10A.17.080(B)(2)(b) (Sunset provisions).*

It is worth noting that the intent of the CP Combining District is to allow the County to designate specific areas where commercial cannabis operations are prohibited.¹¹ As previously mentioned, current zoning regulations for RL and TPZ Districts only allow cannabis cultivation sites under Phase 1 of Chapter 10A.17. Phase 1 closed in 2019. Parcels in the RL and TPZ districts are not presently eligible for cannabis cultivation permits. Further, commercial cannabis facilities that include microbusinesses, manufacturing, testing, dispensing, retailing, and distributing of cannabis within the proposed CP Combining District are also prohibited.

The establishment of the proposed CP Combining District would effectively prohibit any approval of the existing cannabis cultivation permit application, AG_2019-0028, as well as any future Cannabis Facility Business Licenses. Pursuant to Mendocino County Code Section 20.243.060, processing facilities within the RL Zoning District require an Administrative Permit (AP). APs are under the jurisdiction of the Zoning Administrator unless specified otherwise.¹² An AP application for a processing facility within the RL Zoning District would be subject to, but not limited to, the following:

- Review and evaluation for conformance with the standards and criteria set forth in the pertinent sections of Division I of Mendocino County Code.
- The granting or modification of any AP shall not authorize or legalize the maintenance of any private or public nuisance.
- The decision pursuant to Sections 20.192.025 (Decision and Notice) or 20.192.060 (Revocation) may be appealed as provided in Chapter 20.208 (Appeals).

Current zoning regulations already capture the review and evaluation of this single cannabis facility use type, processing, as well as provide the public with an appeal process for decisions made on the Administrative Permit. As of the date of this report, there are no applications, either Cannabis Facility Business Licenses or Administrative Permits, for the processing of cannabis on any of the 25 APNs within the proposed CP Combining District.

The applicant provides in their project description that existing cannabis regulations, permit processes, and enforcement options have not protected the neighborhood from the undesirable effects of commercial cannabis. It is also mentioned that recent and future movements to change existing regulations are uncertain and may further weaken protections. The applicant and supporting property owners wish to have commercial cannabis clearly prohibited by the establishment of the CP Combining District, as stated in the *Applicant's Project Description*.

These districts like all other zoning districts are an exercise of the County's police power over land uses and development and are intended to protect health, safety and welfare. The rezoning of property is a legislative act, and zoning regulations and decisions must bear a substantial relationship to public health, safety, morals or general welfare and not be arbitrary or irrational. In making its report and recommendation to the Board of Supervisors on this rezoning request, the Planning Commission should consider several factors:

- Consistency with the General Plan;
- Location, size and shape of the proposed CP District including if it is appropriate to include all proposed parcels in the District;

¹¹ Mendocino County Code, Div. I, Sec. 20.119.010–Intent

¹² Mendocino County Code, Div. I, Sec. 20.192.010 –Original Jurisdiction

- Effect of the CP District on existing and future land uses;
- Effect of the CP District on public health, safety, morals and general welfare of the area affected;
- Effect of the CP District on pending applications for cultivation of cannabis within the District.

ENVIRONMENTAL DETERMINATION

Pursuant to Article 5, Section 15061(b)(3) of the California Environmental Quality Act (CEQA), a “common sense exemption” applies to projects “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment”. Further, CEQA only applies to projects that have the potential for causing a significant environmental effect. CEQA Section 15382 provides that:

“Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21068, 21083, 21100, and 21151, Public Resources Code; Hecton v. People of the State of California, 58 Cal. App. 3d 653.

The project proposed establishing a combining district that would prohibit commercial cannabis activities per Mendocino County Code Chapter 20.119 that includes 25 Assessor’s Parcel Numbers (APNs) comprising 18 legal parcels. As detailed in the Cannabis Prohibition Combining District section of this report, Section 20.119.040 of Mendocino County Code requires that existing permitted commercial cannabis activities within the proposed CP Combining District would have a maximum of three (3) years to cease operation, and new commercial cannabis activities would be prohibited except those uses defined as exempt under Section 10A.17.030. However, there are no permitted commercial cannabis activities within the proposed CP Combining District. In addition, the prohibition of commercial cannabis activities would not affect personal cannabis activities that are in accordance with the Adult Use of Marijuana Act of 2016 (Proposition 64) as codified in California Health and Safety Code Section 11362.2.

Adoption of the proposed CP district would prohibit one specific commercial-scale use on an RL-zoned parcel. This parcel could still host other agricultural uses and other uses as allowed by the Zoning Code, which may be more or less intense than commercial cannabis cultivation. Elimination of a single activity from these parcels will not have a significant impact on the environment within the CP district.

The elimination of commercial cannabis cultivation within the proposed CP district will also not have a significant impact on the environment beyond the district’s boundaries. As discussed above, 4% of the district is made up of parcels zoned TPZ and are not eligible for new cultivation permits under Phase 3 of Chapter 10A.17. The remaining 96% of the district is zoned RL and are also not eligible for new cultivation permits under Phase 3 of Chapter 10A.17. The Mitigated Negative Declaration (SCH No. 2016112028) adopted for Chapter 10A.17 calculated available acreages in each zoning district where cultivation could be permitted. Table 1 of the Mitigated Negative Declaration shows the area of zoning districts potentially available for cannabis cultivation. “Available acres” as used in Table 1 includes the gross acreage of all parcels potentially eligible for permits while a maximum 10,000 square feet of cultivation (less than a 1/4 acre) or 22,000 square feet in nursery (cannabis in vegetative state only) on any parcel would be eligible for a permit. Similarly, the number of “Available Parcels” is based on the number of separate Assessor’s Parcel Numbers (APNs) assigned in each zoning district. Actual cultivation permits are based on legal lots of record which may vary from the number of APNs. If approved, the proposed CP district would not result in a reduction of “available acres or “available parcels” as new cultivation is already prohibited in both the TPZ and RL zoning districts and the only pending applications are for Phase 1 applicants for which the application period has closed.

Considering the analysis contained in this report and the findings required by CEQA Guidelines Section 15061, staff finds that the proposed project would not result in any significant environmental effect on the environment and is exempt from further environmental review within the meaning of the CEQA.

Should the Planning Commission choose to recommend that the Board of Supervisors deny the project, pursuant with CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

POSSIBLE ACTIONS

OPTION 1:

By Resolution, the Planning Commission recommends that the Board of Supervisors find the project Exempt from CEQA and approve the requested Rezone, as proposed by the applicant, based on the facts and findings contained in the Resolution.

OPTION 2:

By Resolution, the Planning Commission recommends that the Board of Supervisors deny the requested Rezone, as proposed by the applicant, based on the facts and findings contained in the Resolution.

OPTION 3:

By Resolution, the Planning Commission recommends modification of the boundaries of the proposed CP District to the Board of Supervisors, based on the facts and findings contained in the Resolution.

OPTION 4:

If unable to agree on a recommendation, the Planning Commission may forward the project to the Board of Supervisors without a recommendation.

6.26.2023

DATE

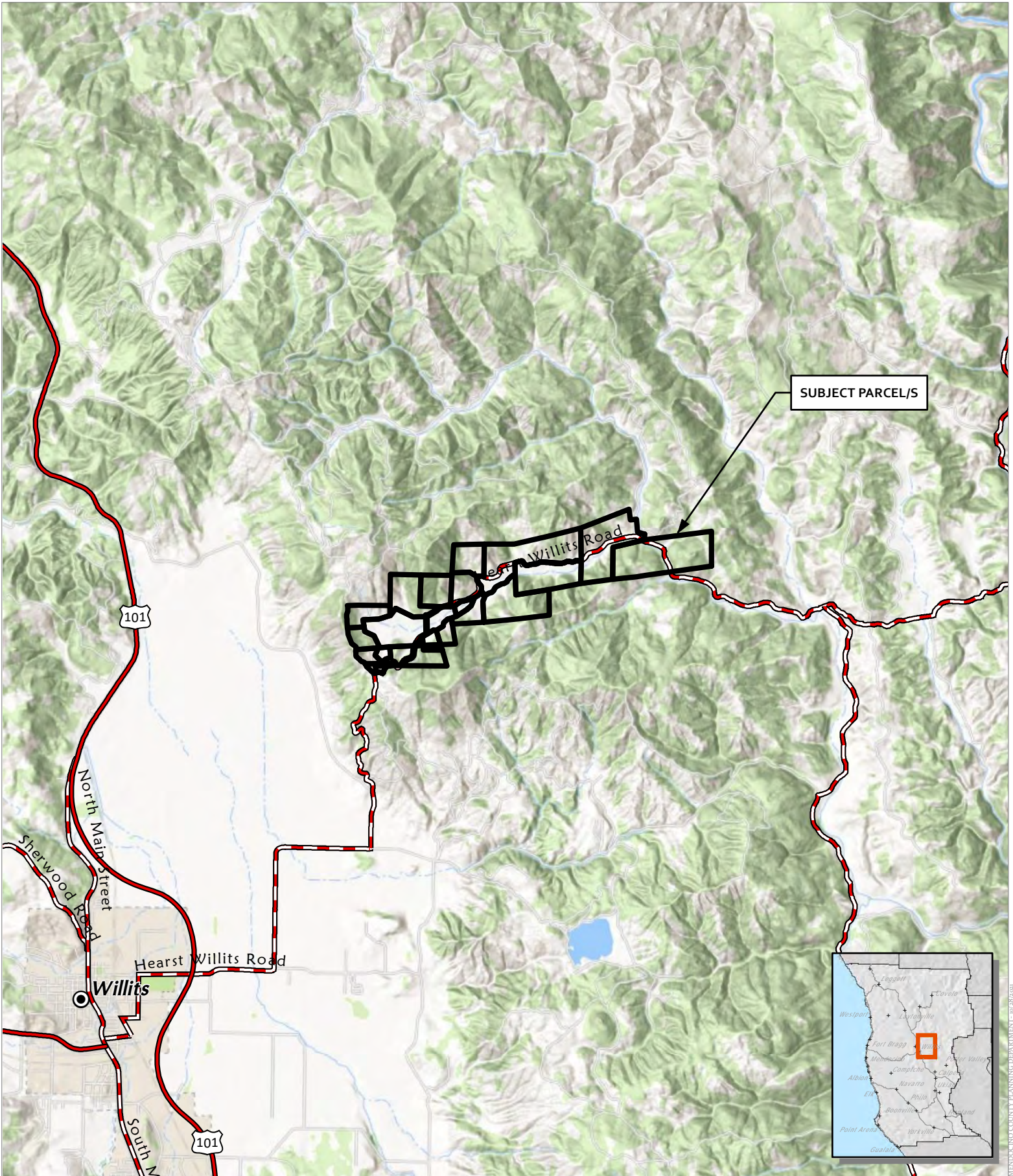


STEVEN SWITZER
PLANNER II

ATTACHMENTS:

- | | |
|---|---|
| A. Location Map | J. Farmland Classifications |
| B. Aerial Imagery | K. Existing Cannabis Sites |
| C. Topography Map | L. Permit Requirements for New Cannabis Cultivation Sites Table |
| D. Zoning Display Map | M. Permit Requirements for Cannabis Facilities Table |
| E. General Plan Classifications | N. Parcels Within the Proposed District |
| F. Adjacent Parcels | O. Applicant's Project Description |
| G. Fire Hazard Zones and Responsibility Areas | |
| H. Wildland-Urban Interface Zones | |
| I. Wetlands | |

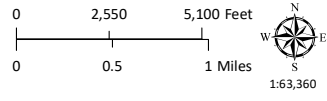
DRAFT RESOLUTION AND EXHIBITS A & B



SUBJECT PARCEL/S

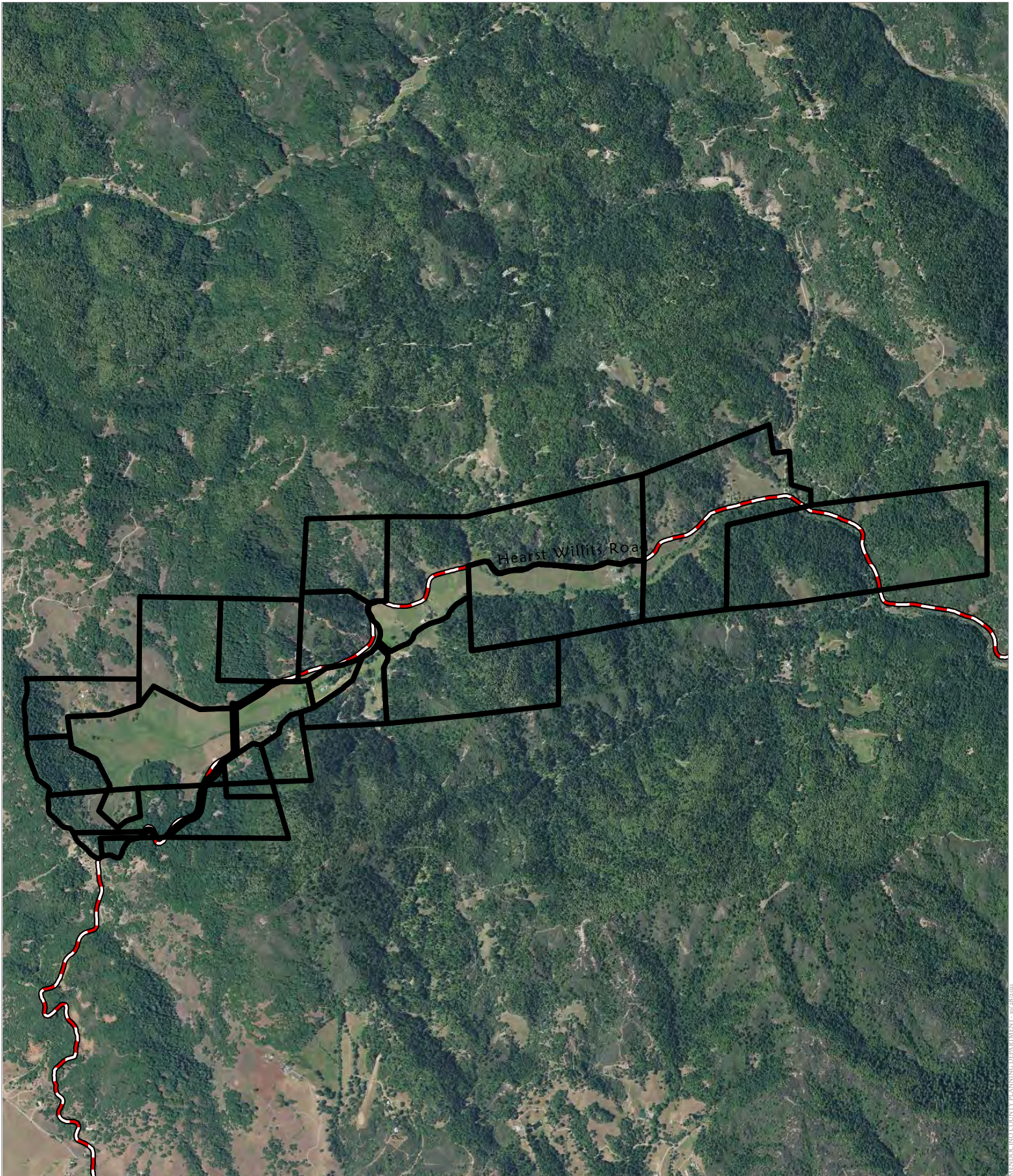
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 OWNER: Various
 APN: Various
 APLCT: Robert Cronin
 AGENT: Bruce Jackson
 ADDRESS: Hearst-Willits Road, Willits

- Major Towns & Places
- Highways
- Major Roads



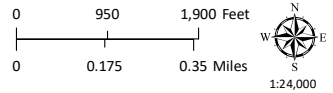
LOCATION MAP

MENDOCINO COUNTY PLANNING DEPARTMENT - 40/28/2021



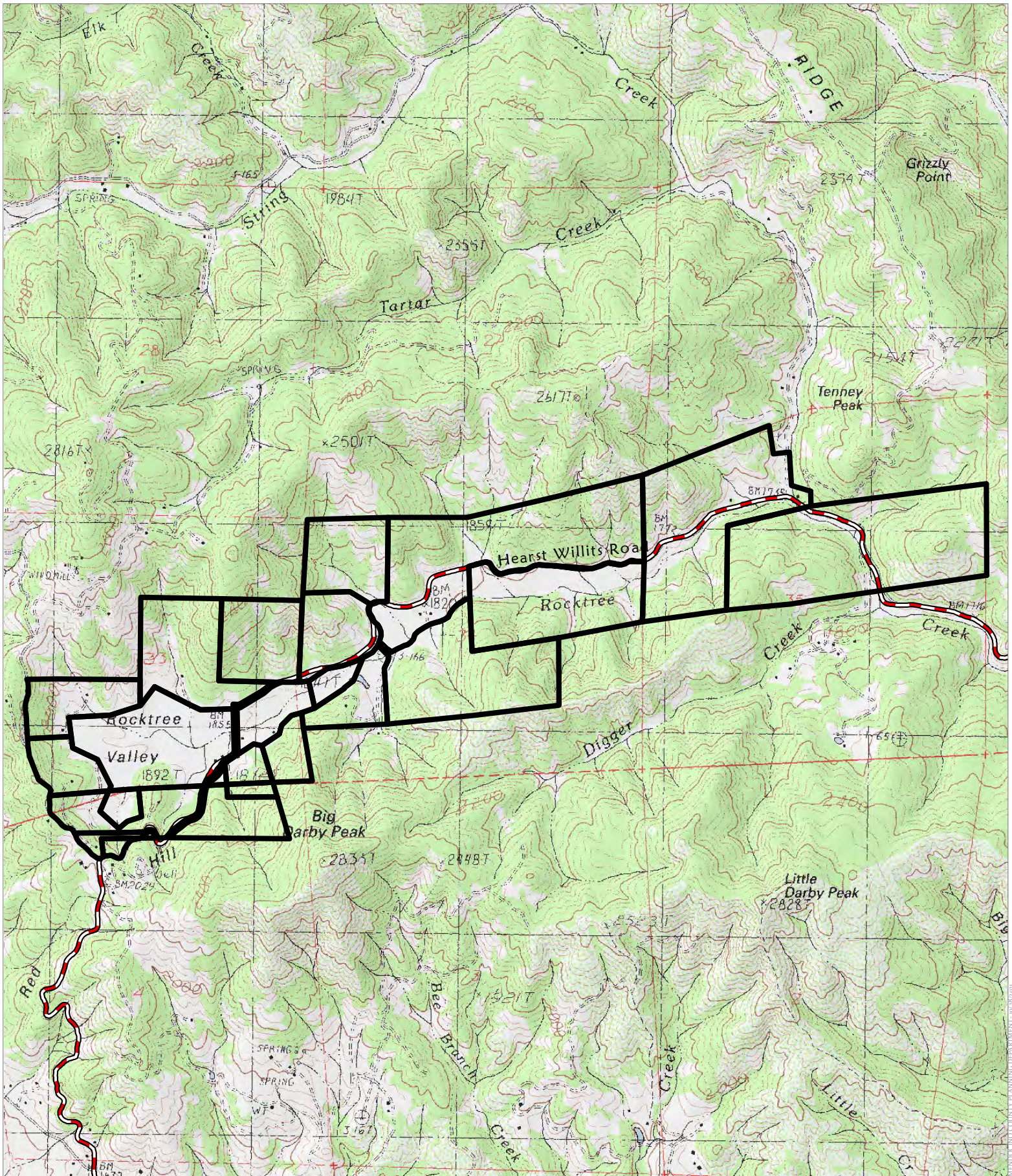
CASE: R 2021-0003
OWNER: Various
APN: Various
APLCT: Robert Cronin
AGENT: Bruce Jackson
ADDRESS: Hearst-Willits Road, Willits

 Major Roads



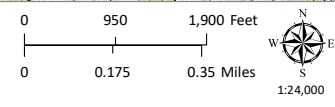
AERIAL IMAGERY

MENDOCINO COUNTY PLANNING DEPARTMENT - 01/28/2021

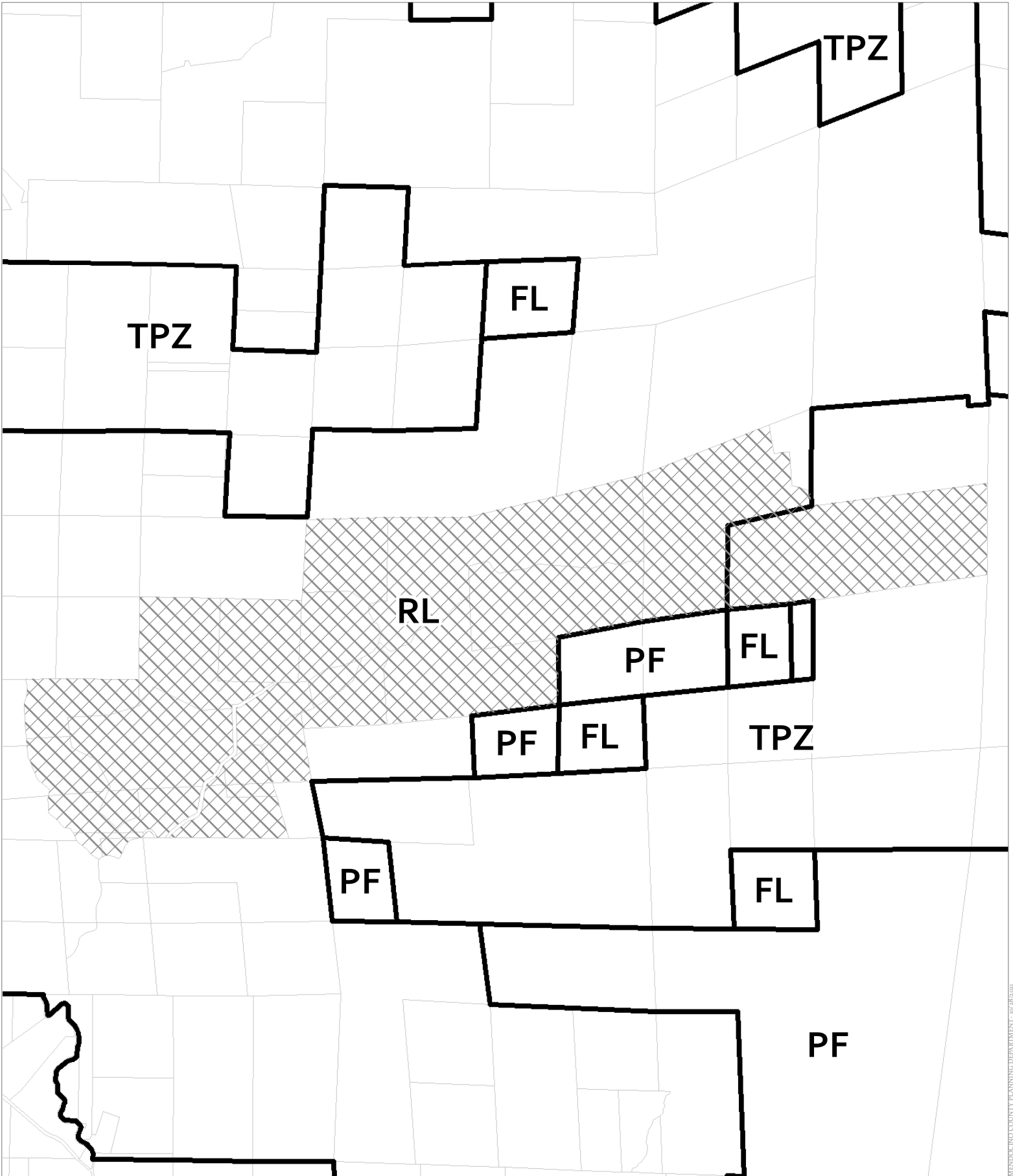


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 APN: Various
 APLCT: Robert Cronin
 AGENT: Bruce Jackson
 ADDRESS: Hearst-Willits Road, Willits


 Major Roads

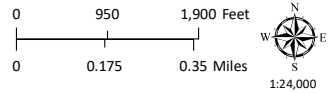


TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

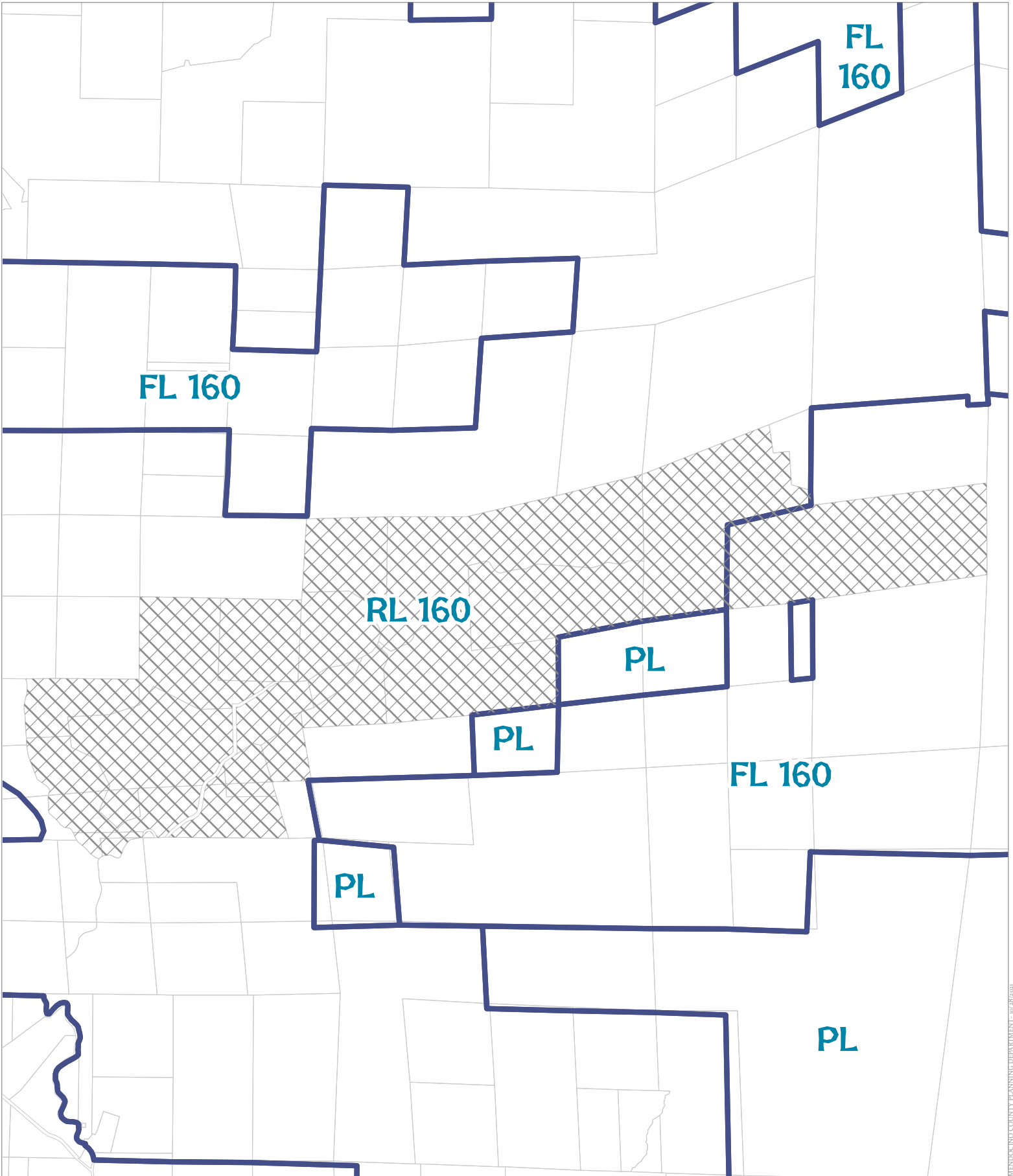


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 OWNER: Various
 APN: Various
 APLCT: Robert Cronin
 AGENT: Bruce Jackson
 ADDRESS: Hearst-Willits Road, Willits

 Zoning Districts




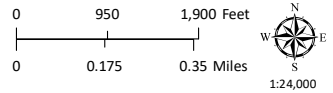
ZONING DISPLAY MAP



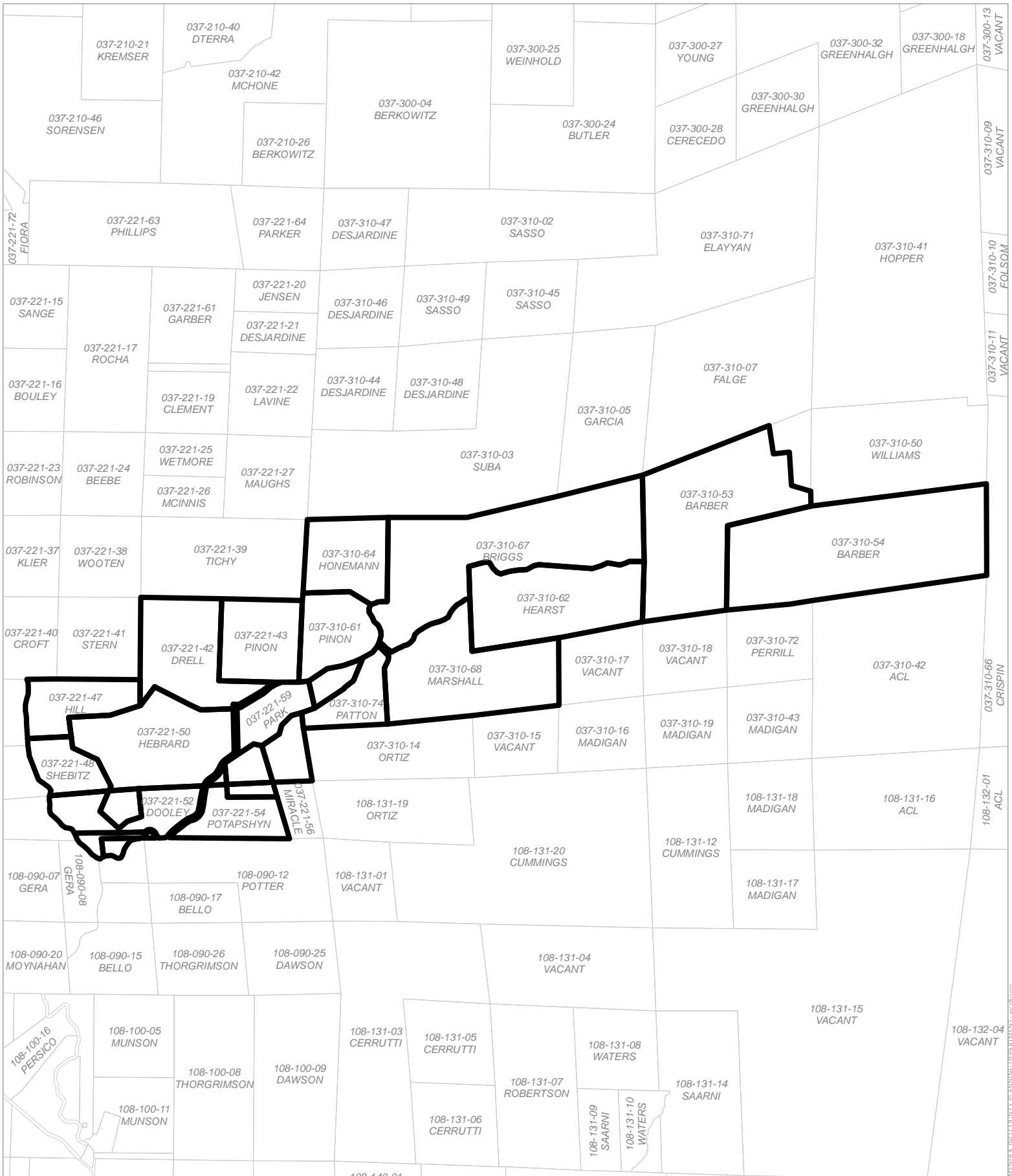
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/28/2021

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 APN: Various
 APLCT: Robert Cronin
 AGENT: Bruce Jackson
 ADDRESS: Hearst-Willits Road, Willits

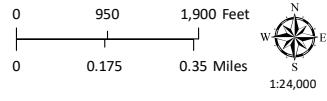
 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

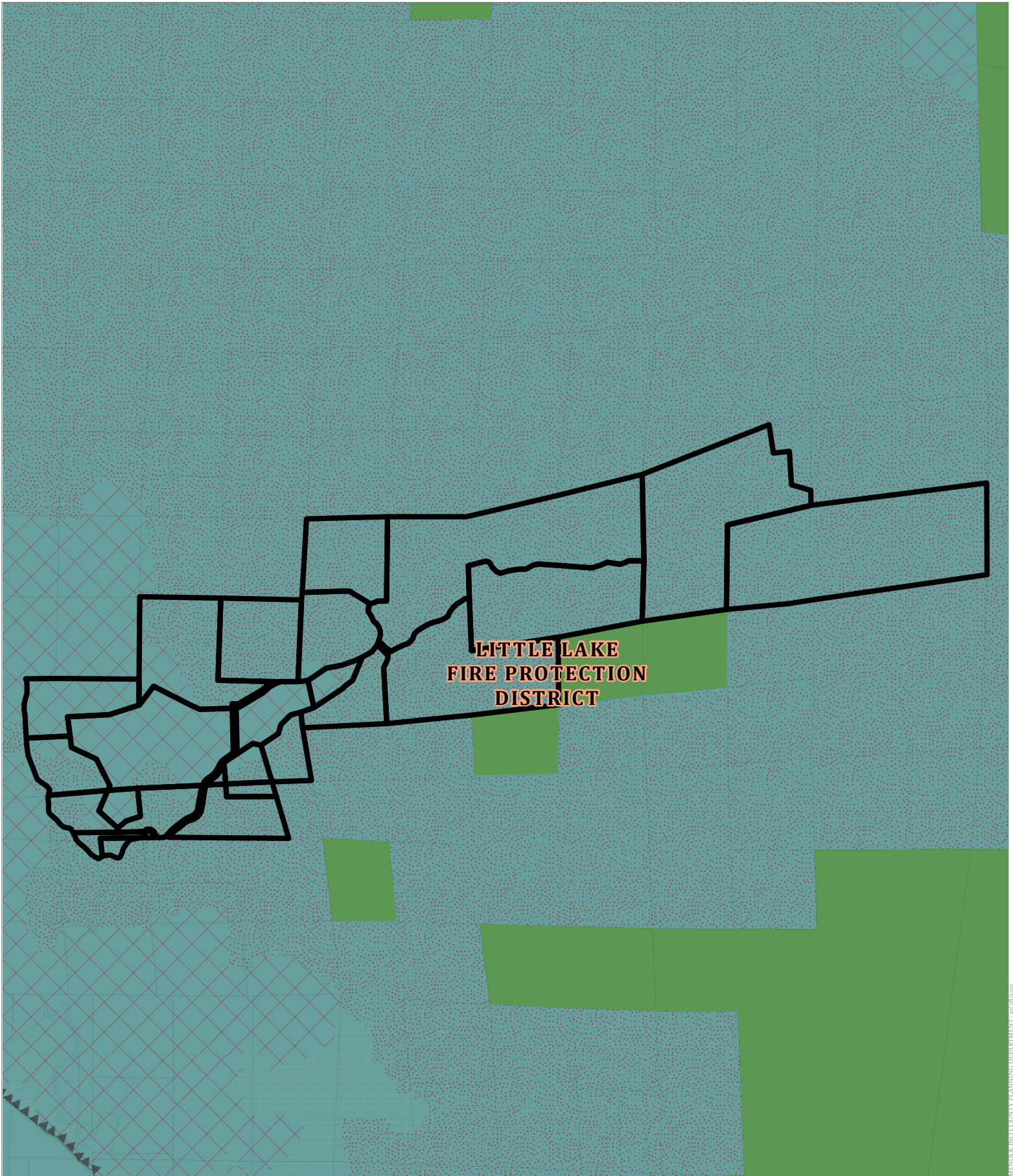


CASE: R 2021-0003
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 APN: Various
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 AGENT: Bruce Jackson
 ADDRESS: Hearst-Willits Road, Willits



ADJACENT PARCELS

MENDOCINO COUNTY PLANNING DEPARTMENT - 07/28/2021

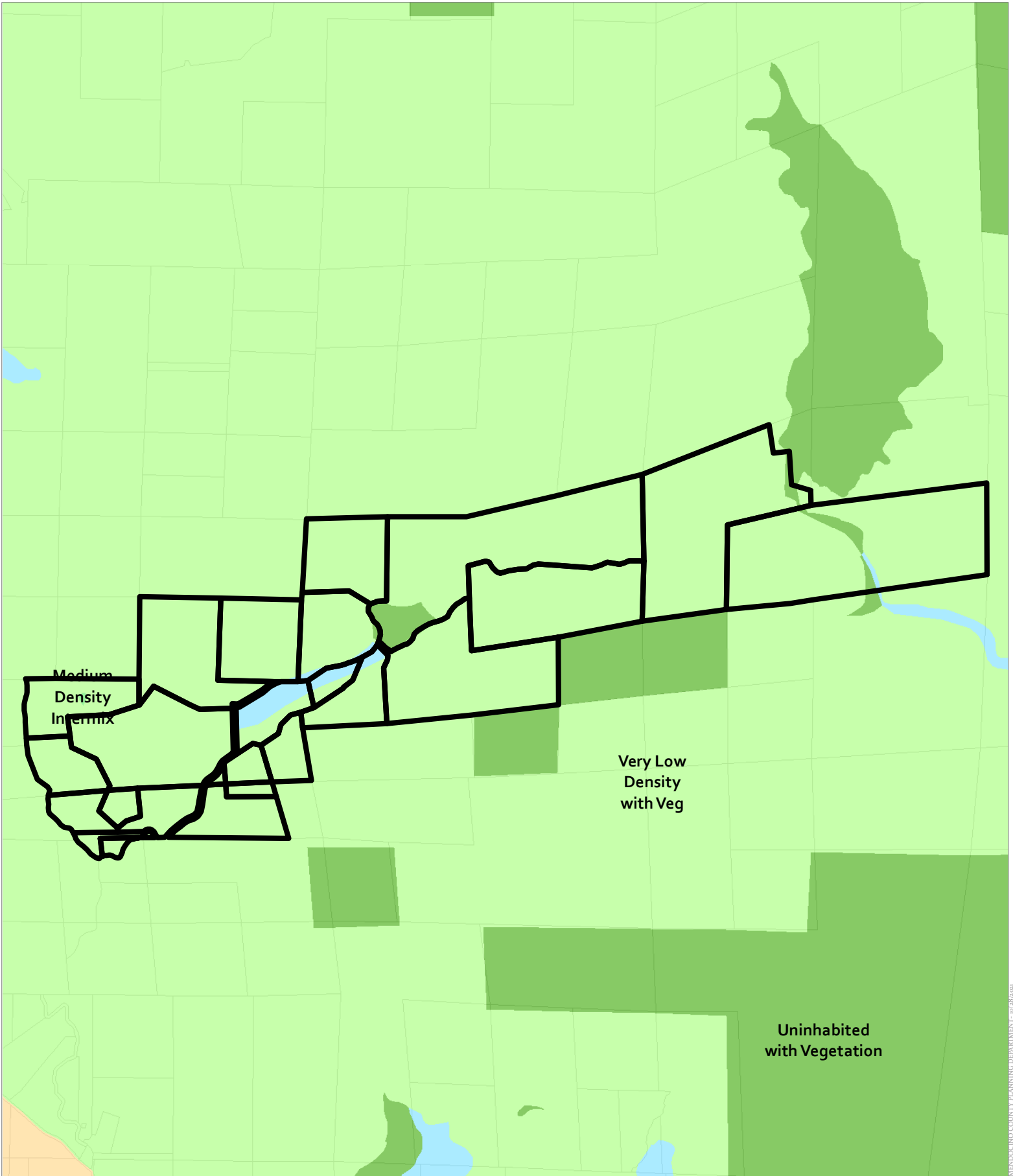


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 AGENT: Bruce Jackson
 ADDRESS: Hearst-Willits Road, Willits

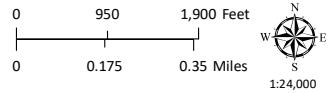
FRA
 LRA
 Very High Fire Hazard

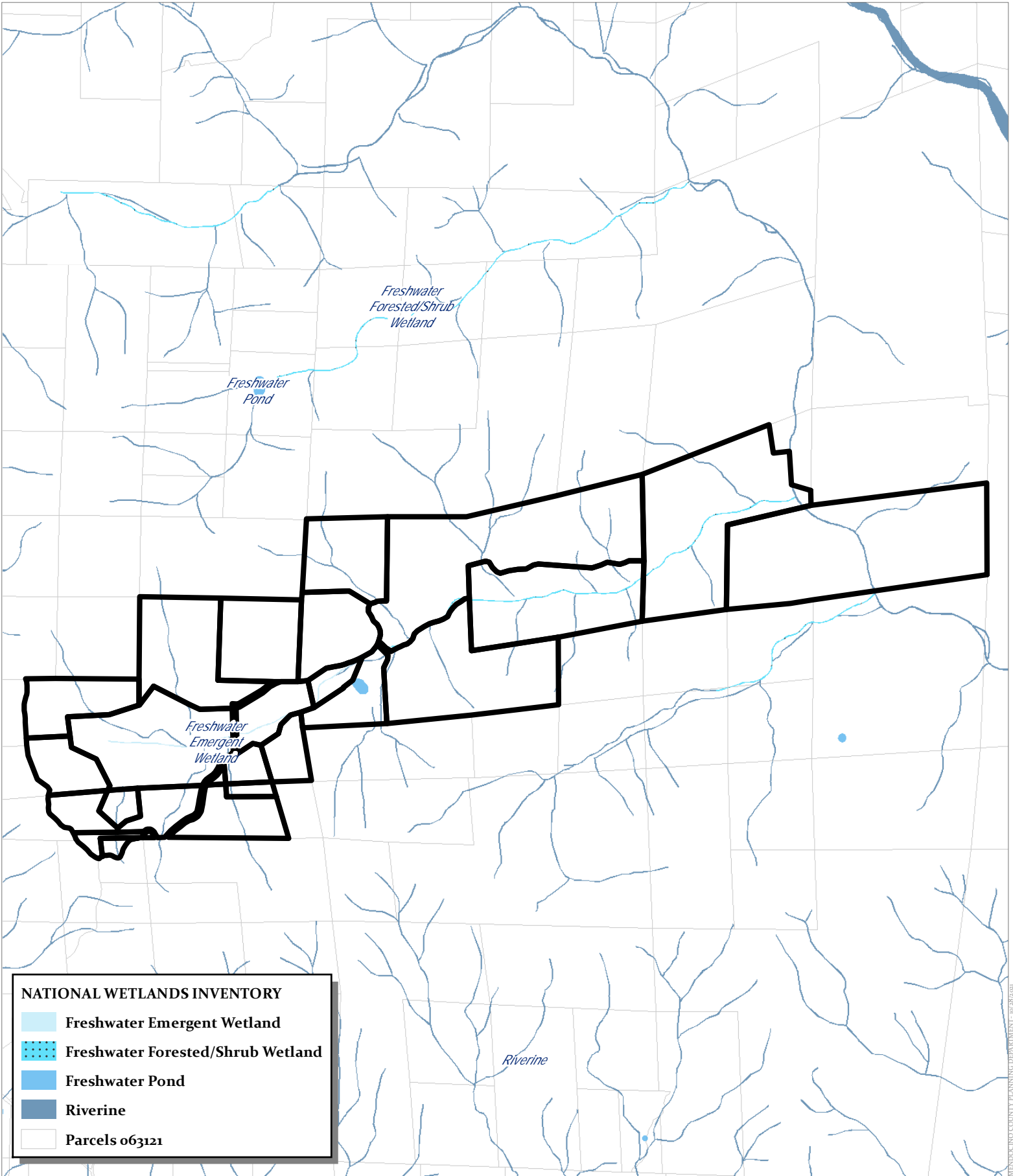
High Fire Hazard
 Moderate Fire Hazard
 Count FIRE HAZARD ZONES & RESPONSIBILITY AREAS

0 950 1,900 Feet
 0 0.175 0.35 Miles
 1:24,000
 STATE RESPONSIBILITY AREA

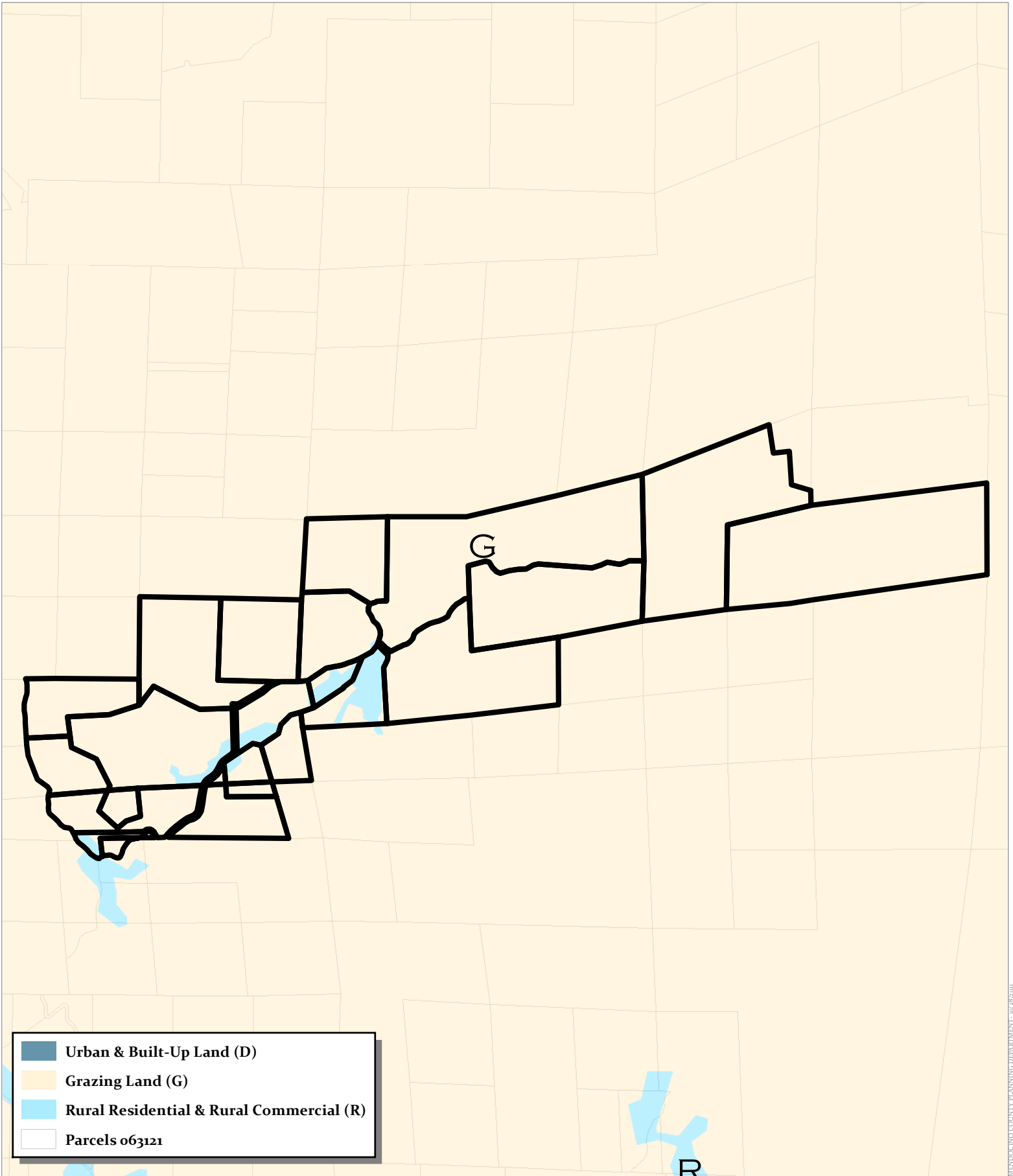






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 OWNER: Various
 APN: Various
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 AGENT: Bruce Jackson
 ADDRESS: Hearst-Willits Road, Willits



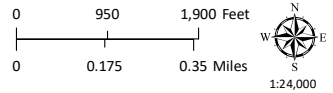


CASE: R 2021-0003
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 APN: Various
 APLCT: Robert Cronin
 AGENT: Bruce Jackson
 ADDRESS: Hearst-Willits Road, Willits

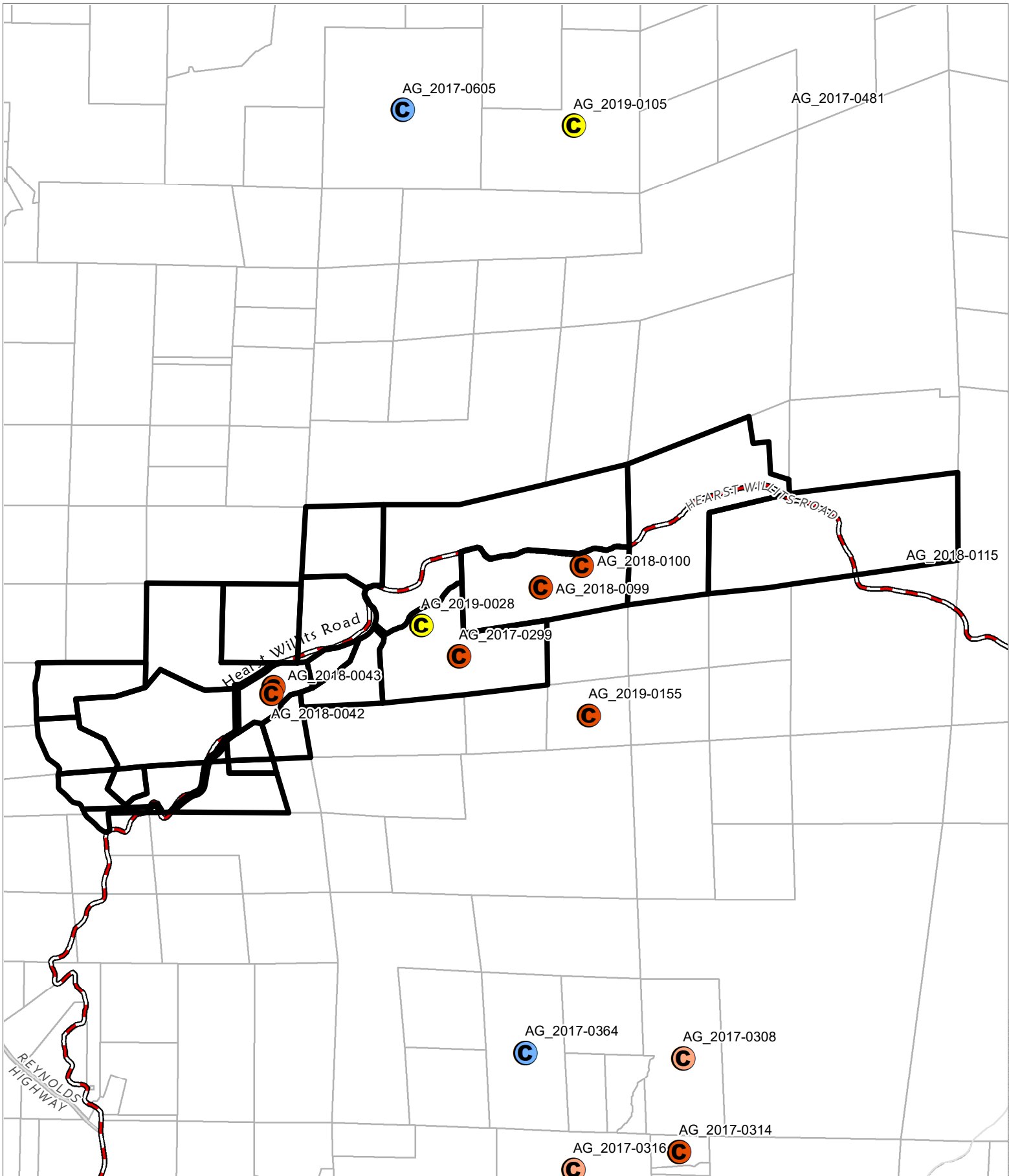


	Urban & Built-Up Land (D)
	Grazing Land (G)
	Rural Residential & Rural Commercial (R)
	Parcels 063121

CASE: R 2021-0003
 OWNER: Various
 APN: Various
 APLCT: Robert Cronin
 AGENT: Bruce Jackson
 ADDRESS: Hearst-Willits Road, Willits



FARMLAND CLASSIFICATIONS



CASE: R 2021-0003
OWNER: Various
APN: Various
APLCT: Robert Cronin
AGENT: Bruce Jackson
ADDRESS: Hearst-Willits Road, Willits

STATUS

- RENEWAL ISSUED
- DENIED
- UNDER REVIEW
- WITHDRAWN

Major Roads (Red and White Dashed Line)
Public Roads (Grey Line)

0 1,000 2,000 Feet
0 0.175 0.35 Miles

1:25,000

CANNABIS SITES

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

MENDOCINO COUNTY PLANNING DEPARTMENT - 01/27/2023

Sec. 20.242.060 - New Cannabis Cultivation Sites.

- (A) Except as provided in Section 20.242.050, on or after January 1, 2020, new cannabis cultivation sites may be permitted in accordance with this section.
- (B) All new cannabis cultivation sites shall be consistent with the General Limitations on Cultivation of Cannabis, Section 10A.17.040; provided, however, that an applicant may seek a reduction in the setback requirements as stated in paragraph (D) of this section.
- (C) Cultivation sites, operated in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, Administrative Permit or Minor Use Permit, as required for the zoning district in which the cultivation site is located and listed in Table 2.

TABLE 2
Zoning Permit Requirement for New Cannabis Cultivation by Zoning District
and Cannabis Cultivation Ordinance Permit Type

MCCO Permit Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm, Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery
Min Parcel Area (ac)	2	2		2	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501—2,500	2,500	2,501—5,000	2,501—5,000	2,501—5,000	5,001—10,000	5,001—10,000	5,001—10,000	22,000
Zoning District	RR 5*	ZC	AP	UP	ZC	ZC	—	ZC	—	—	—
	RR 10	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	AG	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	UR	ZC	AP	UP	ZC	ZC	—	ZC	ZC	—	ZC
	I1* ²	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	I2* ²	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	PI* ²	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

*2 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

- (D) Setback Reduction. A reduction in the setback from a legal parcel line required by Section 10A.17.040 may be allowed with an Administrative Permit, approved according to Section 20.242.070(C), provided that the approved setback reduction is fifty (50) feet or greater from an adjoining property under separate ownership or access easement, whichever is most restrictive and the location of the cannabis cultivation site continues to comply with the required setback from an occupied legal residential structure.

(Ord. No. 4381, § 2, 4-4-2017; Ord. No. 4408, § 20, 4-28-2018; Ord. No. 4420, § 7, 12-4-2018)

Table 1
 Permit Requirements for Processing, Manufacturing, Testing, Retailers, Distribution, and
 Microbusiness by Zoning District and Cannabis Facilities Code Permit Type

Permit Type			6-A and 6-M	7-A and 7-M	8-A and 8-M	10-M and 10-A	11-A and 11-M	12-A
			Processing	Manufacturing Level 1 (Non-volatile) **	Manufacturing Level 2 (Volatile)	Testing	Retail/Dispensary	Distribution
Zoning District	RR 2	—	—	—	—	—	—	—
	RR 5	—	—	—	—	—	—	—
	RR 10	—	—	—	—	—	—	—
	R3	—	—	—	—	—	—	—
	RC	AP	AP	UP	UP	UP	UP	UP
	SR	—	—	—	—	—	—	—
	AG	AP	—	—	—	—	—	—
	UR	AP	—	—	—	—	—	—
	RL	AP	—	—	—	—	—	—
	FL	AP	—	—	—	—	—	—
	TPZ	—	—	—	—	—	—	—
	C1	AP	—	—	—	ZC	—	—
	C2	AP	UP	—	ZC	ZC	UP	AP
	I1	ZC	ZC	AP	ZC	UP	ZC	AP
	I2	ZC	ZC	AP	ZC	UP	ZC	AP
PI	ZC	ZC	AP	ZC	UP	ZC	AP	

— = Not Allowed,
 ZC = Zoning Clearance,
 AP = Administrative Permit,
 UP = Minor Use Permit,
 MUP = Major Use Permit

* See Section 20.243.040(A)(2) regarding processing of cannabis grown on site.

** See Section 20.243.040(B)(2) regarding home manufacturing exception.

Attachment A
Proposed Rock Tree Valley CP District, 15 July 2021
Parcels Within the Proposed District

The proposed district is comprised of the following parcels:

	<u>APN's</u>	<u>Street Address</u>
1	037-221-42	6150 Hearst Willits Road
2	037-221-43 & 037-310-61	6170 Hearst Willits Road
3	037-221-47	5100 Hearst Willits Road
4	037-221-48 & 037-221-49	24250 String Creek Road
5	037-221-50	5500 Hearst Willits Road
6	037-221-51 & 037-221-52	5200 Hearst Willits Road
7	037-221-53 & 037-221-54	(1)
8	037-221-55 & 037-221-57	5501 Hearst Willits Road
9	037-221-58	5701 Hearst Willits Road
10	037-221-59	5721 Hearst Willits Road
11	037-310-53 & 037-310-54	8500 Hearst Willits Road
12	037-310-62	7501 Hearst Willits Road
13	037-310-64	6800 Hearst Willits Road
14	037-310-67	7001 Hearst Willits Road
15	037-310-68	6651 Hearst Willits Road
16	037-310-73	6201 Hearst Willits Road
17	037-310-74	6501 Hearst Willits Road
18	108-090-24	5000 Hearst Willits Road

(1) Address not posted and not known to the Assessor

Attachment B

Proposed Rock Tree Valley CP District

Project Description

Project: The designation of a Commercial Cannabis Prohibition Combining District in the neighborhood of Rock Tree Valley as provided for by Chapter 20.119 of the Mendocino County Code.

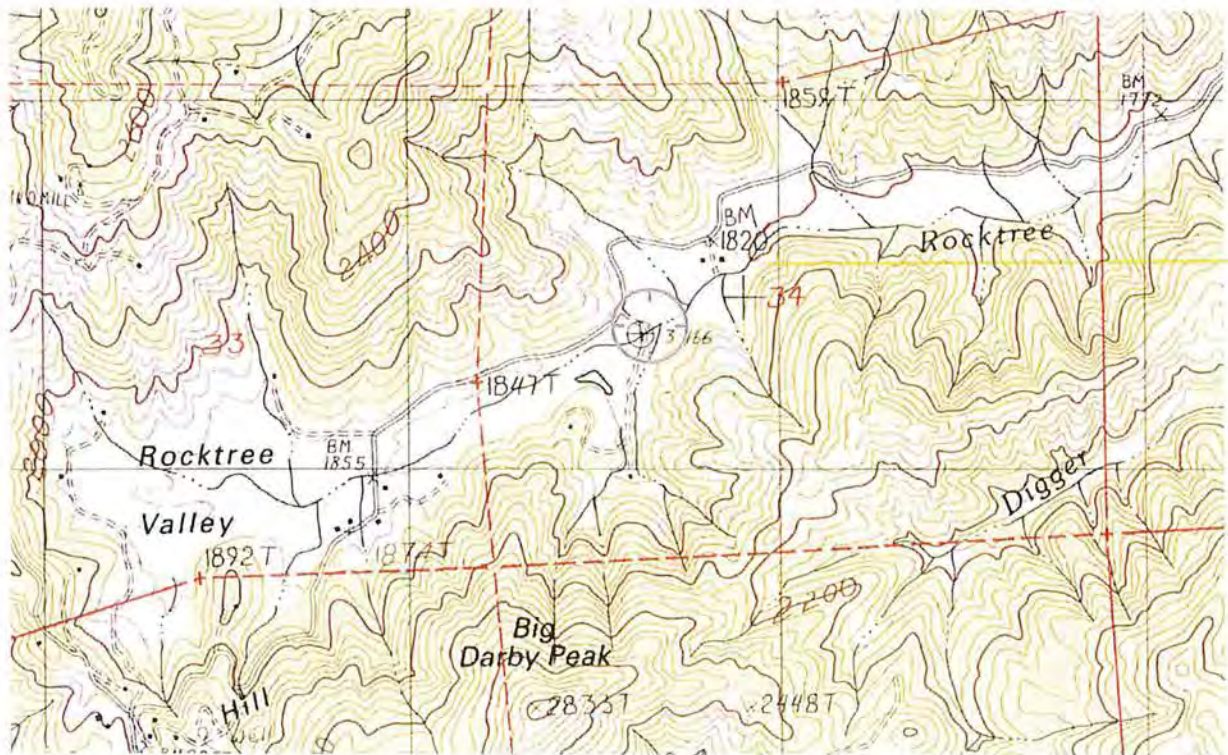
The neighborhood is located east of Willits in a small, isolated, pocket valley along Rock Tree Creek and Hearst-Willits Road. The parcels within and bordering the proposed district are currently zoned as rangeland, forestland and TPZ. The proposed district comprises 18 contiguous legally-created parcels which exceeds the minimum of ten parcels required by Chapter 20.119. As required, over 60% of the affected property owners have demonstrated support for the proposed district by petition.



Current and recent historical use of the neighborhood has been residential with small-scale cattle grazing, horse ranching, and non-commercial gardening. The parcels within the proposed district allow residential use by right and most are in fact currently in such use. Many of the residents settled and built their homes in the neighborhood for the very reason that it was free of commercial and industrial operations and was protected by county codes from the degrading impacts of commercial cannabis.

Attachment B, page 2

The proposed district includes the flatlands in the valley floor which are predominantly meadows, pastures and wetlands as well as some of the surrounding slopes of forests, oak woodlands, chaparral and grasslands. A prominent feature of the neighborhood is Rock Tree Creek, a salmon and steelhead-bearing creek that runs the length of the proposed district and is part of the Eel River drainage. The watershed supports diverse plant and animal communities including bear, mountain lion, bobcat, fox, coyote and eagle.



The neighborhood is accessed from the Willits valley via a narrow and tightly winding county road, Hearst-Willits Road. The road is an old stage coach route that has been partially paved over which serves the needs of light residential use but is very unsuitable for commercial traffic. Within the proposed district this road transitions from aged pavement to chip seal to unpaved dirt, and in places is only a single lane in width.

Privately developed by each property owner, water for homes and livestock in the neighborhood comes from wells in the small aquifer beneath the valley floor and a few springs in the surrounding hills. The available water is limited but sufficient for the current modest usage. Due to the small, finite size of the watershed, the valley's available water could easily be depleted if used for commercial cannabis and with no public water supply or alternative sources available, the current residents would be adversely affected. In addition, any increased water

Attachment B, page 3

usage for commercial cannabis would harm the fragile salmon and steelhead habitat in the valley. Commercial water usage would jeopardize the dry-season pools in the creek bed whose existence is tenuous at best, and which are essential for the reproductive cycle of the endangered fish.

The neighborhood is located in a Wildfire Risk Exposure area rated “Very High” (data from Cal Fire, CPUC) due to the dense vegetation and rugged terrain surrounding the valley floor, and to the arid microclimate of the valley. This risk-rating is significantly higher than the risk-ratings for the majority of the county, in part because of the extreme low humidity during the fire season that is characteristic of inland valleys located east of the coastal marine influence. Further, with the neighborhood’s distance from firefighting resources and the steep and narrow access road, the predicted firefighting response time is accordingly long. As with any increase in human activity in a dry, fire-prone area, commercial cannabis operations would further increase the already high wildfire danger.



The applicant and the supporting property owners wish to preserve the character of the neighborhood which has remained essentially unchanged for decades and is notable for its beauty and tranquility. They wish to have all commercial cannabis operations prohibited in the proposed district to avoid undesirable traffic, dust, noise, visual impact on the landscape, environmental degradation, increased water consumption, and increased risk of wildfire.

Attachment B, page 4

To date, with three exceptions, the proposed district has avoided the impact of any significant commercial operations of any kind. The three exceptions have been commercial cannabis operations:

1. In 2018 a commercial cannabis operation located on rangeland within the proposed district caused over 700 gallons of diesel fuel to spill and flow into Rock Tree Creek. Cleanup was court-ordered but has never been completed. At some point, under a provisional county application, commercial cannabis activities resumed but were ended by the California Department of Fish & Wildlife and the county application was cancelled. Nonetheless, cannabis operations resumed yet again. Then in the spring of 2021 Fish & Wildlife once more raided the now illegal operation and shut it down. No signs of any active cleanup activities are apparent.
2. Fencing for a second commercial cannabis operation, provisionally allowed by the county, was begun on another rangeland parcel within the proposed district. Ultimately the permit was cancelled but the unused, collapsing fencing remains as a visual blight.
3. An illegal commercial cannabis operation was established this year on a third parcel within the proposed district and remains active. A forested area has been cleared without a timber harvest plan, cannabis growing supplies have been hauled in, and a large hoophouse/greenhouse structure, which can be clearly seen on aerial photos taken in 2021 and available on Google Maps, has been constructed.

Despite their intent, the existing cannabis regulations, permit processes and enforcement options have not protected the neighborhood from the undesirable effects of commercial cannabis. Recent and future movements to change the regulations are uncertain and may further weaken protections. The applicant and supporting property owners wish to have any such commercial cannabis activity clearly prohibited by the designation of a Commercial Cannabis Prohibition Combining District.

Attachment C

Proposed Rock Tree Valley CP District, 15 July 2021

Petitions Demonstrating Support

Owners of 61% of the parcels within the district have signed petitions.

There are 18 parcels within the district and owners of 11 of these parcels have signed petitions.

$$11/18 = 61\%$$

Signed petitions for the parcels listed below are enclosed:

	<u>APN's</u>	<u>Street Address</u>
1	037-221-42	6150 Hearst Willits Road
2	037-221-43 & 037-310-61	6170 Hearst Willits Road
3	037-221-47	5100 Hearst Willits Road
4	037-221-48 & 037-221-49	24250 String Creek Road
5	037-221-51 & 037-221-52	5200 Hearst Willits Road
6	037-221-58	5701 Hearst Willits Road
7	037-310-53 & 037-310-54	8500 Hearst Willits Road
8	037-310-64	6800 Hearst Willits Road
9	037-310-73	6201 Hearst Willits Road
10	037-310-74	6501 Hearst Willits Road
11	108-090-24	5000 Hearst Willits Road

Resolution Number _____

County of Mendocino
Ukiah, California

APRIL 6, 2023

R_2021-0003

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING REZONING CERTAIN PARCELS TO CREATE A COMMERCIAL CANNABIS PROHIBITION COMBINING DISTRICT IN THE ROCK TREE VALLEY AREA.

WHEREAS, the applicant, Robert Cronin, filed an application with the Mendocino County Department of Planning and Building Services to establish a Commercial Cannabis Prohibition Combining District to include the following Assessor's Parcels: 03722158; 03731053; 03731054; 03731067; 03731073; 03722151; 03722152; 03722142; 03731062; 03722150; 03722147; 03731064; 03731068; 03722159; 03731074; 03722143; 03731061; 03722153; 03722154; 10809010; 10809024; 03722155; 03722157; 03722148; 03722149 in the Rock Tree Valley Area. Located 3.5± miles northeast of Willits City center, at the intersection of Hearst Willits Road (CR 306) and String Creek Road (private), and 1± miles west of Hearst Willits Road (CR 306) intersection with Tomki Road (CR 237D), between mile post MEN 4.19 and MEN 7.95. Range Lands (RL) and Forest Lands (FL) General Plan designations, Rangeland (RL) and Timberland Production Zoning (TPZ) Zoning designations; Supervisorial District 3; (the "Project"); and

WHEREAS, pursuant to Article 5, Section 15061(b)(3) of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA), a "common sense exemption" applies to projects "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment". Adoption of a Cannabis Prohibition (CP) Combining District restricts the ability to cultivate cannabis for commercial purposes, and for the reasons provided in the staff report accompanying this resolution is found to be exempt from CEQA pursuant to the common sense exemption; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on April 6, 2023, 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 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, makes the following report and recommendation to the Mendocino County Board of Supervisors regarding Rezone, R_2021-0003:

1. The Planning Commission recommends that the Board of Supervisors find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant with CEQA Guidelines Section 15061; and
2. The Planning Commission recommends that the Board of Supervisors **[INSERT ACTION]** Rezone application R_2021-0003 to create a Commercial Cannabis Prohibition Combining

District over 25 assessor parcels, as shown in Exhibit "A" and listed in Exhibit "B" to this Resolution, and find the following:

- a. That the proposed Commercial Cannabis Prohibition Combining District is [INSERT CONSISTENCY DETERMINATION] for the parcels upon which it is proposed and consistent with the underlying zonings of Range Lands (RL) and Forest Lands (FL); and
- b. That the proposed Commercial Cannabis Accommodation Combining District is [INSERT CONSISTENCY DETERMINATION] with the requirements of Chapter 20.119 of Mendocino County Code.

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 Planning Commission 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: JAMES FEENAN
Commission Services Supervisor

By: _____

BY: JULIA KROG
Planning & Building Services Director

DIANA WIEDEMANN, Chair
Mendocino County Planning Commission

EXHIBIT A: Rezone Exhibit Map
EXHIBIT B: List of Assessor Parcel Numbers (APNs)

EXHIBIT “B”

LIST of APNs in the CP COMBINING DISTRICT

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03731073

03722151

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03722142

03731062

03722150

03722147

03731064

03731068

03722159

03731074

03722143

03731061

03722153

03722154

10809010

10809024

03722155

03722157

03722148

03722149

Resolution Number PC_2023-0016

County of Mendocino
Ukiah, California

JULY 20, 2023

R_2021-0003

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING REZONING CERTAIN PARCELS TO CREATE A COMMERCIAL CANNABIS PROHIBITION COMBINING DISTRICT IN THE ROCK TREE VALLEY AREA.

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WHEREAS, pursuant to Article 5, Section 15061(b)(3) of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA), a "common sense exemption" applies to projects "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment". Adoption of a Cannabis Prohibition (CP) Combining District restricts the ability to cultivate cannabis for commercial purposes, and for the reasons provided in the staff report accompanying this resolution is found to be exempt from CEQA pursuant to the common sense exemption; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on July 20, 2023, 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 has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

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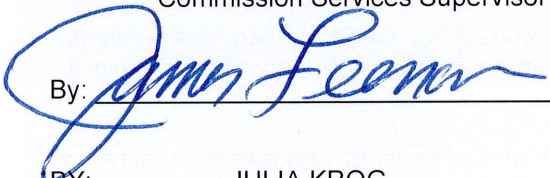
Prohibition Combining District over 24 assessor parcels, as shown in Exhibit "A" and listed in Exhibit "B" to this Resolution, and find the following:

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- c. The modified shape of the district reflects a reasonable neighborhood configuration that includes the flatlands of the Rock Tree valley floor.

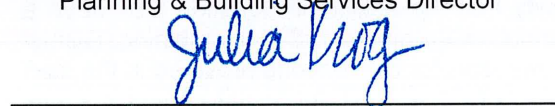
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I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES FEENAN
Commission Services Supervisor

By: 

BY: JULIA KROG
Planning & Building Services Director



DIANA WIEDEMANN, Chair
Mendocino County Planning Commission

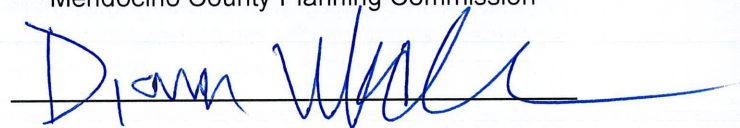


EXHIBIT A: Rezone Exhibit Map
EXHIBIT B: List of Assessor Parcel Numbers (APNs)

EXHIBIT "B"

LIST of APNs in the CP COMBINING DISTRICT

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03722149

CLIFFORD PAULIN
1ST DISTRICT
COMMISSIONER
VICE-CHAIR

CAMERON RAMOS
2ND DISTRICT
COMMISSIONER

ALISON PERNELL
3RD DISTRICT
COMMISSIONER

MARIE JONES
4TH DISTRICT
COMMISSIONER

DIANA WIEDEMANN
5TH DISTRICT
COMMISSIONER
CHAIR



JULIA KROG, DIRECTOR
PLANNING AND BUILDING SERVICES

MATTHEW KIEDROWSKI
DEPUTY COUNTY COUNSEL

COUNTY ADMINISTRATION CENTER
501 Low Gap Road, Room 1070
Ukiah, CA 95482
(707) 234-6650 (t)
(707) 463-5709 (f)

pbscommissions@mendocinocounty.org

MENDOCINO COUNTY PLANNING COMMISSION

ACTION MINUTES – July 20, 2023

**BEFORE THE PLANNING COMMISSION
COUNTY OF MENDOCINO – STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)**

AGENDA ITEM NO. 1 – OPEN SESSION AND ROLL CALL 9:32 A.M.

Present: Commissioner Clifford Paulin, Commissioner Marie Jones, Chair Diana Wiedemann presiding.

Absent: Commissioner Cameron Ramos; Commissioner Alison Pernell – by prearrangement

Staff Present: Julia Krog, Director; James Feenan, Commission Services Supervisor; Jocelyn Gonzalez-Thies, Staff Assistant III; Matthew Kiedrowski, Deputy County Counsel; Scott Spears, IT;

AGENDA ITEM NO. 2 - PLANNING COMMISSION ADMINISTRATION.

2a. Determination of Legal Notice – The Clerk advised the Commission that all items on the agenda had been properly noticed.

AGENDA ITEM NO. 3 – DIRECTOR AND ASSISTANT DIRECTOR REPORT

Director Krog advised the Commission that on July 25, 2023, the Board of Supervisors would hear the Colony Drive Rezone. Director Krog updated the Commission regarding the Zoning Code. She explained the first draft revision had been received and was under review by staff. She noted they would also be requesting an extension of the grant funding for up to one year for the Zoning Code update, to finalize the review and bring a quality product to the Commission and Board of Supervisor for review and finalization. Ms. Krog and the Commission discussed how the public would be notified regarding the public hearings for the Zoning Code update.

AGENDA ITEM NO. 4 – MATTERS FROM THE PUBLIC**Public Comment:** None**AGENDA ITEM NO. 5 – CONSENT CALENDAR**

5a. Approval of July 6, 2023, Planning Commission Minutes.

Upon motion by Commissioner Paulin, seconded by Commissioner Jones, and carried by a roll call vote of (3-0), IT IS ORDERED that the Consent Calendar is approved without edits.

AYES: JONES, PAULIN, WIEDEMANN
 NOES: NONE
 ABSENT: RAMOS, PERNELL

AGENDA ITEM NO. 6 – REGULAR CALENDAR6a. **Noticed Public Hearing****CASE#:** R_2021-0003**DATE FILED:** 10/7/2021**OWNER:** VARIOUS**APPLICANT:** ROBERT CRONIN**AGENT:** BRUCE JACKSON**REQUEST:** Rezone to establish a Cannabis Prohibition (CP) Combining District to prohibit commercial cannabis operations per Mendocino County Code Chapter 20.119 that includes 25 Assessor's Parcel Numbers (APNs) comprising 18 legal parcels.**ENVIRONMENTAL DETERMINATION:** Exempt [CCR Section 15061(b)(3)]**LOCATION:** 3.5± miles northeast of Willits City center, at the intersection of Hearst Willits Road (CR 306) and String Creek Road (private), and 1± miles west of Hearst Willits Road (CR 306) intersection with Tomki Road (CR 237D), Assessor's Parcels: 03722158; 03731053; 03731054; 03731067; 03731073; 03722151; 03722152; 03722142; 03731062; 03722150; 03722147; 03731064; 03731068; 03722159; 03731074; 03722143; 03731061; 03722153; 03722154; 10809010; 10809024; 03722155; 03722157; 03722148; 03722149**SUPERVISORIAL DISTRICT:** 3 (Haschak)**STAFF PLANNER:** STEVEN SWITZER

The public hearing was declared open.

Staff Presentation: Steven Switzer, Planner II.**Applicant:** Bruce Jackson**Public Comment:** Henry Shavitz; Dale Briggs; Ellen Drell**Telecomments:** No telecomments requested

The public hearing was declared closed.

Commissioner Paulin made a motion to recommend the Board of Supervisors deny the rezone, which failed for lack of a second – NO VOTE TAKEN, NO SECOND ON THE MOTION.

Commissioner Jones made another motion, seconded by Commissioner Wiedemann, recommend that the Board of Supervisors find the project Exempt from CEQA and approve the requested Rezone, as proposed by the applicant, based on the facts and findings contained in the Resolution, which failed by a roll call vote of (2-1)

AYES: JONES, WIEDEMANN
 NOES: PAULIN
 ABSENT: RAMOS, PERNELL

TENTATIVE MOTION

Upon motion by Commissioner Jones seconded by Commissioner Wiedemann and carried by a roll call vote of (3-0), IT IS ORDERED By Resolution, the Planning Commission recommends modification of the boundaries of the proposed CP District to the Board of Supervisors, based on the facts and findings contained in the Resolution. with the proposed revisions as presented during the public meeting.

AYES: JONES, WIEDEMANN, PAULIN
NOES: NONE
ABSENT: RAMOS, PERNELL

[Break 10:53 a.m. – 11:08 a.m.]

FINAL MOTION

Upon motion by Commissioner Jones seconded by Commissioner Wiedemann and carried by a roll call vote of (3-0), IT IS ORDERED By Resolution, the Planning Commission recommends modification of the boundaries of the proposed CP District to the Board of Supervisors, based on the facts and findings contained in the Resolution. with the proposed revisions as presented during the public meeting.

AYES: JONES, WIEDEMANN, PAULIN
NOES: NONE
ABSENT: RAMOS, PERNELL

6b. Noticed Public Hearing

CASE#: R_2022-0001
DATE FILED: 2/17/2022
OWNER/ APPLICANT: HAPPINESS IS MANUFACTURED HSNG COMM LLC
REQUEST: Rezone subject parcel from Agricultural (AG:40) to Limited Commercial (C1).
ENVIRONMENTAL DETERMINATION: Exempt pursuant to CCR Section 15183
LOCATION: 2.9± miles north of Ukiah city center, on the south side of Lake Mendocino Drive (CR227B), 0.17± miles east from its intersection with North State Street (CR104); located at 311 Lake Mendocino Dr., ; APN 169-130-77.
SUPERVISORIAL DISTRICT: 1 (McGourty)
STAFF PLANNER: RUSS FORD

The public hearing was declared open.

Staff Presentation: Russ Ford, Senior Planner; Julia Krog, Director;

Applicant/Owner/Agent: Matt Davies

Public Comment: None

Telecomments: No telecomments requested.

The public hearing was declared closed.

Upon motion by Commissioner Paulin, seconded by Commissioner Wiedemann, and carried by a roll call vote of (3-0), IT IS ORDERED, By resolution, the Planning Commission recommends the Board of Supervisors find the project exempt from CEQA under Section 15183 of the CEQA Guidelines and grant by ordinance Rezone R_2022-0001 to rezone APN 169-130-77 from Agricultural (AG:40) to Limited Commercial (C1) as proposed by the applicant and based on the facts and findings.

AYES: WIEDEMANN, PAULIN, JONES
NOES: NONE
ABSENT: RAMOS, PERNELL

AGENDA ITEM NO. 7 – MATTERS FROM STAFF

7a. None

AGENDA ITEM NO. 8 – MATTERS FROM COMMISSION

8a. None

AGENDA ITEM NO. 9 – ADJOURNMENT

THERE BEING NOTHING FURTHER TO COME BEFORE THE PLANNING COMMISSION, THE MENDOCINO COUNTY PLANNING COMMISSION ADJOURNED AT 11:33 A.M.

Attest: James Feenan
Commission Services Supervisor

Diana Wiedemann
DIANA WIEDEMANN, CHAIR

James Feenan

NOTICE: PUBLISHED MINUTES OF THE MENDOCINO COUNTY PLANNING COMMISSION MEETINGS.

- Effective March 1, 2020, Planning Commission minutes will be produced in “action only” format. As an alternative service, public access to recorded Commission proceedings will be available on the Planning and Building website.
- LIVE WEB STREAMING OF COMMISSION MEETINGS is now available via the County's YouTube Channel. If technical assistance is needed, please contact Mendocino County Planning & Building Services at (707) 234-6650.
- Minutes are considered draft until adopted/approved by the Planning Commission.
- The Planning Commission action minutes are also posted on the County of Mendocino website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.
- To request an official record of a meeting contact the Mendocino County Planning and Building Department at (707) 234-6650.
- Please reference the departmental website to obtain additional resource information for the Planning Commission at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

Thank you for your interest in the proceedings of the Mendocino County Planning Commission.

Resolution Number PC_2023-0016

County of Mendocino
Ukiah, California

JULY 20, 2023

R_2021-0003

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING REZONING CERTAIN PARCELS TO CREATE A COMMERCIAL CANNABIS PROHIBITION COMBINING DISTRICT IN THE ROCK TREE VALLEY AREA.

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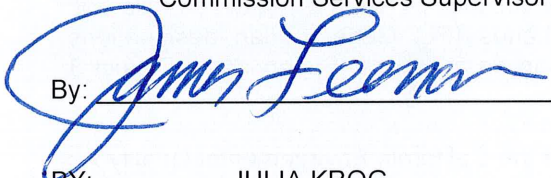
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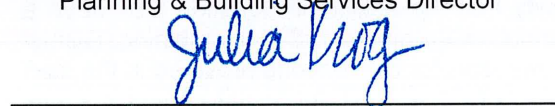
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ATTEST: JAMES FEENAN
Commission Services Supervisor

By: 

BY: JULIA KROG
Planning & Building Services Director



DIANA WIEDEMANN, Chair
Mendocino County Planning Commission

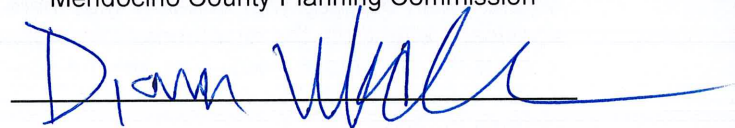
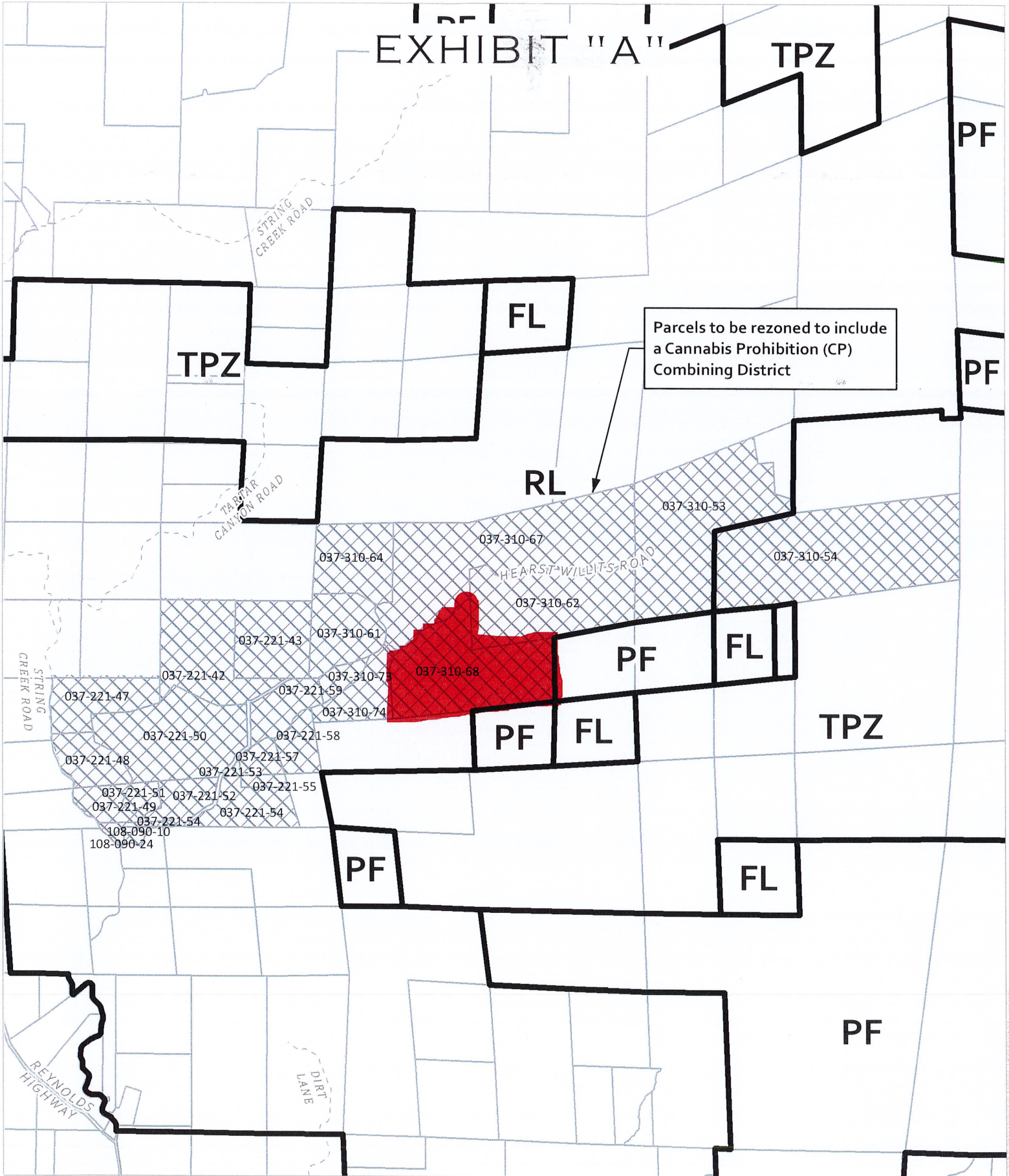





EXHIBIT A: Rezone Exhibit Map
EXHIBIT B: List of Assessor Parcel Numbers (APNs)

EXHIBIT "A"



CASE: **R 2021-0003**
OWNER: **Various**
APN: **Various**
APLCT: **Robert Cronin**
AGENT: **Bruce Jackson**
ADDRESS: **Hearst-Willits Road, Willits**

-  Zoning Districts
-  Public Roads
-  REZONE to include a Cannabis Prohibition (CP) Combining District

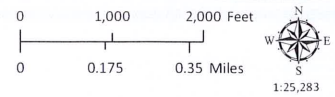


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July 7, 2023

Department of Planning and Building Services
Commission Staff
860 North Bush St.
Ukiah, CA. 95482

Mendocino County

JUL 10 2023

Planning & Building Services

Case # R_2021-0003
Applicant Robert Cronin
Staff Planner: Steven Switzer

I'm responding to the notice of Public Hearing regarding this case. I'm a land owner in the proposed Cannabis Prohibition District (CP) in Rock Tree Valley. I'm **against** this proposed district for several reasons. First a little back ground. My name is Dale Briggs and my family resides at 7001 Hearst-Willits Rd., and the 2nd largest land owner (approx. 129 acres) of this proposed district. We have lived at this property since 1987.

1. The petitioners make many statements that are of their personnel opinion and lack proof or truth. Such as "A prominent feature of the neighborhood is Rock Tree Creek, a salmon and steelhead-bearing creek that runs the length of the proposed district". Rock Tree Creek is a stream that runs the length of the valley and is pretty much seasonal, but has been void of salmon and steelhead for decades. Since my property borders Rock Tree creek and has one of the few, if not only, section where water flows on the surface all year round. I have seen the absence of said species for at least three decades and in addition have not been approached about any upcoming fish surveys in at least as long. Another would be the statement "The available water is limited but sufficient for the current modest usage. Due to the small, finite size of the watershed, the valley's available water could easily be depleted if used for commercial cannabis". I'm not an expert on the water supply issue, but this is zoned Range Land and not high-density housing. My water supply has never run dry even in the last big drought and we have had numerous illegal grows of varying size which did not seem to deplete the valley's water supply. So, was there a water study

done that I'm not aware of? I also take issue with the statement of High Fire Risk that "This risk-rating is significantly higher than the risk-ratings for the majority of the county". when in fact about 45% of the county's fire risk rating is Very High. This seems to imply the valley is also more susceptible to fire when in fact it doesn't seem to be and there have not been any wildfires since I have lived here. Growing cannabis has become legal; I also would add that the county has in place a vast number of rules and regulations already in place that must be adhered to before qualifying for a Commercial Cannabis growing permit. We all enjoy the areas we live in, but to burden neighboring property owners with rules /restriction for your own personal reasons seems to suggest the "not in my backyard (NIMBY)" is their only true concern.

2. My property is further east than all of the other properties requesting this CP District except Barbers. Barbers' property has not had anybody living on that property for several years. Furthermore, the county's requesting to remove part of that parcel because of the following "Currently one (1) of the 25 APNs of the proposed CP Combining District is under the FL land use classification totaling 108± acres. This parcel is currently within the TPZ District. Mendocino County Zoning Code Chapter 20.068 provides that with the intent of the TPZ District is to be applied to areas of the County which because of their general soil types, location and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such. New cannabis cultivation (Phase 3) is not allowed in the TPZ District.
3. Currently the county rules and regulations don't allow Commercial Cannabis grows on range land. "The remaining 24 of the 25 APNs of the proposed CP Combining District are under the RL land use classification totaling 856± acres. My family's property alone comprises over 15% of this proposed district that we wish not to be included in. According to the county current land uses including agricultural and low-density residential uses on these 24 APNs are consistent with the prescribed General Uses from Policy DE-17. To date, none of these said properties with the RL land use classification are designated as an Agricultural Preserve or lands under Williamson Act Contract. Further, these 24 APNs all share the RL Zoning District classification. Mendocino County Zoning Code Chapter 20.060 provides that the intent of the RL District is to create and preserve areas for the grazing of livestock, the production and harvest of natural resources,

and the protection of such natural resources as watershed lands from fire, pollution, erosion, and other detrimental effects. Though cannabis cultivation is an agricultural use, new cannabis cultivation sites (Phase 3) are not allowed on parcels within the RL Zoning District, see the Permit Requirements for New Cultivation Sites. Apart from the one (1) cannabis cultivation permit application under review, the potential for new permitted commercial cannabis activities on any of the given 25 APNs within the proposed CP Combining District is limited by current zoning requirements. As previously mentioned, new cannabis cultivation sites are not allowed on parcels within either the RL or TPZ zoning districts". So, accordingly at this time this CP district would not provide any additional protection then those already provided by the county current regulations for cannabis grows. It certainly appears to be self-serving in addition to citizen's overreach.

4. A possible solution to this proposed CP district would be to exclude my parcel along with both parcels east of my property. The county already desires to remove a section of land on Barbers' property anyway. In addition, Barbers' parcel was the only one out of the three parcels that support the proposed CP District. Since the minimum requirement of a CP district is 10 parcels and currently there are 18, removing 3 would still leave the remaining parcels meeting the CP districting requirement.

In conclusion, if my family wishes to start a commercial cannabis grow, we should have the same rights as any other property owner to see if we qualify for a permit with the current rules and regulations regarding the permitting process. Our property rights should not be infringed upon by neighbors (CP District) who have their own self-interests in mind.

Thank You,

Dale A. Briggs
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