



**ZOING ADMINISTRATOR STAFF REPORT
ADMINISTRATIVE PERMIT**

**JUNE 13, 2019
AP_2018-0101**

SUMMARY

OWNER: PETER & MARCINE VANSICKLEN
P O BOX 1483
MENDOCINO, CA 95460

APPLICANT: MATTHEW BOREN
P O BOX 305
LITTLE RIVER, CA 95456

REQUEST: An Administrative Permit for a small, indoor cannabis cultivation site (Type CA (≤ 500 ft²); AG_2017-0788) of no more than 500 ft² of canopy.

LOCATION: 7 \pm miles south east of Fort Bragg City center, lying on the north side of Mitchell Creek Dr. (CR 414B), 1.2 \pm miles southeast of its intersection with Franklin Rd. (CR 414D), located at 15007 Mitchell Creek Dr., Fort Bragg (APN: 118-440-15).

TOTAL ACREAGE: 1 \pm Acres

GENERAL PLAN: Rural Residential, eighty thousand (80,000) square feet parcel size (R-R:L-2)

ZONING: Rural Residential, eighty thousand (80,000) square feet parcel size (R-R:L-2)

SUPERVISORIAL DISTRICT: 4th Supervisorial District

ENVIRONMENTAL DETERMINATION: Categorically Exempt: Section 15301 (Existing Facilities).

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: MARK CLISER

BACKGROUND

PROJECT DESCRIPTION: An Administrative Permit request to allow for a cannabis cultivation permit of no more than 500 sq. ft. of mature canopy located at 15007 Mitchell Creek Dr., Fort Bragg. Presently, cannabis cultivation takes place within an existing accessory structure. Per the site plan there is an additional accessory structure where limited ancillary activities, including processing of cannabis takes place. No additional development or activity is proposed as part of this project. Per the 'Sunset Clause', this Administrative Permit is valid until May 4th, 2020, three (3) years following the effective date of the ordinance adopting Chapter 20.242.

SITE CHARACTERISTICS: The 1 \pm acre project site is comprised of one parcel and is located 7 \pm miles south east of Fort Bragg City center, lying on the north side of Mitchell Creek Dr. (CR 414B), 1.2 \pm miles southeast of its intersection with Franklin Rd. (CR 414D), located at 15007 Mitchell Creek Dr., Fort Bragg (APN: 118-440-15). The site is sparsely forested though clear of vegetation where the residence and subject structures are located. The parcel is currently served by an unpermitted well and septic. Electricity and gas are provided by an existing utility company. In addition to the indoor cultivation structure and the 'Workshop / Veg Room' there is an existing 1,500 ft² permitted residence on the project site.

The cultivation site is situated towards the southeast corner of the parcel. Elevations at the site range from 542 feet above mean sea level (amsl) towards the northwest portion of the site to 555 feet amsl toward the southeast portion, with an average slope of approximately 6 percent.¹ The entirety of the site is located within a mapped “High Fire Hazard” zone and is with a California Department of Forestry and Fire Protection (CALFIRE) responsibility area. However, the Fort Bragg Rural Fire District is the nearest local fire agency.

A review of California Natural Diversity Database indicates no occurrences of special status species on the subject property and adjacent parcels. There may be occurrences or species within this area which have not yet been surveyed and/or mapped.² A review of Ground Water Resources indicates sufficient water resources for the project site and surrounding parcels within a 5,000 foot radius.³ A Department of Toxic Substances Control “ENVIROSTOR” database search reveals no records toxic substances on site.⁴

RELATED APPLICATIONS: **AG_2017-0788** (500 ft² Small Indoor Cannabis Cultivation); **PP_2018-0110** (Property Profile); **BF_2015-0767** (200 AMP PANEL CHANGE FOR SFR L4L)

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR2	RR2	4±	Residential
EAST	RR2	RR2	4±	Residential
SOUTH	RR2	RR2	4±	Residential
WEST	RR2	RR2	1.24 ±, 2.07±	Residential

PUBLIC SERVICES:

Access: MITCHELL CREEK DRIVE (CR 414B)
 Fire District: CALFIRE, FORT BRAGG RURAL FIRE DISTRICT
 Water District: NONE
 Sewer District: NONE
 School District: NONE

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities).

AGENCY COMMENTS: On December 5, 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
Fort Bragg-Planning	No Comments
Department of Transportation	No Comments
Environmental Health	Comments
Building Inspection	Comments
CalFire	No Comments
Fort Bragg Rural Fire District	No Comments
Air Quality Management District	Comments
CDFW	No Response
Sherwood Valley Rancheria	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	Comments
Sonoma State University	No Response

¹ Google Earth Maps. February 4, 2019.

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

³ Mendocino County Department of Planning and Building Services. 2017. *Ground Water Resources*

⁴ <https://www.envirostor.dtsc.ca.gov/public/>

PROJECT FINDINGS: The Zoning Administrator approves Administrative Permit AP_2018-0101, subject to the recommended conditions of approval identified by staff, finding the following:

1. The cannabis cultivation is in conformity with the General Plan.

Staff finds the site is currently developed with a residence, a principally permitted use, and additional appurtenant structures to support the cannabis cultivation are allowed accessory buildings within the Rural Residential land use classification. The existing and proposed use is consistent with the intent of the Rural Residential classification and all associated development and performance criteria.

2. The cannabis cultivation will be provided with adequate utilities (water and sewer), access roads, drainage, and other necessary facilities.

Staff reviewed the application, supplemental exhibits, as well as Agricultural Permit materials, and determined the site is currently served by an on-site well and on-site septic systems and the site is provided an access easement to Mitchell Creek Drive (CR 414B).

3. The cannabis cultivation is consistent with the purpose and intent of the R-R:L-2 zoning district, as well as all other provisions of Division I of the Mendocino County Inland Zoning Code, and preserves the integrity of the R-R:L-2 zoning district.

With compliance with the conditions of approval, Staff finds the cannabis cultivation, appurtenant structures, and associated utilities would satisfy all development requirements for the Rural Residential zoning district. Given the size and zoning designation of the subject parcel, it is subject to the Sunset Provision for Residential Districts. Cultivation sites on legal parcels located in Rural Residential (lot sizes two (2) acres [R-R:L-2]), 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.*

4. The cannabis cultivation, if operated in compliance with the conditions of approval, will not have any significant adverse impacts on the environment.

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant Section 15301, Class 1 (Existing Facilities). No additional development or activity is proposed as part of this project.

5. The cannabis cultivation will not have any adverse impacts on any known archaeological or paleontological resource.

Staff finds the proposed project would have no adverse impacts on any known archeological or paleontological resources, given that no additional development or activity is proposed as part of this project.

6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the cannabis cultivation.

Staff finds that the use of accessory structures to support the cannabis cultivation would not generate a significant amount of solid waste or significant increase to public roadway beyond that existing today.

7. The cannabis cultivation is compatible with the long-term protection of resource lands.

Staff finds that this finding is not applicable, given the Rural Residential zoning designation.

8. The cannabis cultivation is located on a legal parcel.

Staff has reviewed the application along with supplemental exhibits and has determined that the project site is located on a legal parcel.

9. The cannabis cultivation site is allowed in the zoning district and it is in compliance with the provisions of Chapter 10A.17.

Given the size and zoning designation of the subject parcel, it is subject to the Sunset Provision for Residential Districts. Cultivation sites on legal parcels located in Rural Residential (lot sizes two (2) acres [R-R:L-2]), 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.*

Additionally, indoor cultivation sites are also be subject to the following limitation: cultivation sites located within a private residence that is a rental unit, as that term is defined by County Code section 20.008.050, shall not be located in any indoor space other than a garage or accessory structure. Staff finds that this application is consistent with this

10. There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding 15 percent, prime soil, oak woodland, and timber resources.

Staff finds that the project would avoid or minimize its impact on environmentally sensitive areas, and is not located on slopes exceeding 15 percent. Given that the operations occur in existing structures, it would not result in the removal of trees or vegetation.

11. The cannabis cultivation site will avoid or minimize odor and light impact on residential uses.

Based on a review of the application and supplemental materials, Staff finds that the project would avoid or minimize odor and light impact on residential uses, since all setbacks and development criteria would be achieved and the nearest residence is located approximately 409 feet from the cultivation area.

CONDITIONS OF APPROVAL:

1. The Applicant shall submit to Planning and Building Services within 30 days of the associated Agricultural Permits approval, a signed letter of acknowledgment stating that they have read all Conditions of Approval for this permit and that this project will be consistent with all conditions.
2. 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 Administrative Permit will expire on May 4, 2020. The County will not provide a notice prior to expiration date.**
3. 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.
4. 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 Zoning Administrator.

5. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
6. Within one year, the Applicant shall secure all required building and health permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services and the Department of Environmental Health.
 - a. As noted by the Building Inspection Division, the applicant is required to permit all non-permitted structures through the Mendocino County Building Department
 - b. As noted by Environmental Health, standard well and septic requirements apply. Applicant will notify Environmental Health if indoor cultivation requires plumbing, will have employees on-site, and/or installs public restrooms.
7. 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 the enforcement or operation of one or more such conditions.
8. 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.
9. 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 one hundred (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.
10. 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.
11. 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.
12. As noted by Mendocino County Air Quality Management District (MCAQMD):
 - a. Any buildings, including greenhouses, used for the cultivation of cannabis shall be equipped with filtered ventilation systems, permitted by MCAQMD. Additionally, this project may be subject to District Regulation 1 regarding air quality permits for stationary sources of emissions. The applicant is required to an *Authority to Construct* permit from the District prior to beginning construction and/or installation of any equipment that emits or controls emissions or air containments, including odors.
 - b. 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.

- c. Open-Outdoor Burning of Cannabis Waster Products is prohibited by MCAQMD and burn permits are required for all open-outdoor burning of vegetation (other than Cannabis waste) grown on the property.
13. A complete CalFire Fire Safety Regulations Application package shall be submitted by the Applicant to the Howard Forest CalFire Headquarters in Willits for processing if there are any structures (new or existing) to be permitted. The Applicant shall call CalFire for final inspection at (707) 459-7414 once all standards outlined by CalFire for the project have been met.
14. For any structure utilizing supplemental lighting for the purposes of cannabis cultivation, 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
15. 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. 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.
16. If at any time, expansion or other project activities are proposed beyond the existing or proposed development footprint of AP_2018-0101, CDFW will be contacted to determine if a botanical survey should be conducted, during the blooming season, to identify any special status plant species that may occur. Botanical surveys should follow CDFW's 2018 "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities" or any updated version of that protocol.
17. As noted by the Building Inspection Division, the applicant shall address additional submittal requirements as provided in the compliance agreement. 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, unused containers and other associated hardware, supplies, and garbage.

RECOMMENDATION: Grant the Administrative Permit for the Project, as proposed by the Applicant, based on the facts and findings and subject to the conditions of approval.

DATE

MARK CLISER
PLANNER I

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

ATTACHMENTS:

- A. Location Map
- B. Site Plan
- C. Aerial Map
- D. General Plan Classifications
- E. Adjacent Parcels
- F. Ground Water Resources

019-370-10
JAMES DAHL
UR 40 3.56 A± (3.38 A±)

019-370-19
DAVID MOORE
UR 40 29.21 A± (28.7 A±)

118-440-35
DOUGLAS KRONZER
RR 2 1.84 A± (1.95 A±)

118-440-16
GARY PINE
RR 2 4 A± (3.99 A±)

118-440-36
HEATHER BAXMAN
RR 2 2.07 A± (1.78 A±)

118-440-07
LEEROY SUSAN
RR 2 1 A± (0.97 A±)

118-440-15
PETER VANSICKLEN
RR 2 0 A± (0.98 A±)

118-440-17
JHANNA DAWSON
RR 2 0 A± (4.02 A±)

118-440-33
LEEROY SUSAN
RR 2 1.24 A± (1.54 A±)

118-440-08
WALTER BROWN
RR 2 0 A± (0.13 A±)

118-440-14
DENNIS OCONNOR
RR 2 1 A± (1.13 A±)

118-440-18
ALFONSO SANCHEZ
RR 2 0 A± (0.97 A±)

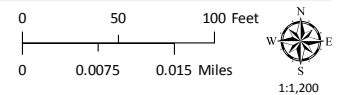
118-440-25
DAVID FELKINS
RR 2 0 A± (2.12 A±)

118-440-29
WESLEY ELDER
RR 5 1.12 A± (1.13 A±)

118-440-11
JOHN RUCZAK

MENDOCINO COUNTY PLANNING DEPARTMENT - 10/9/2018

CASE: AP 2018-0101
OWNER: VANSICKLEN, Peter & Marcine
APN: 118-440-15
APLCT: Matthew Boren
AGENT: Julia Carrera
ADDRESS: 15007 Mitchell Creek Drive, Fort Bragg




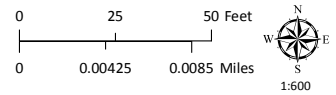
ADJACENT PARCELS

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



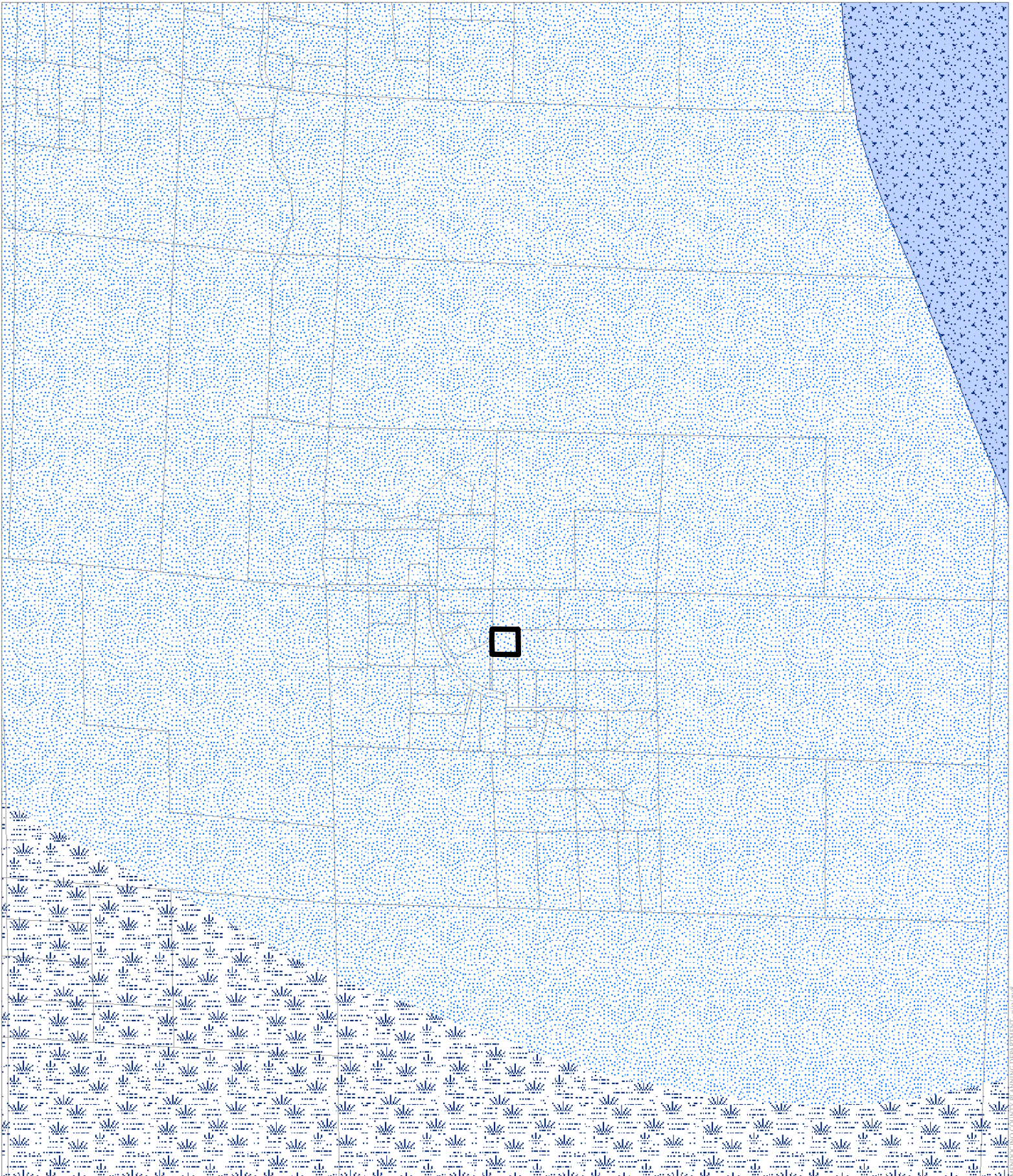
CASE: AP 2018-0101
OWNER: VANSICKLEN, Peter & Marcine
APN: 118-440-15
APLCT: Matthew Boren
AGENT: Julia Carrera
ADDRESS: 15007 Mitchell Creek Drive, Fort Bragg

 Cannabis Cultivation Sites






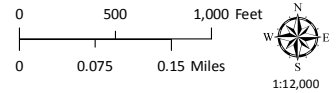
AERIAL IMAGERY

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



CASE: AP 2018-0101
 OWNER: VANSICKLEN, Peter & Marcine
 APN: 118-440-15
 APLCT: Matthew Boren
 AGENT: Julia Carrera
 ADDRESS: 15007 Mitchell Creek Drive, Fort Bragg

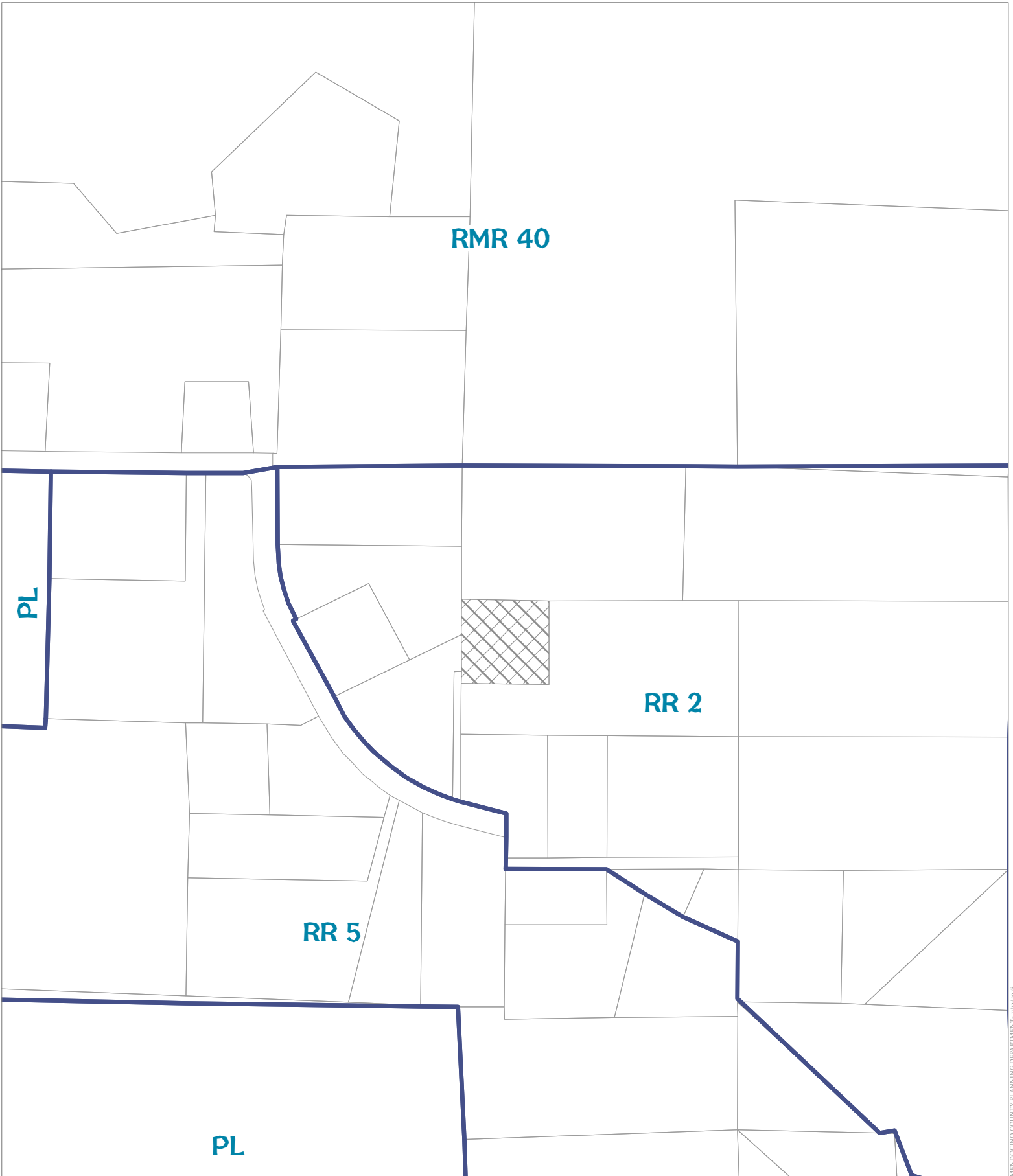
-  Sufficient Water Resources
-  Marginal Water Resources
-  Critical Water Resources Bedrock



GROUND WATER RESOURCES


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

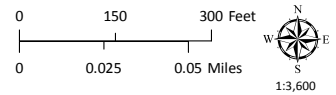
CALIFORNIA COUNTY PLANNING DEPARTMENT - 06/09/2018



MENDOCINO COUNTY PLANNING DEPARTMENT - 01/09/2018

CASE: AP 2018-0101
 OWNER: VANSICKLEN, Peter & Marcine
 APN: 118-440-15
 APLCT: Matthew Boren
 AGENT: Julia Carrera
 ADDRESS: 15007 Mitchell Creek Drive, Fort Bragg

 General Plan Classes



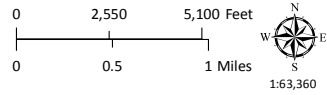
GENERAL PLAN CLASSIFICATIONS

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



CASE: AP 2018-0101
 OWNER: VANSICKLEN, Peter & Marcine
 APN: 118-440-15
 APLCT: Matthew Boren
 AGENT: Julia Carrera
 ADDRESS: 15007 Mitchell Creek Drive, Fort Bragg

- Major Towns & Places
- Highways
- Coastal Zone Boundary
- Major Roads
- Major Rivers

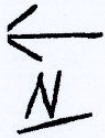


LOCATION MAP

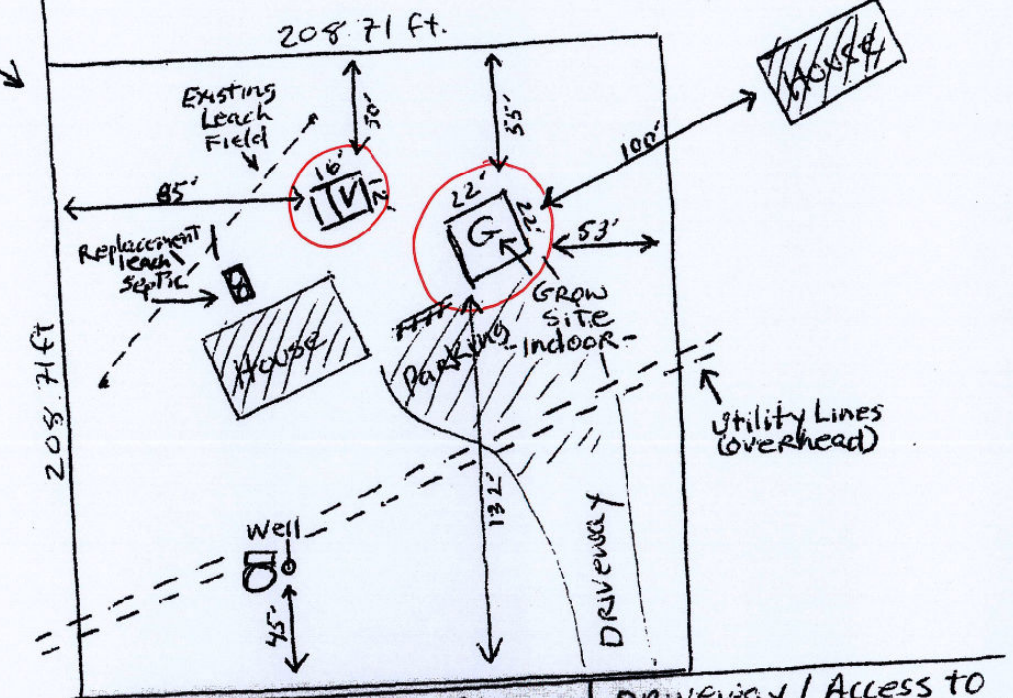
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

MENDOCINO COUNTY PLANNING DEPARTMENT - 01/09/2018

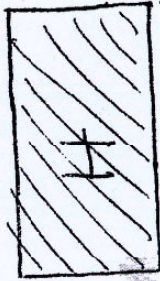
- Property Owner: Peter Van Sicklen
- Applicant's Name: (George) Matthew Boren
- Site Address: 15007 Mitchell Creek DR. FORT BRAGG, CA. 95437
- Parcel #: 1184401500
- G = Grow Site (Flower)
- V = Veg Room



200'



150'



Convertible Site Plan

Date: 11/14/17

AG Permit #: _____

PP Permit #: _____

PBS & EH Clearance: _____

Cultivation Site Code: _____

Property Line: _____

Nearest SFR: 100'

Driveway / Access to Mitchell Creek DR (Part of property)

200'



CASE: AP 2018-0101
 OWNER: VANSICKLEN, Peter & Marcine
 APN: 118-440-15
 APLCT: Matthew Boren
 AGENT: Julia Carrera
 ADDRESS: 15007 Mitchell Creek Drive, Fort Bragg

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

MENDOCINO COUNTY PLANNING DEPARTMENT - 01/09/2018