



**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  
TELEPHONE: 707-234-6650  
FAX: 707-463-5709  
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pbs@mendocinocounty.org  
www.mendocinocounty.org/pbs

July 15, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at its regular meeting on Thursday, August 8, 2019 at 10:00 a.m., to be held in Planning & Building Conference Room, 860 N 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\_2019-0003

**DATE FILED:** 1/22/2019

**OWNER/APPLICANT:** DANIEL & MEGAN YOUNG

**REQUEST:** Minor Use Permit to allow for a cottage multi-cultivation cannabis site (Type C (2,500 ft<sup>2</sup>); AG\_2018-0448) of 1,200 square feet of indoor cultivation and 1,300 square feet of mixed light cultivation. At no time will cultivation exceed 2,500 square feet of canopy. This property is located in the Laytonville Cannabis Accommodation Combining District.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 1.2± miles southwest of Laytonville town center, lying on the south side of Lakeside Drive (CR 319B), 0.2± miles west of its intersection with Branscomb Road (CR 429), located at 1421 Lakeside Dr., Laytonville (APN: 014-210-79).

**SUPERVISORIAL DISTRICT:** 3

**STAFF PLANNER:** MARK CLISER

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>

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 **August 7, 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



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July 12, 2019

**TO:** Mendocino County Observer  
**FROM:** James F. Feenan, Commission Services Supervisor  
**SUBJECT:** Publication of Legal Notice.

Please publish the following notice one time on July 18, 2019 in the Legal Notices Section of the Mendocino County Observer.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at its regular meeting on Thursday, August 8, 2019 at 10:00 a.m., to be held in Planning & Building Conference Room, 860 N 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.

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**DATE FILED:** 1/22/2019

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**REQUEST:** Minor Use Permit to allow for a cottage multi-cultivation cannabis site (Type C (2,500 ft<sup>2</sup>); AG\_2018-0448) of 1,200 square feet of indoor cultivation and 1,300 square feet of mixed light cultivation. At no time will cultivation exceed 2,500 square feet of canopy. This property is located in the Laytonville Cannabis Accommodation Combining District.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 1.2± miles southwest of Laytonville town center, lying on the south side of Lakeside Drive (CR 319B), 0.2± miles west of its intersection with Branscomb Road (CR 429), located at 1421 Lakeside Dr., Laytonville (APN: 014-210-79).

**STAFF PLANNER:** MARK CLISER

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BRENT SCHULTZ, Director of Planning and Building Services



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

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**AUGUST 8, 2019  
U\_2019-0003**

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**SUMMARY**

**OWNER / APPLICANT:** DANIEL YOUNG  
19251 DEL MARK DRIVE  
FORT BRAGG, CA 95437

**REQUEST:** Minor Use Permit to allow for a cottage multi-cultivation cannabis site (Type C (2,500 ft<sup>2</sup>); AG\_2018-0448) of 1,200 square feet of indoor cultivation and 1,300 square feet of mixed light cultivation. At no time will cultivation exceed 2,500 square feet of canopy. This property is located in the Laytonville Cannabis Accommodation Combining District.

**LOCATION:** 1.2± miles southwest of Laytonville town center, lying on the south side of Lakeside Drive (CR 319B), 0.2 ± miles west of its intersection with Branscomb Road (CR 429), located at 1421 Lakeside Dr., Laytonville (APN: 014-210-79).

**TOTAL ACREAGE:** 1.1± Acres

**GENERAL PLAN:** Rural Residential - (RR)

**ZONING:** Rural Residential - 40,000 sq. ft. minimum parcel size (RR-1)

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

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt, Section 15301 (Class 1 - Existing Facilities) and Section 15303 (Class 3 - New Construction or Conversion of Small Structures).

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** MARK CLISER

**BACKGROUND**

**PROJECT DESCRIPTION:** A Minor Use Permit request to allow for a cottage multi-cultivation cannabis site (Type C (2,500 square feet); AG\_2018-0448) of 1,200 square feet of indoor cultivation and 1300 square feet of mixed light cultivation. At no time will cultivation exceed 2,500 square feet of canopy. This property is located in the Laytonville Cannabis Accommodation District. As indicated in the application materials, indoor cultivation activities will be undertaken in an existing 1,200 square foot facility. Applicant intends to construct hoop houses for remaining allowable 1,300 square feet of cultivation.

As indicated in the application materials, cultivation activities are undertaken in 950 square foot accessory detached structure. Applicant will be completing improvements on indoor facility prior to construction of hoop houses for remaining 1,300 square feet of mixed light cultivation. The Applicant intends to construct a "container building" or "Tuffshed" for trimming, and a storage container(s) for drying and curing.

**SITE CHARACTERISTICS:** The project site is located approximately 1.2 ± miles south west of Laytonville town center, lying on the south side of Lakeside Drive (CR 319B), 0.2 ± miles west of its intersection with Branscomb Road (CR 429), located at 1421 Lakeside Drive, Laytonville, CA (APN: 014-210-79).

The project site sparsely forested with areas where cultivation will occur clear of trees. The parcel is currently developed with an existing shop (1,200 square feet), and an existing residence. A second residence and shed are also located on the project site, though intends to demolish both. The parcel is served by the Laytonville Water District (will serve letter on file). Per the applicant, the parcel is served by on-site septic, though no permits are on file with the Department of Environmental Health. Electricity and gas are provided by existing utility companies. The subject property is accessed directly from Lakeside Drive (CR 319B).

Elevations at the site range from 1,688 feet above mean sea level (amsl) at the northern boundary to 1,685 feet amsl at the southern boundary, with an average slope of approximately 0.3 percent.<sup>1</sup> The entirety of the site is located within a mapped "Very High Fire Hazard" zone is within a California Department of Forestry and Fire Protection (CALFIRE) responsibility area. However, Long Valley Fire Protection District is the nearest local fire agency. A review of the California Natural Diversity Database indicates occurrences of special status species throughout the subject property. There may be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped.<sup>2</sup>

An unnamed body of water is situated 335± feet west of the project site. A soils map indicates naturally occurring asbestos at the project site.<sup>3</sup>

**RELATED APPLICATIONS:** AG\_2018-0448 (Agriculture); BU\_2019-0109 (to remove 540 square foot Residence);

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the site and surrounding lands are designated Rural Residential (RR1).The nearest adjacent dwelling unit is to the east approximately 113 feet away from the cultivation structure. Per Mendocino County Code Section 10A.17.040 (A)(6)(a), "Indoor cultivation sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located."

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	RR	RR:1	1.46 A±	Residential
<b>EAST</b>	RR	RR:1	1.1 A±	Residential
<b>SOUTH</b>	RR	RR:1	2 A±; .14 A±	Residential
<b>WEST</b>	RR	RR:1	0.85 A±; 0.85 A±; 0.93 A±	Residential

**PUBLIC SERVICES:**

Access: LAKESIDE DRIVE (CR 319B)  
 Fire District: LONG VALLEY FIRE PROTECTION DISTRICT  
 Water District: LAYTONVILLE WATER DISTRICT  
 Sewer District: NONE

**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 April 8, 2019 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:

<sup>1</sup> Google Earth Maps. July 23, 2018.

<sup>2</sup> Mendocino County Department of Planning and Building Services. 2017. *CNDDDB map*

<sup>3</sup> Mendocino County Department of Planning and Building Services. 2017. *Soils map*

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comments
Laytonville Water District	No Comments
Environmental Health	Comments
Building Inspection	Comments
CALFIRE (Land Use)	No Response
CALFIRE (Resource Management)	Comments
Air Quality Management District	Comments
CDFW	No Response
Sherwood Valley Rancheria	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sonoma State University	Comments
Long Valley Fire District	No Comments
Laytonville MAC	No Response

**KEY ISSUES:**

1. **General Plan and Zoning Consistency:** The subject parcel is located within the Rural Residential zoning district, 1 acre minimum parcel (RR:1), and Rural Residential (RR) 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 the property is within a Cannabis Accommodations District it is therefore not 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.

The proposed cannabis cultivation site conforms to these requirements, as there is an occupied dwelling unit on the legal parcel.

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.

- 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. With the incorporation of any potential 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 minimum improvements are 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.

- 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.

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 (CNDDB) for this project site did identify 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, Class 1 (Existing Facilities); Section 15303, Class 3 (New Construction or Conversion of Small Structures).
4. **Cultural Resources:** The project was referred to the Northwest Information Center (NWIC) at Sonoma State University for review and comment and a response was provided on April 8, 2019. Based on NWIC's record, there has not been any previous cultural resource studies conducted within the propose project area. The project was also referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. As of June 20, 2019, no responses have been received from the three local representatives contacted; no comments on the project were provided.

### **RECOMMENDATION**

By resolution, the Zoning Administrator adopt a Categorical Exemption, and grant the Use Permit U\_2019-0003 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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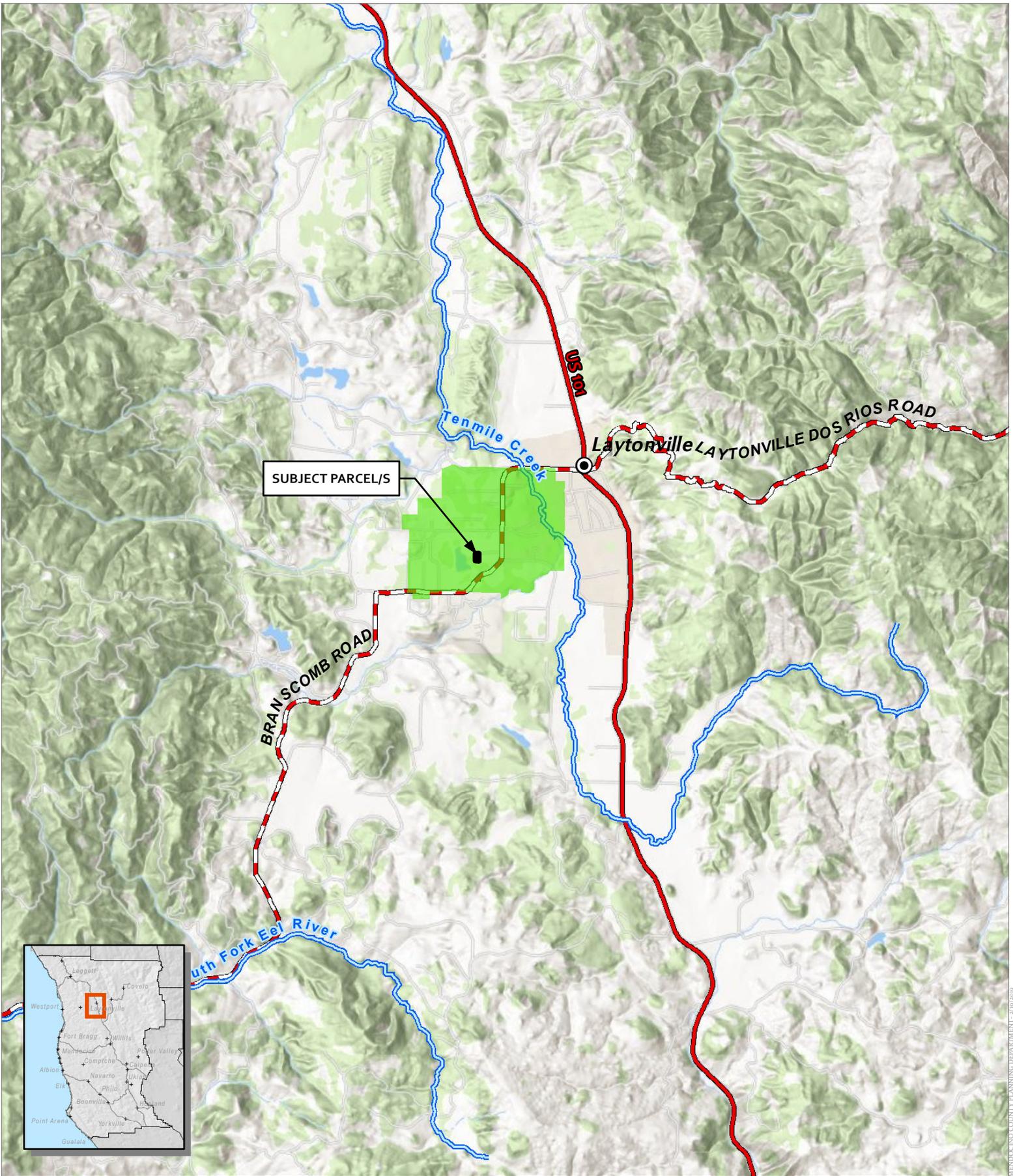
MARK CLISER  
PLANNER I

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

**ATTACHMENTS:**

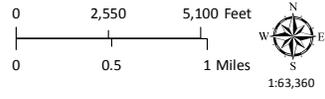
- A. Location Map
- B. Aerial Imagery
- C. Site Plan
- D. Zoning Display Map
- E. General Plan Classifications
- F. Adjacent Parcels
- G. Fire Hazard Zones Map
- H. Local Soils Map

**RESOLUTION AND CONDITIONS OF APPROVAL: Exhibit A**



CASE: U 2019-0003  
 OWNER: SCHMIDT, Leo  
 APN: 014-210-79  
 APLCT: Daniel Young  
 AGENT:  
 ADDRESS: 1421 Lakeside Drive, Laytonville

- Major Towns & Places
- Major Roads
- Major Rivers
- Cannabis Accommodation Districts
- Highways



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

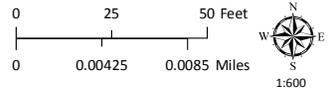
LOCATION MAP  
 ATTACHMENT A

MENDOCINO COUNTY PLANNING DEPARTMENT - 2/10/2019



CASE: U 2019-0003  
OWNER: SCHMIDT, Leo  
APN: 014-210-79  
APLCT: Daniel Young  
AGENT:  
ADDRESS: 1421 Lakeside Drive, Laytonville

 Cannabis Cultivation Sites  
 Public Roads



AERIAL IMAGERY  
ATTACHMENT B

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RESUBSCRIBED COUNTY TECHNOLOGY DEPARTMENT - 2/19/2019

**Cannabis Site Plan**

Date: 11-21-18

AG Permit #: -

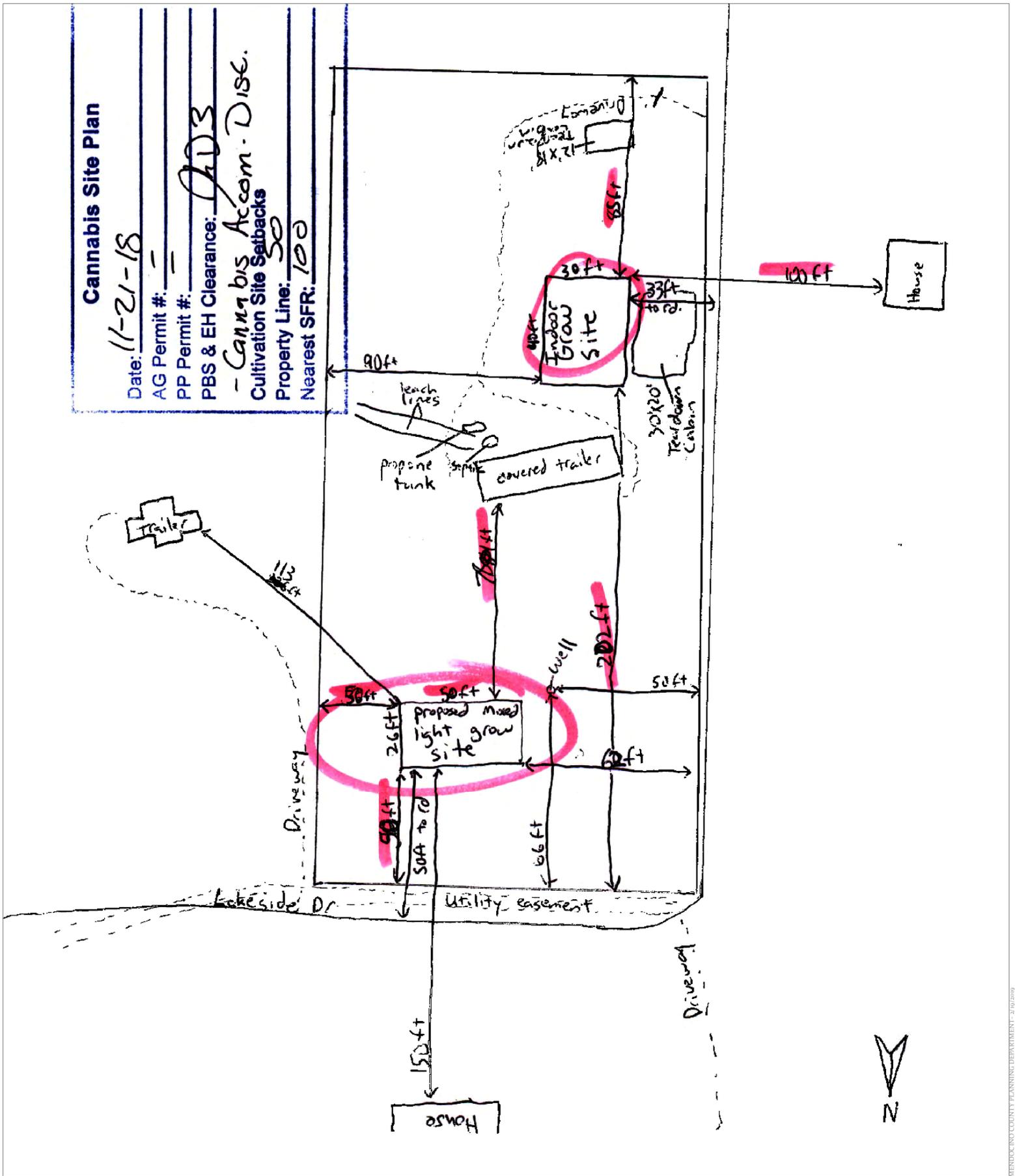
PP Permit #: -

PBS & EH Clearance: -

- Cannabis Accom. Disc.  
Cultivation Site Setbacks

Property Line: 50

Nearest SFR: 100



CASE: U 2019-0003  
 OWNER: SCHMIDT, Leo  
 APN: 014-210-79  
 APLCT: Daniel Young  
 AGENT:  
 ADDRESS: 1421 Lakeside Drive, Laytonville

NO SCALE

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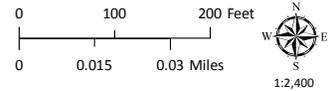
SITE PLAN  
 ATTACHMENT C

MENDOCINO COUNTY PLANNING DEPARTMENT - 2/19/2019



CASE: U 2019-0003  
 OWNER: SCHMIDT, Leo  
 APN: 014-210-79  
 APLCT: Daniel Young  
 AGENT:  
 ADDRESS: 1421 Lakeside Drive, Laytonville

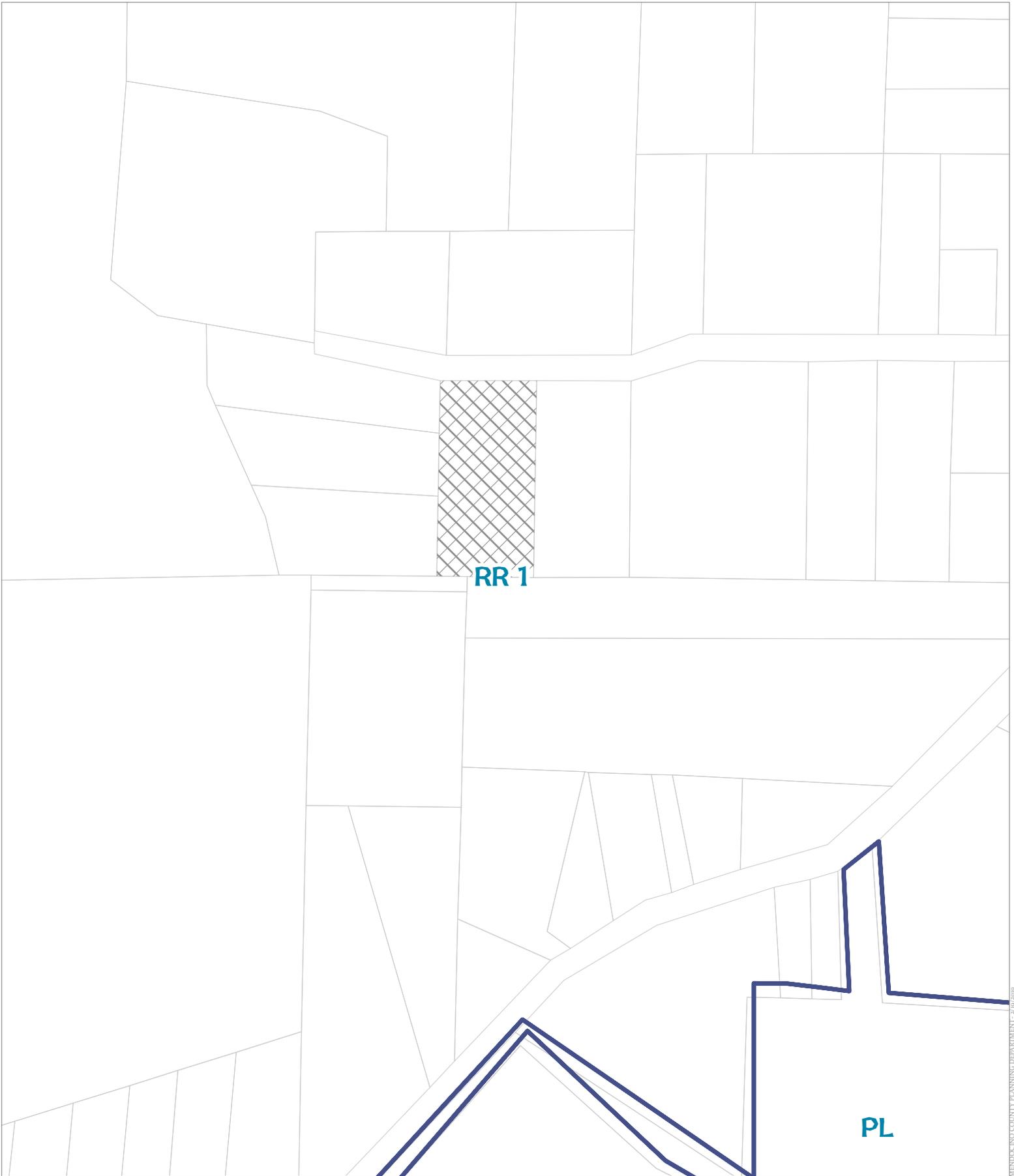
 Zoning Districts  
 Public Roads



ZONING DISPLAY MAP  
 ATTACHMENT D

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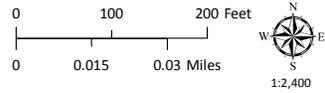
MENDOCINO COUNTY PLANNING DEPARTMENT - 07/2019



MENDOCINO COUNTY PLANNING DEPARTMENT - 2/19/2019

CASE: U 2019-0003  
 OWNER: SCHMIDT, Leo  
 APN: 014-210-79  
 APLCT: Daniel Young  
 AGENT:  
 ADDRESS: 1421 Lakeside Drive, Laytonville

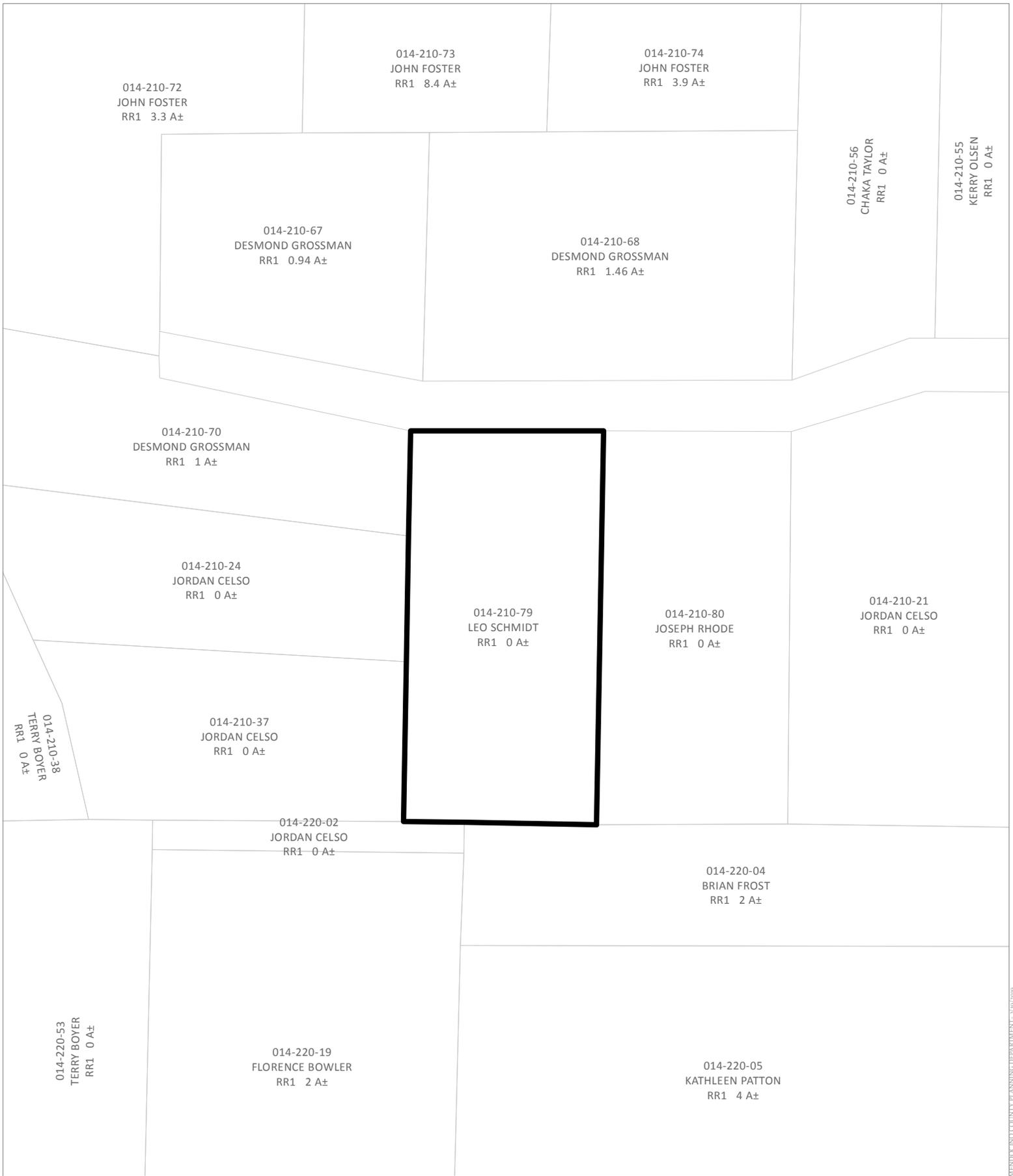
 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

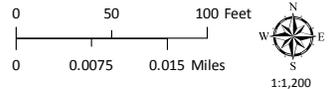
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ATTACHMENT E



CASE: U 2019-0003  
 OWNER: SCHMIDT, Leo  
 APN: 014-210-79  
 APLCT: Daniel Young  
 AGENT:

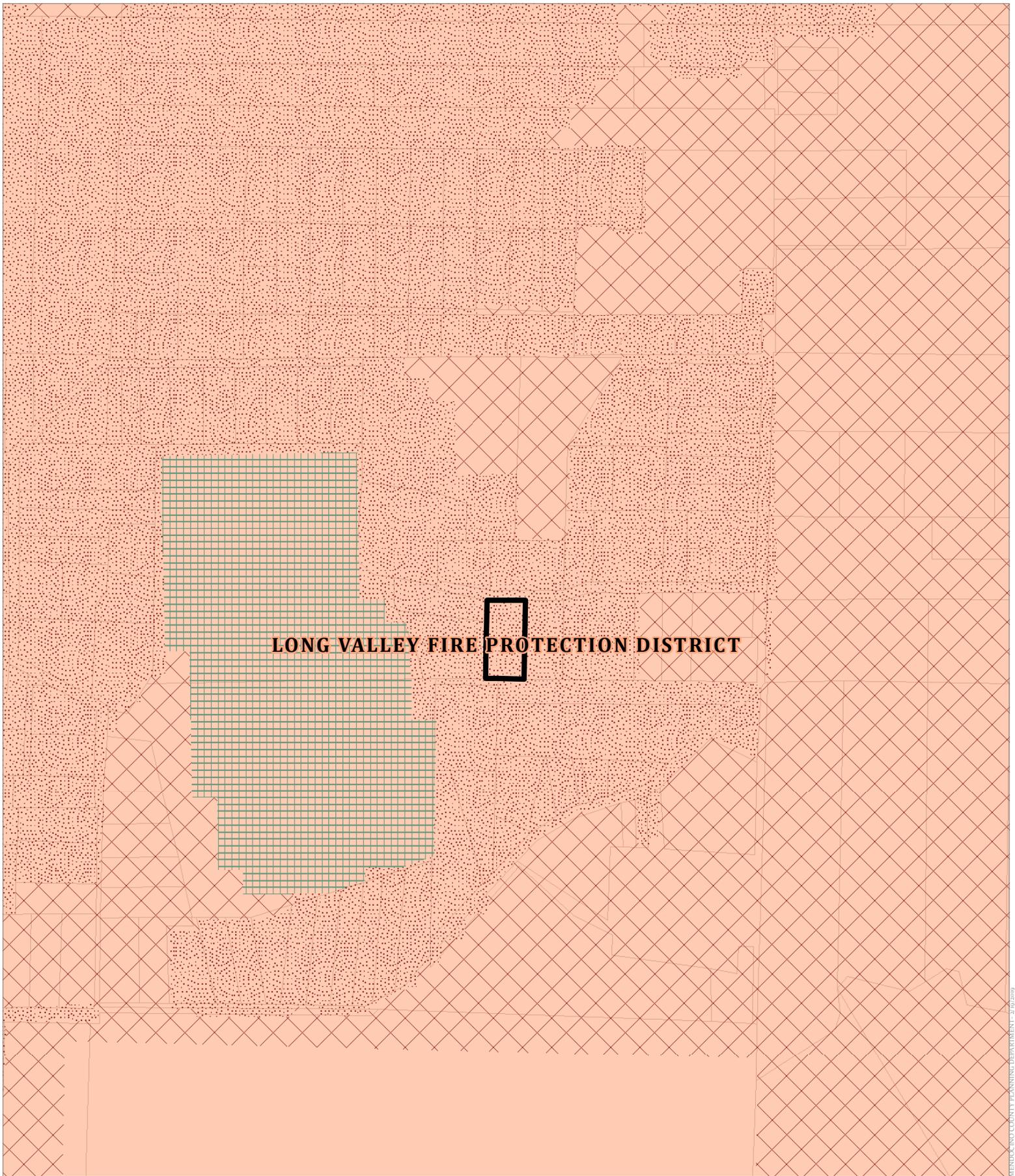
ADDRESS: 1421 Lakeside Drive, Laytonville



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ADJACENT PARCELS  
 ATTACHMENT F

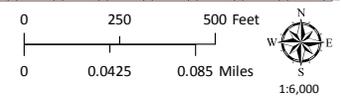
MENDOCINO COUNTY PLANNING DEPARTMENT - 2/19/2019



**LONG VALLEY FIRE PROTECTION DISTRICT**

CASE: U 2019-0003  
 OWNER: SCHMIDT, Leo  
 APN: 014-210-79  
 APLCT: Daniel Young  
 AGENT:  
 ADDRESS: 1421 Lakeside Drive, Laytonville

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

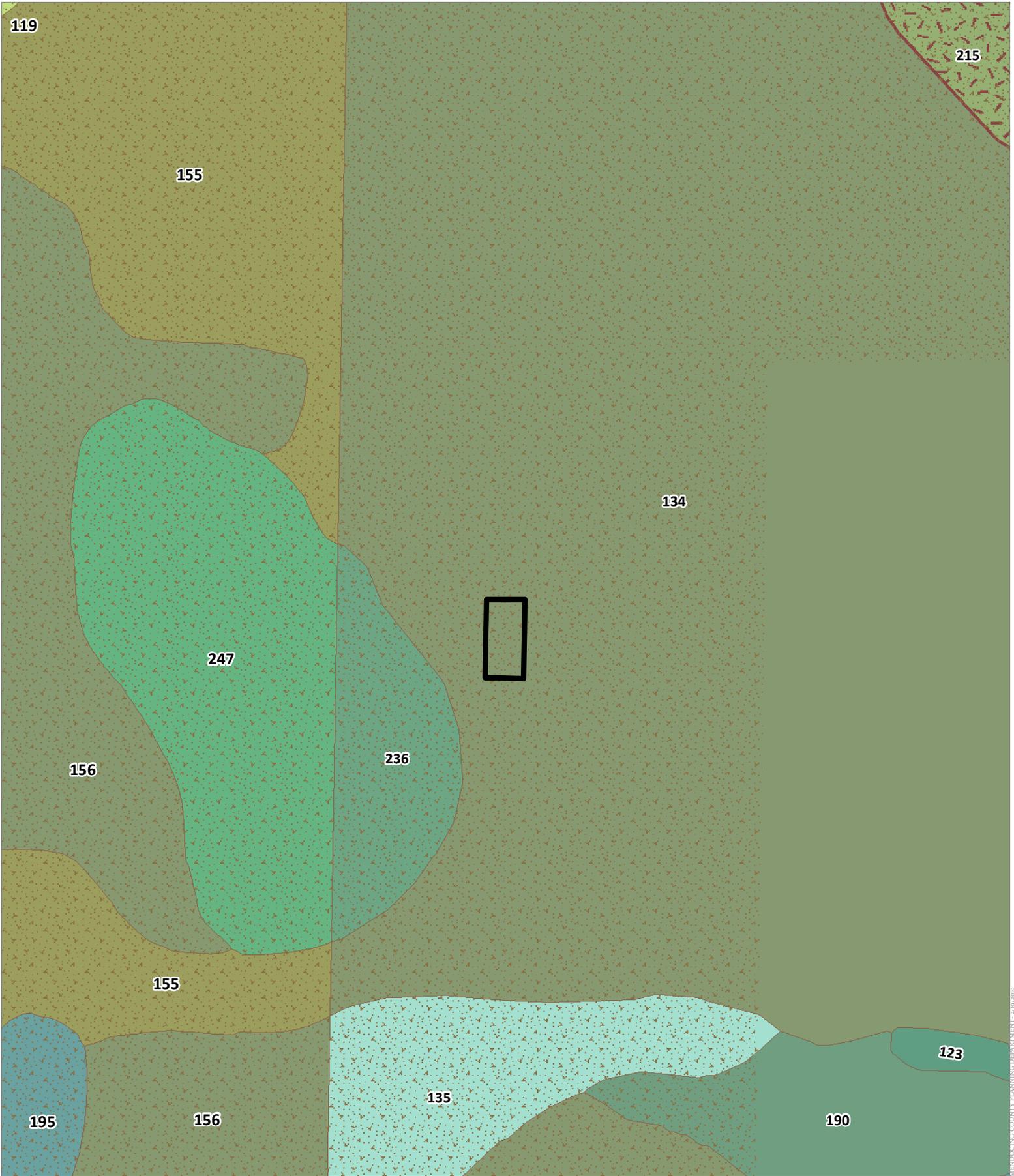


**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

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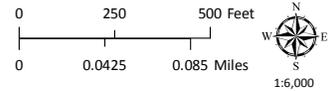
**ATTACHMENT G**

MENDOCINO COUNTY PLANNING DEPARTMENT - 2/10/2019



CASE: U 2019-0003  
 OWNER: SCHMIDT, Leo  
 APN: 014-210-79  
 APLCT: Daniel Young  
 AGENT:  
 ADDRESS: 1421 Lakeside Drive, Laytonville

- Naturally Occurring Asbestos
- Eastern Serpentine Inclusions
- Eastern Study Soil Types
- Western Study Soil Types



**LOCAL SOILS**  
**ATTACHMENT H**

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WENDOCKING COUNTY PLANNING DEPARTMENT - 2/19/2019

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

County of Mendocino  
Ukiah, California  
August 8, 2019

U\_2019-0003 – DANIEL YOUNG

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO,  
STATE OF CALIFORNIA GRANTING A MINOR USE PERMIT U\_2019-0003 FOR  
CANNABIS CULTIVATION.

WHEREAS, the Applicant, DANIEL YOUNG, filed an application for a USE PERMIT with the Mendocino County Department of Planning and Building Services to establish a Type C Cottage-Size Indoor Cultivation Permit (AG\_2018-0448) for cannabis cultivation of no more than 2,500 square feet of canopy within three structures, 1.2 ± miles south west of Laytonville town center, lying on the south side of Lakeside Drive (CR 319B), 0.2 ± miles west of its intersection with Branscomb Road (CR 429), located at 1421 Lakeside Drive, Laytonville, CA (APN: 014-210-79). General Plan RR; Zoning RR:1; 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 Class 3; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on August 8, 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 a forty thousand (40,000) square foot minimum parcel size (R-R:L-1) 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-1 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 new development will require minimal earthwork, 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 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

By: \_\_\_\_\_

BY: BRENT SCHULTZ  
Zoning Administrator

\_\_\_\_\_

**EXHIBIT A**

**CONDITIONS OF APPROVAL  
AUGUST 8, 2019**

**U\_2019-0003 – DANIEL YOUNG**

**APPROVED PROJECT DESCRIPTION:** A Minor Use Permit request to allow for a cottage multi-cultivation cannabis site (Type C (2,500 ft<sup>2</sup>); AG\_2018-0448) of 1,200 square feet of indoor cultivation and 1,300 square feet of mixed light cultivation. At no time will cultivation exceed 2,500 square feet of canopy. This property is located in the Laytonville Cannabis Accommodation Combining District.

**CONDITIONS OF APPROVAL:**

**General:**

1. The subject site is located within a Cannabis Accommodation Combining District. As such, the Applicant shall adhere to all regulations outlined in Mendocino County Code (MCC) Section 20.118.040 – Regulations for CA Combining District.
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 Calfire 4290 – Fire Safe Regulations, and provide 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 (Calfire) or other alternatives as acceptable to Cal Fire. A Final Clearance letter from Calfire shall be submitted to the Department of Planning and Building Services stating that compliance with their requirements have been met to their satisfaction.
9. Any and all AG Exempt structures (e.g., hoop houses) shall adhere to a minimum setback of fifty (50) feet from all parcel boundaries.

**Aesthetics:**

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 Applicant shall provide a lighting plan demonstrating that the 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.
12. No signage shall be allowed for the operation.

**Air Quality:**

13. 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).
14. 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.
15. Secure any required permits from the Mendocino County Air Quality Management District.

**Biological Resources:**

16. 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:**

17. 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:**

18. 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 do 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:**

19. Construction shall be limited to the hours of 8:00 a.m. to 6:00 p.m.
20. 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:**

21. In response to the Use Permit (U\_2019-0003) the applicant currently has the following non-permitted improvements on the parcel:

- a. 1,200 square foot Indoor Grow

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. Class K structures may not be used for cultivation of cannabis.

22. 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.
23. 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.
24. As noted by the Building Inspection Division, the applicant shall address additional submittal requirements as provided in the compliance agreement.
25. The applicant must contact the Department of Environmental Health to permit any septic system on the property.

**Notice of Exemption:**

26. 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 August 16, 2019 (within 5 days of the end of any project action).