



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
FB PHONE: 707-964-5379
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pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

January 21, 2020

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at its regular meeting on Thursday, February 13, 2020, at 10:00 a.m., to be held at Planning & Building Services, 860 N. Bush Street, in the Public Conference Room, 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_2019-0021

DATE FILED: 9/12/2019

OWNER: JASON HUGGINS

APPLICANT: NICHOLAS SMILGYS

REQUEST: Minor Use Permit to allow a facility for the processing, (level 1) non-volatile manufacturing, and distribution of cannabis.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 0.4± miles southwest of Laytonville center, on the west side of Willis Ave (CR 321D), 700± feet north of its intersection with Harwood Rd (CR 319), located at 44550 Willis Avenue, Laytonville (APN 014-140-05)

SUPERVISORIAL DISTRICT: 3

STAFF PLANNER: SAM VANDY VANDEWATER

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](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 February 12, 2020. 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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January 21, 2020

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

Please publish the following notice one time on January 23, 2020 in the Legal Notices Section of the Mendocino County Observer.

NOTICE OF PUBLIC HEARING

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CASE#: U_2019-0021

DATE FILED: 9/12/2019

OWNER: JASON HUGGINS

APPLICANT: NICHOLAS SMILGYS

REQUEST: Minor Use Permit to allow a facility for the processing, (level 1) non-volatile manufacturing, and distribution of cannabis.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 0.4± miles southwest of Laytonville center, on the west side of Willis Ave (CR 321D), 700± feet north of its intersection with Harwood Rd (CR 319), located at 44550 Willis Avenue, Laytonville (APN 014-140-05).

STAFF PLANNER: SAM VANDY VANDEWATER

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BRENT SCHULTZ, Director of Planning and Building Services



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

**FEBRUARY 13, 2020
U_2019-0021**

SUMMARY

OWNER: JASON HUGGINS
PO BOX 421
LAYTONVILLE, CA 95454

APPLICANT: NICHOLAS SMILGYS
PO BOX 2233
WILLITS, CA 95490

REQUEST: Use Permit to allow a facility for the processing, non-volatile manufacturing (level 1), and distribution of cannabis.

LOCATION: 0.4± miles southwest of Laytonville center, on the west side of Willis Ave (CR 321D), 700± feet north of its intersection with Harwood Rd (CR 319), located at 44550 Willis Avenue, Laytonville (APN 014-140-05).

TOTAL ACREAGE: 4± Acres

GENERAL PLAN: Rural Community (RC)

ZONING: Rural Community (RC:6K)

SUPERVISORIAL DISTRICT: District 3 (Haschak)

ENVIRONMENTAL DETERMINATION: Categorically Exempt; Class 1, Section 15301 (Existing Facilities)

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: SAM VANDY VANDEWATER

BACKGROUND

PROJECT DESCRIPTION: Use Permit to allow a facility for the processing, non-volatile manufacturing (level 1), and distribution of cannabis.

SITE CHARACTERISTICS: The subject parcel is located west of the Laytonville town center, just north of the Hardwood Memorial Park. The parcel as an on-site well and septic tank for water and wastewater, and is supplied electricity by PG&E. The parcel is accessed from Willis Avenue. There are two main structures on the subject parcel, both of which are to become the proposed cannabis facility, and a number of outbuildings. The structures are located on the southwest portion of the parcel, at the end of the driveway which follows the southern parcel boundary. The remainder of the parcel is large open field.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES (Acres)	USES
NORTH	Rural Community (RC)	Single-Family Residential (R1)	3.5±	Residential
EAST	Rural Community (RC)	Single-Family Residential (R1)	0.5±, 1±, 1±	Residential
SOUTH	Rural Community (RC)	Single-Family Residential (R1)	4±	Residential
WEST	Rural Residential (RR)	Rural Residential (RR:1)	21±	Vacant

PUBLIC SERVICES:

Access: Willis Avenue (CR 321D)
 Fire District: Long Valley Fire Protection District
 Water District: None
 Sewer District: None
 School District: Laytonville Unified School District

AGENCY COMMENTS: On October 16, 2019, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary is provided, below:

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Environmental Health	No Comment
Building Inspection	No Response
Assessor	No Response
Air Quality Management District	Comment
Mendocino County Sheriff's Office	Comment
Mendocino County Cannabis Program	No Response
CalFire – Prevention	No Response
California Highway Patrol	No Comment
Laytonville Water District	No Response
Laytonville Municipal Advisory Council	No Response
Long Valley Fire District	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

KEY ISSUES

1. General Plan and Zoning Consistency: The proposed project is currently located within the Rural Community (RC) General Plan Land Use Designation and the Rural Community (RC) zoning district. These General Plan and Zoning District designations have allowed the applicant to develop a multi-function cannabis facility. The Rural Community General Plan classification is intended,

*“to be applied to small, unincorporated towns and community centers (including areas in the Community Planning Areas) and to areas near City boundaries, which provide a variety of community and tourist-oriented goods and services but may not have well-defined or identifiable commercial or residential districts. **This classification may also be appropriate around a central commercial or industrial nucleus.**”*

*The Rural Community designation anticipates **multiple land uses on any given lot**, consistent with and supportive of a higher intensity of development in the community area core that will further define each of these town centers...*

*Lower residential density and **intensity of development is planned away from the town centers**, near the peripheries of the Community Planning Areas, in order to ensure a transition to outlying resource lands and open space areas. New development shall only be permitted when provisions are made for construction or expansion of public service facilities, such as schools, recreation facilities, fire stations, water systems, sewer systems, storm drainage and solid waste disposal facilities.*

*General Uses: Residential developments of varying densities (with development of affordable multi-family residential units to be classified in the Zoning Ordinance as a permitted use), mobile home parks, community commercial, tourist commercial, cottage industries, **light industrial**, public facilities, public services, public assemblies, utility installations.”*

The applicant requests the approval of a Use Permit for the subject parcel to establish a small multi-purpose cannabis facility. The proposed General Plan Land Use Designation of Rural Community (RC) supports the Use Permit for the cannabis facilities by providing a small semi-agricultural, semi-industrial space west of the Laytonville center.

With regards to zoning districts, the Mendocino County Code Section 20.084 identifies the intent of the Rural Community zoning district is to...

“maintain and enhance existing rural communities where a mixture of residential, commercial, and limited industrial uses are desired. Such a mixture may include commercial uses occupying the ground floor with residential uses above, or limited industrial uses abutting commercial uses with appropriate buffering to achieve compatibility with adjacent uses. The regulations of this Chapter are intended to insure that new developments, particularly commercial and limited industrial uses, are compatible in scale, function and character in those communities where this district is applied.”

While the subject parcel is not located within the town center of Laytonville, the proposed project does provide commercial facilities of a reasonable scale for the Laytonville community area, provide a function for the cannabis industry within the area, and retain the agricultural character of the area.

The proposed project adheres to the regulations of MCC Section 20.243.050(B) regarding cannabis facilities. The setback of the proposed project from the Hardwood Hall is measured to be approximately 700 feet. When measured to the baseball field, the 600 foot setback for the proposed facility from sensitive receptors does encroach slightly into the extreme outer left field. However, it has been determined that the baseball field itself does not constitute a sensitive receptor, as it is not utilized daily by students, is separated by fencing and is visually obstructed by the Laytonville Rodeo Grounds . Thus, the project is compliant with the zoning code.

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 with the General Plan;

As shown in the previous section, the proposed project is in conformity with the General Plan, as it aligns with allowed commercial activity and is located near an existing community, served by a publicly-maintained circulation network where future growth is anticipated. The intended uses facilitated by the Use Permit are compatible with the general uses of the Rural Community Land Use Designation and are permitted in the Rural Community zoning district under MCC Section 20.243.

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

The proposed project will utilize PG&E for electricity, an on-site well for the provision of water, as well as an on-site septic system to manage wastewater. Thus it can be stated that utilities are being adequately provided. Furthermore, the subject parcel gains access from Willis Avenue (CR 321D).

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 Categorical 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.*

Similarly to the General Plan conformity finding above, compliance with the Mendocino County Code zoning district is discussed in the previous section.

3. Environmental Protection: The project is Categorical 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, as new ground disturbance and has been determined to not have a significant effect on the environment and, therefore, is exempt from the provisions of CEQA.

RECOMMENDATION

By resolution grant Use Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

1/13/2020

DATE



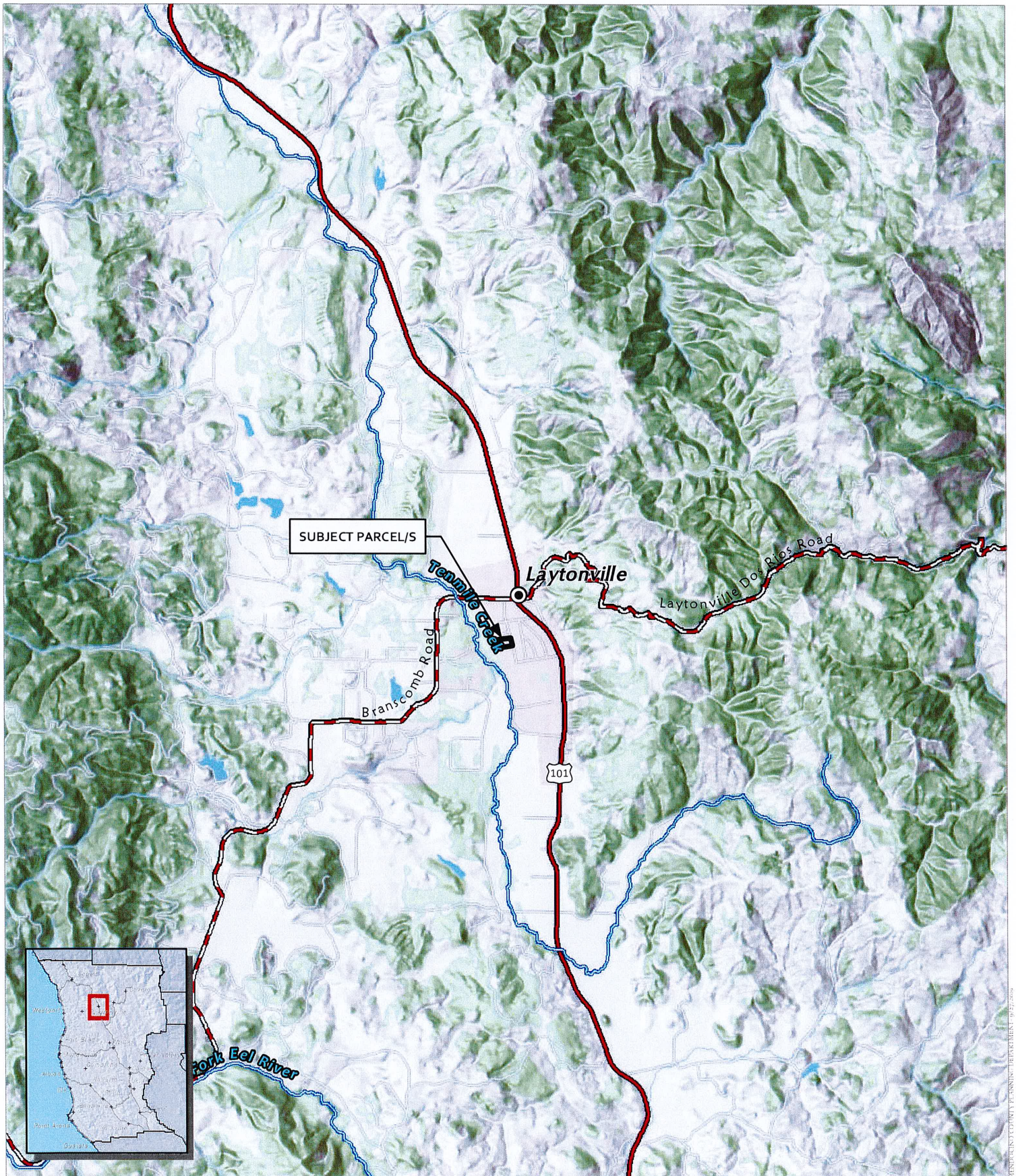
SAM VANDY VANDEWATER
PLANNER II

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





ATTACHMENTS:

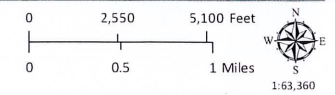
- A. Location Map
- B. Aerial Map
- C. Site Map
- D. Zoning Map
- E. General Plan Map
- F. Adjacent Owner Map
- G. Mendocino County Air Quality Management District Letter

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):






CASE: U 2019-0021
 OWNER: HUGGINS, Jason
 APN: 014-140-05
 APLCT: Nicholas Smilgys
 AGENT:
 ADDRESS: 44550 Willis Avenue, Laytonville

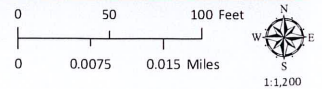
-  Major Towns & Places
-  Major Roads
-  Major Rivers
-  Highways

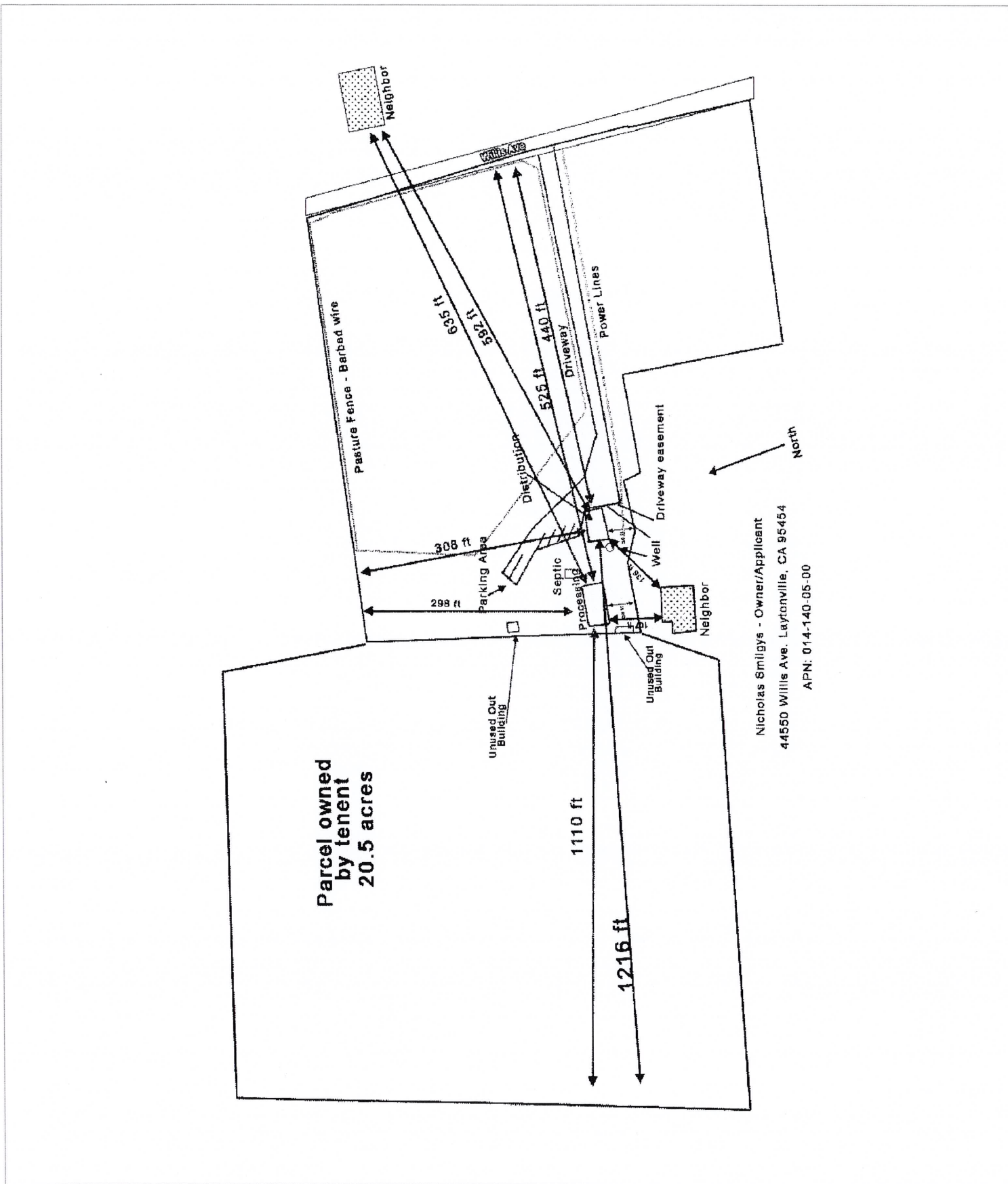




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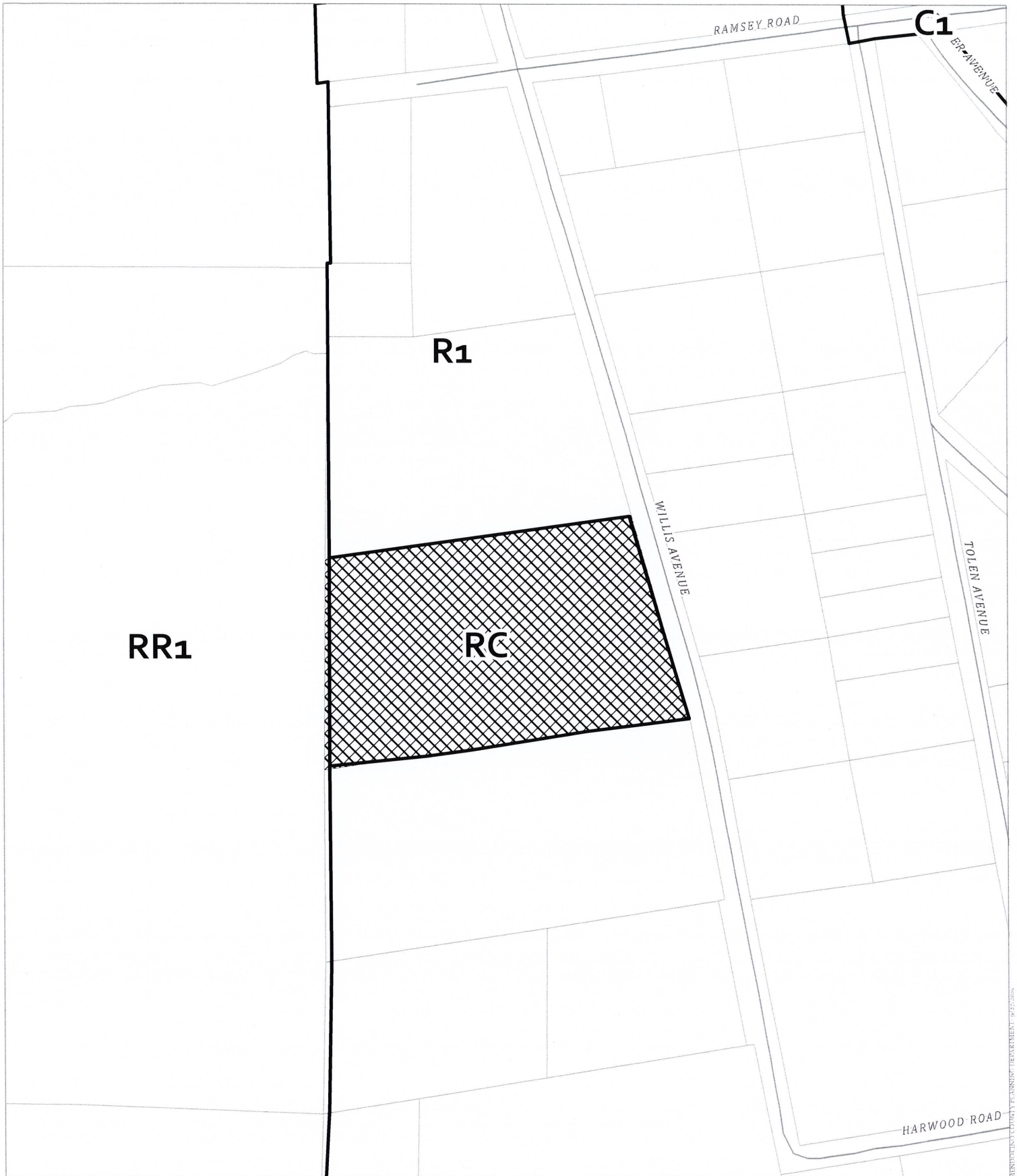
-  Accommodation Districts
-  Cannabis Facilities
-  Public Roads







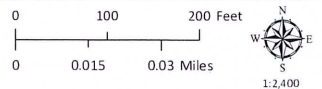
CASE: U 2019-0021
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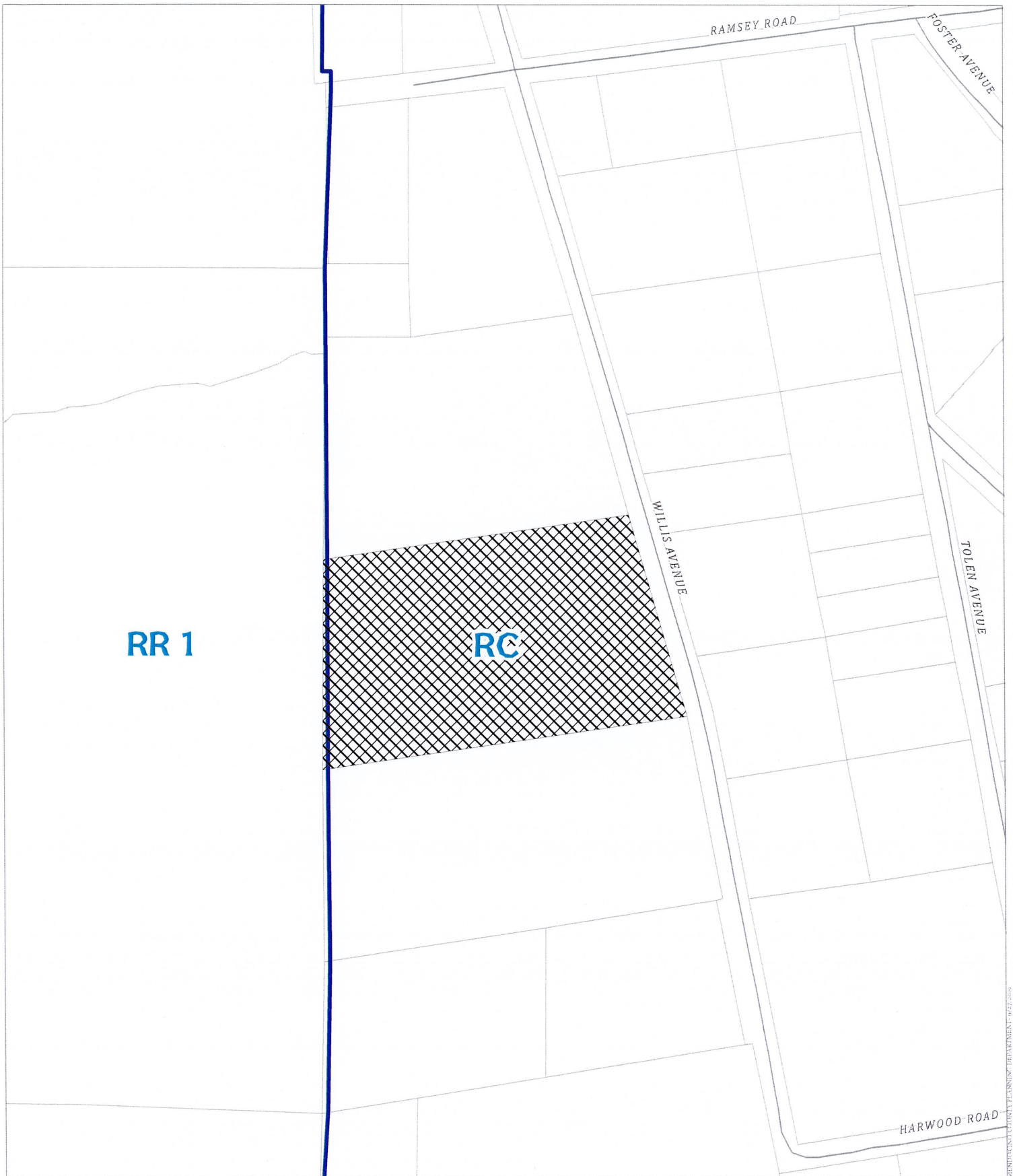
NO SCALE





CASE: U 2019-0021
 OWNER: HUGGINS, Jason
 APN: 014-140-05
 APLCT: Nicholas Smilgys
 AGENT:
 ADDRESS: 44550 Willis Avenue, Laytonville

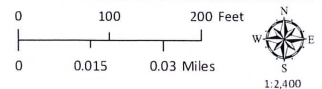
 Zoning Districts
 Public Roads





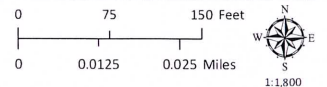
CASE: U 2019-0021
 OWNER: HUGGINS, Jason
 APN: 014-140-05
 APLCT: Nicholas Smilgys
 AGENT:
 ADDRESS: 44550 Willis Avenue, Laytonville

 General Plan Classes
 Public Roads





CASE: U 2019-0021
 OWNER: HUGGINS, Jason
 APN: 014-140-05
 APLCT: Nicholas Smilgys
 AGENT:
 ADDRESS: 44550 Willis Avenue, Laytonville



ADJACENT PARCELS
 ATTACHMENT F

IDENTIFICATION: COUNTY PLANNING DEPARTMENT - 09/27/2019

Mendocino County Air Quality Management District
Planning Referral or Building Permit Application Response
Project # U 2019-0021 Huggins 43220

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

FEBRUARY 13, 2020

U_2019-0021 NICHOLAS SMILGYS

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A USE PERMIT FOR A CANNABIS PROCESSING, NON-VOLATILE MANUFACTURING, AND DISTRIBUTION FACILITY.

WHEREAS, the applicant, NICHOLAS SMILGYS, filed an application for a Use Permit with the Mendocino County Department of Planning and Building Services to allow a facility for the processing, (level 1) non-volatile manufacturing, and distribution of cannabis, 0.4± miles southwest of Laytonville center, on the west side of Willis Ave (CR 321D), 700± feet north of its intersection with Harwood Rd (CR 319), located at 44550 Willis Avenue, Laytonville (APN 014-140-05); General Plan RC; Zoning RC:6K; 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, February 13, 2020, 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 Rural Community (RC) and the Project is consistent with the General Plan definition. Additionally, the subject parcel lies within the Zoning District of Rural Community (RC:6K) and the Project is consistent with the Zoning Code per MCC Sections 20.084 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 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: JAMES F. FEENAN
Commission Services Supervisor

BY: BRENT SCHULTZ
Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL U_2019-0021 – NICHOLAS SMILGYS

FEBRUARY 13, 2020

APPROVED PROJECT DESCRIPTION: Use Permit to allow a facility for the processing, (level 1) non-volatile manufacturing, and distribution of cannabis.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th 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. 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.

9. 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.
10. 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.
11. The applicant shall comply with those conditions in the **Mendocino County Air Quality Management District** letter of October 25, 2019 (Attachment G).
12. A Hazardous Materials Management Plan approved by the Department of Environmental Health shall be approved, maintained and complied with for the duration of the project.
13. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 6.36 of the Mendocino County Code.
14. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 10A.17 of the Mendocino County Code.
15. If permitted in the Rural Community (RC) zoning district in the future, it shall be the responsibility of the applicant to adhere to all applicable regulations of Section 20.242 of the Mendocino County Code.
16. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 20.243 of the Mendocino County Code.
17. The applicant shall obtain written verification from Long Valley Fire Protection District that safety standards have been met to the satisfaction of the Fire District. The written verification shall be submitted to the Department of Planning and Building Services.
18. 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 within 5 days of the end of any project action).