



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

BRENT SCHULTZ, DIRECTOR
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March 22, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at its regular meeting on Thursday, April 11, 2019, at 10:00 a.m., to be held in the Planning and Building Services Conference Room, 860 North Bush Street, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

CASE#: U_2018-0025

DATE FILED: 10/19/2018

OWNER/APPLICANT: ELENA SAVITCHEVA

REQUEST: Use Permit to allow for a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 ft² of mature canopy within three (3) structures per Mendocino County Code Section 20.242.040 (C)(1)(c). This property is subject to the 'Sunset Clause'.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 4.9 ± miles southwest of Fort Bragg City center, lying on the south side of Digger Creek Drive (private), 0.1± miles southwest of its intersection with Simpson Lane (CR 414), located at 30717 Digger Creek Dr., Fort Bragg (APN: 019-420-42).

STAFF PLANNER: MARK CLISER

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, 95482, no later than April 10, 2019. Oral comments may be presented to the Zoning Administrator during the public hearing.

The Zoning Administrator's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Zoning Administrator's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. 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.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Zoning Administrator'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.

BRENT SCHULTZ, Director of Planning and Building Services



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

**APRIL 11, 2019
U_2018-0025**

SUMMARY

OWNER /APPLICANT: ELENA SAVITCHEVA
PO BOX 822
MENDOCINO, CA 95460

AGENT: ROBERT J. MOLINEAUX
2751 4TH STREET, #283
SANTA ROSA, CA 95405

REQUEST: Use Permit to allow for a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 ft² of mature canopy within three (3) structures per Mendocino County Code Section 20.242.040 (C)(1)(c). This property is subject to the 'Sunset Clause'.

LOCATION: 4.9 ± miles southwest of Fort Bragg City center, lying on the south side of Digger Creek Drive (Private), 0.1± miles southwest of its intersection with Simpson Lane (CR 414), located at 30717 Digger Creek Dr., Fort Bragg (APN: 019-420-42).

TOTAL ACREAGE: 3.14± Acres

GENERAL PLAN: Rural Residential - 80,000 sq. ft. minimum parcel size (RR-2)

ZONING: Rural Residential - 80,000 sq. ft. minimum parcel size (RR-2)

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Categorically Exempt – Section 15301, Class 1 (Existing Facilities); Section 15303 (New Construction or Conversion of Small Structures).

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: MARK CLISER

BACKGROUND

PROJECT DESCRIPTION: A Use Permit request for a cottage-sized indoor cultivation (Type C-A (2,500 ft²); AG_2017-0758) of no more than 2,500 ft² of canopy per Mendocino County Code Section 20.242.040 (C)(1)(c). At all times, the subject property is limited to a total cultivation canopy of 2,500 ft². As indicated in the application materials, cultivation activities are undertaken in three (3) existing accessory detached structures. No further modifications or development activities are anticipated or proposed at this time. Additional structures related to cultivation include a storage shed and a drying container.

Per the 'Sunset Clause', this Use Permit is valid until May 4th, 2020, three (3) years following the effective date of the ordinance adopting Chapter 20.242.

SITE CHARACTERISTICS: The 3.14± acre project site is comprised on of one (1) Assessor Parcel and is located 4.9 ± miles southwest of Fort Bragg City center, on the south side of Digger Creek Dr. (Private), 0.1± miles southwest of its intersection with Simpson Ln. (CR 414), and is located at 30717 Digger Creek Dr., Fort Bragg (APN: 019-420-42). Though predominately forested there is a clearing where the

residence and cultivation structures are located. The subject property is accessed directly from Digger Creek Drive (Private).

The parcel is currently developed with an existing single-family residence (2,000 ft²), a storage shed (500 ft²), a drying container (160 ft²), and three (3) indoor cultivation “Grow Rooms” (A – 372 ft²; B – 512 ft²; C – 512 ft²). Per the applicant, the parcel is currently served by an existing well, as well as a permitted septic system (ST24382). The Department of Environmental Health, however, has no well completion report on file; nor does the California Department of Water Resources, which is indicated in a letter provided by the applicant dated August 27, 2018. Per the Mendocino County of Environmental Health, a proof of water test was conducted on the designated well by Carl Rittiman and Associates in 2005. At that time there was an indicated flow rate of 2.3 gallons per minute. Electricity to the site is provided by Pacific Gas and Electric Company (PG&E).

Elevations at the site range from 335 feet above mean sea level (amsl) at the northern boundary to 343 feet amsl at the southern boundary, with an average slope of approximately 1.3 percent.¹ The entirety of the site is located within a mapped “Moderate Fire Hazard” zone and is within a California Department of Forestry and Fire Protection (CALFIRE) responsibility area. However, the Fort Bragg Rural Fire District is the nearest local fire agency.

Digger Creek is situated 176± feet south of the project site. A review of California Natural Diversity Database indicates occurrences of special status species 550± feet southwest of the subject property. There may be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped.²

Per the ‘Sunset Clause’, this Use Permit is valid until May 4th, 2020, three (3) years following the effective date of the ordinance adopting Chapter 20.242.

RELATED APPLICATIONS:

- **AG_2017-0758** (AGRICULTURAL PERMIT – CANNABIS CULTIVATION)
- **PP_2018-0068** (PROPERTY PROFILE)
- **BF_2014-0221** (200 AMP SVC CHANGE)
- **BL_2014-0033** (ORNAMENTAL FLOWERS)
- **BL_2001-0497** (CONSULTING HOLISTIC MEDICINE)
- **OA_2018-0008 & R_2018-0005** (CANNABIS ACCOMMODATION & PROHIBITION DISTRICTS)

SURROUNDING LAND USE AND ZONING:

| | GENERAL PLAN | ZONING | LOT SIZES | USES |
|--------------|---------------------|---------------|------------------|-------------|
| NORTH | RR2 | RR2 | 1.58± | Residential |
| EAST | RR2 | RR2 | 2.58±, 6± | Residential |
| SOUTH | RR2 | RR2 | 4.38± | Residential |
| WEST | RR2 | RR2 | 2.01±, 2.27± | Residential |

PUBLIC SERVICES:

Access: DIGGER CREEK DRIVE (CR 414)
 Fire District: FORT BRAGG RURAL
 Water District: NONE
 Sewer District: NONE
 School District: NONE

¹ Google Earth Maps. July 23, 2018.

² Mendocino County Department of Planning and Building Services. 2017. *Natural Diversity Database*

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures).

AGENCY COMMENTS: On October 29, 2018 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below:

| REFERRAL AGENCIES | COMMENT |
|---------------------------------|-------------|
| Department of Transportation | No Comment |
| Planning (Fort Bragg) | Comments |
| Environmental Health | Comments |
| Building Inspection | Comments |
| CalFire | No Comment |
| Air Quality Management District | No Response |
| CDFW | No Response |
| Sherwood Valley Rancheria | No Response |
| Cloverdale Rancheria | No Response |
| Redwood Valley Rancheria | No Response |
| Sonoma State University | Comments |
| Archaeological Commission | Comments |
| Caltrans | No Response |
| Fort Bragg Fire District | No Comment |

KEY ISSUES:

- 1. General Plan and Zoning Consistency:** The subject parcel is located within the Rural Residential, 2 acre minimum parcel (RR2) Land Use Classification under the General Plan. According to the General Plan, the RR Land Use Classification *“...is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture.”*

While the proposed project does not entail the food production, the scale of the proposed indoor cannabis cultivation is small when compared to cultivation sites otherwise allowed within unincorporated Mendocino County, and thus conforms to the intent of agricultural production.

Additionally, the RR District is *“intended to create and enhance residential areas where agricultural use compatible with a permanent residential use is desired. Typically, the RR District would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired.”* as described in Chapter 20.048.005 of the Mendocino County Code.

Because of the property’s zoning designation, it is subject to the ‘Sunset Provision’ for Residential Districts. Cultivation sites on legal parcels located on residentially zoned parcels are subject to the following requirements, per Mendocino County Code Section 10A.17.080(B)(2)(b):

- a. There is an occupied dwelling unit on the legal parcel with the cultivation site.
- b. A Permit may be renewed and valid only until three (3) years following the effective date of the ordinance adopting this Chapter and any permits issued shall be void not later than three (3) years following said effective date.

The proposed cannabis cultivation site conforms to these requirements, as there is an occupied dwelling unit on the legal parcel. Establishment of the Mitchell Creek North and Mitchell Creek South Cannabis Accommodation (CA) Combining Districts, which would have negated the ‘Sunset Clause’ were considered, but the Planning Commission recommended that these proposed districts be removed from consideration due to insufficient support from property owners within the proposed areas.

While this finding can be made, because no Cannabis Accommodation district exists, this Use Permit will reflect an expiration date mandated by the 'Sunset Clause' of May 4, 2020.

- 2. Use Permit Findings:** The proposed use permit is required to meet the use permit findings set forth in the Mendocino County Code (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;

The project would facilitate the permitting of an existing indoor cannabis cultivation site. Cannabis cultivation is allowed within the Rural Residential (RR) general plan designation. With the inclusion of the recommended conditions of approval, the project is found consistent with Mendocino County policies for cannabis cultivation, and in conformance with the Mendocino County General Plan. While this finding can be made, because no Cannabis Accommodation district exists, this Use Permit will reflect an expiration date mandated by the 'Sunset Clause' of May 4, 2020.

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

The proposed project has connections to existing water and septic systems that will be used for the operation. Agency conditions require that the applicant work with the Mendocino County Department of Environmental Health and Building Inspection to obtain any required permits or approvals. The site features a well and septic, though applicant is required to contact Environmental Health for additional permitting of the septic system. With the incorporation of agency conditions, this finding can be made.

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 of the public health, safety or general welfare, the finding shall be to that effect;

Given that no new development is proposed; that the cultivation is conducted within existing structures to allow for better mitigation of smell and light concerns; that the applicant has previously operated in a similar capacity with regards to cultivation; and that all setbacks for cultivation activities meet or exceed the requirements as identified by Mendocino County Code Section 10A.17.040(6)(a); and with the incorporation of agency conditions, this finding can be made.

While this finding can be made, because no Cannabis Accommodation district exists, this Use Permit will reflect an expiration date mandated by the 'Sunset Clause' of May 4, 2020.

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

Through granting a Use Permit to authorize the proposed cannabis cultivation site per Section 20.242.025(C) of the Mendocino County Code, and as conditioned, the project would be in conformance with the Rural Residential (RR) zoning district and would not undermine the integrity of the zoning district.

While this finding can be made, because no Cannabis Accommodation district exists, this Use Permit will reflect an expiration date mandated by the 'Sunset Clause' of May 4, 2020.

- 3. Environmental Protection:** To protect the forested areas on the site, in addition to other sensitive habitats and resources identified on the site, a condition is recommended to preserve existing trees and vegetation and restrict vegetation removal in areas other than the building sites and roads, as required by CalFire for fire suppression. Review of the California Natural Diversity Data Base (CNDDDB) for this project site did not identify any special-status animal species to occur within the

vicinity of the project. The project has been determined to be Categorically Exempt from CEQA per Section 15301 (Existing Facilities); Section 15303, Class 3 (New Construction or Conversion of Small Structures).

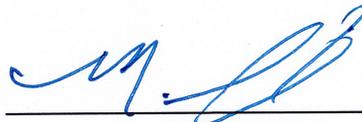
4. **Cultural Resources:** The application was referred to the Northwest Information Center at Sonoma State University, which found no record of any previous cultural resource studies for the proposed project area. Due to the fact that the project made use of existing facilities and no new development was proposed, an archaeological survey was not performed for the site. While no further study for archaeological resources is recommended, Mendocino County General Plan Chapter 3 Development Element includes policies related to cultural resources. Both Policy DE-115 and Mendocino County Code Chapter 22.12 (Archaeological Resources) include provisions for archaeological sensitivity review, field evaluations, impact mitigations, archaeological discovery, and human remain discovery protocols (MCC §22.12.050 – 22.12.100). Furthermore, Standard Condition is recommended and advises the Applicant of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or excavation activities, in accordance with County Code Sections 22.12.090 and 22.12.100.

RECOMMENDATION

By resolution, the Zoning Administrator adopt a Categorical Exemption, and grant the Use Permit U_2018-0025 for the Project, as proposed by the Applicant, based on the facts and findings and subject to the Conditions of Approval.

3/19/19

DATE



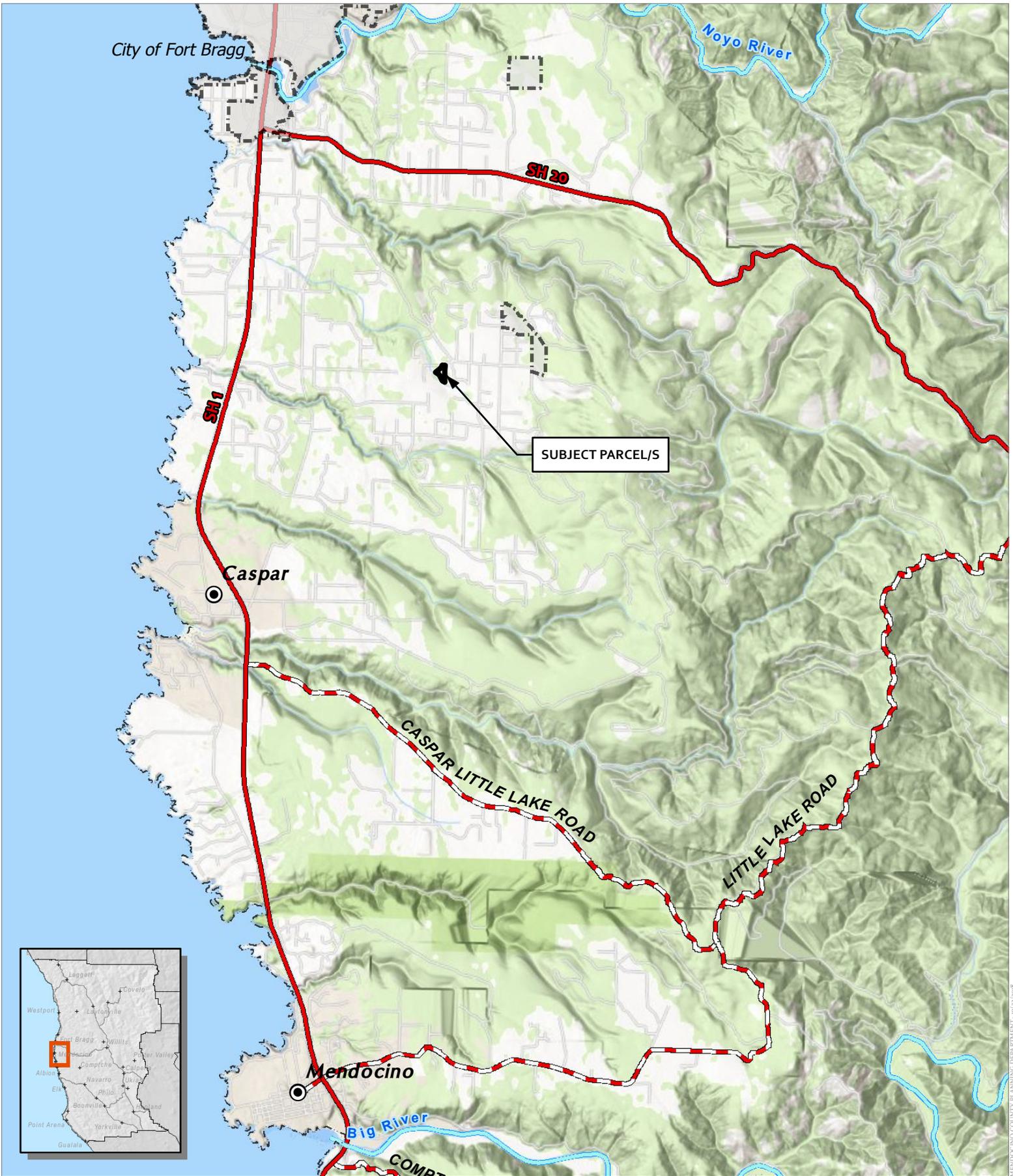
MARK CLISER
PLANNER I

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

ATTACHMENTS:

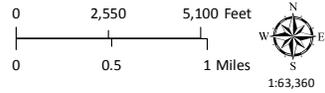
- A. Location Map
- B. Topographic Map
- C. Site Plan
- D. Aerial Imagery
- E. Zoning Display Map
- F. General Plan Classifications
- G. Adjacent Parcels
- H. Fire Hazard Zones Map
- I. Local Soils Map
- J. Ground Water Resources

RESOLUTION AND CONDITIONS OF APPROVAL: (Exhibit A)



CASE: U 2018-0025
 OWNER: SAVITCHEVA, Elena
 APN: 019-420-42
 APLCT: Elena Savitcheva
 AGENT:
 ADDRESS: 30717 Digger Creek Drive, Fort Bragg

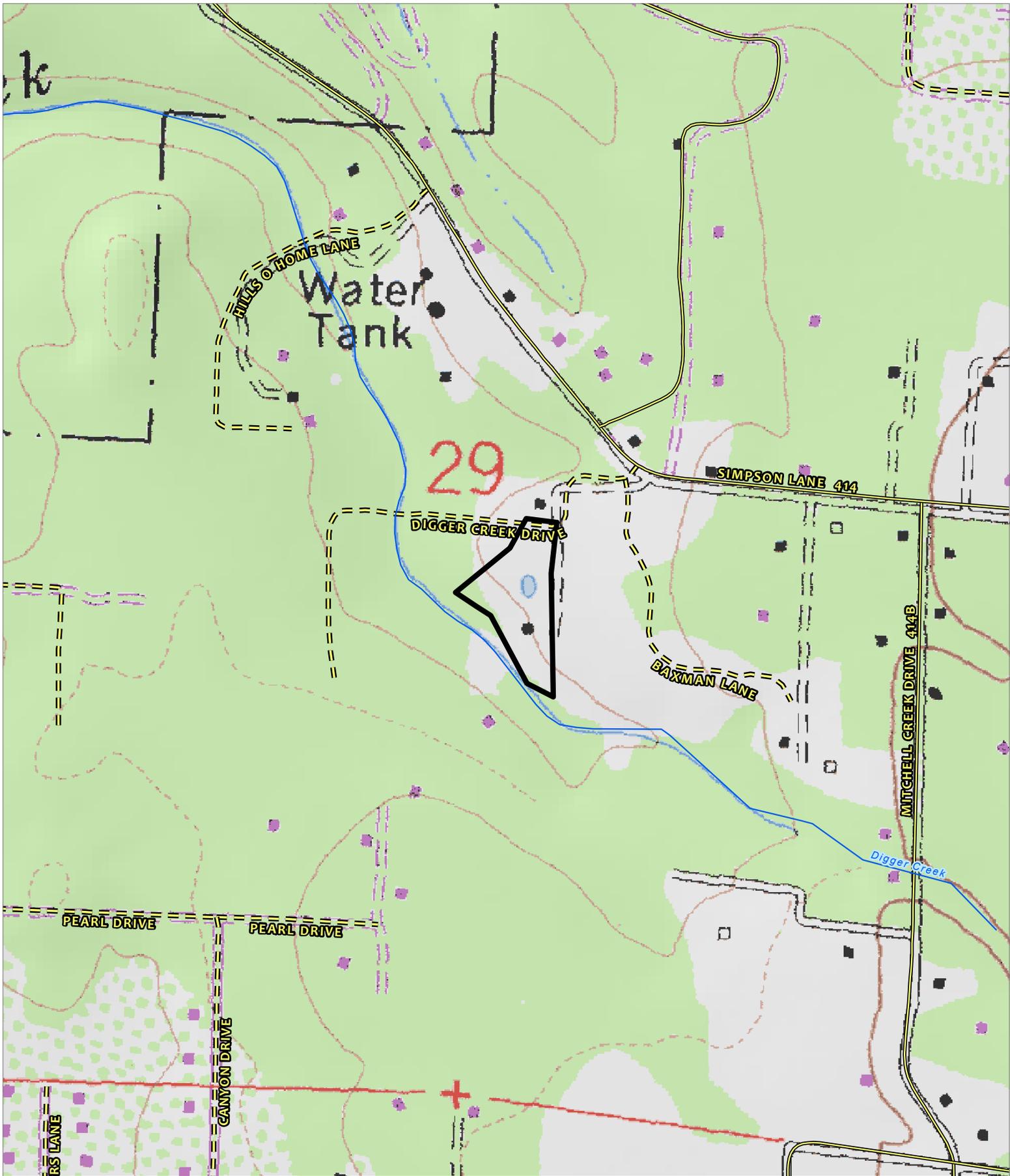
- Major Towns & Places
- City Limits
- Major Rivers
- Highways
- Major Roads



LOCATION MAP

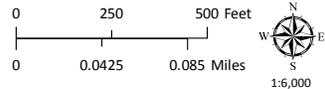
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 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

MENDOCINO COUNTY PLANNING DEPARTMENT - 01/22/2018



CASE: U 2018-0025
 OWNER: SAVITCHEVA, Elena
 APN: 019-420-42
 APLCT: Elena Savitcheva
 AGENT:
 ADDRESS: 30717 Digger Creek Drive, Fort Bragg

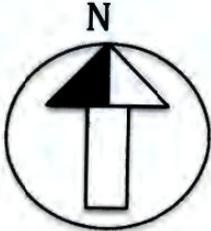
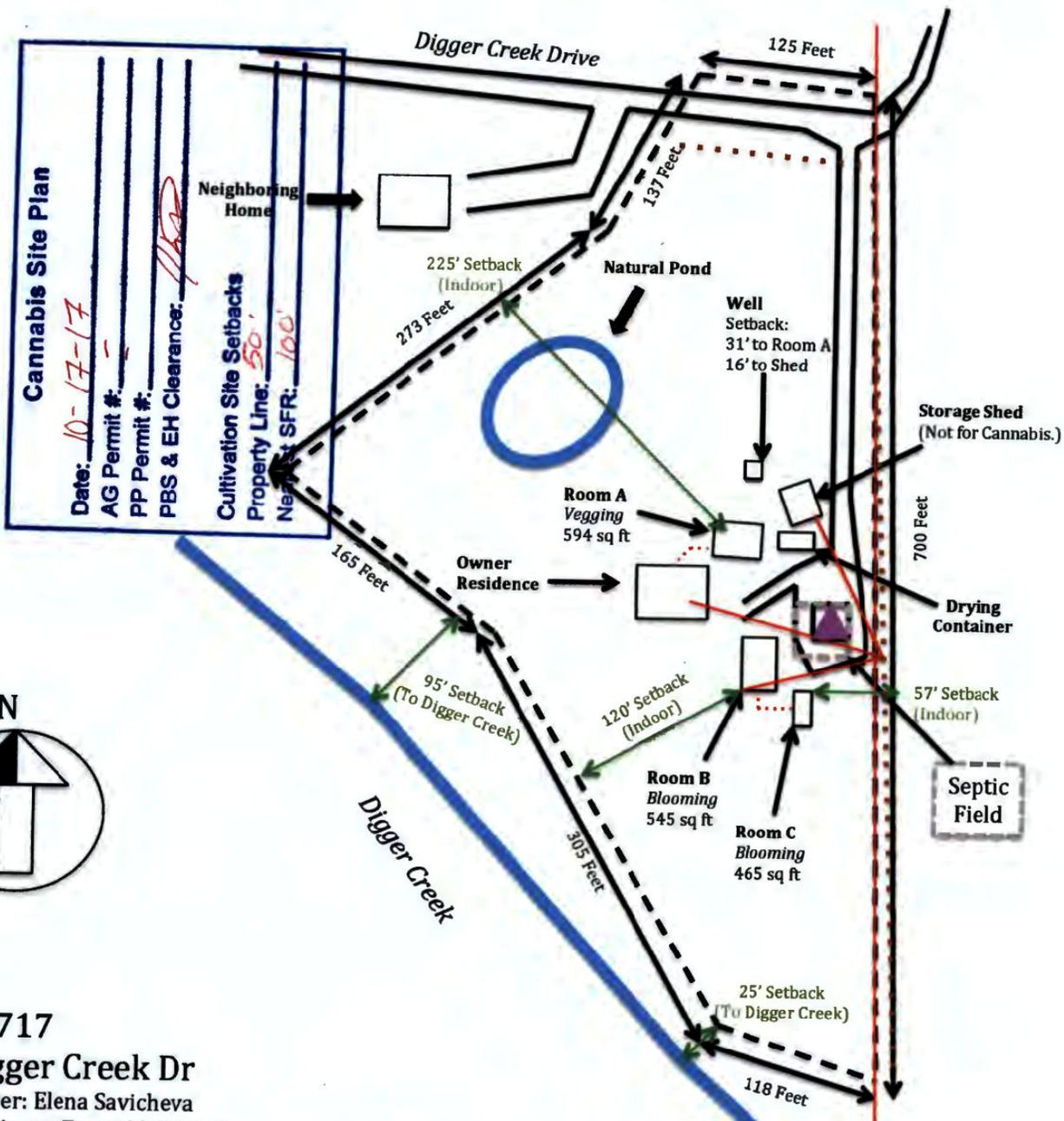
-  Named Rivers
-  Public Roads
-  Private Roads



TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

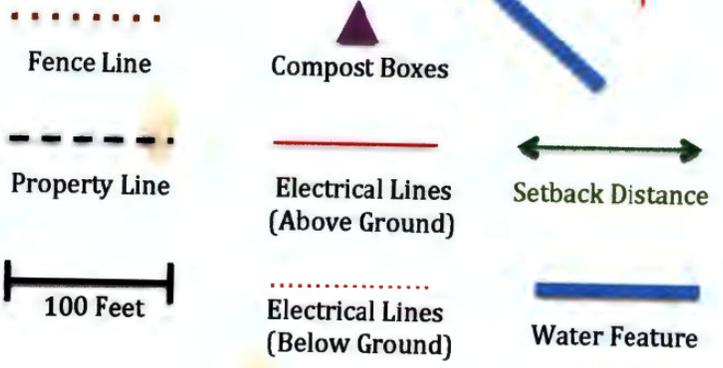
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MENDOCINO COUNTY PLANNING DEPARTMENT - 10/22/2018



30717
Digger Creek Dr
 Owner: Elena Savicheva
 Applicant: Emerald Clock, Inc.
 3.14 Acre Lot
 Zoned: R.R.
 APN: 0194204200

Note: The discharge of pollutants to any storm drainage system is prohibited. No solid waste, petroleum byproducts, soil particulate, construction waste materials or wastewater generated on construction sites or by construction activities shall be placed, conveyed or discharged into the street, gutter or drainage system.



CASE: U 2018-0025
 OWNER: SAVITCHEVA, Elena
 APN: 019-420-42
 APLCT: Elena Savitcheva
 AGENT:
 ADDRESS: 30717 Digger Creek Drive, Fort Bragg

NO SCALE

SITE PLAN

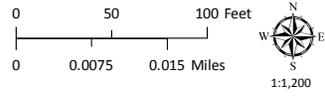
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MENDOCINO COUNTY PLANNING DEPARTMENT - 10/22/2018



CASE: U 2018-0025
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 APN: 019-420-42
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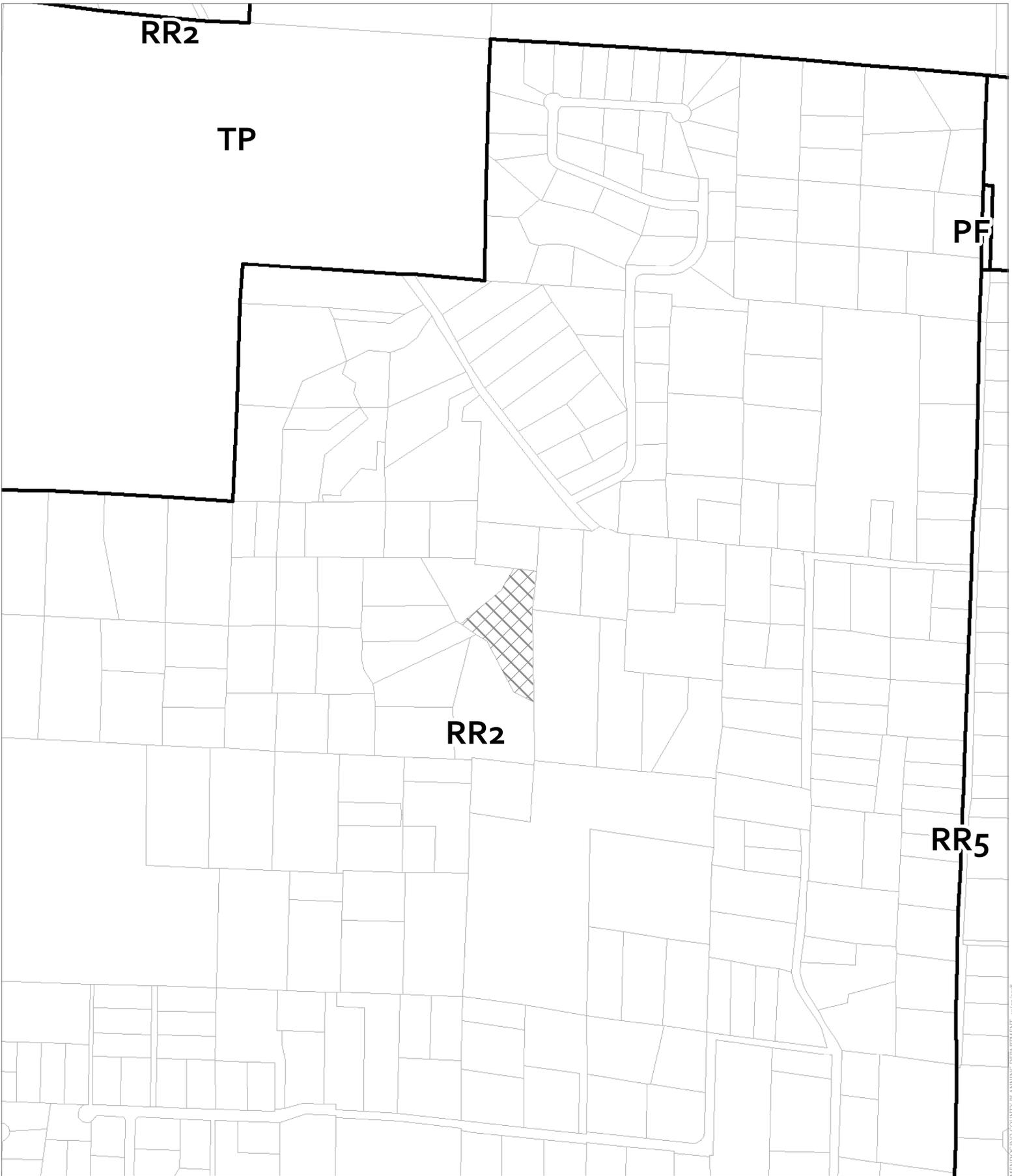
 Named Rivers
 Private Roads



AERIAL IMAGERY

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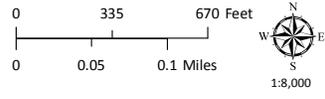
MENDOCINO COUNTY PLANNING DEPARTMENT - 06/22/2018



MENDOCINO COUNTY PLANNING DEPARTMENT - 10/22/2018

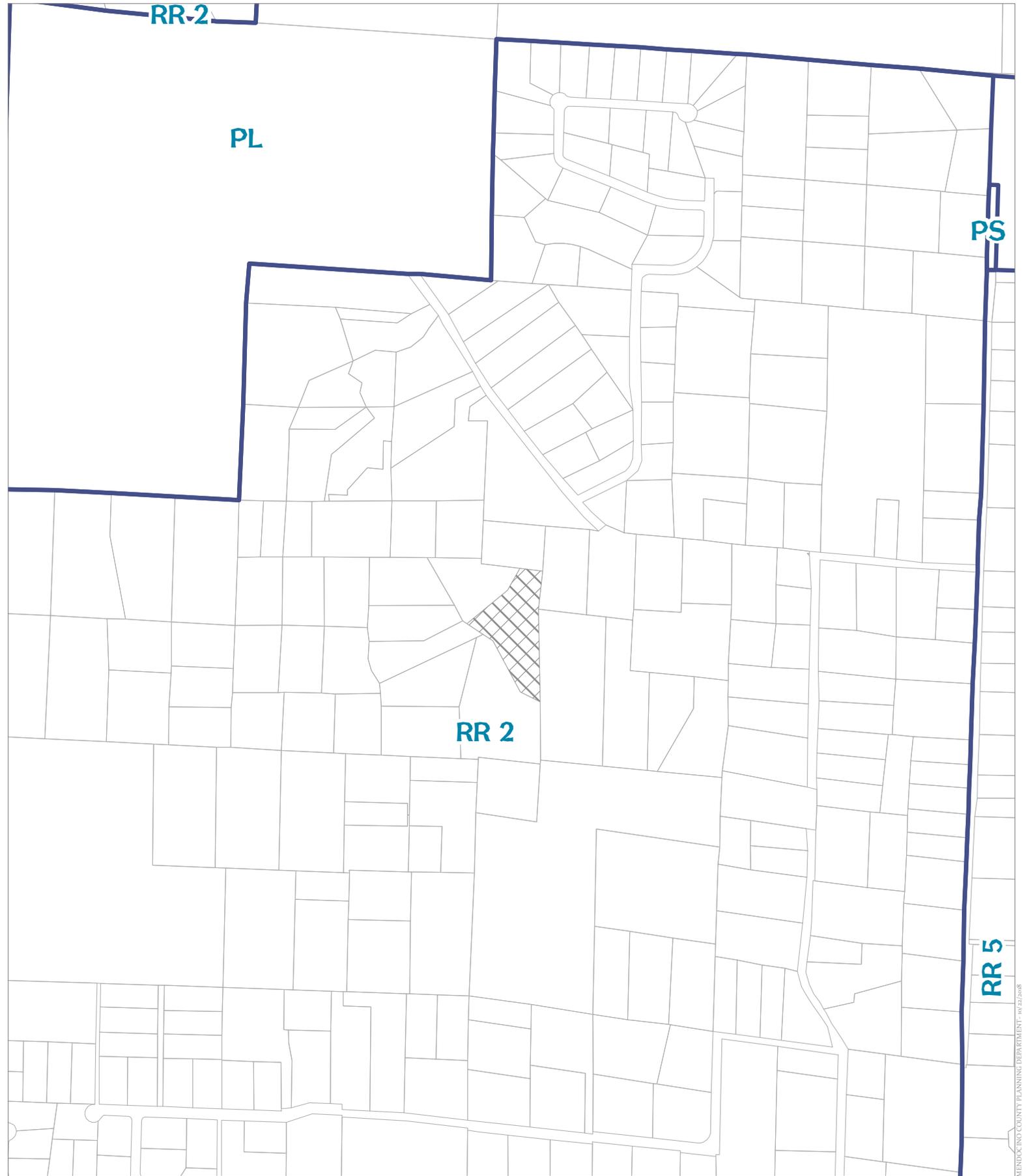
CASE: U 2018-0025
 OWNER: SAVITCHEVA, Elena
 APN: 019-420-42
 APLCT: Elena Savitcheva
 AGENT:
 ADDRESS: 30717 Digger Creek Drive, Fort Bragg

 Zoning Districts



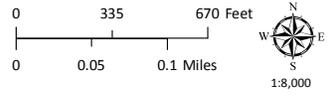
ZONING DISPLAY MAP

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MENDOCINO COUNTY PLANNING DEPARTMENT - 10/22/2018

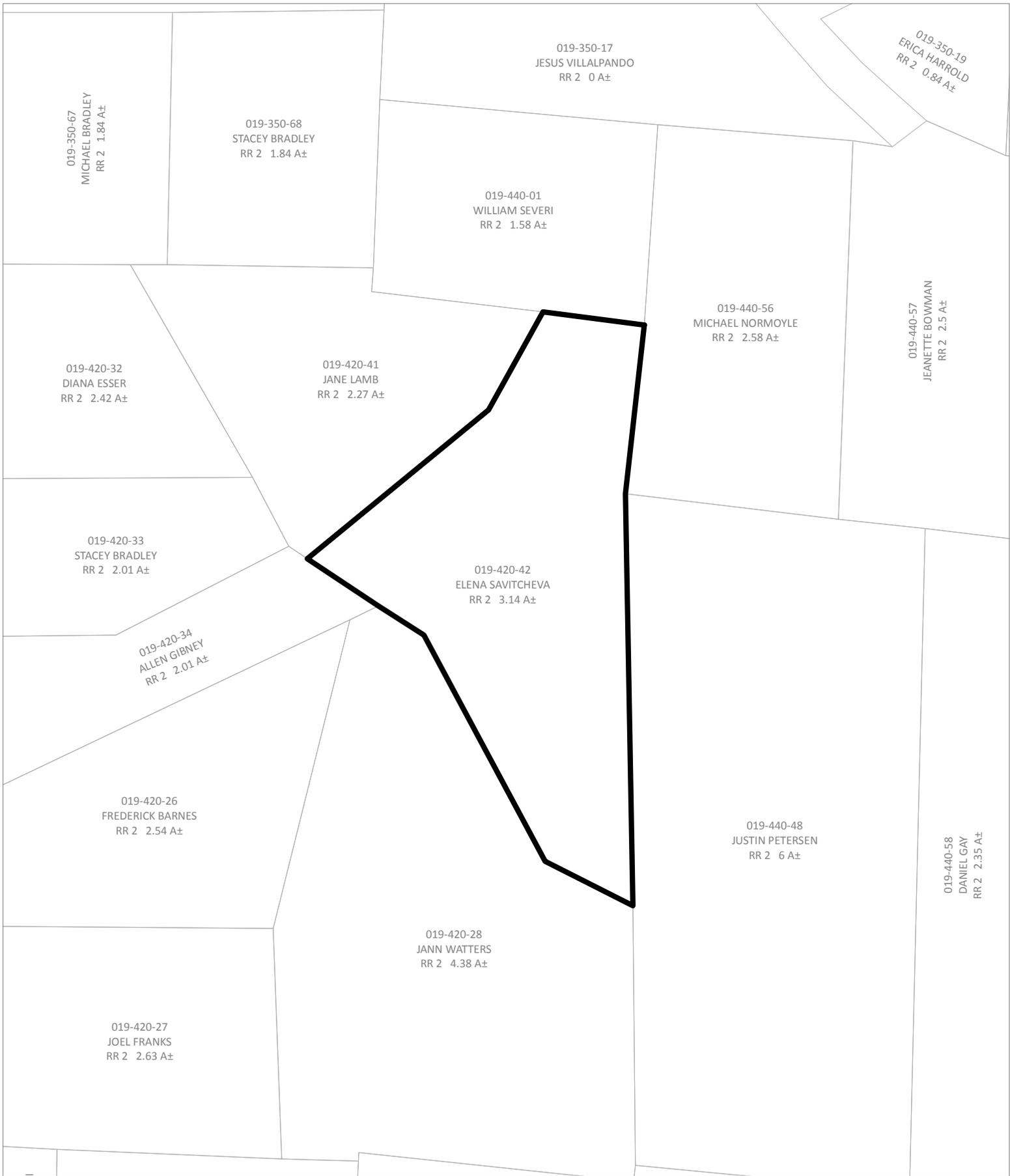
CASE: U 2018-0025
 OWNER: SAVITCHEVA, Elena
 APN: 019-420-42
 APLCT: Elena Savitcheva
 AGENT:
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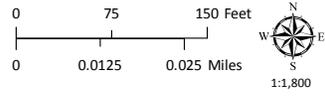
 General Plan Classes

GENERAL PLAN CLASSIFICATIONS

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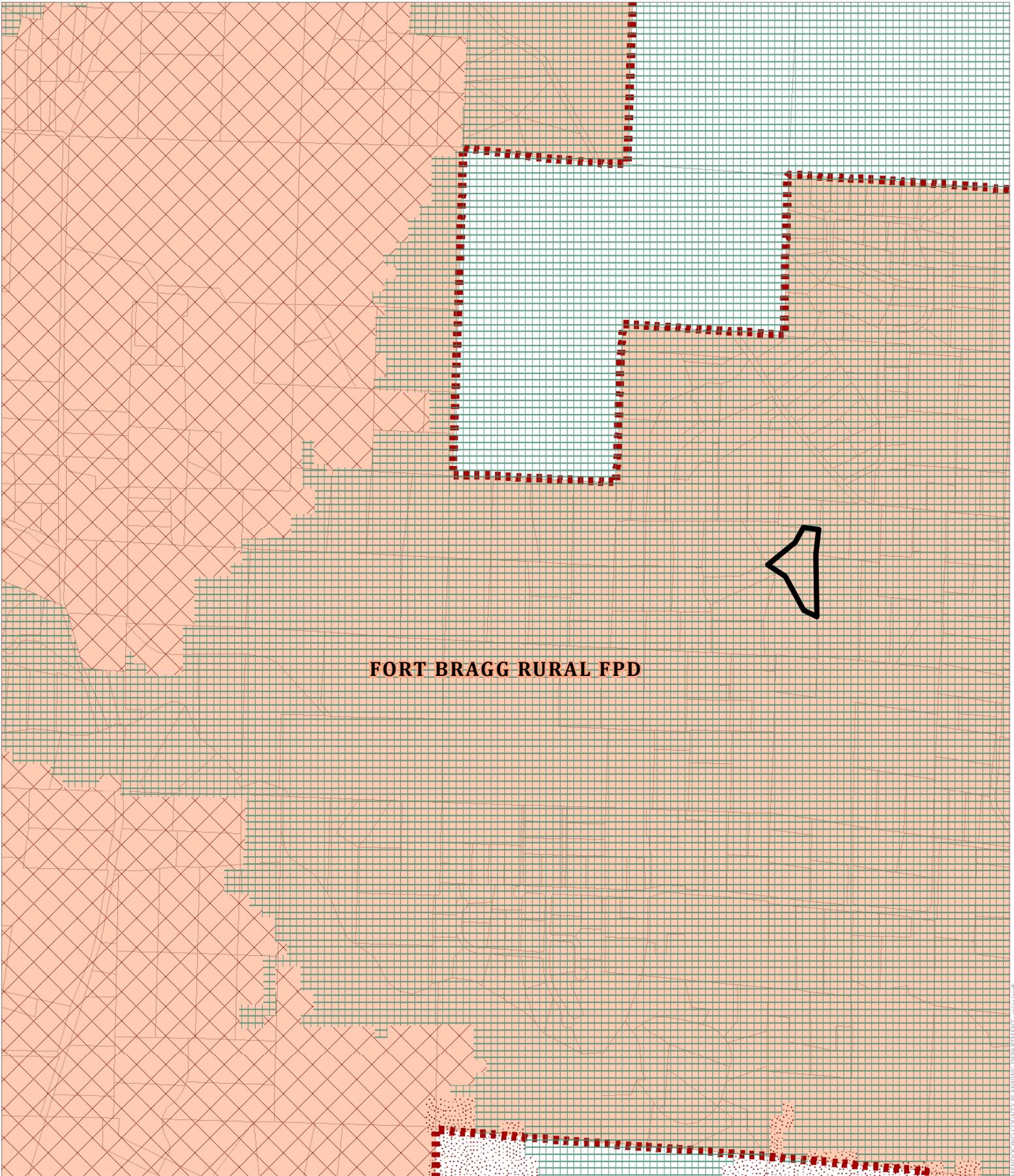
CASE: U 2018-0025
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ADJACENT PARCELS

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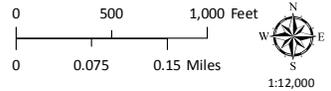
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/22/2018



FORT BRAGG RURAL FPD

CASE: U 2018-0025
 OWNER: SAVITCHEVA, Elena
 APN: 019-420-42
 APLCT: Elena Savitcheva
 AGENT:
 ADDRESS: 30717 Digger Creek Drive, Fort Bragg

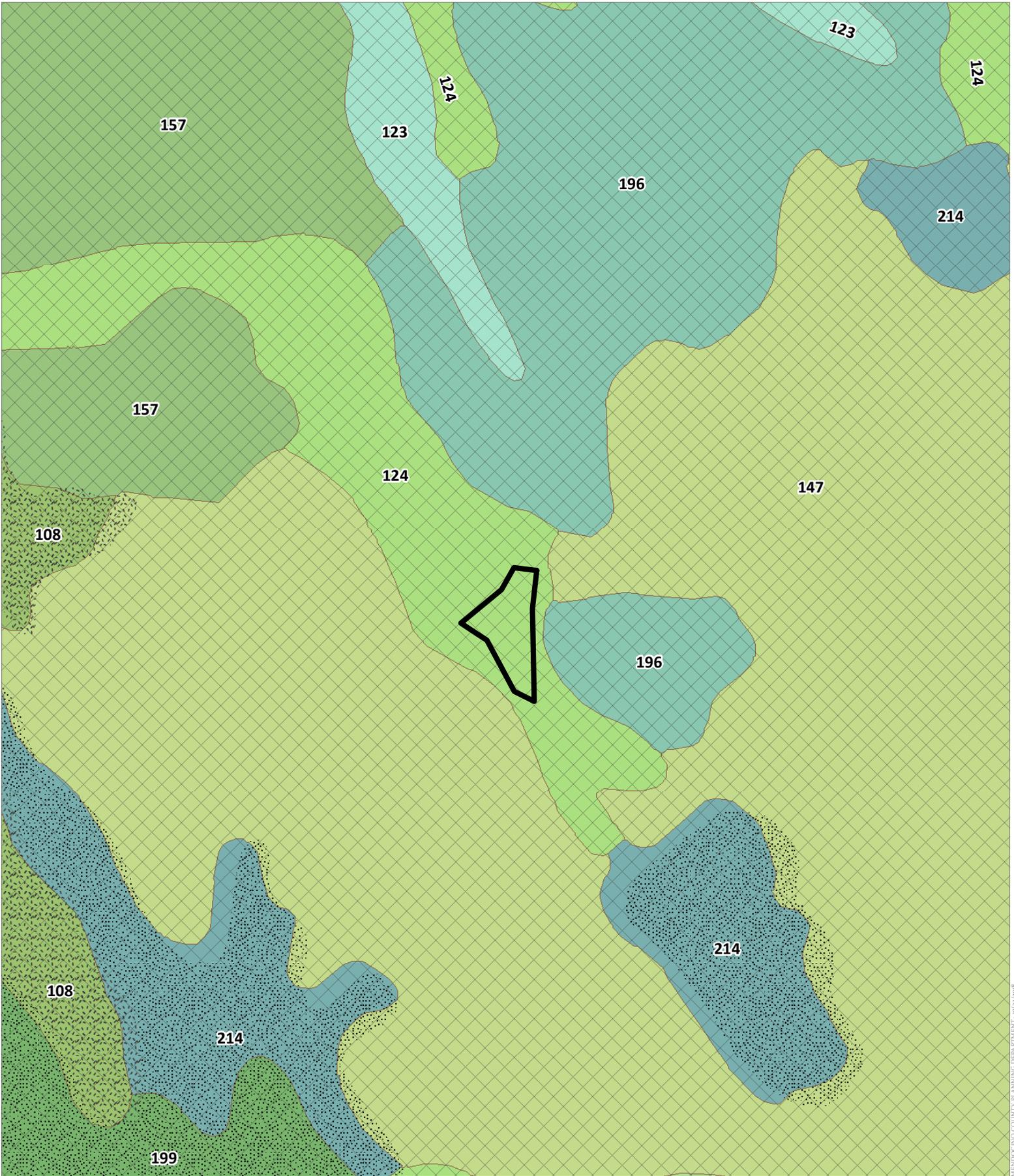
-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard
-  County Fire Districts



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

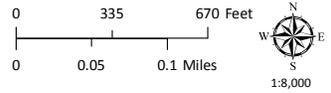
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MENDOCINO COUNTY PLANNING DEPARTMENT - 06/22/2018



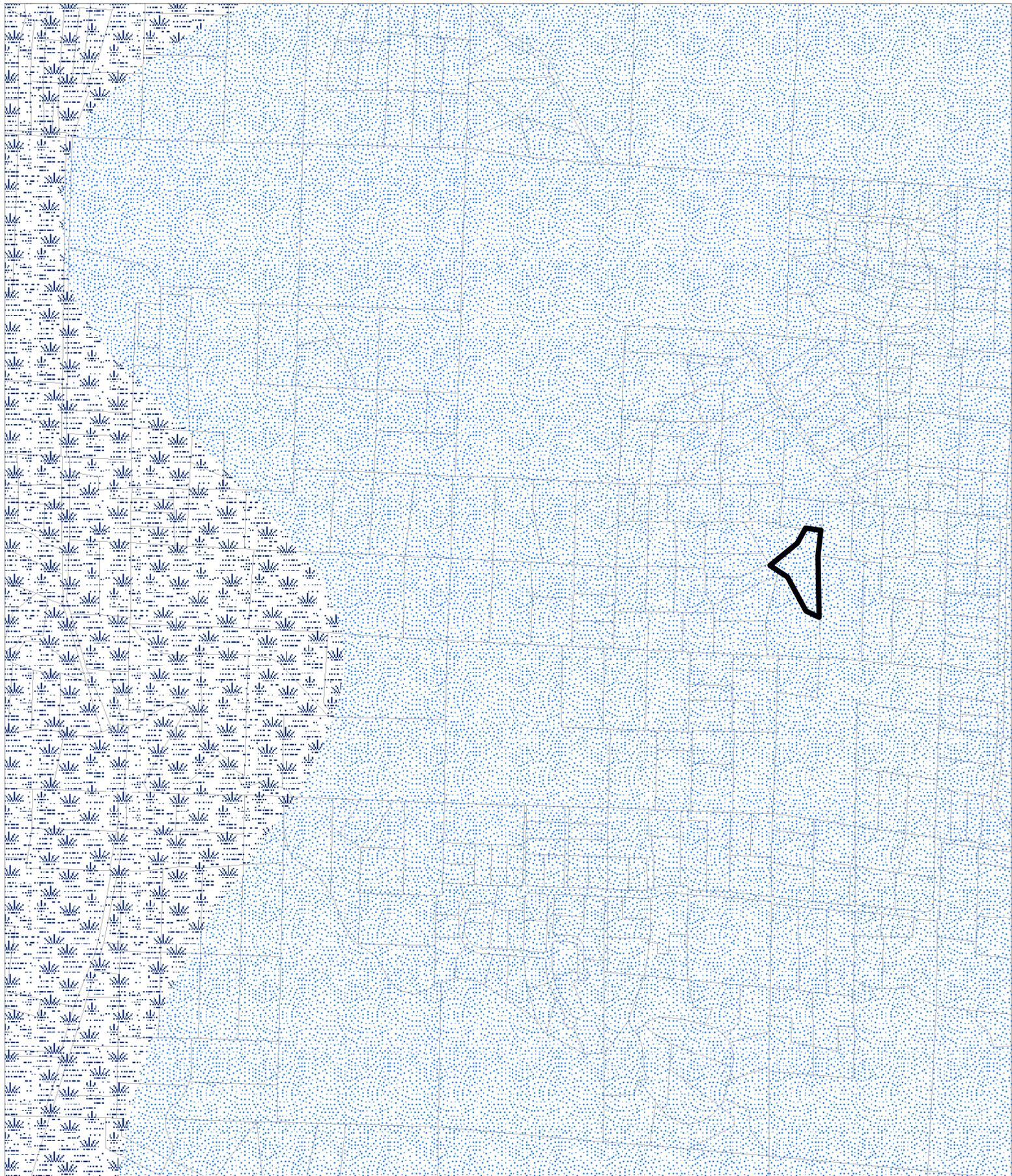
MENDOCINO COUNTY PLANNING DEPARTMENT - 06/27/2018

CASE: U 2018-0025
 OWNER: SAVITCHEVA, Elena
 APN: 019-420-42
 APLCT: Elena Savitcheva
 AGENT:
 ADDRESS: 30717 Digger Creek Drive, Fort Bragg



LOCAL SOILS

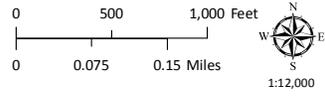
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MENDOCINO COUNTY PLANNING DEPARTMENT 10/22/2018

CASE: U 2018-0025
 OWNER: SAVITCHEVA, Elena
 APN: 019-420-42
 APLCT: Elena Savitcheva
 AGENT:
 ADDRESS: 30717 Digger Creek Drive, Fort Bragg

-  Sufficient Water Resources
-  Marginal Water Resources



GROUND WATER RESOURCES

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Resolution Number _____

County of Mendocino
Ukiah, California

April 11, 2019

U_2018-0025 – ELENA SAVITCHEVA

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO,
STATE OF CALIFORNIA GRANTING A MINOR USE PERMIT U_2018-0025 FOR
CANNABIS CULTIVATION.

WHEREAS, the Applicant, ELENA SAVITCHEVA, filed an application for a USE PERMIT with the Mendocino County Department of Planning and Building Services to establish a Type C-A Cottage-Size Indoor Cultivation Permit (AG_2017-0758) for cannabis cultivation of no more than 2,500 square feet of canopy within three structures, 4.9 ± miles southwest of Fort Bragg City center, lying on the south side of Digger Creek Drive (Private), 0.1± miles southwest of its intersection with Simpson Lane (CR 414), located at 30717 Digger Creek Dr., Fort Bragg (APN: 019-420-42). General Plan RR2; Zoning RR:2; Supervisorial District 4; (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 Class 3; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on April 11, 2019 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, based upon the evidence in the record, makes the following findings;

1. **General Plan and Zoning Findings:** The subject parcel is classified Rural Residential with an eighty thousand (80,000) square foot minimum parcel size (R-R:L-2) under the Mendocino County General Plan and the Project is consistent with the intent of the designation. Although the Project does not entail the farming of food, the sale of the proposed cannabis cultivation is small and thus conforms to the intent of the R-R:L-2 land use designation. Additionally, the subject parcel is consistent with the intent of the zoning district and the uses subject to a use permit per Section 20.242.040(B) of the Mendocino County Code; and
2. **Use Permit Findings:** The Project satisfies the Use Permit required findings per Section 20.196.020 of the Mendocino County Code; and
3. **Environmental Protection:** The Project has been determined to be Categorically Exempt from the provisions of CEQA under a Class 1 and Class 3 exemption; and
4. **Cultural Resources:** The application was referred to the Northwest Information Center at Sonoma State University, which found no record of any previous cultural resource studies for the proposed project area. Due to the fact that the project made use of existing facilities and no new

development was proposed, an archaeological survey was not performed for the site. Furthermore, a Standard Condition is recommended and advises the Applicant of the County's "Discovery Clause".

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested Minor 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 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: ADRIENNE THOMPSON
Administrative Services Manager

By: _____

BY: BRENT SCHULTZ
Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL

APRIL 11, 2019

U_2018-0025 – ELENA SAVITCHEVA

APPROVED PROJECT DESCRIPTION: Minor Use Permit for a Type C-A Cottage-Size Indoor Cultivation Permit (AG_2017-0758) for cannabis cultivation of no more than 2,500 square feet of canopy within three structures.

CONDITIONS OF APPROVAL:

General:

1. If Mendocino County Code (hereafter MCC) should be amended to allow for continued use as requested, the use permit shall continue if in compliance with the required conditions. However, as of this writing, the subject site is located within a zoning district governed by the so-called 'Sunset Clause'. **The applicant has sole responsibility for acknowledging the limits of and expiration of this use permit.** Per MCC Section 10A.17.080(2)(b)(iii), a Permit may be renewed and valid only until three (3) years following the effective date of the ordinance adopting this Chapter and any permits issued shall be void not later than three (3) years following said effective date. **Therefore, this Use Permit will expire on May 4, 2020. The County will not provide a notice prior to expiration date.**
2. The use of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
3. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Zoning Administrator.
5. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any 1 or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

5. 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.
6. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.

7. It shall be the responsibility of the Applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.
8. Prior to any construction, the Applicant shall adhere to the previously submitted and approved Cal Fire 4290 – Fire Safe Regulations provided to the Mendocino County Department of Planning and Building Services with an approved State Fire Safe Regulation Application Form. The applicant shall comply with those recommendations of the California Department of Forestry (Cal Fire) or other alternatives as acceptable to Cal Fire. A Final Clearance letter from Cal Fire shall be submitted to the Department of Planning and Building Services stating that compliance with their requirements have been met to their satisfaction.

Aesthetics:

9. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting shall be turned off at 7:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (Twenty-four hour security lighting would be exempt from this time requirement; however any exterior security lighting installed on the property shall utilize motion-sensored activation.) All lighting along the property boundaries shall be setback a minimum of 20 feet from all property lines.
10. The Applicant shall provide a lighting plan demonstrating that that proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, which may affect fish and/or wildlife directly, or from a distance.
11. No signage shall be allowed for the operation.

Air Quality:

12. Any buildings, including greenhouses, used for the cultivation of cannabis shall be equipped with filtered ventilation systems, permitted by the Mendocino County Air Quality Management District (MCAQMD).
13. The access road and interior circulation routes shall be treated with a dust suppressant and maintained in such a manner as to insure minimum dust generation subject to the Air Quality Management District's dust regulations.
14. Secure any required permits from the Mendocino County Air Quality Management District.

Biological Resources:

15. Removal of any commercial tree species, as defined by California Code of Regulations section 895.1 (Commercial Species for the Coast Forest District and Northern Forest District), and the removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing the cannabis cultivation site shall be prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to safety or disease concerns.

Cultural Resources:

16. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

Hydrology:

17. A completed Lake or Streambed Alteration Agreement (LSAA) will be required from the California Department of Fish and Wildlife (CDFW) for the project, including, but not limited to: diversion and use of water from a river, and potentially water use from springs. The pond may also be utilized as a source of water in case of emergency. Surface water sources (streams, springs, and hydrologically connected wells and ponds) are generally jurisdictional for CDFW, and their use, for domestic purposes or otherwise, generally requires notification pursuant to Fish and Game Code 1602. Please note that existing jurisdictional projects or infrastructure that does not have a valid or current LSAA will likely require notification (e.g. existing stream crossings on roads). Please contact the local regional CDFW office to determine if a LSAA is necessary for the proposed project.

Noise:

18. Construction shall be limited to the hours of 8:00 a.m. to 6:00 p.m.
19. The Applicant shall provide a noise pollution plan demonstrating that the generator currently utilized at the site would not deliver noise pollution, which may affect fish and/or wildlife directly, or from a distance.

Building Inspection & Environmental Health:

20. In response to the Use Permit (U_2018-0025) the applicant currently has the following non-permitted improvements on the parcel. The applicant shall secure all necessary permits as required by the Building Inspection Division of the Department of Planning and Building Service and the Department of Environmental Health:

- a. 'Natural Pond'
- b. Storage Shed
- c. Room A (Vegging)
- d. Room B (Blooming)
- e. Room C (Blooming)
- f. Drying Container

21. Current California Business & Professions Code requires a licensed engineer to design, approve, stamp and sign all commercial structures. For all indoor cultivation facilities the applicant shall identify the source of electrical power and plan for compliance with applicable Building Codes. Also, provide documentations that addresses the handling of waste discharge from the grow location of items including, but not limited to nutrients, spent growing media, un-used containers and other associated hardware, supplies, and garbage.

22. If applicable, a site accessibility plan shall be submitted into the Building Department that shows the placement of all site features as required by California Building Code: Chapter 11-B. This shall be "wet-stamped" by a design professional and shall address (at a minimum) Site Arrival Parking, Signage, Restrooms, Path of Travel (to / through the building), Workspace designations / dimensions, and Interior Environment.

23. The applicant must contact the Department of Environmental Health to update an expired non-standard septic permit application (ST24382).

Notice of Exemption:

24. To record the Notice of Exemption, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to February 19, 2019 (within 5 days of the end of any project action).

