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**STAFF REPORT  
MINOR USE PERMIT**

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**JUNE 13, 2019  
U\_2018-0029**

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**SUMMARY**

**OWNER:** JOSHUA SHARON  
PO BOX 20106  
SO LAKE TAHOE, CA 96151

**APPLICANT:** JASLYNN LUPER  
77551 LOGAN LANE  
COVELO, CA 95428

**AGENT:** RYAN LUPER  
77551 LOGAN LANE  
COVELO, CA 95428

**REQUEST:** Use Permit to allow for a cannabis microbusiness within an existing structure. Activities include non-volatile (Level 1) manufacturing, distribution, and retail.

**LOCATION:** 2± miles northeast of Covelo, on the east side of Logan Lane (CR 337M), 0.4 miles south of its intersection with State Route 162, located at 77551 Logan Ln., Covelo (APN: 032-410-38).

**TOTAL ACREAGE:** 4.81± Acres

**GENERAL PLAN:** Remote Residential (RMR)

**ZONING:** Upland Residential (UR:20)

**SUPERVISORIAL DISTRICT:** 3<sup>rd</sup> Supervisorial District (John Haschak)

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt; Class 1, Section 15301

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** Sam "Vandy" Vandewater

**BACKGROUND**

**PROJECT DESCRIPTION:** Use Permit to allow for a cannabis microbusiness within an existing structure. Activities include non-volatile (Level 1) manufacturing, distribution, and retail.

**SITE CHARACTERISTICS:** The subject parcel is located off the publically maintained Logan Lane (CR 337M) in the Round Valley Water District and Fire Protection District. The parcel utilizes an on-site septic system. In addition to utilities, the parcel has a number of structures including a residence, a mobile home (to be used for the microbusiness), three (3) hoop houses, a well house, and a cargo container. The western portion of the parcel has more substantial tree coverage which effectively obscures the visibility of structures from Logan Ln., while the eastern portion of the subject parcel features more grassland. Limited trees exist along the rear parcel boundary.

**PUBLIC SERVICES:**

Access: Logan Lane (CR 337M)  
Fire District: Covelo Fire Protection District  
Water District: Round Valley Water District  
Sewer District: None

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZE (ACRES)	USES
<b>NORTH</b>	Remote Residential (RMR)	Upland Residential (UR:20)	5±	Residential
<b>EAST</b>	Agriculture (AG)	Agriculture (AG:40)	5±	Agriculture
<b>SOUTH</b>	Agriculture (AG)	Agriculture (AG:40)	5±	Agriculture
<b>WEST</b>	Remote Residential (RMR)	Upland Residential (UR:20)	10±	Residential

**AGENCY COMMENTS:** On January 9, 2019, 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 comments 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	Comment
Environmental Health	Comment
Building Inspection	No Response
Assessor	No Comment
Air Quality Management District	Comment
Tax Collector	No Response
Covelo Fire Protection District	No Response
Round Valley Water District	No Comment
Mendocino Cannabis Program	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. Neither California nor Mendocino County recognizes cannabis cultivation as a form of agriculture; however, 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 855 square foot structure. 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 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;*

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 maintains connections to PG&E for electricity and utilizes a well as the primary water source. The Applicant identified a pumping service for waste removal associated with portable toilets. 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 Logan Lane.

- 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 well-being 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.*

Similar 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\_2018-0029 for the Project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval.

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DATE

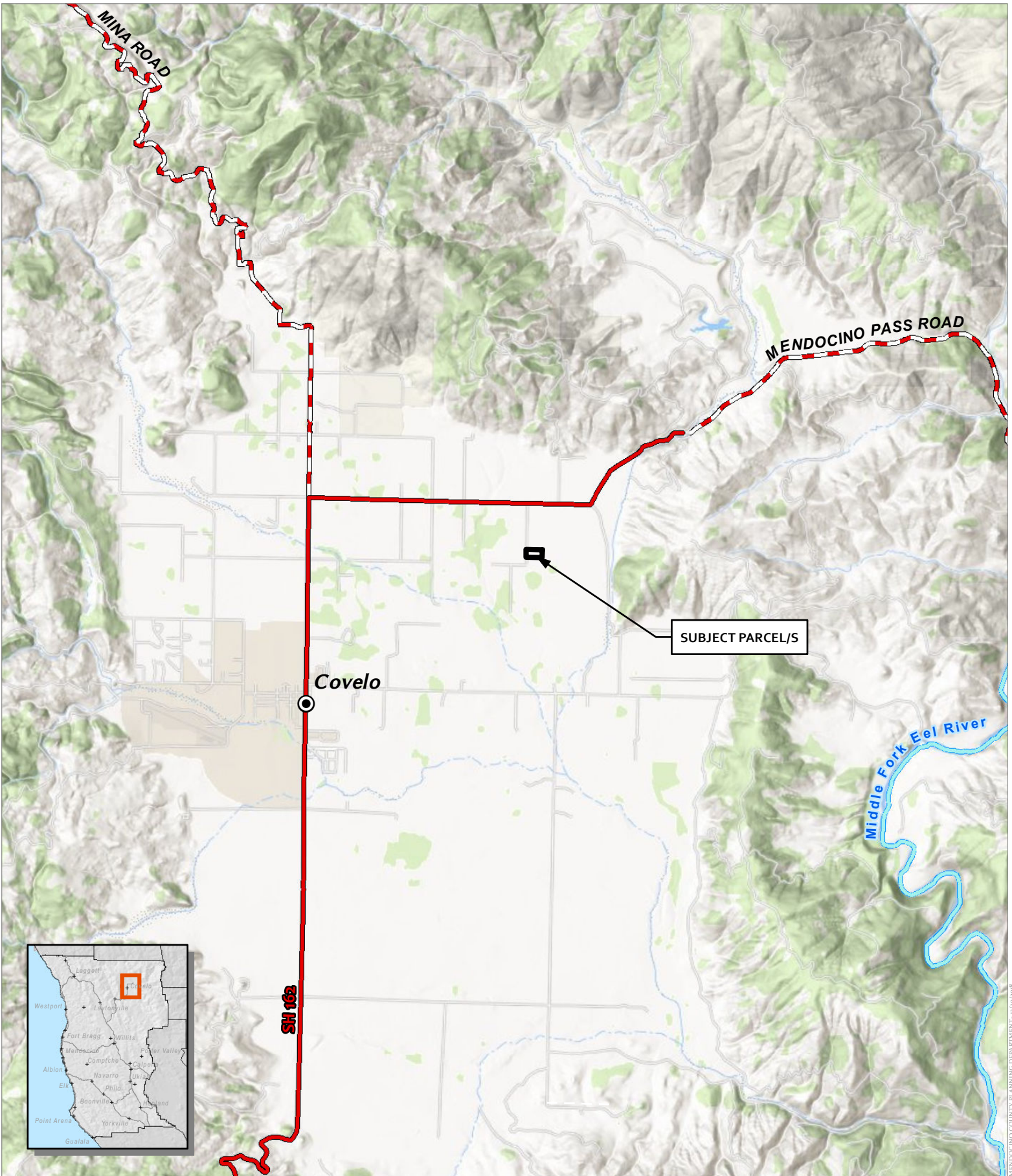
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SAM VANDEWATER  
PLANNER II

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

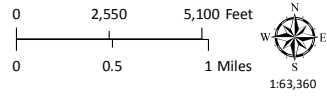
**ATTACHMENTS:**

- A. Location Map
- B. Aerial Map
- C. Site Plan Map
- D. Zoning Map
- E. General Plan Map
- F. Adjacent Map
- G. Fire Hazards Map
- H. Soils Map
- I. Sensitive Receptor Map
- J. Air Quality Management District (AQMD) Letter



CASE: U 2018-0029  
 OWNER: SHARON, Joshua  
 APN: 032-410-38  
 APLCT: Jaslynn Luper  
 AGENT: Ryan Luper  
 ADDRESS: 77551 Logan Lane, Covelo

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



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



LOCATION MAP  
 ATTACHMENT A

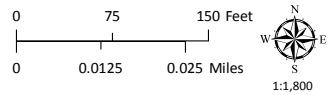
MENDOCINO COUNTY PLANNING DEPARTMENT - 12/20/2018





CASE: U 2018-0029  
 OWNER: SHARON, Joshua  
 APN: 032-410-38  
 APLCT: Jaslynn Luper  
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 ADDRESS: 77551 Logan Lane, Covelo

-  Cannabis Cultivation Sites
-  Public Roads



AERIAL IMAGERY

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ATTACHMENT B

MENDOCINO COUNTY PLANNING DEPARTMENT - 02/20/2018

# Cannabis Site Plan

Date: 1.31.18

AG Permit #:

PP Permit #:

TYPICAL  
PBS & EH Clearance:

Cultivation Site Setbacks

Property Line: 50'

Nearest SFR: 100'

382'±

OUTDOOR GARDEN

100'±

88'±

3-HOOP HOUSES

FENCE

MOBILE HOME

HOUSE

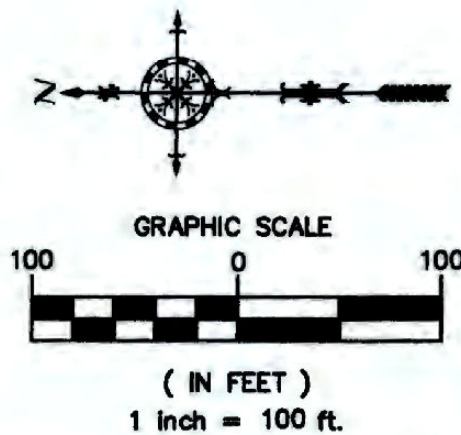
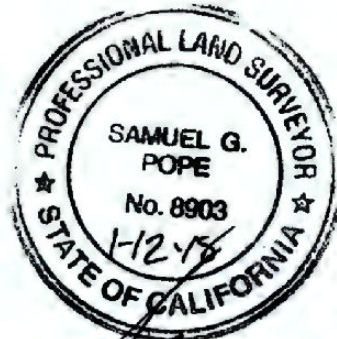
WELL

CARGO CONTAINER

125'±

DRIVEWAY

LOGAN LANE



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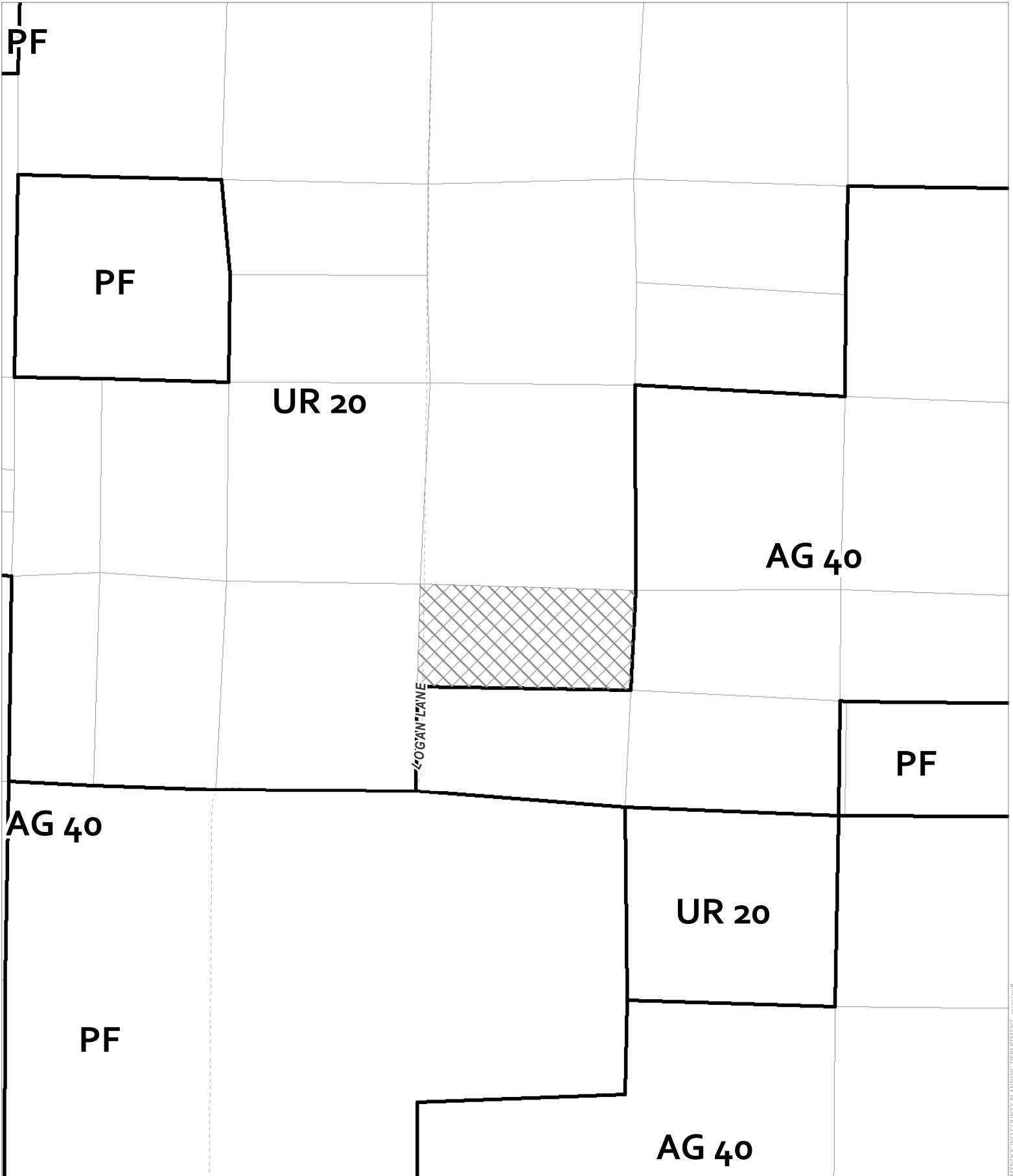
NO SCALE

SITE PLAN



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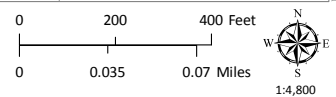
ATTACHMENT C





CASE: U 2018-0029  
 OWNER: SHARON, Joshua  
 APN: 032-410-38  
 APLCT: Jaslynn Luper  
 AGENT: Ryan Luper  
 ADDRESS: 77551 Logan Lane, Covelo

 Zoning Districts  
 Public Roads



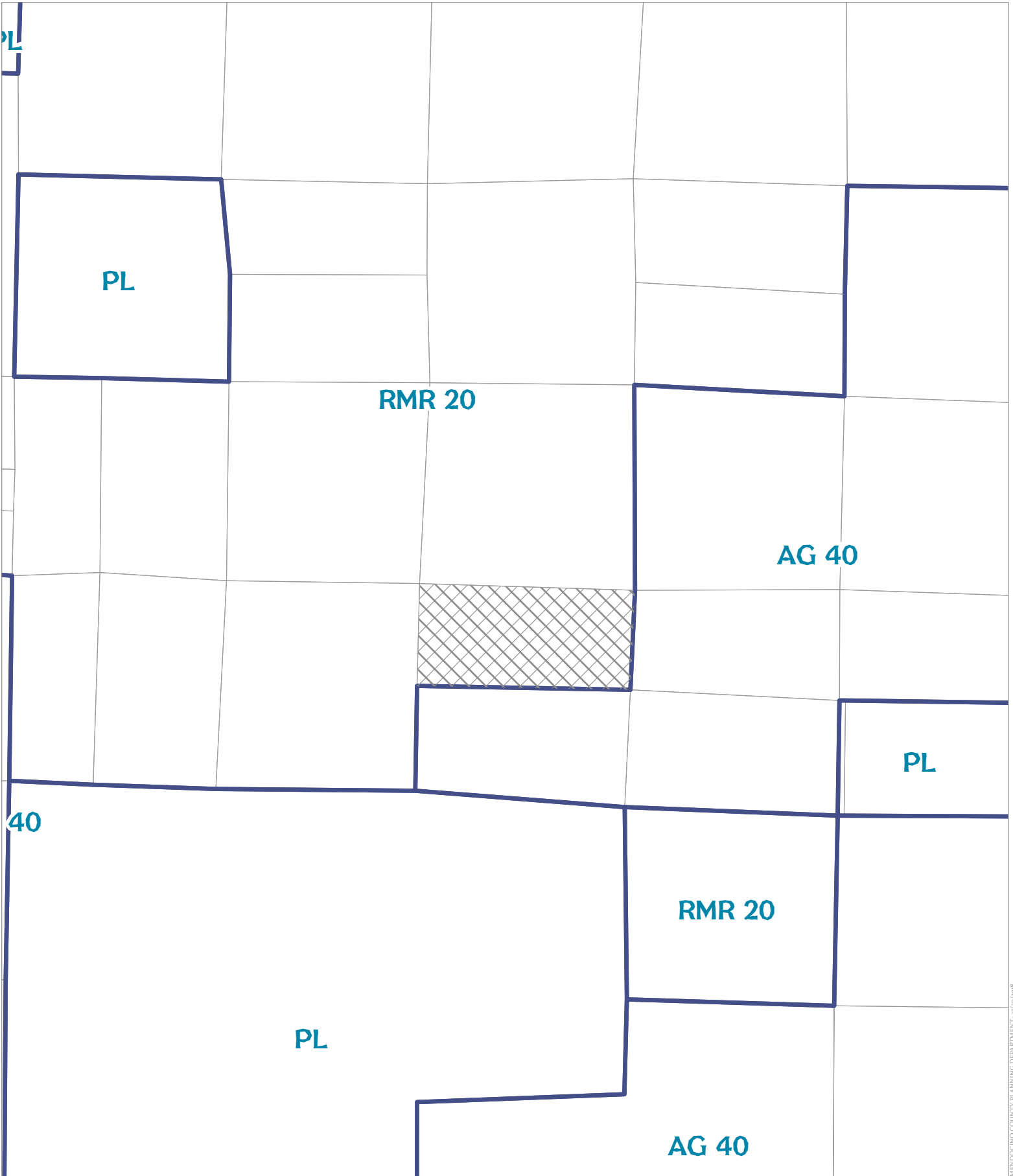
ZONING DISPLAY MAP

ATTACHMENT D


**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.**  
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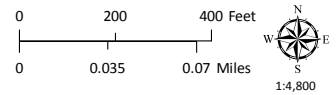
MENDOCINO COUNTY PLANNING DEPARTMENT 12/20/2018





CASE: U 2018-0029  
 OWNER: SHARON, Joshua  
 APN: 032-410-38  
 APLCT: Jaslynn Luper  
 AGENT: Ryan Luper  
 ADDRESS: 77551 Logan Lane, Covelo

 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

ATTACHMENT E

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MENDOCINO COUNTY PLANNING DEPARTMENT - 12/20/2018

032-410-42  
ALOYA FRAZIER  
UR20 5 A±

032-410-36  
HEIDI ANDERSON  
UR20 9.62 A±

032-410-13  
HEIDI ANDERSON  
UR20 5 A±

032-410-40  
NEIL SCHNEIDER  
UR20 9.62 A±

032-410-19  
RUTH PHILPOT  
UR20 10 A±

032-410-20  
PHYLLIS AMANN  
AG40 10 A±

032-410-25  
JOHN GORDON  
UR20 10 A±

032-410-38  
JOSHUA SHARON  
UR20 4.81 A±

032-410-28  
PHYLLIS AMANN  
AG40 5 A±

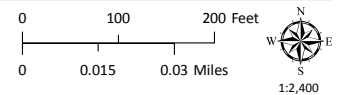
032-410-37  
PHYLLIS AMANN  
AG40 4.81 A±

032-410-29  
PHYLLIS AMANN  
AG40 5 A±

032-420-05  
VACANT  
PFO 105 A±

032-420-21  
RICHARD ALDERSON  
UR20 10 A±

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APLCT: Jaslynn Luper  
AGENT: Ryan Luper  
ADDRESS: 77551 Logan Lane, Covelo

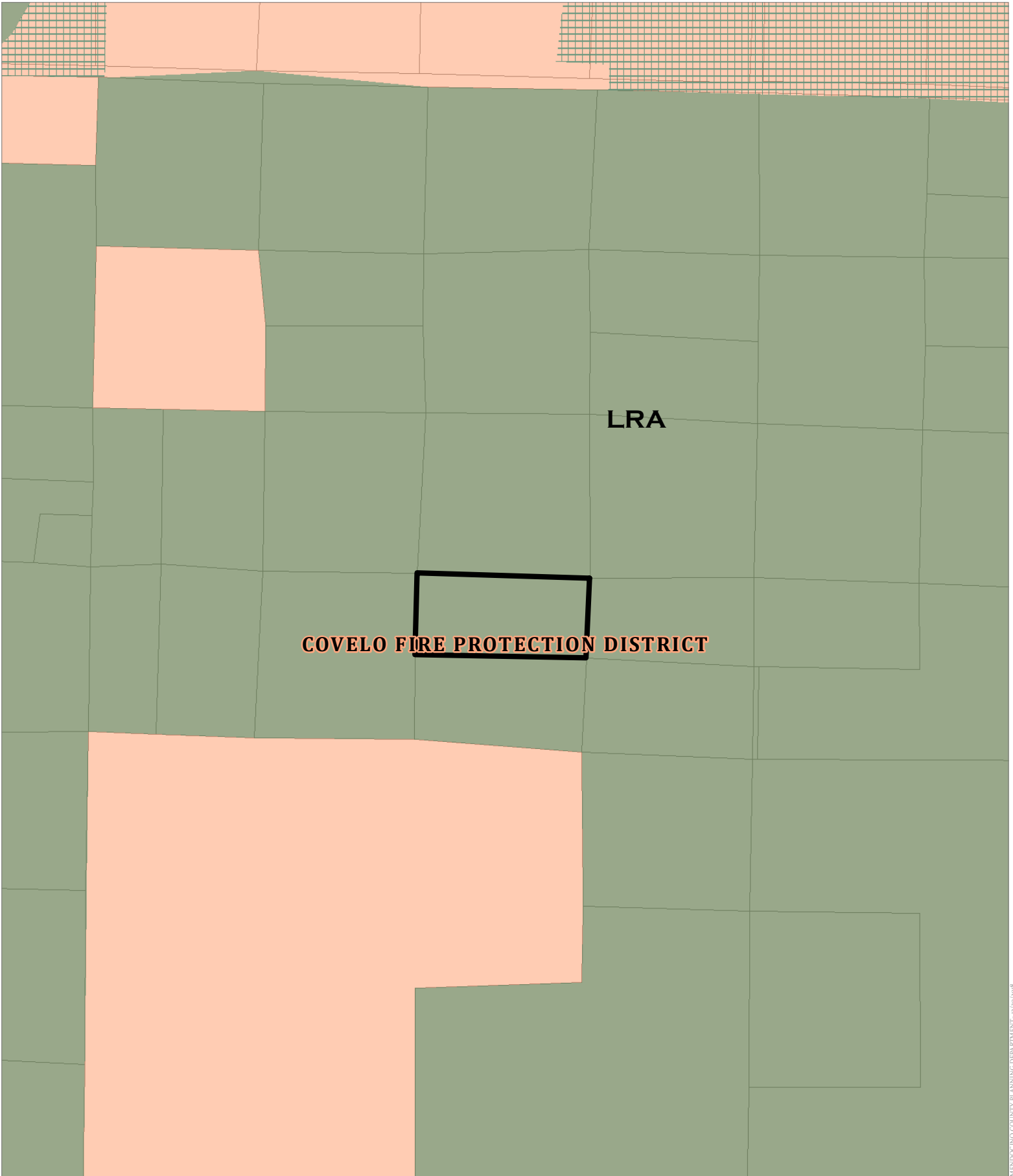


MENDOCINO COUNTY PLANNING DEPARTMENT - 12/20/2018




ADJACENT PARCELS

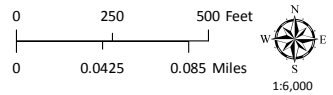
ATTACHMENT F

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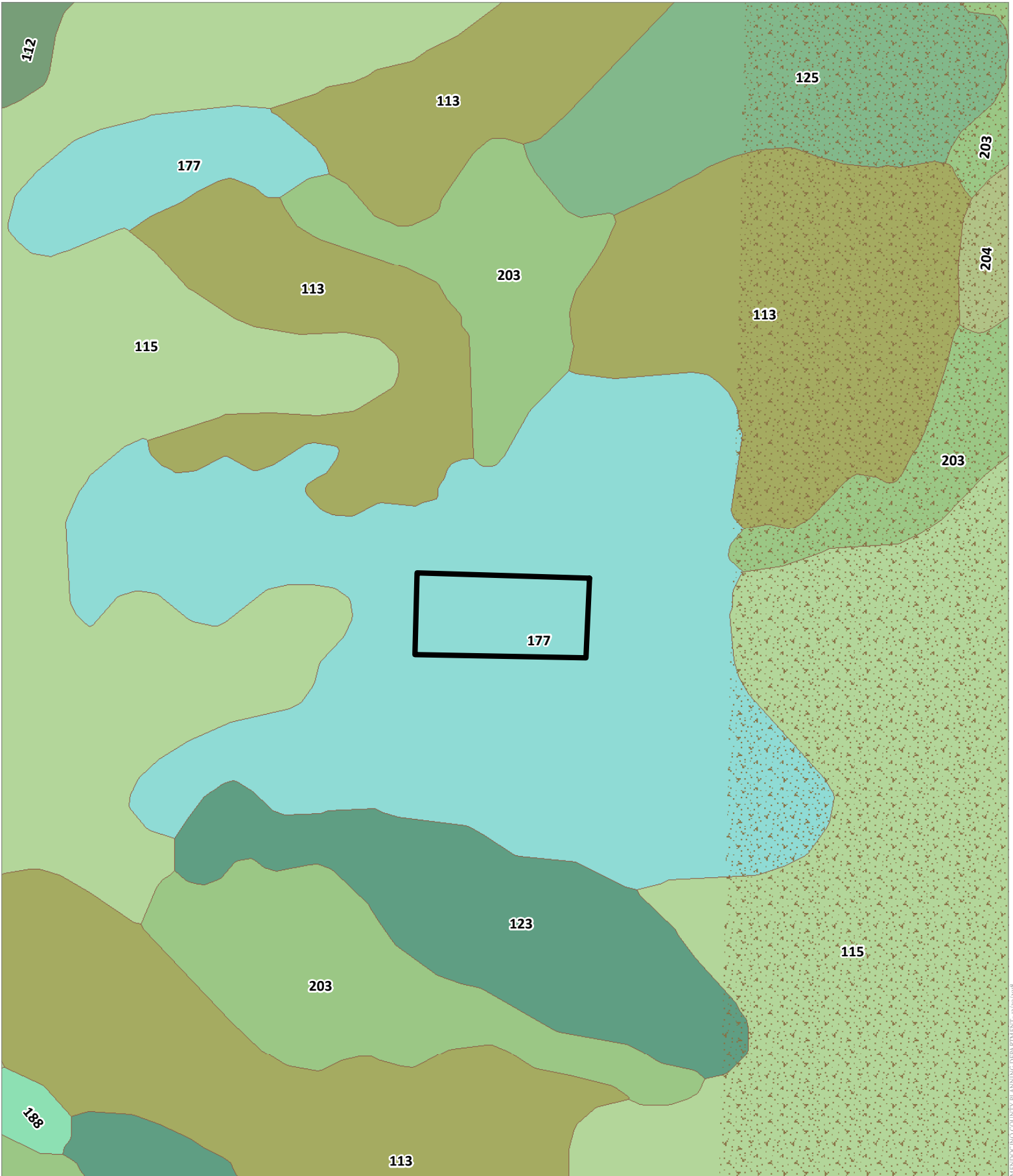
CASE: U 2018-0029  
 OWNER: SHARON, Joshua  
 APN: 032-410-38  
 APLCT: Jaslynn Luper  
 AGENT: Ryan Luper  
 ADDRESS: 77551 Logan Lane, Covelo

-  Local Responsibility Area
-  Moderate Fire Hazard
-  County Fire Districts





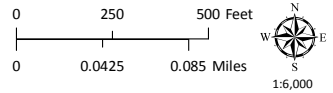
FIRE RESPONSIBILITY AREAS  
 ATTACHMENT G

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CASE: U 2018-0029  
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 APN: 032-410-38  
 APLCT: Jaslynn Luper  
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 ADDRESS: 77551 Logan Lane, Covelo

-  Naturally Occurring Asbestos
-  Eastern Study Soil Types

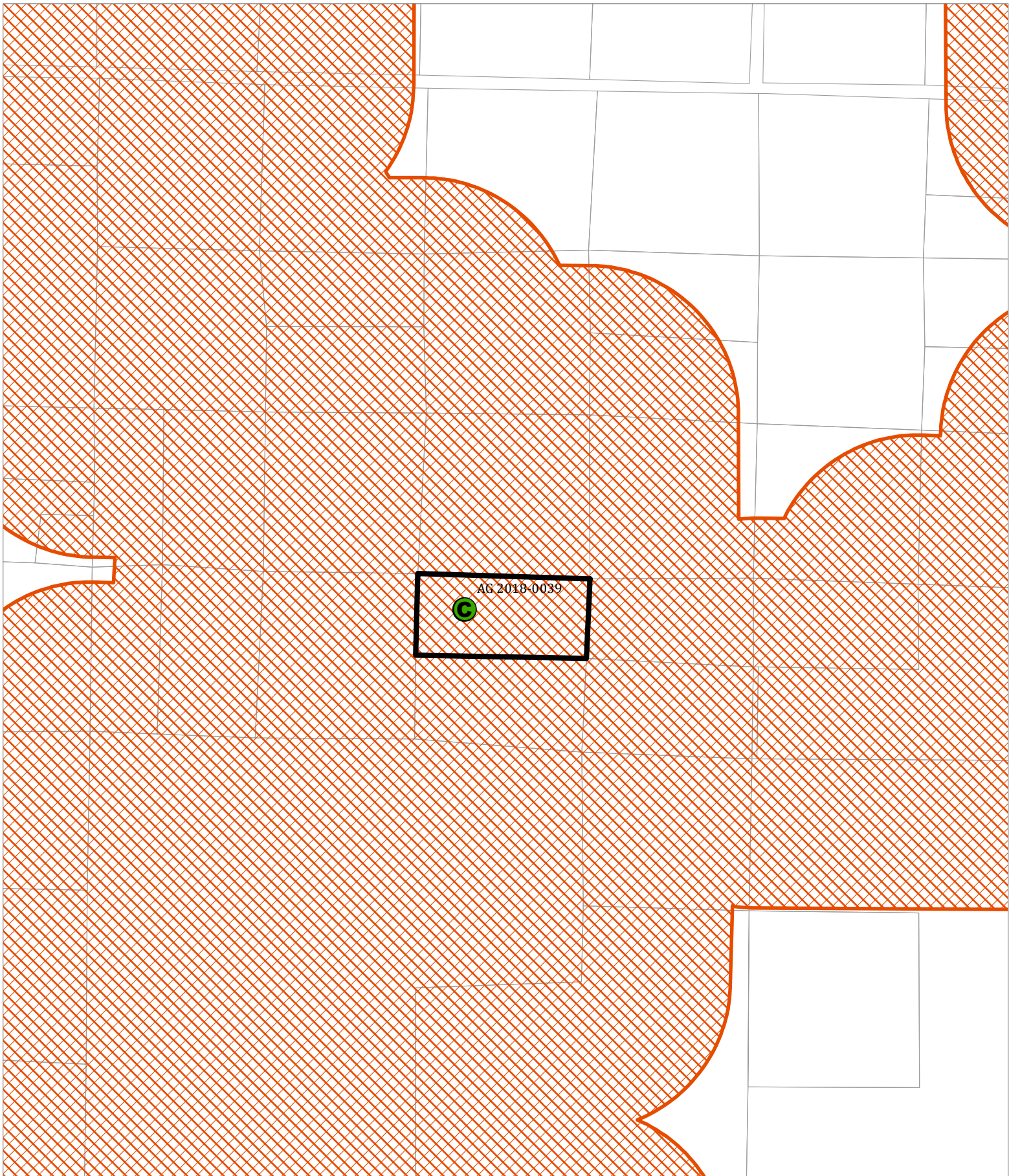


**LOCAL SOILS**



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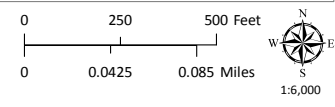
MENDOCINO COUNTY PLANNING DEPARTMENT - 12/20/2018





CASE: U 2018-0029  
 OWNER: SHARON, Joshua  
 APN: 032-410-38  
 APLCT: Jaslynn Luper  
 AGENT: Ryan Luper  
 ADDRESS: 77551 Logan Lane, Covelo

-  Cannabis Cultivation Sites
-  600 Foot Tribal Buffer



MENDOCINO COUNTY PLANNING DEPARTMENT - 12/26/2018

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

**Mendocino County Air Quality Management District**  
**Planning Referral or Building Permit Application Response**  
Project # U 2018-0029 Luper - 33646 (8206)

The District's response to the above project is indicated by the items checked below:

**Projects Subject to Permitting by the Air Quality Management District:**

- This project may be subject to District Regulation 1 regarding air quality permits for stationary sources of emissions. The applicant is required to obtain 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 contaminants, including odors.
- The Applicant currently holds a valid Air Quality Permit to Operate. The applicant is required to obtain an Authority to Construct permit from the District prior to beginning any modifications to the operation.

**Diesel Engines – Stationary and Portable Equipment and Mobile Vehicles:**

- ◆ Any stationary onsite diesel IC engines 50 horsepower or greater (i.e. large power generators or pumps) or any propane or natural gas engines 250 horsepower or greater may require a permit from the District.
- ◆ Portable diesel powered equipment that may be used during the proposed project are required to be registered with the state Portable Equipment Registration Program (PERP) or obtain permits from the District.
- ◆ Projects located adjacent to sensitive receptors (schools, child care facilities, health care facilities, senior facilities, businesses, and residences, etc.) during the construction phase of this project have the potential for exposure to diesel particulate.
- ◆ Heavy duty truck idling and off-road diesel equipment or other diesel engine idling is limited to less than 5 minutes.

**Property Development:**

- ◆ Prior to starting any construction the applicant is required to:
  - (1) Obtain a Property Development Permit from the District for any open outdoor burning.
  - (2) Obtain a Large Area Grading Permit, if applicable
- ◆ The District recommends that the applicant consider alternate means of disposal other than open burning, such as cutting the majority of the larger material up as firewood, and chipping smaller material, if feasible to mitigate impacts from open outdoor burning.

**Open-Outdoor Burning:**

- ◆ Open-Outdoor Burning of Cannabis Waste Products is prohibited by Air Quality.
- ◆ Burn Permits are required for all open-outdoor burning of vegetation (other than Cannabis waste) grown on the property.

**New Commercial Development Mitigation Recommendations:**

- ◆ New Road Construction: The District recommends that at a bare minimum all roads be covered with a sealant or rocked to prevent fugitive dust emissions.
- ◆ Parking Lot Tree Planting: The District recommends that commercial parking lot tree planting be defined as no less than 1 tree per 4 parking spaces to provide a beneficial reduction in summer heat gain.
- ◆ Mass Transit: The District recommends that applicant work in conjunction with the local Transit Authority (MTA) to provide a shelter in addition to the concrete pad so that the benefits and incentives to use mass transit would be immediately available.

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
June 13, 2019

U\_2018-0029 – JASLYNN LUPER

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF  
MENDOCINO, STATE OF CALIFORNIA, GRANTING A MINOR USE  
PERMIT FOR A CANNABIS MICROBUSINESS FACILITY

WHEREAS, the applicant, JASLYNN LUPER, filed an application for ZONING with the Mendocino County Department of Planning and Building Services to allow for a microbusiness facility within an existing structure, 2± miles northeast of Covelo, on the east side of Logan Lane (CR 337M), 0.4 miles south of its intersection with State Route 162 (SR 162), located at 77551 Logan Ln., Covelo (APN: 032-410-38); 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, June 13, 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 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 11<sup>th</sup> 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: JAMES F. FEENAN  
Commission Services Supervisor

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BY: BRENT SCHULTZ  
Zoning Administrator

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## EXHIBIT A

### CONDITIONS OF APPROVAL

U\_2018-0029

JUNE 13, 2019

**APPROVED PROJECT DESCRIPTION:** Use Permit to allow for a cannabis microbusiness within an existing structure. Activities include non-volatile (Level 1) manufacturing, distribution, and retail.

#### **CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Board of Supervisors has expired and no appeal has been filed with the Board of Supervisors.
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 Zoning Administrator.
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 building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
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 the enforcement or 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.
8. 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.

9. 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.
10. 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-sensor activation). All lighting along the property boundaries shall be setback a minimum of 20 feet from all property lines.
11. The cannabis processing facility shall implement the following security measures:
  - a. Sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products.
  - b. Security measures to prevent individuals from remaining on the premises of the facility if they are not engaging in activity expressly related to the operations of the facility.
  - c. Establishing limited access areas accessible only to authorized personnel.
  - d. Storing all cannabis and cannabis products in a secured and locked room, safe, or vault and in a manner sufficient to prevent diversion, theft, and loss.
  - e. Diversion, theft, loss, or any criminal activity involving the facility or any other breach of security must be reported immediately to law enforcement.
12. A valid Mendocino County Cannabis Facilities Business License for the subject property shall be issued and kept current by the Mendocino County Tax Collector, and a copy of said license shall be submitted to the Department of Planning and Building Services prior to the operation of the business.
13. The applicant shall comply with those conditions in the ***Mendocino County Air Quality Management District*** letter of January 22, 2019 (Attachment J).
14. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.
15. A Commercial Road Approach shall be constructed onto Logan Lane (CR 337M), 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 review, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
16. 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 within 5 days of the end of any project action).