



**ZONING ADMINISTRATOR
STAFF REPORT- MINOR USE PERMIT**

**NOVEMBER 8, 2018
U_2018-0015**

SUMMARY

OWNER: LOCATION SERVICES LLC
2321 E 4TH ST C161
SANTA ANA, CA 92705

APPLICANT: JAY BROWN
7801 THIRD GATE RD
WILLITS, CA 95490

REQUEST: Use Permit to allow for a Cannabis microbusiness. Components include manufacturing (level 1, non-volatile), distribution, and retail (non-storefront) of cannabis materials from an existing 2,000 sq. ft. structure. The microbusiness will also utilize an existing, permitted cultivation site (2B Large Mixed-light; AG_2017-0050).

LOCATION: 8± miles northwest of Willits center, on the south side of Third Gate Rd. (private), 0.4± miles east of its intersection with Sherwood Rd. (CR 311), located at 7801 Third Gate Rd., Willits (APN: 037-620-07).

TOTAL ACREAGE: 20.02± acres

GENERAL PLAN: Remote Residential (RMR)

ZONING: Upland Residential (UR:20)

SUPERVISORIAL DISTRICT: 3

ENVIRONMENTAL DETERMINATION: Categorically Exempt; Section 15301, Class 1

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Sam 'Vandy' Vandewater

BACKGROUND

PROJECT DESCRIPTION: The applicant is seeking a Use Permit to allow for a cannabis microbusiness to operate in tangent to their permitted cannabis cultivation site. Components include manufacturing (level 1, non-volatile), distribution, and retail (non-storefront) of cannabis materials from an existing 2,000 sq. ft. structure. The microbusiness will also utilize an existing, permitted cultivation site (2B Large Mixed-light; AG_2017-0050). No development would occur as the operation would utilize an existing, permitted structure which complies with cottage industry size regulations.

SITE CHARACTERISTICS: The subject parcel is located in the hills north of Brooktrails and Willits. The parcel is set in a small gully, surrounded by hills and forest. The vegetation mostly consists of grasses and some trees. There are a number of existing structures on the parcel including the 2,000 sq. ft. building, a residence, a garage, a barn, and some outbuildings. With regards to utilities, the parcel has connections with Pacific Gas & Electric for electricity and gains access from Third Gate Road which connects to the publically maintained Sherwood Road. The parcel uses a pond for water, as well as water delivery, and utilizes a septic system for waste water.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Remote Residential (RMR)	Upland Residential (UR:20)	20±, 20±	Vacant
EAST	Remote Residential (RMR)	Upland Residential (UR:20)	20±	Vacant
SOUTH	Remote Residential (RMR)	Upland Residential (UR:20)	20±	Vacant
WEST	Remote Residential (RMR)	Upland Residential (UR:20)	21±	Vacant

PUBLIC SERVICES:

Access: Third Gate Road (private)
 Fire District: Calfire
 Water District: None
 Sewer District: None
 School District: Willits Unified School District

AGENCY COMMENTS: On July 31, 2018, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	Comments
Environmental Health	No Comment
Building Inspection	No Comment
Tax Collector	No Response
Air Quality Management District	Comments
Department of Fish and Wildlife	Comments
Mendocino Cannabis Program	No Response
Brooktrails Services District	No Response
Sheriff's Office	No Response
California Highway Patrol	No Comment
CalFire (Resources)	No Response
CalFire (Land Use)	No Comment
Little Lake Fire Protection District	No Comment

KEY ISSUES

1. General Plan and Zoning Consistency: The subject parcel is located within the Remote Residential (RMR) General Plan Land Use Designation. The Remote Residential General Plan zone,

“is intended to be applied to lands having constraints for commercial agriculture, timber production or grazing, which are well suited for small scale farming and low density agricultural/residential uses by the absence of such limitations as inadequate access, unacceptable hazard exposure or incompatibility with adjoining resource land uses. The classification is also applied to some areas which might not otherwise qualify except for the fact that the land has been divided and substantial development has occurred.”

Mendocino County General Plan, pg. 3-75

The proposed project entails the establishment of a Cottage industry microbusiness supplemental to a cannabis cultivation site. While neither State nor County recognizes cannabis cultivation as a form of agriculture, it can be considered a small scale, commercial farming operation. Thus the proposed project is in conformity with the RMR General Plan zone. Furthermore, the “General Uses” identified for the RMR

General Plan designation includes “cottage industry” providing additional evidence that the project is consistent with the General Plan.

The proposed project is also consistent with the Upland Residential (UR) zoning district, as defined by the Mendocino County Code (MCC) Chapter 20.056.005 of the MCC defines UR as a district,

“intended to create and enhance farming and low-density agricultural/residential uses. Typically the U-R would be applied to the nonprime production lands which have constraints to commercial agriculture, timber production or grazing, but which are absent of such limitations as inadequate access, unacceptable hazard exposure or incompatibly with adjoin resource lands.”

Similarly to the RMR General Plan zone, the proposed project is consistent with the UR zoning district as the project entails small scale farming on nonprime agricultural land. The project allows a small cannabis cultivation site to have commercial components and allows the applicant to operate a cottage industry sized business, which is a permitted use within the UR zoning district.

The project is also consistent with MCC Section 20.243 as the regulations require such a project to adhere to the cottage industry regulations (MCC 20.160). The proposed project intends to utilize an existing 2,000 square foot structure which is the maximum size allowed with a cottage industry use permit. The project conforms to the additional requirements of the MCC Section 20.160, as well as all of MCC Section 20.243 regarding cannabis facilities.

2. Use Permit Findings: The proposed use permit is required to meet the use permit findings set forth in the MCC (MCC Section 20.196.020). Below is the discussion of each finding and how the use permit appropriately meets those requirements.

A. *That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;*

As shown in the previous section, the proposed project is in conformity with the General Plan.

B. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;*

The proposed project has connections to PG&E for electricity and utilizes a pond, as well as a delivery service, for water provisions and a septic system for waste water. As the proposed project utilizes existing structures, the drainage of the property will not change from what was previously occurring. With regards to access, the parcel is located along Third Gate Road, a private road off of Sherwood Road. No comments were received from applicable referral agencies regarding utilities and access.

C. *That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;*

The proposed project was determined to be Categorically Exempt under CEQA, thus the project will not be a detriment to the wellbeing of surrounding neighbors or the environment. Conditions of Approval are recommended to ensure the project will not create a nuisance.

D. *That such use preserves the integrity of the zoning district.*

Similarly to the General Plan conformity, compliance with the MCC zoning district is discussed in the previous section; the proposed project is in conformity with the zoning district.

3. Environmental Protection: The project is Categorically Exempt from the provisions of CEQA, pursuant to Section 15301, Class 1 of Article 19 of the California Environmental Quality Act Guidelines. The Class 1 exemption applies to "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." The proposed project meets the criteria of Section 15301 and has been determined to not have a significant effect on the environment and, therefore, be exempt from the provisions of CEQA.

RECOMMENDATION

By resolution, the Zoning Administrator grant Use Permit U_2018-0015 for the Project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval.

10/29/2018

DATE

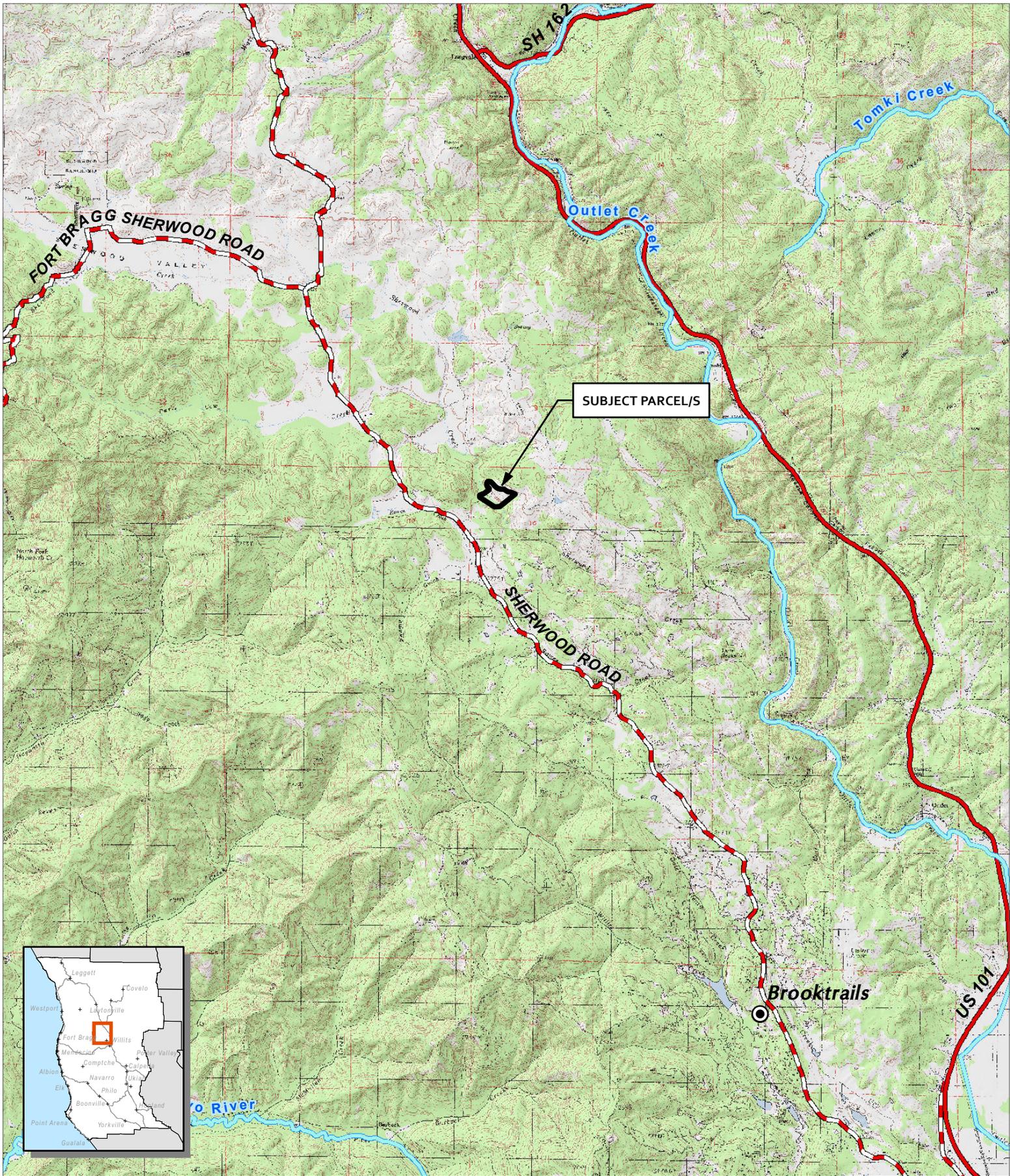
Mary Lynn Hunt for
SAM 'VANDY' VANDEWATER
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

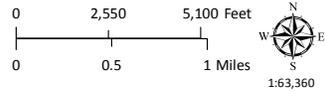
- A. Location Map
- B. Aerial Map
- C. Site Map
- D. Zoning Map
- E. General Plan Map
- F. Adjacent Owner Map
- G. Fire Hazards Map
- H. Soils Map
- I. Wetlands

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



CASE: U 2018-0015
 OWNER: Location Services of So. Cal.
 APN: 037-620-07
 APLCT: Jay Brown
 AGENT:
 ADDRESS: 7801 Third Gate Road, Willits

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



LOCATION MAP

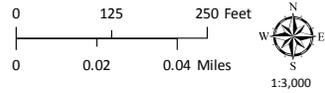
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

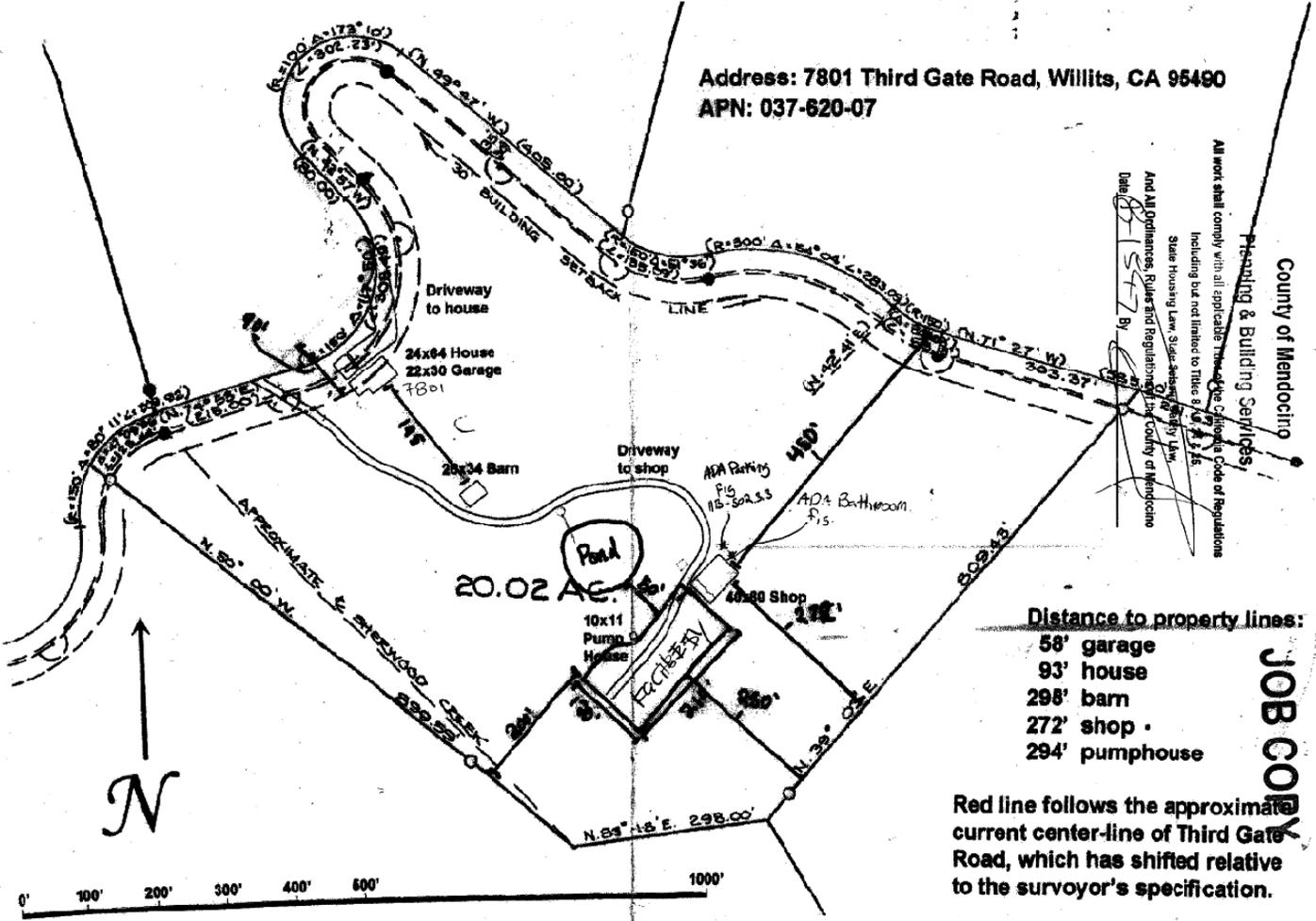
CASE: U 2018-0015
 OWNER: Location Services of So. Cal.
 APN: 037-620-07
 APLCT: Jay Brown
 AGENT:
 ADDRESS: 7801 Third Gate Road, Willits

- F Cannabis Facilities
- Named Rivers
- Private Roads



AERIAL IMAGERY

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



Address: 7801 Third Gate Road, Willits, CA 95480
 APN: 037-620-07

County of Mendocino
 Planning & Building Services
 All work shall comply with all applicable The Code of Ordinances, Code of Regulations
 and All Ordinances, Rules and Regulations of the County of Mendocino
 State Housing Law, State and Federal Fair Housing Law
 Date: 8/15/17 By: [Signature]

- Distance to property lines:
- 58' garage
 - 93' house
 - 298' barn
 - 272' shop
 - 294' pumphouse

Red line follows the approximate
 current center-line of Third Gate
 Road, which has shifted relative
 to the surveyor's specification.

APPROVED

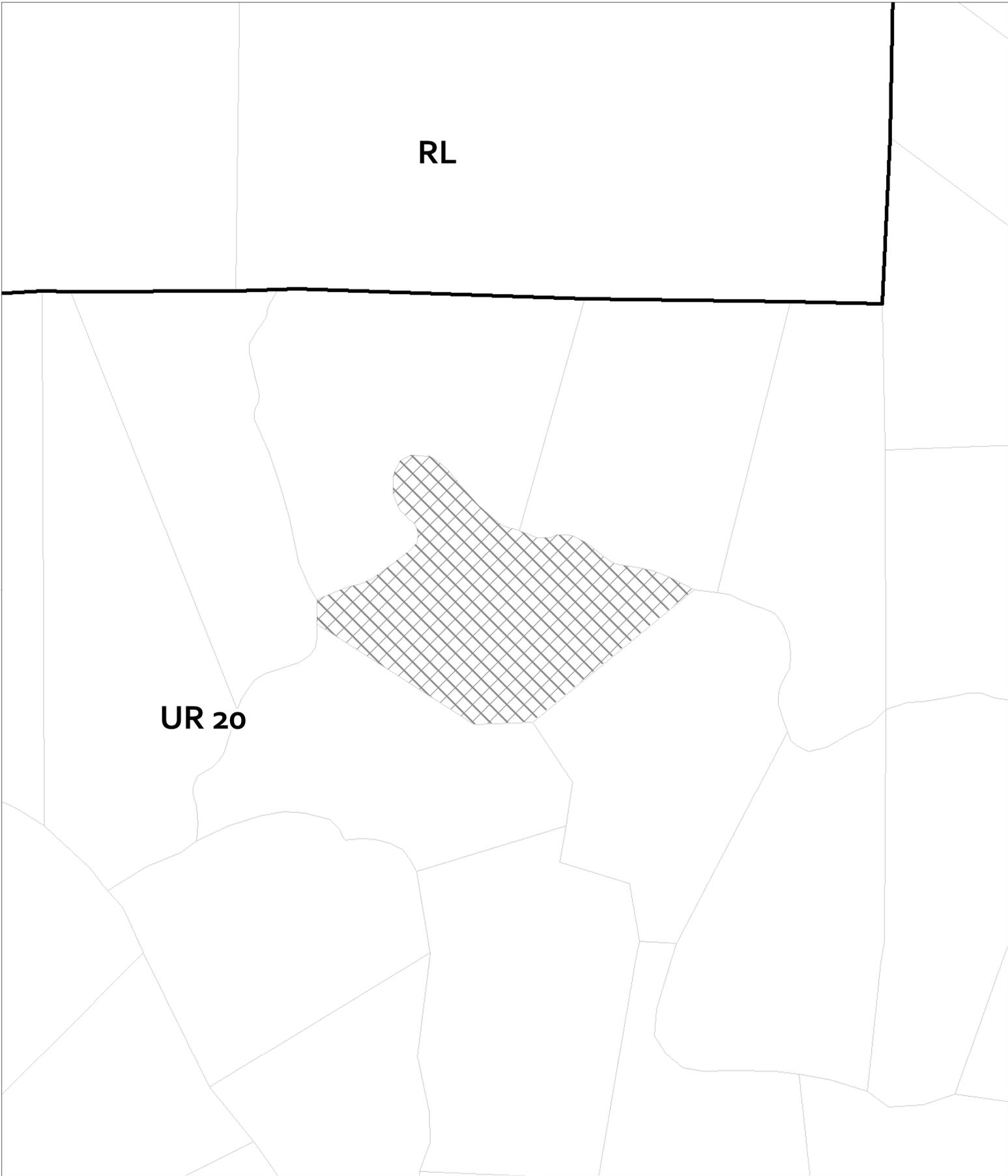
JOB COPY

CASE: U 2018-0015
 OWNER: Location Services of So. Cal.
 APN: 037-620-07
 APLCT: Jay Brown
 AGENT:
 ADDRESS: 7801 Third Gate Road, Willits

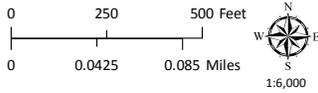
NO SCALE

SITE PLAN

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



CASE: U 2018-0015
OWNER: Location Services of So. Cal.
APN: 037-620-07
APLCT: Jay Brown
AGENT:
ADDRESS: 7801 Third Gate Road, Willits



 Zoning Districts

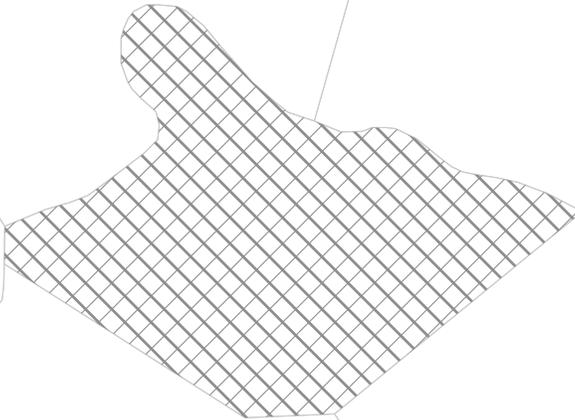
ZONING DISPLAY MAP

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

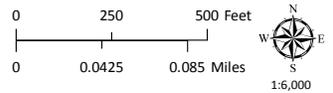
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

RL 160

RMR 20



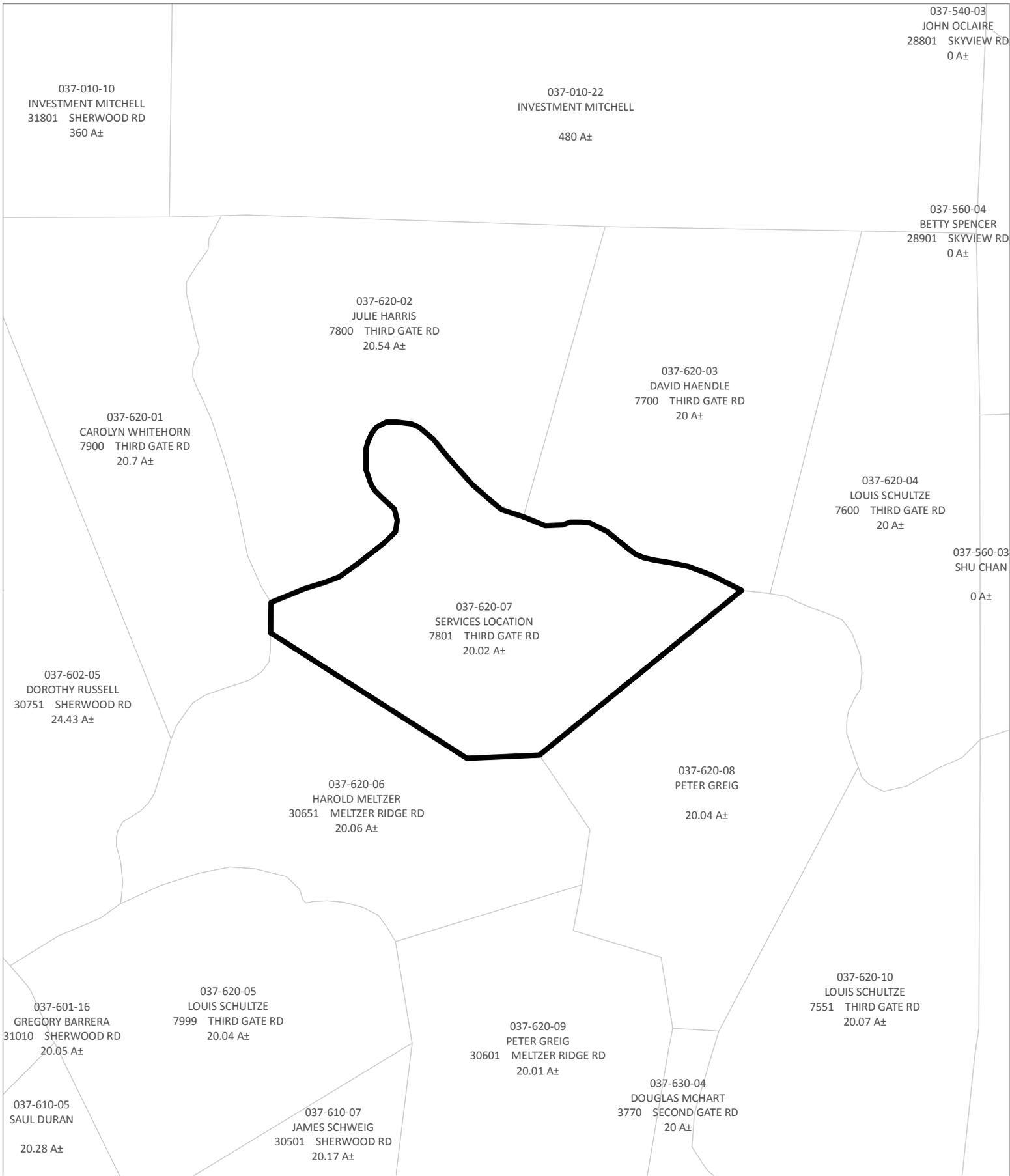
CASE: U 2018-0015
OWNER: Location Services of So. Cal.
APN: 037-620-07
APLCT: Jay Brown
AGENT:
ADDRESS: 7801 Third Gate Road, Willits



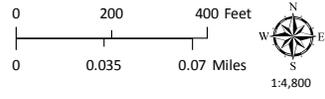
 General Plan Classes

GENERAL PLAN CLASSIFICATIONS

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



CASE: U 2018-0015
 OWNER: Location Services of So. Cal.
 APN: 037-620-07
 APLCT: Jay Brown
 AGENT:
 ADDRESS: 7801 Third Gate Road, Willits



ADJACENT PARCELS

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

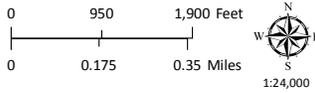
LITTLE LAKE FIRE PROTECTION DISTRICT

BROOKTRAILS COMMUNITY SERVICES DISTRICT



CASE: U 2018-0015
OWNER: Location Services of So. Cal.
APN: 037-620-07
APLCT: Jay Brown
AGENT:
ADDRESS: 7801 Third Gate Road, Willits

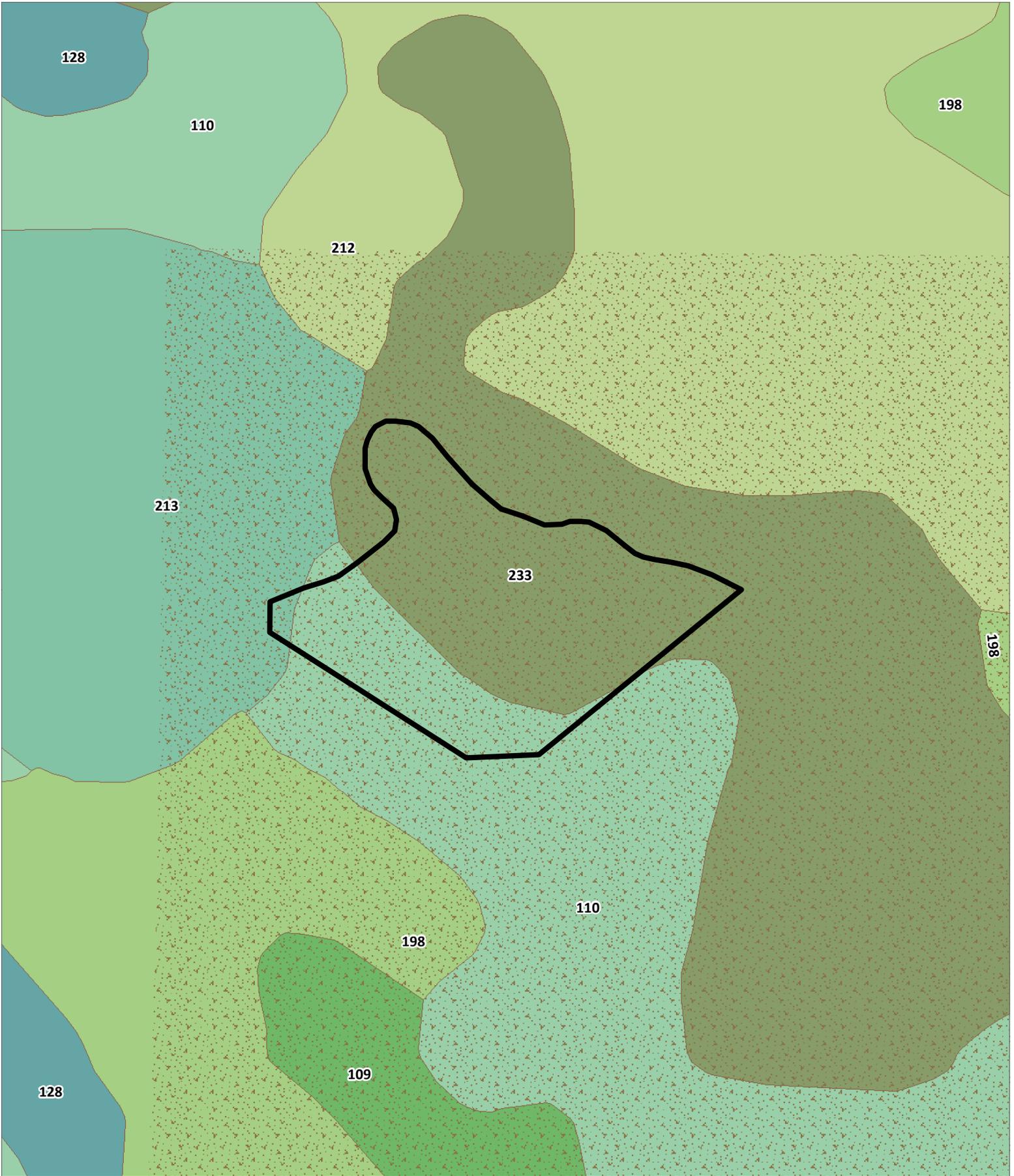
-  County Fire Districts
-  Very High Fire Hazard
-  High Fire Hazard



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

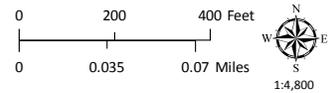
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



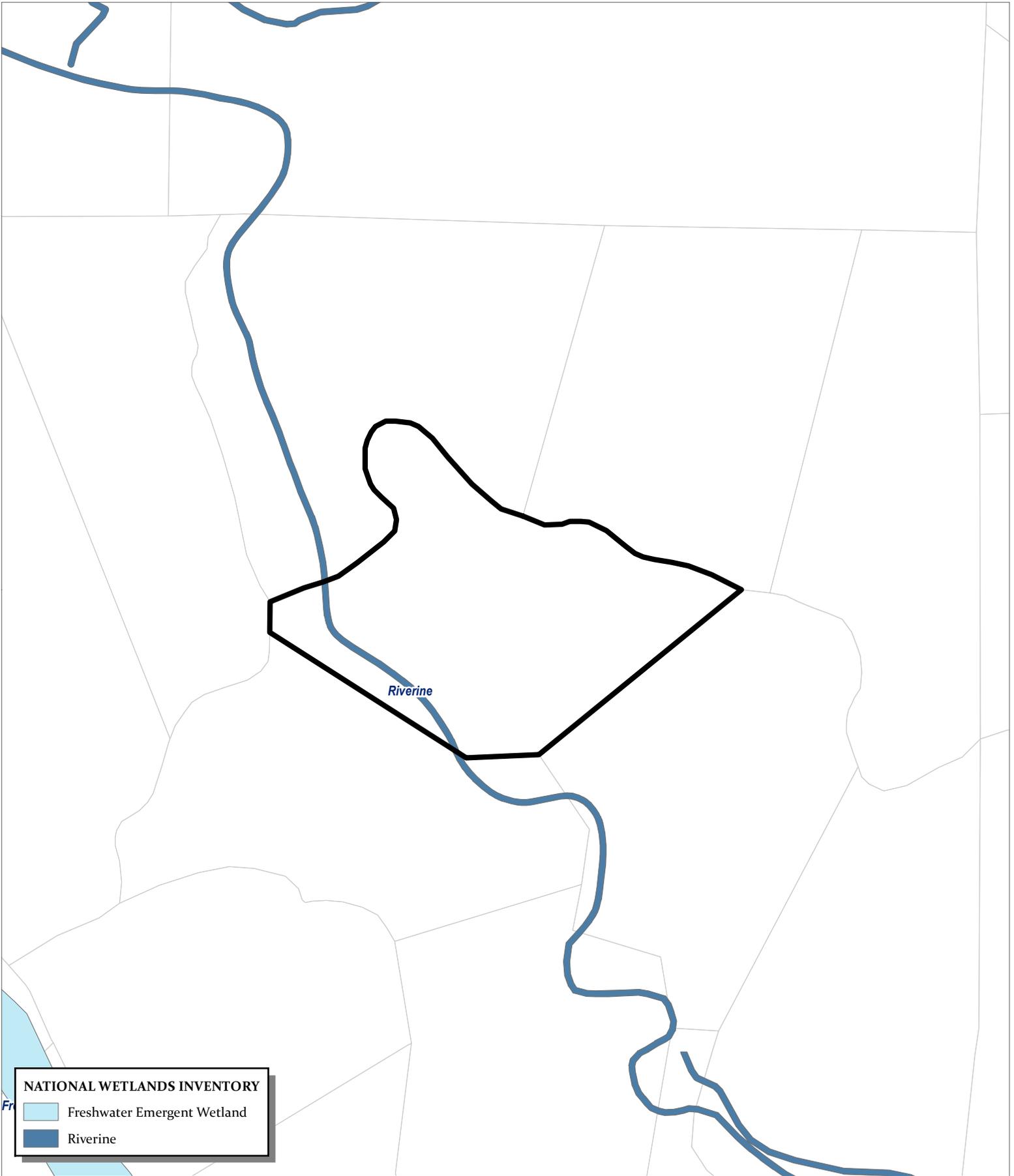
CASE: U 2018-0015
 OWNER: Location Services of So. Cal.
 APN: 037-620-07
 APLCT: Jay Brown
 AGENT:
 ADDRESS: 7801 Third Gate Road, Willits

 Naturally Occurring Asbestos
 Eastern Study Soil Types



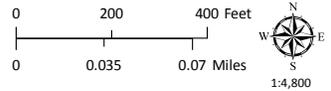
LOCAL SOILS

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



NATIONAL WETLANDS INVENTORY
 Freshwater Emergent Wetland
 Riverine

CASE: U 2018-0015
 OWNER: Location Services of So. Cal.
 APN: 037-620-07
 APLCT: Jay Brown
 AGENT:
 ADDRESS: 7801 Third Gate Road, Willits



WETLANDS

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

Resolution Number _____

County of Mendocino
Ukiah, California
November 8, 2018

U_2018-0015 – LOCATION SERVICES LLC

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA, GRANTING A USE PERMIT
TO ALLOW FOR A CANNABIS MICROBUSINESS.

WHEREAS, the applicant, LOCATION SERVICES LLC, filed an application for a Use Permit with the Mendocino County Department of Planning and Building Services to allow for cannabis microbusiness to occur on-site, 8± miles northwest of Willits center, on the south side of Third Gate Rd. (private), 0.4± miles east of its intersection with Sherwood Rd. (CR 311), located at 7801 Third Gate Rd., Willits (APN: 037-620-07); General Plan RMR; Zoning UR:20; Supervisorial District 3; (the "Project"); and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a CATEGORICAL EXEMPTION from the California Environmental Quality Act (CEQA) under Class 1; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on, November 8, 2018, at which time the Zoning Administrator 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 Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Zoning Administrator regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. **General Plan & Zoning Consistency Findings:** The subject parcel has a General Plan Land Use Designation of Remote Residential (RMR) and the Project is consistent with the General Plan definition. Additionally, the subject parcel lies within the Zoning District of Upland Residential (UR:20) and the Project is consistent with the Zoning Code per MCC Sections 20.056 and 20.243; and
2. **Use Permit Findings:** The Project satisfies the Use Permit required findings per the Mendocino County Code §20.196.020; and
3. **Environmental Protection Findings:** The proposed project has been determined to be Categorically Exempt from a CEQA Initial Study under a Class 1 exemption.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Zoning Administrator 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.

BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

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

ATTEST:

VICTORIA DAVIS
Commission Services Supervisor

BY:

IGNACIO GONZALEZ
Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL U_2018-0015 – LOCATION SERVICES LLC NOVEMBER 8, 2018

APPROVED PROJECT DESCRIPTION: Use Permit to allow for a cannabis microbusiness. Components include manufacturing (level 1, non-volatile), distribution, and retail (non-storefront) of cannabis materials from an existing 2,000 sq. ft. structure. The microbusiness will also utilize an existing, permitted cultivation site (2B Large Mixed-light; AG_2017-0050).

CONDITIONS OF APPROVAL:

STANDARD CONDITIONS

1. The permit shall become effective on the 11th day after Zoning Administrator approval and shall expire and become null and void at the expiration of two years after the effective date except where use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division I of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required permits from the Building Inspection Division of the Department of Planning and Building Services for all construction, structural modifications, establishment of signs and compliance with handicapped accessibility for the facility if required.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited, or the operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

AESTHETICS

8. The cannabis facility shall avoid or minimize odor and light impact on residential uses.

AIR QUALITY

9. The applicant shall obtain any necessary permit(s) required by the Mendocino County Air Quality Management District. A clearance letter from the Air Quality Management District shall be submitted to Department of Planning & Building Services to show compliance with this condition.

TRANSPORTATION

10. A standard commercial driveway approach shall be constructed onto Sherwood Road (CR 311) from Third Gate Road (Private), in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by applicant and approved by Department of Transportation staff during field and review, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
11. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.

TRIBAL CULTURAL RESOURCES

12. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code "Discovery" relating to archaeological discoveries have been satisfied.

CANNABIS FACILITY

13. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 6.36 of the Mendocino County Code.
14. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 10A.17 of the Mendocino County Code.
15. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 20.242 of the Mendocino County Code.
16. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 20.243 of the Mendocino County Code.