



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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November 24, 2021

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at its regular meeting on Thursday, December 9, 2021 at 10:00 a.m. will conduct a public hearing on the following project(s) at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation in an effort to slow the spread of COVID-19 and pursuant to the recommendation of the Mendocino County Health Officer and the California Department of Industrial Relations. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending written comments to pbscommissions@mendocinocounty.org, or via telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>. The meeting is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>

CASE#: U_2021-0004

DATE FILED: 4/05/2021

OWNER/APPLICANT: PAOLO AND MEADOW SHERE

AGENT: SCOTT WARD

REQUEST: Minor Use Permit to expand a non-conforming use. The existing zoning designation on the property of Rural Residential (RR10), does not allow feed stores to be established. The project consists of the construction of a 1,500 square foot building to be used for the additional storage of inventory for the existing feed and supply business.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 0.53± miles west of Laytonville town center, on the north side of Branscomb Road (CR 429), 180 feet east of its intersection with Bauer Road (CR 319H); located at 400 Branscomb Road, Laytonville; APN: 014-060-47.

SUPERVISORIAL DISTRICT: 3

STAFF PLANNER: KEITH GRONENDYKE

The staff report and notice will be available for public review 10 days prior to the hearing on the Department of Planning and Building Services website at:

<https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>.

In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by December 8, 2021, or orally via telecomment in lieu of personal attendance. All public comment will be made immediately available to the Zoning Administrator, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>.

To submit public comments via telecomment, a request form must be received before the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

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 present testimony in this matter.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

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.

IGNACIO GONZALEZ, Director of Planning and Building Services



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

**DECEMBER 9, 2021
U_2021-0004**

SUMMARY

OWNER/APPLICANT: MEADOW AND PAOLO SHERE
400 BRANSCOMB ROAD
LAYTONVILLE CA 95454

AGENT: SCOTT WARD
8888 EAST ROAD
REDWOOD VALLEY CA 95470

REQUEST: Minor Use Permit to expand a non-conforming use. The existing zoning designation on the property of Rural Residential (RR10), does not allow feed stores to be established. The project consists of the construction of a 1,500 square foot building to be used for the additional storage of inventory for the existing feed and supply business.

LOCATION: 0.53± miles west of Laytonville town center, on the north side of Branscomb Road (CR 429), 180 feet east of its intersection with Bauer Road (CR 319H); located at 400 Branscomb Road, Laytonville; APN: 014-060-47.

TOTAL ACREAGE: 1.83± Acres

GENERAL PLAN: Rural Residential – 10 acre minimum parcel size (RR-10)

ZONING: Rural Residential-Flood Plain– 10 acre minimum parcel size (RR-10-FP)

SUPERVISORIAL DISTRICT: 3 (Haschak)

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

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: KEITH GRONENDYKE

BACKGROUND

PROJECT DESCRIPTION:

Minor Use Permit request to expand a non-conforming use. The existing zoning designation on the property of Rural Residential (RR10), does not allow feed stores to be established. The project consists of the construction of a 1,500 square foot building to be used for the additional storage of inventory for the existing feed and supply business.

APPLICANT'S STATEMENT:

"The purpose of this minor use permit application is to request approval to construct a 1,500 square foot building to be used for the storage of inventory for Long Valley Feed and Supply. Long Valley Feed has

been operating at this located since 1947 and is a valuable asset to the community and local economy. The subject parcel is zoned RR10 with a General Plan designation of RR10. The use of this parcel as a feed store is considered an existing non-conforming use per Mendocino County Zoning Ordinance Section 20.204.020(A). Constructing the proposed storage building is considered an expansion of a non-conforming use, which requires a minor use permit per Mendocino County Zoning Ordinance Section 20.204.025(A). There is an existing well, which was presumably installed in 1947 when the store was built. The existing septic system will be replaced with a new system designed by Carl Rittiman. The subject parcel is served by PG&E and is accessed off of Branscomb Road. There is ample parking and vehicle turn-around area and the parcel has a gentle slope. Minimal grading and no vegetation removal will be required. Nine parking spaces, including a van accessible parking space, will be provided per Zoning Ordinance Section 20.080.020 and .035.”

SITE CHARACTERISTICS:

The project site is located 0.53± miles west of Laytonville town center, on the north side of Branscomb Road (CR 429), 180 feet east of its intersection with Bauer Road (CR 319H); located at 400 Branscomb Road, Laytonville (See attached Location Map). Ten Mile Creek, a designated blue line creek, runs along the north and east property boundaries. This area of the property is located within the floodplain, but the proposed accessory structure is not shown as going to be located within this floodplain area. The area along ten mile creek is heavily wooded with an Oak woodland type habitat. The surrounding area is also heavily wooded. The subject parcel is relatively flat.

The parcel is currently developed with an existing 1,800 square foot feed and supply store and an eight-foot by 40-foot storage container. There also are two 900 square foot plastic membrane buildings that are slated to be removed. Surrounding properties are developed with single family dwellings. Electricity and gas to the site are provided by existing utility companies.

The elevation of the site is 1,627 feet above mean sea level (amsl). The entirety of the site is located within a mapped “High Fire Hazard” zone and is within a California Department of Forestry and Fire Protection (Cal Fire) responsibility area. Long Valley Fire District is the nearest local fire agency.

RELATED APPLICATIONS:

None.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the site and surrounding lands are designated Rural Residential (RR10 and RR1).

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential-Flood Plain(RR10 FP)	Rural Residential (RR:10)	2.2± Acres	Residential
EAST	Rural Residential-Flood Plain(RR10 FP)	Rural Residential (RR:10)	2.2± Acres	Residential
SOUTH	Rural Residential-Flood Plain (RR1 FP)	Rural Residential(RR:1)	7.3± Acres	Residential
WEST	Rural Residential-Flood Plain(RR10 FP)	Rural Residential (RR:10)	.60± Acres	Residential

PUBLIC SERVICES:

Access: BRANSCOMB ROAD (CR 429)
 Fire District: LONG VALLEY FIRE DISTRICT
 Water District: NONE
 Sewer District: NONE

AGENCY COMMENTS: On July 6, 2021 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below:

REFERRAL AGENCIES	COMMENT
Department of Transportation	Comments
Environmental Health-Ukiah	Comments
Building Inspection-Ukiah	Comments
Assessor	No response
Air Quality Management	No response
Cal Fire	Comments
Department of Fish and Wildlife	No response
Laytonville MAC	No response
Long Valley Fire District	No comment
Sherwood Valley Rancheria	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response

RESPONSE TO SPECIFIC COMMENTS RECEIVED

Mendocino County Department of Transportation (DOT): Mendocino DOT has commented that the project site will be required to construct a commercial driveway approach from Branscomb Road. Conditions 9-10 have been added to satisfy this requirement.

Mendocino County Environmental Health Division: The Environmental Health Division has indicated that the proposed septic system for the new ADA bathroom facility to be constructed will need to be approved prior to installation. Condition 15 has been added to reflect this requirement.

Cal Fire: The California Department of Forestry and Fire Protection (Cal Fire) has commented that this project must meet the requirements of State Fire Safe Regulations (Cal Fire File # 196-21). Condition 7 has been included to satisfy these regulations.

KEY ISSUES

- 1. General Plan and Zoning Consistency:** The subject parcel is located within the Rural Residential, 10 acre minimum parcel (RR10), Land Use Classification under the General Plan. According to the General Plan, the RR Land Use General Uses states in part “...*Residential uses, agricultural uses, cottage industries...*”

While the proposed project does not actually grow any agricultural products, one of its primary uses is to provide agricultural supplies to local farmers, such as hay, feed and other needed items for agricultural operations.

Additionally, Policy DE-44 of the General Plan states: “*Designate adequate land to meet neighborhood and community growth demands for a broad range of commercial, residential and mixed uses.*”

The subject parcel is approximately two-acres in size. As such, there is adequate land to expand the commercial use on the property with a new 1,500 square foot building, which would be consistent with Policy DE-44 in that the project would allow the existing commercial operation to grow in order to meet neighborhood demands for agricultural products.

Policy DE-49 of the General Plan states: “*Expand economic opportunities that respect the individual character of each community area.*”

The proposed expansion of the existing feed and supply store would expand the economic

opportunities for the business owners and fits within the character of the community, which is consistent with the intent of Policy DE-49.

Under the current zoning designation of RR 10 the existing use of the property as a commercial feed and supply store is not an allowed use. According to the project's agent, the feed and supply business was established in 1947, which was well before Mendocino County had adopted a zoning ordinance to govern land uses. As such the use of the property is considered to be legal non-conforming.

Section 20.204.025-Expansion of Nonconforming Uses and Structures States:

(A) A nonconforming use or structure may be expanded provided a Minor Use Permit is obtained. Prior to the issuance of any use permit to expand a nonconforming use or structure, the Zoning Administrator shall make a finding that the expansion conforms to the standards established in Section 20.196.020 (Use Permits-Standards) for the granting of a Use Permit and that the following conditions are applicable:

- (1) That it is not reasonably economically or physically feasible to make the use of the property compatible with the applicable general plan land use designation;*
- (2) That the use is and will be compatible with adjacent land uses and that any increased adverse impacts on access or public facilities and services will be mitigated;*
- (3) A legal nonconforming mobile home may be replaced by a new mobile home without a use permit if no use permit was required for the original installation.*

The existing use of the property as a feed and supply store site is in conformance with the General Plan in that in order to meet the General Plan designation of RR10, a new single family residence would have to be constructed to replace the existing structure. It is more economically feasible to expand the feed and supply business than to construct a new residence to make the land use compatible with the General Plan.

The surrounding area is rural in nature with many barns and agricultural uses in the vicinity. Downtown Laytonville is only approximately one-quarter of a mile to the east of the project site. Branscomb Road is a two lane road with shoulders on each side. The existing use of the property has also existed for many years in the present location and, to the knowledge of Staff, no compatibility issues have been raised during its operation. Because of these factors, the expansion of a nonconforming use project is compatible with adjacent land uses and there will not be any adverse impacts to access from Branscomb Road with the encroachment improvements that have been required by the Mendocino County Department of Transportation.

This project does not involve the replacement of a mobile home.

Based upon the above analysis related to expansion of a non-conforming use, Staff recommends the Zoning Administrator find the expansion consistent with MCC section 20.204.025.

- 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 noted above:

Policy DE-44 of the General Plan states: *“Designate adequate land to meet neighborhood and community growth demands for a broad range of commercial, residential and mixed uses.”*

The subject parcel is approximately two acres in size. As such, there is adequate land to expand the

commercial use on the property with a new 1,500 square foot building, which would be consistent with Policy DE-44 in that the project would allow the existing commercial operation to grow in order to meet neighborhood demands for agricultural products.

Policy DE-49 of the General Plan states: *“Expand economic opportunities that respect the individual character of each community area.”*

The proposed expansion of the existing feed and supply store would expand the economic opportunities for the business owners, which is consistent with the intent of Policy DE-49.

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

The project site is supplied with electrical power from the local electrical power company. Access is from Branscomb Road, which is a County maintained road (CR 429), and will be improved to commercial standards as a condition of this permit. The site does not have storm water drainage facilities installed, nor does Branscomb Road. The project site has a septic tank for the existing building along with a well for water supply to the proposed accessible bathroom to be constructed. The applicant has indicated that a new septic system will be installed to replace the existing system. Conditions require that the applicant work with the Mendocino County Department of Environmental Health and Building Inspection to obtain any required permits or approvals. 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;*

The expansion of an existing nonconforming use to accommodate a new 1,500 square foot accessory building to store feed store supplies, along with the construction of an accessible bathroom would not constitute a nuisance to or be detrimental to the health, safety, peace, morals, comfort or general welfare to surrounding properties. A majority of the neighboring properties are more than two-acres in size and developed with residences. The project area is rural in nature and the small size of the accessory structure and the accessible bathroom will not detrimentally affect the surrounding area. This use has been established for seventy-four years. It can be concluded that neighboring property owners are accustomed to the daily business practices of this long standing agricultural business and a small increase in storage area within a roofed structure, along with the addition of an ADA compliant bathroom facility would not be seen as detrimental to the neighborhood nor would it impact the public health, safety or general welfare of the area.

d. *That such use preserves the integrity of the zoning district.*

Under the current zoning designation of RR 10 the existing use of the property as a commercial feed and supply store is not an allowed use. According to the project's agent, the feed and supply business was established in 1947, which was well before Mendocino County had adopted a zoning ordinance to govern land uses. As such the use of the property is considered to be legal non-conforming.

The surrounding area is rural in nature with many barns and agricultural uses in the vicinity. Downtown Laytonville is only approximately one-quarter of a mile to the east of the project site. Branscomb Road is a two lane road with shoulders on each side. Because of these factors, the expansion of a nonconforming use project is compatible with adjacent land uses and there will not be any adverse impacts to access from Branscomb Road with the encroachment improvements that have been required by the Mendocino County Department of Transportation.

Environmental Protection: The project has been determined to be categorically exempt from CEQA per Section 15301 (Existing Facilities) in that the site plan indicates that new handicapped ramps will be placed on site to comply with Americans with Disabilities Act (ADA) requirements for commercial sites. This is exempt per Section 15301 (C) which exempts the construction of safety or health protection devices for use during construction of or in conjunction with existing structures and Section 15303, Class 3 (New Construction or Conversion of Small Structures), which exempts the construction of various structures up to a maximum size of 2,500 square feet. The proposed storage structure is shown as only being 1,500 square feet in size

3. **Cultural Resources:** Mendocino County General Plan Chapter 3 Development Element includes policies related to cultural resources. Both Policy DE-115 and Mendocino County Code Chapter 22.12 (Archaeological Resources) include provisions for archaeological sensitivity review, field evaluations, impact mitigations, archaeological discovery, and human remain discovery protocols (MCC §22.12.050 – 22.12.100). Furthermore, a Standard Condition is recommended and advises the Applicant of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or excavation activities, in accordance with County Code Sections 22.12.090 and 22.12.100.

RECOMMENDATION

By resolution, the Zoning Administrator grant the Use Permit U_2021-0004 for the Project, as proposed by the Applicant, based on the facts and findings and subject to the Conditions of Approval.

11/17/2021
DATE


KEITH GRONENDYKE
PLANNER III

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

ATTACHMENTS:

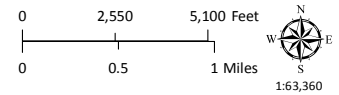
- A. Location Map
- B. Aerial Imagery
- C. Application
- D. Site Plan
- E. Zoning Display Map
- F. General Plan Classifications
- G. Adjacent Parcels
- H. Fire Hazard Zones Map
- I. Special Flood Hazard Areas Map
- J. Wildland-Urban Interface Zones Map
- K. Wetlands Map
- L. Farmland Classifications Map

RESOLUTION AND CONDITIONS OF APPROVAL: Exhibit A



CASE: U 2021-0004
 OWNER: SHERE, Paolo & Meadow
 APN: 014-060-47
 APLCT: Meadow & Paolo Shere
 AGENT: Scott Ward
 ADDRESS: 400 Branscomb Road, Laytonville



- Major Towns & Places
- Highways
- Major Roads

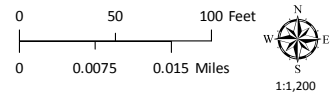


LOCATION MAP
 ATTACHMENT A



CASE: U 2021-0004
OWNER: SHERE, Paolo & Meadow
APN: 014-060-47
APLCT: Meadow & Paolo Shere
AGENT: Scott Ward
ADDRESS: 400 Branscomb Road, Laytonville

-  Named Rivers
-  Public Roads





PLANNING & BUILDING SERVICES

CASE NO: V-2021-0004
DATE FILED: 4/5/21
FEE: \$ 3190.38
RECEIPT NO: PRJ 040915
RECEIVED BY: DJL
Office Use Only

APPLICATION FORM

APPLICANT:

Name: Meadow and Paolo Shere Phone: 707-972-3729
Mailing Address: 400 Branscomb Road
City: Laytonville State/Zip: CA 95454 Email: sheremeadow@gmail.com

PROPERTY OWNER:

Name: Meadow and Paolo Shere Phone: 707-972-3729
Mailing Address: 400 Branscomb Road
City: Laytonville State/Zip: CA95454 Email: sheremeadow@gmail.com

AGENT:

Name: Scott Ward Phone: 707-272-8432
Mailing Address: 8888 East Road
City: Redwood Valley State/Zip: CA 95470 Email: scott@scottwardcomapny.com

ASSESSOR'S PARCEL NUMBER/S: 014-060-47

TYPE OF APPLICATION:

- Administrative Permit, Agricultural Preserve: New Contract, Flood Hazard Development Permit, General Plan Amendment, Reversion to Acreage, etc.

I certify that the information submitted with this application is true and accurate.

Signature of Applicant/Agent: Scott Ward Date: 3-29-21
Signature of Owner: Meadow Shere Date: 3/29/21

SITE AND PROJECT DESCRIPTION QUESTIONNAIRE

The purpose of this questionnaire is to relate information concerning your application to the Department of Planning and Building Services and other agencies who will be reviewing your project proposal. Please remember that the clearer picture that you give us of your project and the site, the easier it will be to promptly process your application. Please answer all questions. Those questions which do not pertain to your project please indicate "Not applicable" or "N/A".

THE PROJECT

1. Describe your project. Include secondary improvements such as wells, septic systems, grading, vegetation removal, roads, etc.

The purpose of this Minor Use Permit application is to request approval to construct a 1500 sq. ft. building to be used for storage of inventory for Long Valley Feed and Supply. Long Valley Feed has been operating at this location since 1947 and is an valuable asset to the community and local economy. The subject parcel is zoned RR10 with a General Plan designation of RR10. The use of this parcel as a feed store is considered an existing non-conforming use per Mendocino County Zoning Ordinance section 20.204.020(A). Constructing the proposed storage building is considered an expansion of a non-conforming which requires a Minor Use Permit per Mendocino County Zoning Ordinance section 20.204.025(A). There is an existing well which was presumably installed in 1947 when the store was built. The existing septic system will be replaced with a new system designed by Carl Rittiman. The subject parcel is served by PG&E and is accessed off of Branscomb Road. There is ample parking and vehicle turnaround area and the parcel has a gentle slope. Minimal grading and no vegetation removal will be required. 9 parking spaces including a van accessible parking space will be provided per Zoning Ordinance section 20.080.020 and 035.

2. Structures/Lot Coverage	NO. OF UNITS		SQUARE FOOTAGE		
	EXISTING	PROPOSED	EXISTING	PROPOSED	TOTAL
<input type="checkbox"/> Single Family <input type="checkbox"/> Mobile Home <input type="checkbox"/> Duplex <input type="checkbox"/> Multifamily <input checked="" type="checkbox"/> Other: <input checked="" type="checkbox"/> Other:	 Feed Store Container	 Storage building	 1800 sq. ft. 320 sq. ft.	 1500 sq. ft.	 3,620 sq. t.
GRAND TOTAL (Equal to gross area of Parcel):					

3. If the project is commercial, industrial or institutional, complete the following:

Estimated No. of Employees per shift: 2 employees
 Estimated No. of shifts per day: 1 shift
 Type of loading facilities proposed: Fork lift, hand truck, customer self loading

4. Will the project be phased?

YES NO If yes, explain your plans for phasing:

5. Will vegetation be removed on areas other than the building sites and roads?

YES NO If no, explain:

6. Will the project involve the use or disposal of potentially hazardous materials such as toxic substances, flammables, or explosives?

YES NO If yes, explain:

7. How much off-street parking will be provided?

	Number	Size
No. of covered spaces:	_____	_____
No. of uncovered spaces:	9	_____
No. of standard spaces:	4	9'X20'
No. of accessible spaces:	1	18'X18'
Existing no. of spaces:	area for 9	_____
Proposed additional spaces:	3 compact spaces	7.5'X20'
Total:	_____	_____

8. Is any road construction or grading planned? If yes, grading and drainage plans may be required.

YES NO Also, please describe the terrain to be traversed. (e.g., steep, moderate slope, flat, etc.)

Gentle up slope less than 2%. Will need minor grading to level building pad.

9. For grading or road construction, complete the following:

Amount of cut: Less than 1'6" 20 cubic yards + - _____ cubic yards

Amount of fill: Less than 1 ft. 20 cubic yards +- _____ cubic yards

Max. height of fill slope: Less than 1 ft. _____ feet

Max. height of cut slope: 1'6" or less _____ feet

Amount of import/export: No import/export, balanced site _____ cubic yards

Location of borrow or disposal site: _____

10. Does the project involve sand removal, mining or gravel extraction? If yes, detailed extraction, reclamation and monitoring plans may be required.

YES NO

11. Will the proposed development convert land currently or previously used for agriculture to another use?

YES NO

12. Will the development provide public or private recreation opportunities?

YES NO If yes, explain how:

13. Is the proposed development visible from State Highway 1 or other scenic route?

YES NO

14. Is the proposed development visible from a park, beach or other recreational area?

YES NO

15. Does the development involve diking, filling, dredging or placing structures in open coastal water, wetlands, estuaries or lakes?

Diking: YES NO

Filling: YES NO

Dredging: YES NO

Structures: Open Coastal Waters Wetlands Estuaries Lakes

If so, what is the amount of material to be dredged/filled?: Not applicable cubic yards

Location of dredged material disposal site?: Not applicable

Has a U.S. Army Corps of Engineers permit been applied for? YES NO

16. Will there be any exterior lighting?

YES NO If yes, describe below and identify the location of all exterior lighting on the plot and building plans.

Security lighting will be installed above the retail store entrance and proposed building entrances. The lights will be downward shielded. The lighting fixtures to be used will be "Dark Sky Friendly Fixtures" and will operated on a limited night schedule so as to avoid or prevent the illumination of adjoining uses or areas or the night sky.

17. Utilities will be supplied to the site as follows:

Electricity: Utility Company (service exists to parcel)
 Utility Company (requires extension of service to site): _____ feet _____ miles
 On Site Generation – Specify:

Gas: Utility Company/Tank
 On Site Generation – Specify:
 None

Telephone: YES NO

18. What will be the method of sewage disposal?

- Community Sewage System (specify supplier): _____
- Septic Tank
- Other (specify): _____

19. What will be the domestic water source:

- Community Water System (specify supplier): _____
- Well
- Spring
- Other (specify): Existing well will be used for the accessible restroom. Potable water will be brought in for employees.

20. Are there any associated projects and/or adjacent properties under your ownership?

- YES
- NO If yes, explain: (e.g., Assessor's Parcel Number, address, etc.)

21. List and describe any other related permits and other public approval required for this project, including those required by other County departments, city, regional, State and Federal agencies:

A building permit is required to construct the proposed storage building.

22. Describe the location of the site in terms of readily identifiable landmarks: (e.g., mailboxes, mile posts, street intersections, etc.)

Long Valley Feed and Supply is located 1/2 mile West of the intersection of Branscomb Road and North Highway 101.

23. Are there existing structures on the property? If yes, describe below and identify the use of each structure on the plot plan or tentative map if the proposal is for a subdivision.

- YES
- NO

There is an existing 1800 sq. ft. Feed and Supply store and an 8'X40" storage container. There are two existing 900 sq. ft. membrane storage buildings that were damage by snow and will be removed.

24. Will any existing structure be demolished or removed? If yes, describe the type of development to be demolished or removed, including the relocation site, if applicable.

- YES
- NO

The two existing membrane storage structures that were damaged by the snow storm will be removed.

25. What is the maximum height of all structures?

Existing: 12 ft feet

Proposed: 16 ft feet

26. What is the gross floor areas of all structures, including covered parking and accessory buildings?

Existing: 2,120 square feet

Proposed: 1,500 square feet

27. What is the total lot area within property lines?

Total Lot Area: 1.83 acres square feet

28. Briefly describe the project site as it exists before the project, including information on existing structures and their uses, slopes, soil stability, plants and animals, and any cultural, historical or scenic aspects. Attach any photographs of the site that you feel would be helpful:

This parcel has been occupied by an 1800 sq. ft. agricultural feed and supply store since 1947. There is an

8'X40' storage container and a small temporary shade structure. The parcel has a slight upslope to the north and then
there is a downslope to the area adjacent to Ten Mile Creek. There are two non-permitted membrane storage
buildings that will be removed. (1) (2)

29. Briefly describe the surrounding properties, including information on plants, animals and any cultural, historic or scenic aspects. Indicate the type of land use (use chart below) and its general intensity. Attach any photographs of the vicinity that you feel would be helpful.


The adjacent properties are all developed single family residential. Long Valley Feed and Supply was established in 1947 and is
is the longest continuing business in Laytonville. Ten Mile Creek is just East of the of the subject parcel easterly property line.
(3)

30. Indicate the surrounding land uses:

	Vacant	Residential	Agriculture	Commercial	Industrial	Public Facility	Timberland	Other
North:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
East:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
South:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
West:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CERTIFICATION AND SITE VIEW AUTHORIZATION

1. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application, and all attached appendices and exhibits, is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the County.
2. I hereby grant permission for County Planning and Building Services staff and hearing bodies to enter upon and site view the premises for which this application is made in order to obtain information necessary for the preparation of required reports and render its decision.



 Owner/Authorized Agent

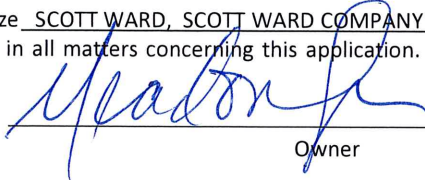
3/29/21

 Date

NOTE: IF SIGNED BY AGENT, OWNER MUST SIGN BELOW.

AUTHORIZATION OF AGENT

I hereby authorize SCOTT WARD, SCOTT WARD COMPANY _____ to act as my representative and to bind me in all matters concerning this application.



 Owner

3/29/21

 Date

MAIL DIRECTION

To facilitate proper handling of this application, please indicate the names and mailing addresses of individuals to whom you wish correspondence and/or staff reports mailed if different from those identified on Page 1 of the application form.

Name SCOTT WARD SCOTT WARD COMPANY	Name PAOLO AND MEADOW SHERE	Name
Mailing Address 8888 EAST ROAD REDWOOD VALEY, CA 95470	Mailing Address 400 BRANSCOMB ROAD LAYTONVILLE, CA 95454	Mailing Address

Indemnification And Hold Harmless

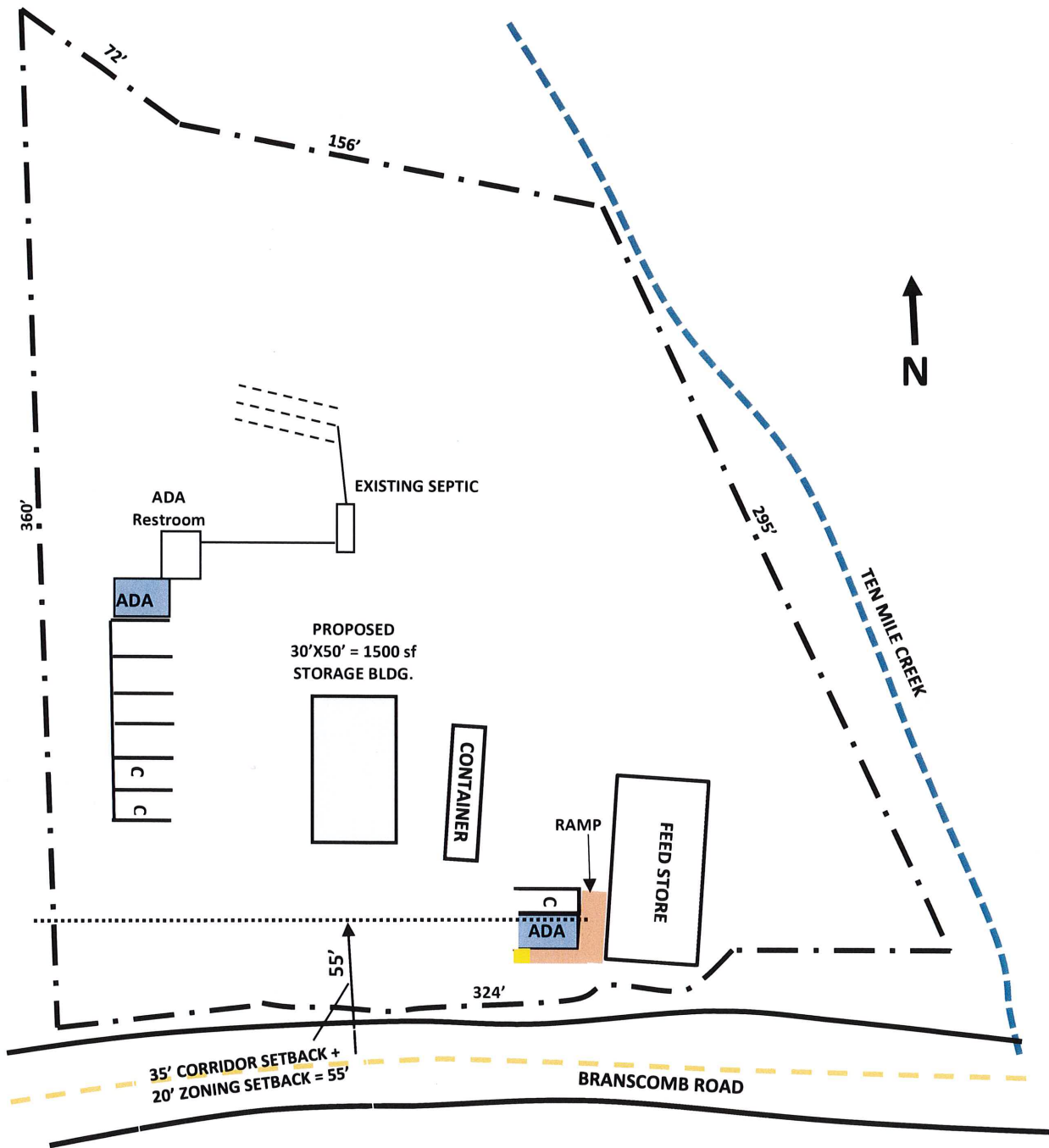
ORDINANCE NO. 3780, adopted by the Board of Supervisors on June 4, 1991, requires applicants for discretionary land use approvals, to sign the following Indemnification Agreement. Failure to sign this agreement will result in the application being considered incomplete and withheld from further processing.

Indemnification Agreement

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County of Mendocino, its agents, officers, attorneys, employees, boards and commissions, as more particularly set forth in Mendocino County Code Section 1.04.120, from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. The indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, employees, boards and commissions.

3/29/21
Date


Applicant



LONG VALLEY FEED AND SUPPLY

PROJECT:	MINOR USE PERMIT
OWNERS:	MEADOW AND PAOLO SHERE
PROJECT ADDRESS:	400 BRANSCOMB ROAD LAYTONVILLE, CA 95454
APN:	014-060-47
ZONING:	RR10



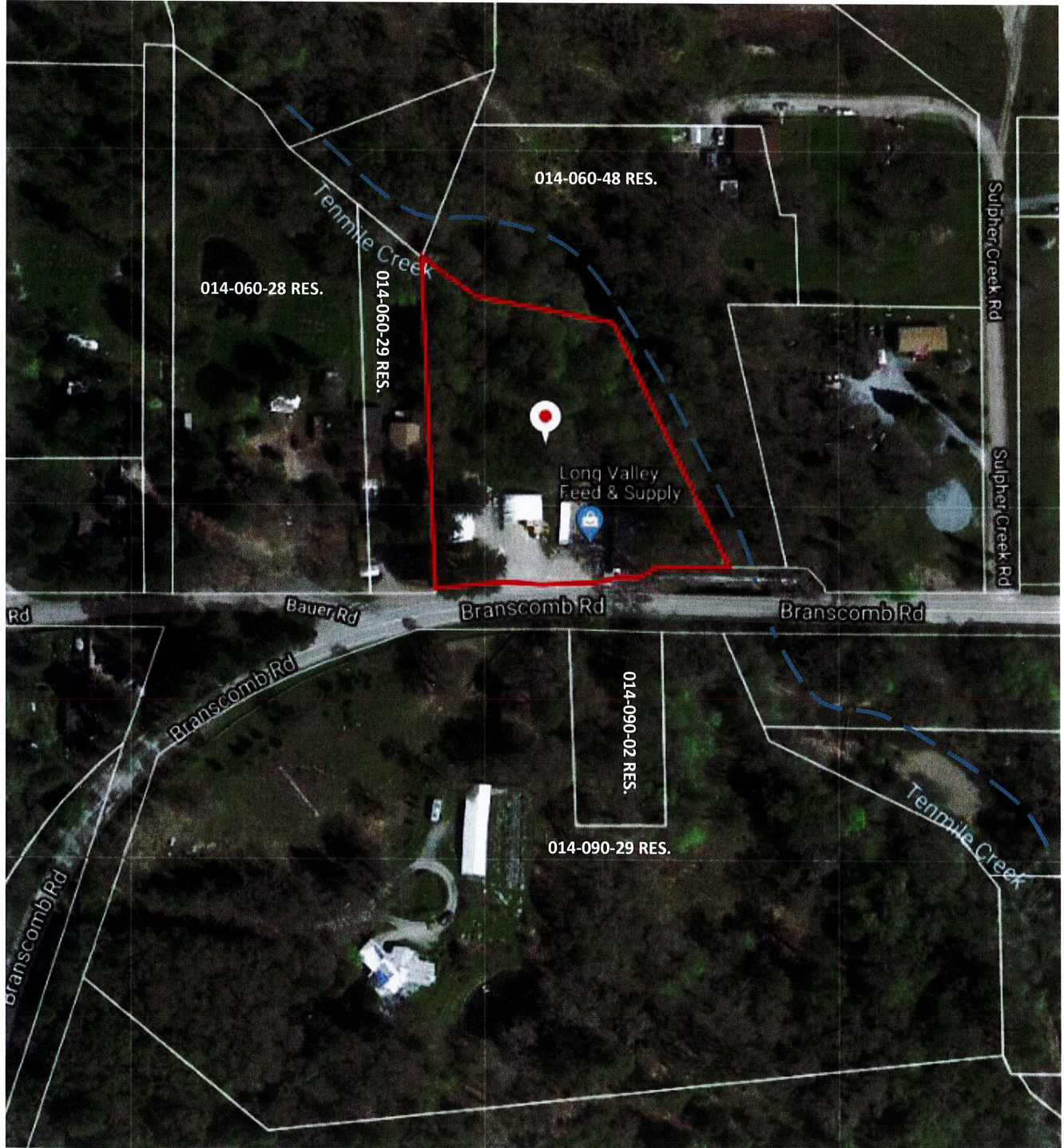
LONG VALLEY FEED AND SUPPLY

PROJECT: MINOR USE PERMIT
OWNERS: MEADOW AND PAOLO SHERE
PROJECT ADDRESS: 400 BRANSCOMB ROAD LAYTONVILLE, CA 95454
APN: 014-060-47
ZONING: RR10

LONG VALLEY FEED AND SUPPLY

EXHIBIT 3

PROJECT: MINOR USE PERMIT
OWNERS: MEADOW AND PAOLO SHERE
PROJECT ADDRESS: 400 BRANSCOMB ROAD LAYTONVILLE, CA 95454
APN: 014-060-47
ZONING: RR10








 Reply all
  Delete
  Junk
  Block
 ...

Re: Fwd: 400 Branscomb Rd. Laytonville Right of Way location

HD

Howard Dashiell <dashiell@mendocinocounty.org>

>

Thu 2/18/2021 4:48 PM

To: Scott Ward

Final RW map.pdf

2 MB

Mr. Ward:

The recent pedestrian bridge on Branscomb Rd @ Ten Mile Creek required MCDOT to prepare the attached map & take.

As you can see the "old right-of-way" was rather undefined... basically the area the County had used for a road shoulder in the past. We purchased additional right up to the existing building for a walkway only... intent was to provide a walkway and as far as I am considered the walkway and road shoulder could double as part of the setback in this case... if P&BS would not permit your project repair without a set back MCDOT would support a waiver...

I will return your phone message as I am able; I in the middle of another matter at this moment...

Cordially,
 Howard N. Dashiell, Director
 Mendocino County Department of Transportation
 340 Lake Mendocino Drive
 Ukiah, CA 95482
[\(707\)463-4363](tel:(707)463-4363)
[\(707\)463-5474](tel:(707)463-5474) FAX
 County Engineer – County Surveyor – Road Commissioner

>>> Scott Ward <scott@scottwardcompany.com> 2/18/2021 3:15 PM >>>

Good afternoon Mr. Dashiell,

Attached for your review and delegation is a letter regarding the location of the DOT right of way in front of Long Valley Feed at 400 Branscomb Rd. Laytonville.

Thank you,

Scott Ward
 Scott Ward Company
 8888 East Road
 Redwood Valley, CA 95470
 707.272.8432

Reply Forward



Mendocino County

Planning and Building Services

860 North Bush Street
 Ukiah, CA 95482
 (707) 234-6650

120 West Fir Street
 Fort Bragg, CA 95437
 (707) 964-5379

Paid By: SHERE PAOLO & MEADOW
 400 BRANSCOMB RD

U_2021-0004

LAYTONVILLE CA 95454

Receipt: PRJ_040915

Date: 4/5/2021

Project Number: U_2021-0004

Pay Method: CHECK 8610

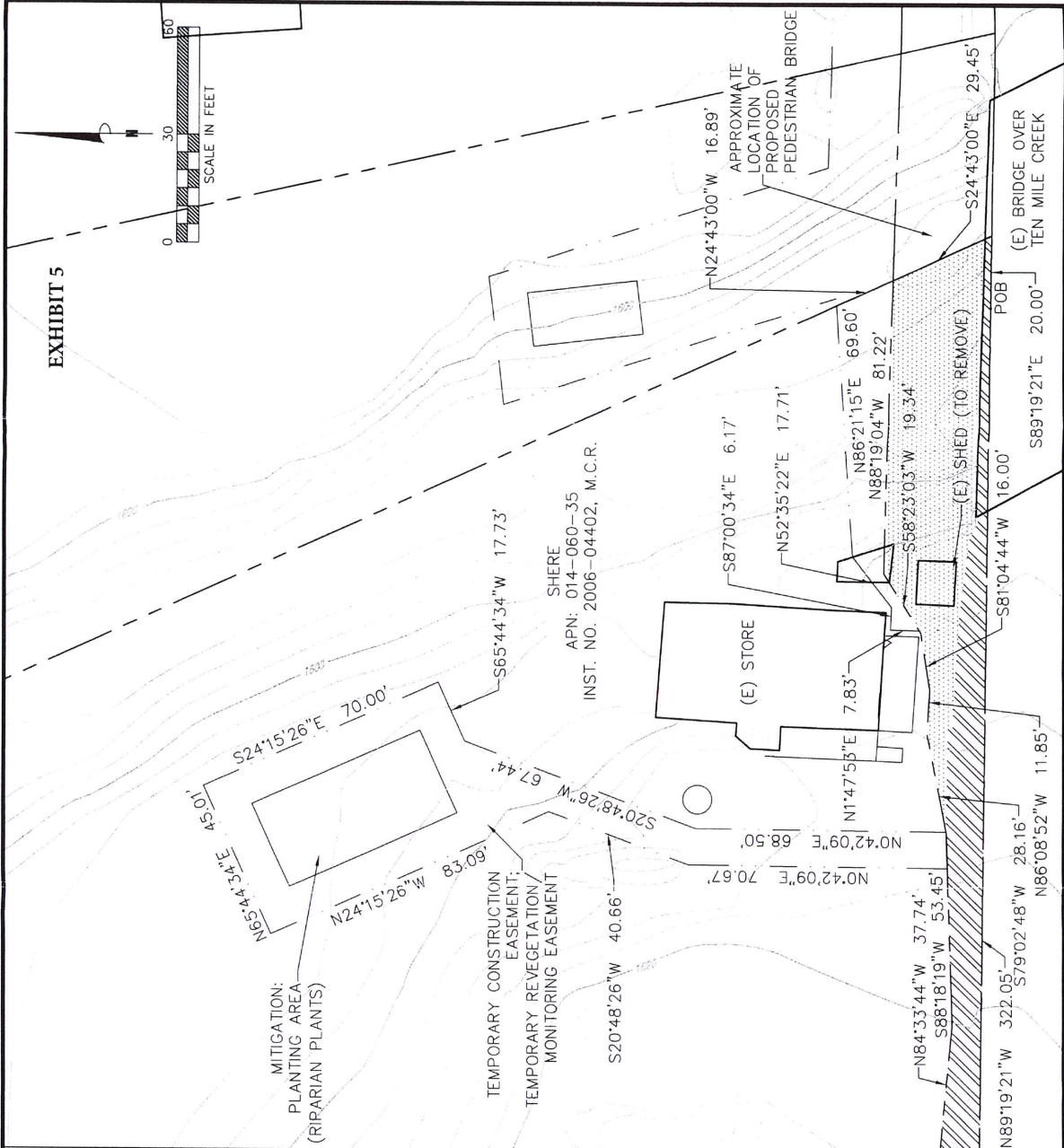
Project Description: ExpandNon-Conformity.Shere.Layton

Received By: DIRK LARSON

Site Address: 400 BRANSCOMB RD

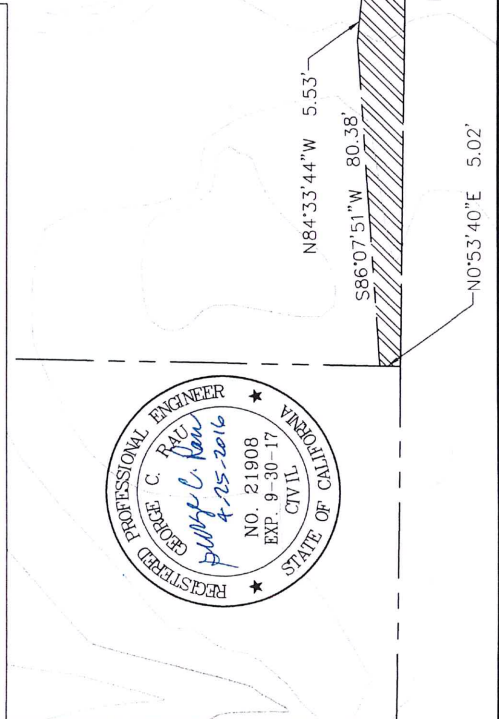
Fee Description	Account Number	Qty	Fee Amount
BASE FEES	1100-2851-822605		\$2,263.38
UMIN BASE			\$2,263.38
DOT FEES	1100-1910-826182		\$400.00
UMIN UMAJ COT DR CDPA CDPS COUNTY R			\$400.00
EH FEES	1100-4011-822606		\$300.00
UMIN OR UMAJ EH			\$300.00
GENERAL PLAN	1100-2851-826188		\$116.00
			\$116.00
RECORDS MANAGEMENT	1222-2852-826260		\$111.00
			\$111.00
Total Fees Paid:			\$3,190.38

EXHIBIT 5



AREA TO BE ACQUIRED FROM SHERE			
INITIAL PARCEL SIZE:	65,829 SF±	1.51 AC±	
HISTORIC ROAD EASEMENT:	2,437 SF±		
NEW UNENCUMBERED RIGHT OF WAY:	2,666 SF±		
TOTAL FEE ACQUISITION:	5,103 SF±	0.12 AC±	
REMAINING PARCEL SIZE:	60,726 SF±	1.39 AC±	
NEW UNENCUMBERED RIGHT OF WAY			
HISTORIC ROAD EASEMENT			
TEMPORARY CONSTRUCTION EASEMENT (4,565 SF±)			

HORIZONTAL BASIS: NAD 83
STATE PLANE COORDINATES
 HELD HPGN (101 MEN 72.85) PT NO 4, ROTATED THROUGH HPGN (D CA 01 GE)
 PT NO 3, EPOCH DATE 2007.
 COMBINED SCALE FACTOR 0.999990326... COMPUTED FROM LEICA GEO-OFFICE
 CONVERGENCE ANGLE -0°56'01"



DATE:	REVISION:	BY:	DATE:	NO. OF SHEETS:
				1
		1 of 1 SHEETS		

DRAWING: RIGHT OF WAY ACQUISITION MAP
APN: 014-060-35
PROJECT: PEDESTRIAN BRIDGE OVER TEN MILE CREEK CR 429, DOT PROJECT NO. 01-MEN-0-CR

RAU AND ASSOCIATES INC.
 CIVIL ENGINEERS - LAND SURVEYORS
 100 NORTH PINE STREET (707) 862-8538 UNIAN, CA 95422

COUNTY OF MENDOCINO
BRANSCOMB ROAD, M.P. 25.41
LAYTONVILLE, CALIFORNIA

OWNER:
LOCATION:

RL

AG 40

AG 40


RR10


RR10

BAUER ROAD

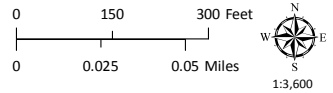
BRANSCOMB ROAD

RR1

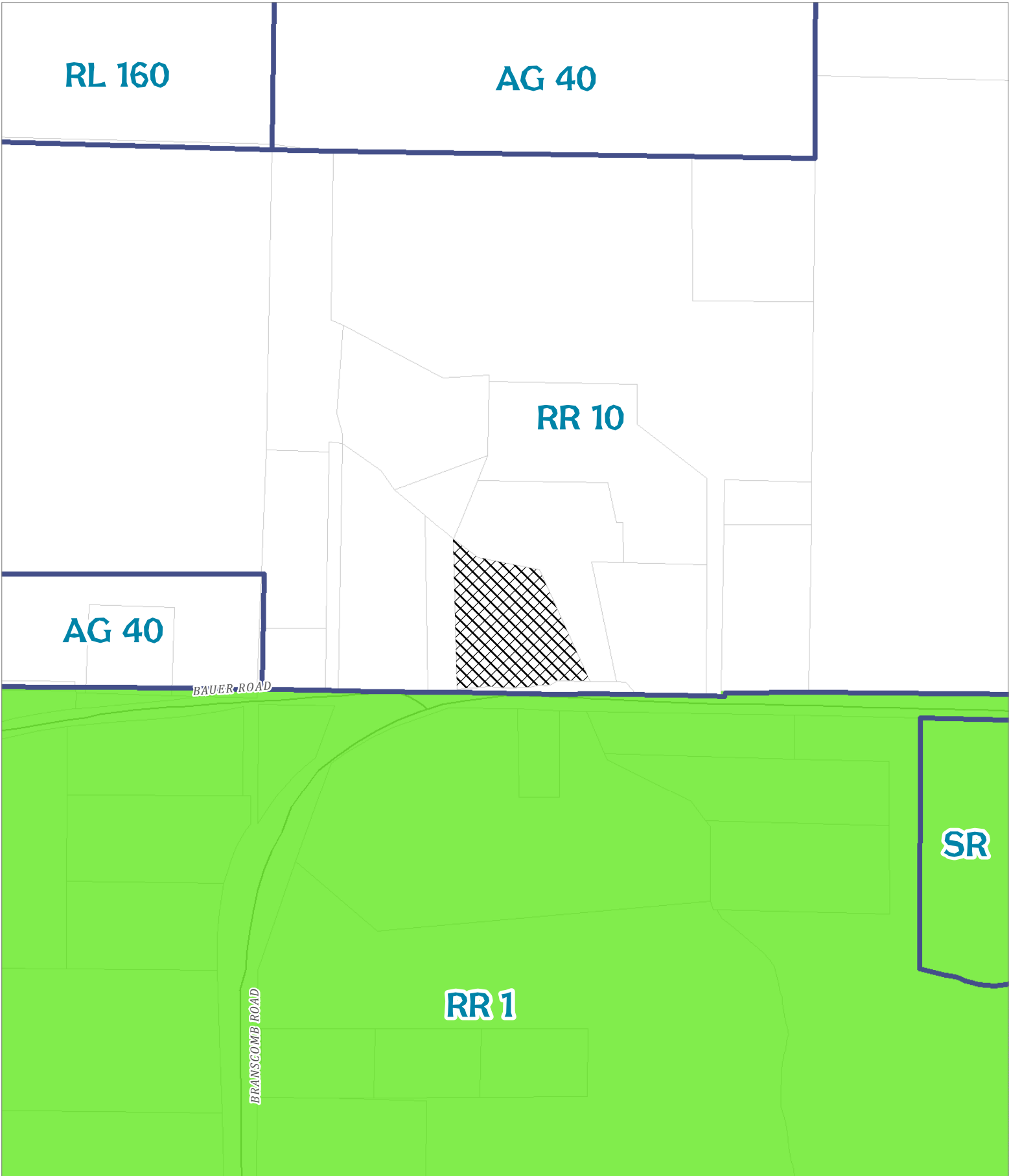
 Zoning Districts

 Accommodation Districts




 Public Roads

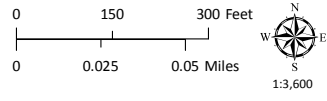


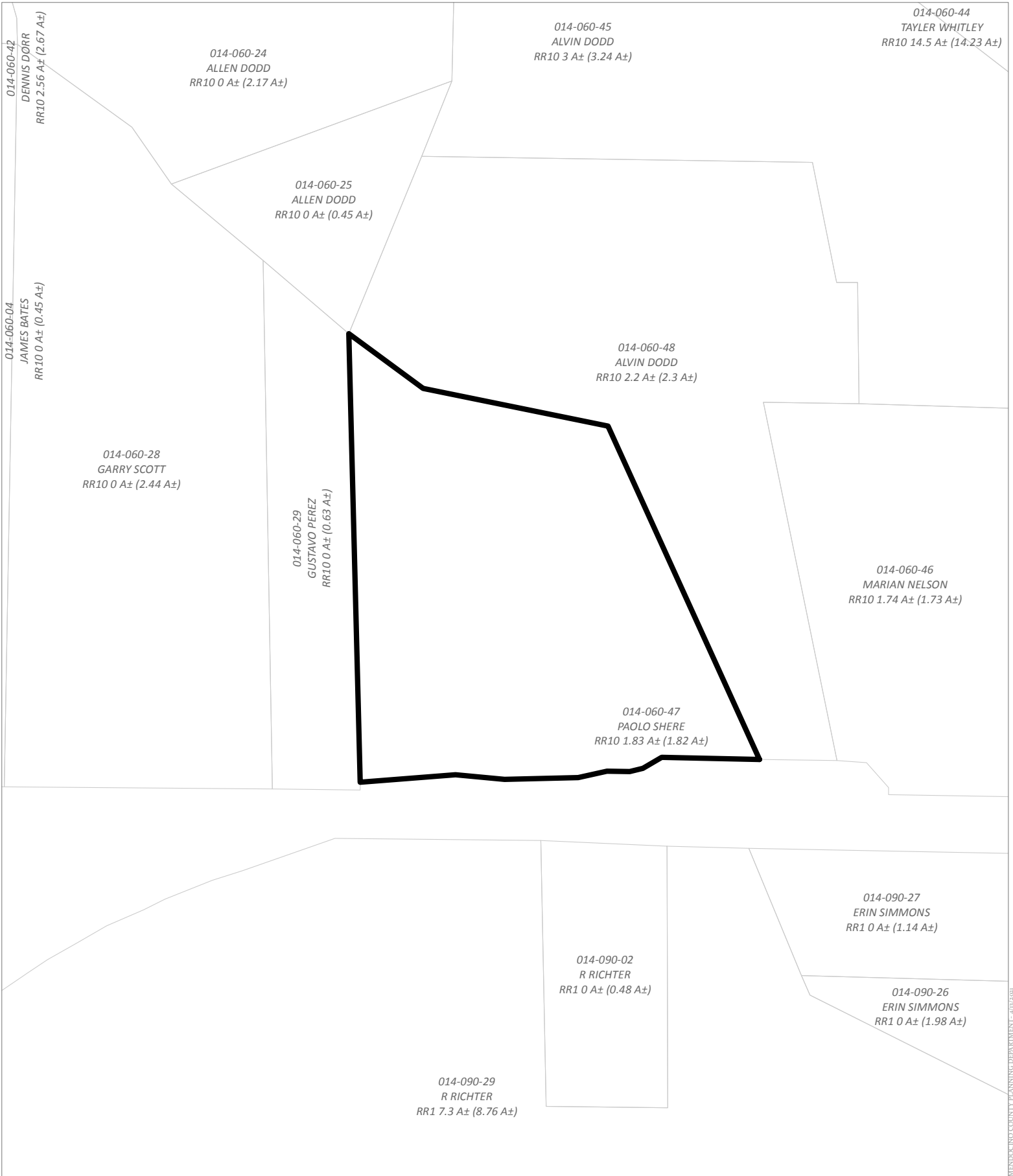
CASE: U 2021-0004
 OWNER: SHERE, Paolo & Meadow
 APN: 014-060-47
 APLCT: Meadow & Paolo Shere
 AGENT: Scott Ward
 ADDRESS: 400 Branscomb Road, Laytonville



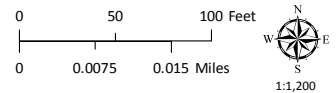
CASE: U 2021-0004
 OWNER: SHERE, Paolo & Meadow
 APN: 014-060-47
 APLCT: Meadow & Paolo Shere
 AGENT: Scott Ward
 ADDRESS: 400 Branscomb Road, Laytonville

-  General Plan Classes
-  Accommodation Districts
-  Public Roads





CASE: U 2021-0004
 OWNER: SHERE, Paolo & Meadow
 APN: 014-060-47
 APLCT: Meadow & Paolo Shere
 AGENT: Scott Ward
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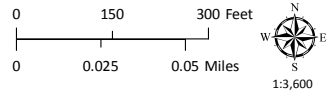
MENDOCINO COUNTY PLANNING DEPARTMENT - 4/19/2021



**LONG VALLEY FIRE
PROTECTION
DISTRICT**

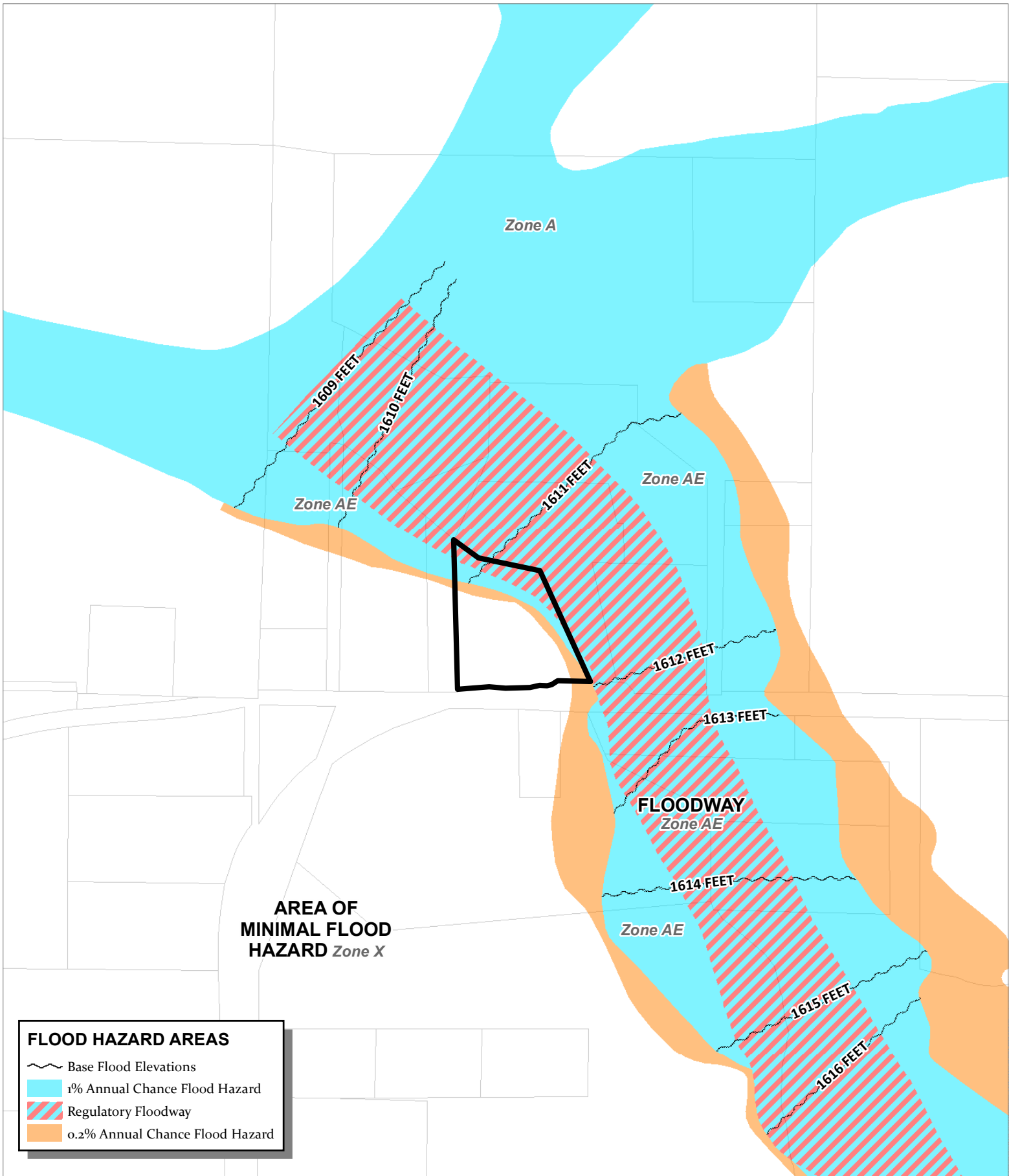
CASE: U 2021-0004
 OWNER: SHERE, Paolo & Meadow
 APN: 014-060-47
 APLCT: Meadow & Paolo Shere
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 ADDRESS: 400 Branscomb Road, Laytonville

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



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

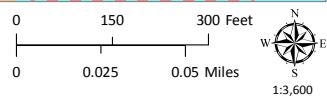
MENDOCINO COUNTY PLANNING DEPARTMENT - 4/19/2021

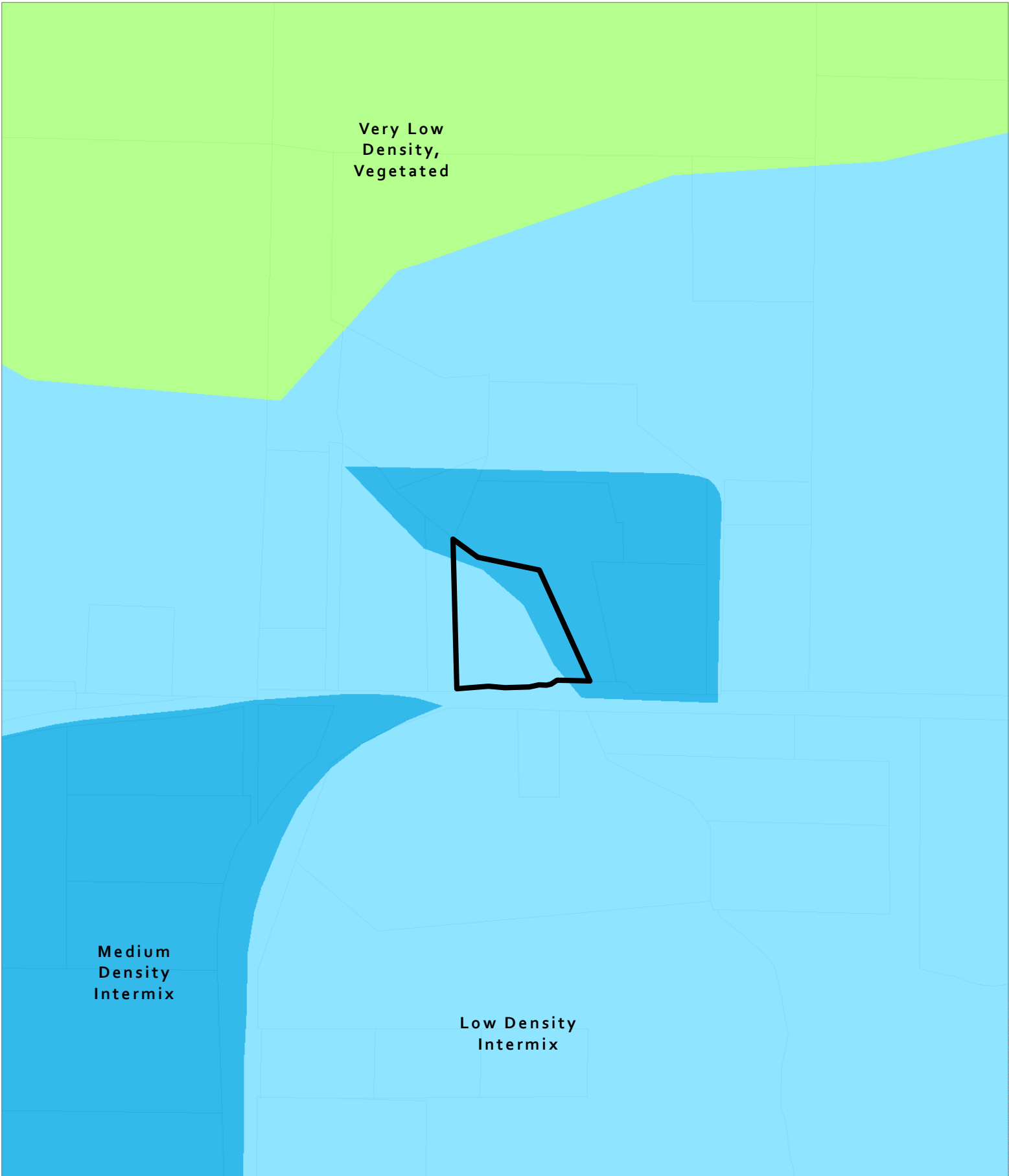


FLOOD HAZARD AREAS

- ~ Base Flood Elevations
- Light Blue 1% Annual Chance Flood Hazard
- Red Diagonal Hatching Regulatory Floodway
- Orange 0.2% Annual Chance Flood Hazard

CASE: U 2021-0004
 OWNER: SHERE, Paolo & Meadow
 APN: 014-060-47
 APLCT: Meadow & Paolo Shere
 AGENT: Scott Ward
 ADDRESS: 400 Branscomb Road, Laytonville



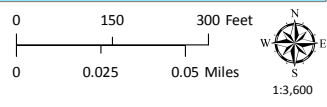


Very Low
Density,
Vegetated

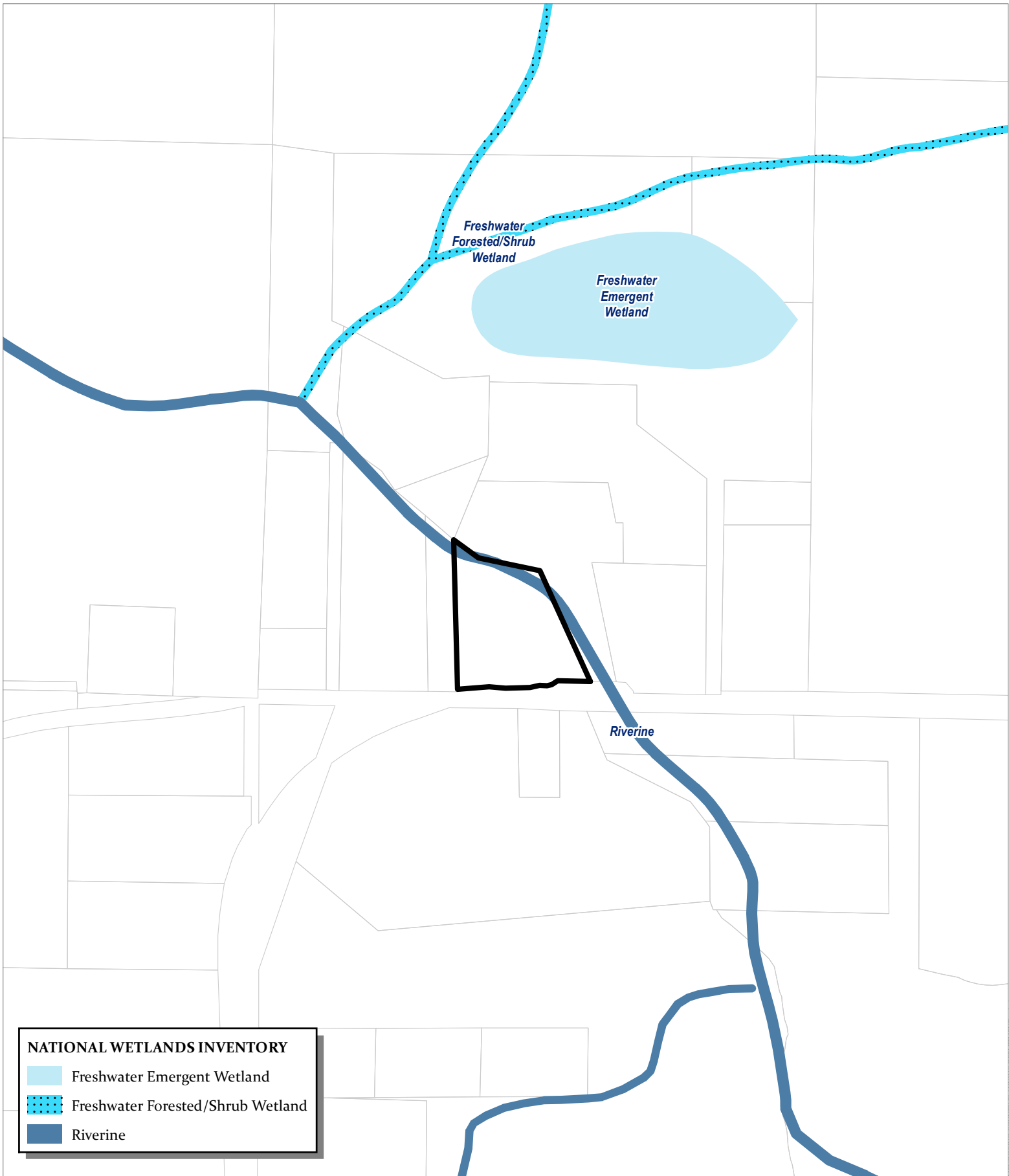
Medium
Density
Intermix

Low Density
Intermix

CASE: U 2021-0004
 OWNER: SHERE, Paolo & Meadow
 APN: 014-060-47
 APLCT: Meadow & Paolo Shere
 AGENT: Scott Ward
 ADDRESS: 400 Branscomb Road, Laytonville



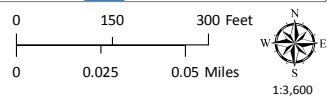
MENDOCINO COUNTY PLANNING DEPARTMENT - 4/19/2021



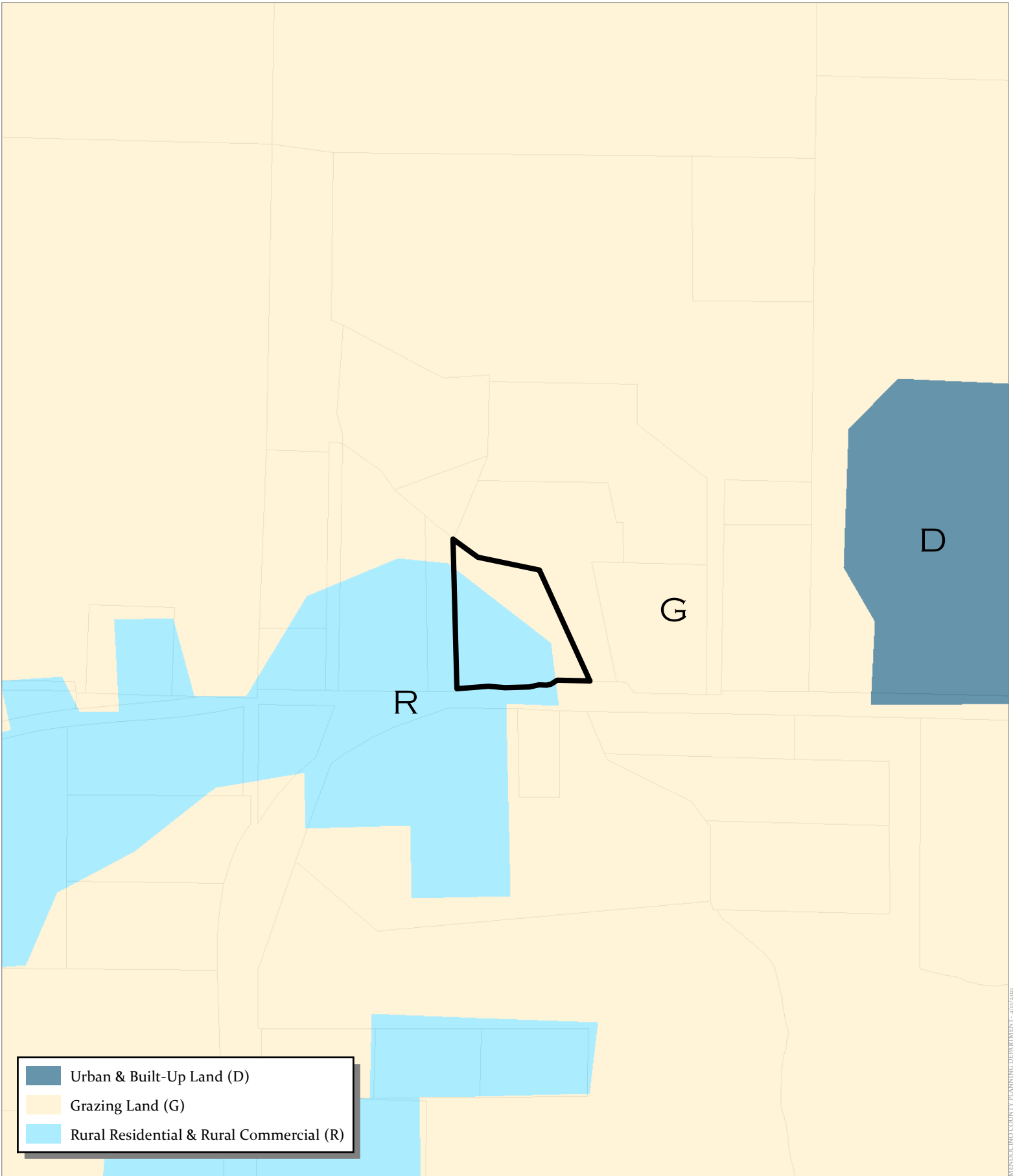
NATIONAL WETLANDS INVENTORY

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Riverine

CASE: U 2021-0004
 OWNER: SHERE, Paolo & Meadow
 APN: 014-060-47
 APLCT: Meadow & Paolo Shere
 AGENT: Scott Ward
 ADDRESS: 400 Branscomb Road, Laytonville

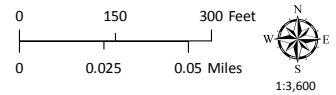


MENDOCINO COUNTY PLANNING DEPARTMENT - 4/19/2021



MENDOCINO COUNTY PLANNING DEPARTMENT - 4/19/2021

CASE: U 2021-0004
 OWNER: SHERE, Paolo & Meadow
 APN: 014-060-47
 APLCT: Meadow & Paolo Shere
 AGENT: Scott Ward
 ADDRESS: 400 Branscomb Road, Laytonville



Resolution Number _____

County of Mendocino
Ukiah, California

December 9, 2021

U_2021-0004 – MEADOW & PAOLO SHERE

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA GRANTING A MINOR USE PERMIT U_2021-0004 FOR EXPANSION OF A NON-CONFORMING USE.

WHEREAS, the Applicants, Meadow and Paolo Shere, filed an application for a Minor Use Permit with the Mendocino County Department of Planning and Building Services to expand a legal non-conforming use. The project consists of the construction of a 1,500 square foot building to be used for the additional storage of inventory for the existing feed and supply business, located 0.53± miles west of Laytonville town center, on the north side of Branscomb Road (CR 429), 180 feet east of its intersection with Bauer Road (CR 319H); at 400 Branscomb Road, Laytonville; APN: 014-060-47. General Plan RR10; Zoning RR:10 FP; 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 December 9, 2021 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 proposed project is consistent with the Rural Residential, 10 acre minimum parcel (RR10) Land Use Classification under the General Plan, which allows for agricultural uses. While the proposed project does not actually grow agricultural products, one of its primary uses is to provide agricultural supplies to local farmers, such as hay, feed and other needed items for agricultural operations.

The subject parcel is approximately two-acres in size and there is adequate land to expand the commercial use on the property with a new 1,500 square foot building, which would be consistent with Policy DE-44 in that the project would allow the existing commercial operation to grow in order to meet neighborhood demands for agricultural products. In addition, the proposed expansion of the existing feed and supply store would expand the economic opportunities for the business owners, which is consistent with the intent of Policy DE-49.

Although under the current zoning designation of Rural Residential (RR 10) the existing use of the property as a commercial feed and supply store is not an allowed use. According to the project's agent, the feed and supply business was established in 1947, which was well before Mendocino County had adopted a zoning ordinance to govern land uses. As such the use of the property is considered to be legal non-conforming.

2. Expansion of Nonconforming Use: The proposed use permit is required to meet the following conditions as set forth in the Mendocino County Code (MCC Section 20.204.025). Below is the discussion of each condition and how the use permit appropriately meets those requirements:

- a. *That it is not reasonably economically or physically feasible to make the use of the property compatible with the applicable general plan land use designation;*

The existing use of the property as a feed and supply store site is in conformance with the General Plan in that in order to meet the General Plan designation of Rural Residential, a new single family residence would have to be constructed to replace the existing structure. It is less costly to expand the feed and supply business than to construct a new residence to make the land use compatible with the General Plan.

- b. *That the use is and will be compatible with adjacent land uses and that any increased adverse impacts on access or public facilities and services will be mitigated;*

The surrounding area is rural in nature with many barns and agricultural uses in the vicinity. Downtown Laytonville is only approximately one-quarter of a mile to the east of the project site. Branscomb Road is a two lane road with shoulders on each side. Because of these factors, the expansion of a nonconforming use project is compatible with adjacent land uses and there will not be any adverse impacts to access from Branscomb Road with the encroachment improvements that have been required by the Mendocino County Department of Transportation.

- c. *A legal nonconforming mobile home may be replaced by a new mobile home without a use permit if no use permit was required for the original installation.*

This project does not involve the replacement of a mobile home.

3. 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 noted above in Finding 1, The subject parcel is approximately two-acres in size and there is adequate land to expand the commercial use on the property with a new 1,500 square foot building, which would be consistent with Policy DE-44 in that the project would allow the existing commercial operation to grow in order to meet neighborhood demands for agricultural products. In addition, the proposed expansion of the existing feed and supply store would expand the economic opportunities for the business owners, which is consistent with the intent of Policy DE-49.

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

The project site is supplied with electrical power from the local electrical power company. Access is from Branscomb Road, which is a County maintained road (CR 429). The site does not have storm water drainage facilities installed, nor does Branscomb Road. The project site has a septic tank for the existing building along with a well for water supply to the proposed accessible bathroom to be constructed. The applicant has indicated that a new septic system will be installed to replace the existing system. Conditions require that the applicant work with the Mendocino County Department of Environmental Health and Building Inspection to obtain any required permits or approvals. 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;

The expansion of an existing nonconforming use to accommodate a new 1,500 square foot accessory building to store feed store supplies, along with the construction of an accessible bathroom would not constitute a nuisance to or be detrimental to the health, safety, peace, morals, comfort or general welfare to surrounding properties. A majority of the neighboring properties are more than two-acres in size and developed with residences. The project area is rural in nature and the small size of the accessory structure and the accessible bathroom will not detrimentally affect the surrounding area. This use has been established for seventy-four years. It can be concluded that neighboring property owners are accustomed to the daily business practices of this long standing agricultural business and a small increase in storage area within a roofed structure, along with the addition of an ADA compliant bathroom facility would not be seen as detrimental to the neighborhood nor would it impact the public health, safety or general welfare of the area.

- d. *That such use preserves the integrity of the zoning district.*

Under the current zoning designation of Rural Residential (RR 10) the existing use of the property as a commercial feed and supply store is not an allowed use. According to the project's agent, the feed and supply business was established in 1947, which was well before Mendocino County had adopted a zoning ordinance to govern land uses. As such the use of the property is considered to be legal non-conforming.

The surrounding area is rural in nature with many barns and agricultural uses in the vicinity. Downtown Laytonville is only approximately one-quarter of a mile to the east of the project site. Branscomb Road is a two lane road with shoulders on each side. Because of these factors, the expansion of a nonconforming use project is compatible with adjacent land uses and there will not be any adverse impacts to access from Branscomb Road with the encroachment improvements that have been required by the Mendocino County Department of Transportation.

4. **Environmental Protection:** The project has been determined to be categorically exempt from CEQA per Section 15301 (Existing Facilities); Section 15303, Class 3 (New Construction or Conversion of Small Structures); and

The project has been determined to be categorically exempt from CEQA per Section 15301 (Existing Facilities) in that the site plan indicates that new handicapped ramps will be placed on site to comply with Americans with Disabilities Act (ADA) requirements for commercial sites. This is exempt per Section 15301 (C) which exempts the construction of safety or health protection devices for use during construction of or in conjunction with existing structures and Section 15303, Class 3 (New Construction or Conversion of Small Structures), which exempts the construction of various structures up to a maximum size of 2,500 square feet. The proposed storage structure is shown as only being 1,500 square feet in size

5. **Cultural Resources:** Mendocino County General Plan Chapter 3 Development Element includes policies related to cultural resources. Both Policy DE-115 and Mendocino County Code Chapter 22.12 (Archaeological Resources) include provisions for archaeological sensitivity review, field evaluations, impact mitigations, archaeological discovery, and human remain discovery protocols (MCC §22.12.050 – 22.12.100). Furthermore, a Standard Condition is recommended and advises the Applicant of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or excavation activities, in accordance with County Code Sections 22.12.090 and 22.12.100.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested Minor Use Permit subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: BROOKE LARSEN
Administrative Assistant

By: _____

BY: IGNACIO GONZALEZ
Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL

DECEMBER 9, 2021

U_2021-0004 – MEADOW & PAOLO SHERE

APPROVED PROJECT DESCRIPTION: Minor Use Permit request to expand a non-conforming use. The existing zoning designation on the property of Rural Residential (RR 10), does not allow feed stores to be established. The project consists of the construction of a 1,500 square foot building to be used for the additional storage of inventory for the existing feed and supply business.

CONDITIONS OF APPROVAL:

General:

1. 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.
2. 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.
3. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any one 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.
 - d. Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.
4. 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.
5. 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.
6. 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.

Cal Fire

7. The Applicant shall adhere to the previously submitted and approved Cal Fire 4290 – Fire Safe Regulations provided to the Mendocino County Department of Planning and Building Services with an approved State Fire Safe Regulation Application Form (Cal Fire File #196-21). The applicant shall comply with those recommendations of the California Department of Forestry (Cal Fire) or other

alternatives as acceptable to Cal Fire. A Final Clearance letter from Cal Fire shall be submitted to the Department of Planning and Building Services stating that compliance with their requirements have been met to their satisfaction.

Aesthetics:

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-sensored activation.) All lighting along the property boundaries shall be setback a minimum of 20 feet from all property lines.

Department of Transportation:

9. Prior to commencement of construction activities or issuance of a building permit, the permit holder shall construct a commercial driveway approach onto Branscomb Road (CR 429), in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by permit holder and approved by Department of Transportation staff during field review. The driveway approach is required to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
10. Permit Holder shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.

Air Quality:

11. The permit holder shall secure any required permits from the Mendocino County Air Quality Management District.

Cultural Resources:

12. 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.

Noise:

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

Building Inspection & Environmental Health:

14. In response to the Use Permit (U_2021-0004) 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.
15. Any new septic system proposed to be installed by the permit holder shall be approved by the Mendocino County Environmental Health Department prior to its installation
16. 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.

17. Any Building Permit request shall include all conditions of approval of U_2021-0004 Shere (attached to or printed on the plans submitted).

18. **Notice of Exemption:**

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.