

TO: Board of Supervisors

FROM: Planning and Building Services

MEETING DATE: January 4, 2022

DEPARTMENT CONTACT: Sam 'Vandy' Vandewater

PHONE: 234-6650

DEPARTMENT CONTACT: Nash Gonzalez

PHONE: 234-6650

ITEM TYPE: Noticed Public Hearing

TIME ALLOCATED FOR ITEM: 1 hour

AGENDA TITLE:

Noticed Public Hearing – Discussion and Possible Action to Consider an Appeal of the Zoning Administrator for Approval of an Administrative Permit Located in Yorkville (AP_2021-0014) to Allow a Cannabis Processing and Non-volatile Manufacturing Facility, Located at 26701 Hwy 129, Yorkville.

RECOMMENDED ACTION/MOTION:

Deny the appeal of and uphold the Zoning Administrator's approval of Administrative Permit (AP_2021-0014), located near Yorkville to allow an existing structure to be used for cannabis processing and non-volatile manufacturing, located in the community of Yorkville at the address of 26701 Highway 128 (APN 049-280-24).

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:

In 2017, the Board of Supervisors adopted Mendocino County Code Chapter 20.243 – Cannabis Facilities through Ordinance Number 4394 to regulate the processing, manufacturing, testing, dispensing, retailing and distribution of cannabis within the unincorporated inland areas of Mendocino County. The Chapter was subsequently amended in 2018 by Ordinance Number 4410.

SUMMARY OF REQUEST:

On May 25, 2021, Lisa Walsh, as property owner and agent for applicant Yorkville Redevelopment Project Inc., submitted an Administrative Permit application to the Department of Planning & Building Services to request approval of cannabis processing and non-volatile manufacturing at an existing structure. The subject parcel is located in the community of Yorkville at the address of 26701 Highway 128 (APN 049-280-24) and the existing structure currently functions and operates as the Yorkville Market. The project was referred to Responsible Agencies on July 23, 2021 to solicit comments regarding the proposed cannabis processing and manufacturing facility. Between August 26 and August 31, a total of nine (9) comment letters were submitted to the Department of Planning & Building Services, all of which express opposition to the proposed project. Staff reviewed the comments and concerns raised the letters by the various members of the Yorkville community and determined that existing County and State regulations, as well as the Conditions of Approval, sufficiently addressed the raised concerns. Concerns were mostly focused on security, the need for a community market, and possible impacts to Dry Creek.

On August 31, 2021, a Zoom meeting was held between County Staff and Anderson Valley Community Services District members Val Hanelt and Larry Mailliard, as well as Fire Captain Clay Eubank of the Anderson Valley Fire Department, to discuss community concerns and craft Conditions of Approval that would help to reduce and/or eliminate specific concerns. The crafted conditions mostly reiterated County and State regulations or provided more specific regulation unique to the proposed project. However, at their September 1, 2021, special meeting, the AVCS D voted 3-2 to provide a "No comment at this time" response for the project referral, thus the crafted conditions were not recommended by the AVCS D, nor included in the staff report. The project was approved by the Zoning Administrator on September 10, 2021.

ALTERNATIVE ACTION/MOTION:

Provide direction to Staff.

HOW DOES THIS ITEM SUPPORT THE GENERAL PLAN? Yes, Administrative Permit AP_2021-0014 supports the General Plan by aligning with the intent of the Rural Community Land Use Designation which is to provide a small multi-use areas to rural towns including varying-density residential development, community commercial activities, and light industrial. The uses of cannabis processing and manufacturing are permitted within the Rural Community Zoning District pursuant to Mendocino County Code Section 20.243.060.

SUPERVISORIAL DISTRICT: DISTRICT 5

VOTE REQUIREMENT: Majority

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:

<https://www.mendocinocounty.org/government/planning-building-services/public-notice>

FISCAL DETAILS:

SOURCE OF FUNDING: N/A
CURRENT F/Y COST: N/A
ANNUAL RECURRING COST: N/A
BUDGET CLARIFICATION: N/A

BUDGETED IN CURRENT F/Y: N/A
IF NO, PLEASE DESCRIBE: N/A
REVENUE AGREEMENT: N/A

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: Yes

CEO LIAISON: Judy Morse, Deputy CEO

CEO REVIEW:

CEO COMMENTS:

FOR COB USE ONLY

Executed By:

Date:

Note to Department

Number of Original Agreements Returned to Dept:

Original Agreement Delivered to Auditor?

Final Status:

Executed Item Type: Number:



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

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MEMORANDUM

DATE: JANUARY 4, 2022
TO: HONORABLE BOARD OF SUPERVISORS
FROM: SAM 'VANDY' VANDEWATER, SENIOR PLANNER, PLANNING AND BUILDING SERVICES
SUBJECT: APPEAL OF ZONING ADMINISTRATOR APPROVAL OF ADMINISTRATIVE PERMIT
AP_2021-0014

On May 25, 2021, Lisa Walsh, as property owner and agent for applicant Yorkville Redevelopment Project Inc., submitted an Administrative Permit application to the Department of Planning & Building Services to request approval of cannabis processing and non-volatile manufacturing at an existing structure. The subject parcel is located in the community of Yorkville at the address of 26701 Highway 128 (APN 049-280-24) and the existing structure currently functions and operates as the Yorkville Market. The project was referred to Responsible Agencies on July 23, 2021 to solicit comments regarding the proposed cannabis processing and manufacturing facility. With exception of the Anderson Valley Community Services District (AVCSD), no agency provided any comment that expressed major concern for the proposed project, though several agencies provided recommendations to be considered by County staff to lessen any issues.

Initial communications between the County and AVCSD began on August 25, 2021, at which time County staff responded to a request for additional information regarding the project, including ways in which members of the Yorkville community could comment on the proposal. Between August 26 and August 31, a total of nine (9) comment letters were submitted to the Department of Planning & Building Services, all of which express opposition to the proposed project. Staff reviewed the comments and concerns raised the letters by the various members of the Yorkville community and determined that existing County and State regulations, as well as the Conditions of Approval, sufficiently addressed the raised concerns. Concerns were mostly focused on security, the need for a community market, and possible impacts to Dry Creek.

On August 31, 2021, a Zoom meeting was held between County Staff and Anderson Valley Community Services District members Val Hanelt and Larry Mailliard, as well as Fire Captain Clay Eubank of the Anderson Valley Fire Department, to further discuss community concerns and craft Conditions of Approval that would help to reduce and/or eliminate specific concerns. The crafted conditions mostly reiterated County and State regulations or provided more specific regulation unique to the proposed project. However, at their September 1, 2021, special meeting, the AVCSD voted 3-2 to provide a "No comment at this time" response for the project referral, thus the crafted conditions were not recommended by the AVCSD, nor included in the staff report. The project was approved by the Zoning Administrator on September 10, 2021. The appellant filed an appeal for the project on September 16, 2021.

The appellant has raised concerns regarding four different aspects of the proposed project for the basis of the appeal, similar to the comment letters from members of the Yorkville Community: (1) Deceptive practices; (2) Security; (3) Business type; and (4) Environmental concerns. Each item is discussed further below, including a response from Staff regarding the issue raised.

Deceptive Practices: The appellant argues that the applicant for the project is not necessarily the individual/entity that will be operating the businesses. The appellant further argues that the applicant is applying for an unknown entity; possibly 1 or 2 lessees or buyers of the property.

Staff Response: The Department of Planning & Building Services does not regulate the individual and/or entity that operates a business within the unincorporated portions of Mendocino County. A property owner may obtain a discretionary permit for a conditionally permitted use on their property, but not be the individual and/or entity that establishes the business that utilizes the conditional entitlement. Such an approach would allow the property owner to retain their land. Additionally, the Department is not involved in the sale of private property; sellers may prepare their parcel in ways that improve marketability, including expansion of allowed uses through discretionary permitting, to better increase sale prospects. Discretionary land use approvals, such as Use Permits and Administrative Permits are associated with the property as opposed to the property owner or applicant.

Security: The appellant argues that the building is surrounded by elderly residents and that the subject parcel is an easy target for criminals.

Staff Response: County and State regulations require security measures be included as part of the business plan and building infrastructure for any cannabis facility. Measures required by the County Code include, but are not limited to: A/V security cameras, secured doors and rooms, and secured storage areas for cannabis products to prevent diversion, theft, and loss. Staff feels the aforementioned measures, and those required by the State, will adequately address security concerns and reduce the structure likelihood of being targeted by criminal activities. As of the writing of this memo, no information has been submitted to the Planning Division by the Sheriff's Office or Code Enforcement regarding any incidents related to cannabis and security. Staff will review more information in the meantime.

Business Type: The appellant argues that the market is the only retail business in Yorkville that provides needed groceries and a community gathering place. The appellant argues that converting the building into a cannabis facility will result in the loss of the market, as well as turning the structure into an armed and alarmed fortress that will hurt the Yorkville community and Anderson Valley.

Staff Response: The Department of Planning & Building Services considered the project and intended uses while writing staff report and found the proposed uses to be compatible with the General Plan and Zoning District. The General Plan Community Specific Plan for Anderson Valley, including Yorkville, does not identify the subject parcel and structure specifically as a market, and the zoning district does not limit the use of the parcel to a "Retail Sales – General" Commercial Use Type. The General Plan Community Specific Plan for Anderson Valley does provide that commercial uses should be approved that support local businesses. As there are numerous cultivators in Anderson Valley, the project would provide an outlet where local cultivators could have their materials processed and/or manufactured.

Environmental Concerns: The appellant argues that the structure intended to be used for the proposed project is located adjacent to Dry Creek and there have been water supply issues in the past.

Staff Response: The proposed project was referred to the Division of Environmental Health and the Regional Water Quality Control Board; neither agency responded with any concerns regarding the supply of water. Additionally, any use of water from Dry Creek would require approval from the California Department of Fish & Wildlife; the Department of Planning & Building Services does not regulate the use of water from streams. Furthermore, the proposed business activities are both considered to be water efficient as cannabis processing does not require water and cannabis manufacturing uses mechanical or chemical extraction, neither of which are water intensive. As of the writing of this memo, no concerns about water supply or impacts to the creek had been submitted to the Department by any referral agency.

One of the attached comment letters raises concerns regarding the cannabis smell that can be associated with the business. Such businesses are encouraged by State and local codes, policies and regulations to avoid and/or minimize the odors emitted by the business. It should be noted that a Condition of Approval to affirm this requirement as part of the project was included in the AVCSO Recommended Conditions, but as noted above, the condition was not adopted.

As previously noted, a number of recommended conditions were crafted by members of the AVCSO to address the concerns raised by the members of the Yorkville community, but these were not adopted with

the approval of the project. The conditions have been included as an attachment.

RECOMMENDED MOTION

Deny the appeal of and uphold the Zoning Administrator's approval of Administrative Permit (AP_2021-0014), located near Yorkville to allow an existing structure to be used for cannabis processing and non-volatile manufacturing, located in the community of Yorkville at the address of 26701 Highway 128 (APN 049-280-24).

ATTACHMENTS:

- A. Application
- B. Staff Report
- C. Public Comments
- D. Anderson Valley CSD Crafted Conditions of Approval (not adopted)
- E. Appeal Form



Department of
Planning and Building
Services

Case No:	AP.2021-0014
CalFire No:	-
Business License No:	
Fee:	\$1121.00
Receipt No:	
Received By:	Vandy
Date Filed:	5.25.21
Office use only	

Application for Facilities – Use Permit / Administrative Permit

APPLICANT(S)

Name: YORKVILLE REDEVELOPMENT PROJECT, INC Phone: (707) 799-7710
 Mailing Address: PO BOX 156
 City: YORKVILLE State/Zip: CA 95494 email: lisa_lov2@yahoo.com

PROPERTY OWNER

Name: LISA WALSH & MARY LOU WALSH Phone: (707) 799-7710
 Mailing Address: PO BOX 97
 City: YORKVILLE State/Zip: CA 95494 email: lisa_lov2@yahoo.com

AGENT

Name: LISA WALSH Phone: (707) 799-7710
 Mailing Address: PO BOX 156
 City: YORKVILLE State/Zip: CA 95494 email: lisa_lov2@yahoo.com

Address of Property: 26701 HWY 128, YORKVILLE 95494
 Assessor Parcel Number(s): 049-28-02400

Please check the applicable permit type for which you are applying.

Type of Facility → Zoning District ↓	Processing	Manufacturing (non-volatile)	Manufacturing (volatile)	Testing	Retail / Dispensary	Distribution	Microbusiness
RC (Rural Community)	<input checked="" type="checkbox"/> - AP	<input checked="" type="checkbox"/> - AP	<input type="checkbox"/> - UP	<input type="checkbox"/> - UP	<input type="checkbox"/> - UP	<input type="checkbox"/> - UP	<input type="checkbox"/> - UP
AG (Agriculture)	<input type="checkbox"/> - AP	-	-	-	-	-	-
UR (Upland Residential)	<input type="checkbox"/> - AP	-	-	-	-	-	-
RL (Rangeland)	<input type="checkbox"/> - AP	-	-	-	-	-	-
FL (Forest Land)	<input type="checkbox"/> - AP	-	-	-	-	-	-
C1 (Limited Commercial)	<input type="checkbox"/> - UP	-	-	-	ZC**	-	-
C2 (General Commercial)	<input type="checkbox"/> - AP	<input type="checkbox"/> - UP	-	ZC**	ZC**	-	-
I1 (Limited Industrial)	ZC**	ZC**	<input type="checkbox"/> - AP	ZC**	<input type="checkbox"/> - UP	<input type="checkbox"/> - UP	<input type="checkbox"/> - AP
I2 (General Industrial)	ZC**	ZC**	<input type="checkbox"/> - AP	ZC**	<input type="checkbox"/> - UP	ZC**	<input type="checkbox"/> - AP
PI (Pinoleville Industrial)	ZC**	ZC**	<input type="checkbox"/> - AP	ZC**	<input type="checkbox"/> - UP	ZC**	<input type="checkbox"/> - AP
OTHER (check if applicable)	<input type="checkbox"/> Existing Packaging and Processing Facility (Mendocino County Code Section 20.243.070 Exception) <input type="checkbox"/> Setback Reduction (Mendocino County Code Section 20.243.050(B)(1)) <input type="checkbox"/> Cottage Industry Use Permit (microbusiness) <input type="checkbox"/> Cottage Industry Use Permit (non-volatile manufacturing)						

*Note 1 – ZC = Zoning Clearance; AP = Administrative Permit; UP = Use Permit; "-" = Not Available
 **Note 2 – A zoning district that indicates a ZC (zoning clearance) DOES NOT require this permit.

I certify that the information submitted with this application is true and accurate. I have attached the Consent of Landowner form because I am not the property owner of the parcel on which the facility is located.

Signature of Applicant/Agent: [Signature] Date: _____
 Signature of Owner: [Signature] Date: 5/21/21

FACILITY PROJECT DESCRIPTION & QUESTIONNAIRE

1. Does the proposed facility meet the following setbacks? YES NO

- 1,000 feet from all youth-oriented facilities, schools, parks, churches, or residential treatment facilities.

2. Please describe the project in full.

THE PROJECT IS TO PROCESS AND MANUFACTURE CANNABIS INTO INFUSIONS, EDIBLES AND PACKAGED PRE-ROLLS AND JARS OF FLOWER. WE WILL ALSO HAVE ROBIN IN JARS AND CAPSULES FROM THE HEAT PRESS.

3. Please describe the project site. Include improvements such as structures, wells, septic systems, grading, vegetation removal, roads, etc.

26701 HWY 128 IS A .7 ACRE PARCEL ZONED RC. THE MAIN PREMIS SITE IS AN ~ 2,100 SQ FT BUILDING WITH A COUNTY APPROVED COMMERCIAL KITCHEN. THE SITE ALSO INCLUDES A SEPTIC SYSTEM AND WELL WITH ^A PUMP AND FILTRATION HOUSE, TWO WATER TANKS TOTALING 13,000 GALLONS STORAGE. THERE ARE TWO SMALL SHEDS USED FOR STORAGE.

4. Will the development of the proposed facility be phased? YES NO

If YES, please describe the phases below. Include an attachment (Attachment A) if necessary.

5. Are you grading, or plan to grade, for any roads or building sites? YES NO

If YES, please complete the following:

A. Amount of cut: _____ cubic yards

B. Amount of fill: _____ cubic yards

C. Maximum height of cut slope: _____ feet

D. Maximum height of fill slope: _____ feet

E. Amount being imported/exported: _____ cubic yards

F. Location of borrow/disposal: ON-SITE OFF-SITE

6. In order to develop the proposed facility, will it be necessary to:

A. Remove oak species or commercial tree species? YES NO

B. Make substantial changes in terrain? YES NO

7. Will there be employees? YES NO If YES, how many employees will be present on the largest shift? 3

8. Will there be any signs used to identify the facility? YES NO If YES, please provide the information below.

Location on property (must also be shown on site plan):

Size: _____ ft² Type (i.e. freestanding, wall, etc): _____

9. How many parking spaces will be on provided on-site? 6 How many accessible parking spaces? 1

10. Please provide an inventory of the structures on the property. If additional space is needed, please provide a separate sheet. Please note improvements may be subject to permit requirements.

	Existing Use:	Proposed Use:	Size:	ft ²
1. <u>MAIN BUILDING</u>	<u>MARKET DELI</u>	<u>CANNABIS ^{PROCESSING} HALL</u>	<u>2,100</u>	<u>ft²</u>
2. <u>SHED 1</u>	<u>STORAGE</u>	<u>STORAGE</u>	<u>96</u>	<u>ft²</u>
3. <u>SHED 2</u>	<u>STORAGE</u>	<u>STORAGE</u>	<u>80</u>	<u>ft²</u>
4. <u>PUMP HOUSE</u>	<u>WATER FILTRATION</u>	<u>WATER FILTRATION</u>	<u>78</u>	<u>ft²</u>
5. _____	Existing Use: _____	Proposed Use: _____	Size: _____	ft ² _____

11. Will there be any security lighting? YES NO If YES, will the light be cast downward? YES NO

12. Briefly describe the surrounding properties including vegetation, animals, structures, and/or cultural/historic assets.
26701 HWY 128 IS SURROUNDED BY RESIDENTIAL SINGLE FAMILY
HOUSES AND GRAZING LAND. THERE ARE NO KNOWN
CULTURAL OR HISTORIC ASSETS ON OR SURROUNDING THE
PROPERTY.

13. Please indicate the surrounding land uses.

	NORTH	EAST	SOUTH	WEST
Vacant				
Residential/Agricultural	<u>AGRICULTURAL</u>	<u>RESIDENTIAL</u>	<u>RESIDENTIAL</u>	<u>RESIDENTIAL</u>
Commercial/Industrial				
Institutional/Timberland				
Other				

14. Utilities will be supplied to the site as follows:
- A. Electricity
 - Utility Company (existing)
 - Utility Company (planned)
 - On-Site Generation – Specify _____
 - B. Gas
 - Utility Company (existing)
 - Utility Company (planned)
 - On-Site Generation – Specify _____
 - None
 - C. Water
 - Community water system – Specify provider _____
 - Well
 - Spring
 - Pond
 - Other – Specify _____
 - D. Sewage
 - Community sewage system – Specify provider _____
 - Septic Tank
 - Other – Specify _____

15. Please provide driving directions to the facility using identifiable landmarks (streets, mailboxes, etc).
FROM UKIAH, TAKE HWY 101 SOUTH TO HOPLAND. TURN RIGHT ONTO
MOUNTAIN HOUSE RD. AT END, TURN RIGHT ONTO HWY 128. DRIVE ~8 MILES
TO 26701 HWY 128, LOCATED ON YOUR RIGHT.

FOR PROCESSING

P01. How will natural (trimmings) or other (plastics) materials be disposed?

NATURAL TRIMMINGS WILL BE COMPOSTED AND PLASTIC WILL BE RECYCLED.

P02. What equipment (i.e. machines [specify], trimmers, hangers, etc) will be used for processing?

ALL CANNABIS WILL BE HAND TRIMMED, NO EQUIPMENT BESIDES SCISSORS WILL BE USED

FOR MANUFACTURING

M01. What solvents will be used?

NONE

M02. Will hazardous materials (as defined by Mendocino County Code [MCC] Section 8.70.010) be used? YES NO

M03. Will hazardous materials be stored in quantities greater than 55 gallons, 500 pounds, or 200 cubic feet? NO YES; please specify _____

M04. Will hazardous waste (as defined by MCC section 8.70.010) be generated on-site? YES NO

M05. Please describe the extraction process. Provide an additional sheet if necessary.

CANNABIS FLOWER WILL BE LOADED INTO HEAT PRESS, PRESSURE IS THEN APPLIED, ROSIN IS THEN CAPTURED INTO JARS OR CAPSULES.

M06. What products are being made? (i.e. edibles, topicals, tinctures, soap/skin products, etc)

EDIBLES, INFUSED OLIVE OIL, TOPICALS AND TINCTURES, AND SOAP/SKIN PRODUCTS.

M07. How will hazardous (chemicals), natural (trimmings), or other (plastics) materials be disposed?

NATURAL TRIMMINGS WILL BE COMPOSTED AND PLASTICS RECYCLED.

FOR RETAIL/DISPENSARY

R01. Will there be consumption of cannabis products on-site? YES NO

R02. Will the facility have a mobile delivery component? YES NO If YES, number of vehicles to be used? _____

FOR DISTRIBUTION

D01. How many vehicles will operate from this facility? _____

FOR MICROBUSINESS

B01. What is the primary use of the microbusiness (i.e. retail, processing, etc)? _____

B02. What are the accessory uses that are incidental to the primary use? _____

I, the undersigned below, certify that the information submitted with this application is true and accurate:

Print Name of Applicant/Agent

5/21/21
Date

Print Name of Owner

Date

LISA WALSH

Signature of Applicant/Agent

Signature of Owner



**ZONING ADMINISTRATOR
STAFF REPORT- ADMINISTRATIVE PERMIT**

**SEPTEMBER 10, 2021
AP_2021-0014**

SUMMARY

OWNER: MARY LOU WALSH
PO BOX 96
YORKVILLE, CA 95494

APPLICANT: YORKVILLE REDEVELOPMENT PROJECT INC
PO BOX 156
YORKVILLE, CA 95494

AGENT: LISA WALSH
PO BOX 156
YORKVILLE, CA 95494

REQUEST: Administrative Permit to allow for cannabis processing and non-volatile (level 1) manufacturing in an existing structure.

LOCATION: In the Yorkville town center, on the north side of State Route 128 (SR-128), 0.4± miles southeast of its intersection with Big Oak Drive (CR-120A); located at 26701 Highway 128, Yorkville; APN: 049-280-24.

TOTAL ACREAGE: 0.78± Acres

GENERAL PLAN: Rural Community (RC)

ZONING: Rural Community (RC:40K)

SUPERVISORIAL DISTRICT: 5th (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: SAM VANDY VANDEWATER

BACKGROUND

PROJECT DESCRIPTION: Administrative Permit to allow for cannabis processing and non-volatile (level 1) manufacturing in an existing structure.

SITE CHARACTERISTICS: The subject parcel is located in the town center of Yorkville, on the north side of State Route 128 (SR 128). The parcel is developed with the main commercial structure to be used for the proposed project, currently serving as a small grocery store and deli, in addition to several other small accessory structures for storage and/or similar uses. The parcel gains access from SR 128 and utilizes on-site utilities for water and septic, and PG&E for electricity provisions. Vegetation of the parcel is limited to shrubs and a few trees north of the building. Fire prevention services are provided by the California Department of Forestry and Fire Prevention, as well as the Anderson Valley Fire Department.

PUBLIC SERVICES:

Access: State Route 128 (SR 128)
Fire District: California Department of Forestry & Fire Prevention; Anderson Valley Fire Department
Water District: None
Sewer District: None

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES (ACRES)	USES
NORTH	Rangeland (RL)	Rangeland (RL:160)	44±	Agricultural
EAST	Rural Community (RC)	Rural Community (RC)	1.25±	Residential
SOUTH	Rural Community (RC)	Rural Community (RC)	0.5±	Residential
WEST	Rangeland (RL)	Rangeland (RL:160)	0.2±; 44±	Agricultural

AGENCY COMMENTS: On July 23, 2021, 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	Comment
Building Inspection	Comment
Assessor	No Response
CalTrans	Comment
Mendocino County Sheriff's Office	No Comment
Mendocino County Cannabis Program	No Response
CalFire	No Response
California Highway Patrol	No Response
State Clearinghouse	No Response
Anderson Valley Community Services District	No Comment
Regional Water Quality Control Board	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. The Rural Community General Plan and Zoning District designations allow for development of a multi-function cannabis facility that includes non-volatile manufacturing and processing. 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 an Administrative 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 Administrative Permit for the cannabis facilities by providing a small semi-agricultural, semi-industrial space in what could be considered the center of Yorkville. Additionally, the proposed use will utilize an existing structure which will help retain the rural character of the surrounding area.

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.”

As the subject parcel is located within the town center of Yorkville, the proposed project provides a limited industrial use that involves the manufacturing of cannabis agricultural materials; provides a commercial service for the cannabis businesses within the area; and retains the agricultural character of the area by utilizing an existing structure that conforms to Anderson Valley architectural and cultural settings.

Mendocino County Code Chapter 20.243 provides the regulations for cannabis facilities, and Section 20.243.060 specifically identifies in which zoning districts a certain type of cannabis facility may be permitted. Cannabis processing and non-volatile manufacturing are considered conditionally permitted uses within the Rural Community Zoning District with the issuance of an Administrative Permit. Staff finds the proposed project adheres to the regulations of MCC Section 20.243 regarding cannabis facilities.

2. Use Permit Findings: The proposed Administrative Permit is required to meet the Use Permit findings set forth in the Mendocino County Code (MCC) Section 20.196.020, pursuant to MCC 20.243. Below is the discussion of each finding and how the Administrative 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 within an existing community, served by a publicly-maintained circulation network where future growth is anticipated. The intended uses facilitated by the Administrative 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 Chapter 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 existing on-site well for water, and an existing 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 State Route 128 (SR 128). The proposed facility will use transfer stations and solid waste services to ensure all necessary sanitation is provided.

- C. *That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;*

The proposed project was determined to be Categorically Exempt under CEQA guidelines due to the negligibly expansive use than currently exists, thus the project will not be a detriment to the well-being of surrounding neighbors or the environment. The proposed project is the conversion of an existing structure into a cannabis processing and manufacturing facility. Conditions of Approval are recommended to ensure the project will not create a nuisance. The following section (3. *Community Comments*) discusses the proposed project in relation to community comments and concerns.

- 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. The proposed project entails conversion of an existing structure into a cannabis processing and manufacturing facility that is permitted within the Rural Community (RC) zoning district pursuant to MCC Section 20.243.060. Additionally, the proposed project adheres to all other applicable requirements of MCC Chapter 20.243 regarding cannabis facilities.

3. Community Comments: Between August 26, 2021 and August 31, 2021, a total of nine (9) comment letters were submitted to Planning & Building Services from members of the public (mostly Yorkville residents) regarding the proposed project. All letters were generally opposed to the project for varying reasons. Concerns included issues such as security, noise, traffic, water diversion, and fire risks. Several of the identified issues are addressed through the permitting process with both local and state agencies, including security, water usage, and fire risks. Two recommended Conditions of Approval have been included to address traffic and odor concerns, respectively. With regards to noise, Staff finds that the current use of the structure as a commercial business and its proximity to State Route 128 provides for some noise levels above residential standards.

Additionally, comments expressed concerns regarding the loss of the structure as a small grocery store and informal meeting space. However, as noted in the first section (1. *General Plan and Zoning Consistency*), the proposed use is permitted within the Rural Community General Plan Designation and Rural Community Zoning District, and thus is a compatible use in the proposed location. It should be noted that a cannabis facilities business license (CFBL) is required prior to the operation of the site as a cannabis processing and manufacturing facility; this proposed Administrative Permit would only provide the applicant the ability to obtain a CFBL, provided all other requirements are adhered to, as opposed to allowing the proposed activities to occur immediately upon approval.

On August 31, 2021, the Anderson Valley Community Services District had a meeting to discuss the proposed project with its Board and community members; a referral response was received with "No Comments" on the proposed project.

4. Environmental Protection: The project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1 of Article 19 of the CEQA 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 the equipment to be used in non-volatile cannabis manufacturing is similar to or is negligibly expansive compared to equipment used in a small grocery store and deli. Additionally, the equipment utilized in the processing of cannabis, which involves drying, trimming, curing, and packaging of cannabis flower, is also of a negligibly expansive use compared to the existing use as a small grocery store. Equipment often includes a dry room, trimming scissors, and packaging containers.

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 calendar day appeal period to the Board of Supervisors has expired and no appeal has been filed with the Board of Supervisors. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The permit shall become effective on the 11th day after Zoning Administrator approval. The term of this permit shall be ten (10) years from the date of approval, unless renewed for another ten (10) year period or modified by the Applicant, associated fees paid, and the renewal or modification approved by the Zoning Administrator.
3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division I of Title 20 of the Mendocino County Code.
4. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Zoning Administrator.
5. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
6. 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.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
8. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
9. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services.
10. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting shall be turned off at 7:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (Twenty-four hour security lighting would be exempt from this time requirement; however any exterior security lighting installed on the property shall utilize motion-sensor activation). All lighting along the property boundaries shall

be setback a minimum of 20 feet from all property lines.

11. Prior to the issuance of a cannabis facilities business license, the applicant shall orientate parking spaces in a manner that discourages on-site cars and traffic from reversing onto State Route 128.
12. Prior to the issuance of a cannabis facilities business licenses, the applicant shall install odor minimizing ventilation to reduce cannabis odors and/or any odors resulting from cannabis processing or manufacturing.
13. Any Building Permit request shall include all conditions of approval of this Administrative Permit AP_2021-0014. Conditions shall be attached to or printed on the plans submitted.

9/10/21

DATE



SAM VANDY VANDEWATER
SENIOR PLANNER

9/10/2021

DATE



JULIA KROG
ZONING ADMINISTRATOR

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

ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery
- C. Site Plan
- D. Floor Plan
- E. Elevations
- F. Zoning Display Map
- G. General Plan Classifications
- H. Adjacent Parcels
- I. Fire Hazard Zones & Responsibility Areas

Vandy Vandewater - Cannabis manufacturing license application in Yorkville

From: Mike Zaugg <mdzaugg@gmail.com>
To: <vandewaters@mendocinocounty.org>
Date: 8/31/2021 8:37 AM
Subject: Cannabis manufacturing license application in Yorkville
Cc: <valhanelt@me.com>, Kelly Wentzel <kellywentzel@gmail.com>

Dear Mr. Vandewater -

We are writing to express our concerns related to the application for a cannabis manufacturing facility in Yorkville.

Applicant Ms. Lisa Walsh is current owner / operator of the Yorkville Market. She has worked diligently to make the market a wonderful business and community space; her contributions to the community through the market are remarkable. The market is a critical resource in Yorkville, it is the only market in the ~30 mile stretch of the 128 from Cloverdale to Yorkville. We believe that as one of the few existing business spaces in Yorkville, it should be reserved for essential businesses that serve the immediate community, such as a food market.

In other forums, Ms. Walsh has stated that this application is being made to enhance the resale value of the space. She has been approached by two potential buyers, whose names and identities have not been disclosed. This adds an additional layer of uncertainty to this process. As it is not mentioned in her business application, it renders the application incomplete and County and AVCS D officials without all relevant facts for the decision making process.

Yorkville is a resilient community, due to dedicated community minded residents and a robust network of informal mutual aid and support. But it is also a remote, rural, and service poor community. Response times for law enforcement, health and human services, and other needed community support can be very extended, taking hours or even weeks. We have concerns that approval of this manufacturing license will further strain limited Yorkville resources.

Given this reality and the above mentioned concerns, we cannot support approval of this license at this time. We urge the County and AVCS D to consider these concerns and the voices of Yorkville residents in your decision making process.

Respectfully,

Mike Zaugg and Kelly Wentzel

Vandy Vandewater - Fwd: Yorkville Market

From: Valerie Hanelt <valhanelt@me.com>
To: Vandy Vandewater <vandewaters@mendocinocounty.org>
Date: 8/30/2021 10:33 PM
Subject: Fwd: Yorkville Market

Another letter for you. V

Begin forwarded message:

From: Paula Gray <gray@sonic.net>
Subject: Yorkville Market
Date: August 30, 2021 at 8:58:49 PM PDT
To: Valerie Hanelt <valhanelt@me.com>
Cc: Valerie Hanelt <valhanelt@me.com>

RECEIVED
 AUG 30 2021

BY
 PLANNING & BUILDING SERVICES
 Ukiah, CA 95482

This is a sad note to write. As a long term Yorkville resident I am so sorry to hear about plans to convert the Market into a marijuana processing facility. With the Market, Lisa Walsh has brought a much needed venue for local residents as well as tourist. The Market is the only commercial space between Cloverdale in Sonoma County and Boonville in Mendocino County.

Lisa has done wonders for our local community with heart and flair and grace! When Covid first hit hard, she thoughtfully provided a service whereby we could safely acquire groceries and fresh produce through her delivery servers. Later her dinners brought community together for good food and music! We have been aware that it hasn't been easy for her and that she seems to do all with "smoke and mirrors" on a tight budget.

To lose this valuable resource to a "factory" that does nothing to enhance our community and quality of life is downright sad. I wonder if there might be viable options for the space that involve community such as a co-op market?

Is it possible to stall the permit that is in the works so that more thought and ideas for a viable solution might be formulated? Yorkville is a beautiful stretch of land on a designated scenic highway! The existing Market is like an Oasis. Are there more ways that we can support Lisa and the wonderful job she has done rather than see the Market closed?

Paula Gray

Vandy Vandewater - Yorkville Market proposal

From: Kris <atthewindmill@aol.com>
To: "vandewaters@mendocinocounty.org" <vandewaters@mendocinocounty.org>
Date: 8/30/2021 3:03 PM
Subject: Yorkville Market proposal
Cc: "valhanelt@me.com" <valhanelt@me.com>

Dear Vance and Val,

Our family has been in Yorkville since the early 60s and the only business in town has always been a grocery/convenience store, a place to have coffee, a sandwich or a meal, and a place to meet friends, as well as make new friends with the people passing through. I understand that recent times have made it hard for the present owners of the Yorkville Market to stay afloat, but it breaks my heart to hear of the new plan for the market property.

The Yorkville Market was a wonderful addition to our town. Turning it into a cannabis production business in the middle of nowhere would have to have 24-hour surveillance. There would be no "life" in the community, and it's not keeping in the character of our small town.

Sincerely,
Kris (Marcott) Heath
atthewindmill@aol.com



Vandy Vandewater - Yorkville Market

From: Adrian Card <adriancard@gmail.com>
To: <vandewaters@mendocinocounty.org>, Valerie Hanelt <valhanelt@me.com>
Date: 8/30/2021 12:00 PM
Subject: Yorkville Market

Dear Sam Vandewater,

I'm writing in regard to the permit application to convert the Yorkville Market into a cannabis processing facility. I hold Lisa Walsh in very high regard, so this isn't an easy letter for me to write, but I'm not in favor of the proposed changes.

Under Lisa's ownership the market has become the center of Yorkville. She has done so much to build a sense of community here, and to convert this social mecca into a closed-door processing facility would be an enormous loss to Yorkville.

As the only store between Boonville and Cloverdale it's the only place where locals can rub elbows with out-of-towners. Of course Lisa has the right to do whatever she wants with the business, but if the business needs help, Yorkvillians are very creative and resourceful and I'm sure we could all put our heads together to find a way to keep the market viable and lucrative. Lisa has done so much for us, and I know we would all rally around her to help her keep her dream alive.

I'm also concerned about security. If there are large amounts of cannabis in that location, what sort of security measures will that require? Will it become a target for thieves?

For the record I'm not anti cannabis and I do support its legalization. I'm just not in favor of this repurposing of the Yorkville Market.

Thank you for reading this,

Sincerely,
Adrian Card
Yorkville, CA



Vandy Vandewater - Yorkville Market

From: "Mark G. Rawlins" <mgrawlins@gmail.com>
To: <vandewaters@mendocinocounty.org>
Date: 8/30/2021 10:22 AM
Subject: Yorkville Market
Cc: "Valerie Hanelt" <valhanelt@me.com>

Mr. Vanderwater,

As a fulltime resident of Yorkville, I am greatly interested in the considerations surrounding the Yorkville Market and the impact of altering its purpose on our small community. It is not a surprise to anyone in Yorkville that the rebirth of the market a handful of years ago brought a purpose and bonding to so many of us. We are not Boonville where the school creates a pull and engagement of its citizens. We are not Philo where the tasting rooms bring in an enlivening dynamic. We are Yorkville where a scant 300 citizens call home. The Market has energized us and catalyzed strong relationships that over the years have help turn a loose community into a tight web of friendships. No other type of business could have accomplished that transformation and now it is to be turned into cannabis processing facility. Just on the surface, any outsider would instinctively appreciated the negative hit this would have on our community. There is nothing subtle about what such a change would bring.

The Market supplies the gravitation forces that help keep us together. Its loss will not just be an address on highway 128 that no longer exists, it will be a community void that might never again be filled and that void may likely also influence real estate prices and have other impact downstream.

I and many other community members are anxious to be creative on how we can retain the market for the benefit of all.

Thank you for your time and consideration.

Regards, Mark Rawlins

RECEIVED
AUG 30 2021
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Vandy Vandewater - Letter re Application by Yorkville Development Project for Cannabis Processing

From: "Peter Brodigan" <brodigan@sonic.net>
To: <vandewaters@mendocinocounty.org>
Date: 8/29/2021 5:53 PM
Subject: Letter re Application by Yorkville Development Project for Cannabis Processing
Cc: "Valerie Hanelt" <valhanelt@me.com>

Dear Mr. Vanderwaters,

I am a Yorkville resident writing to say I do not support the application by Yorkville Development Project, Inc., Mary Lou Walsh and Lisa Walsh, for an Administrative Permit to allow for cannabis processing and non-volatile (level 1) manufacturing in an existing structure.

I have specific concerns about this application. This is difficult to write because I have the highest regard for Lisa Walsh and the extraordinary community support she has provided with the Yorkville Market.

But the application appears not for Ms. Walsh's own future business endeavors. She states that she was "approached by two separate entities with interest in purchasing the Market for cannabis processing and manufacturing, if I could acquire the appropriate licensing." Thus, the application is to benefit unknown future owners.

Yorkville needs the Market. It is the only public store in the 27 mile stretch between Cloverdale and Boonville. As such it is a cornerstone of this community.

We understand that Ms. Walsh may want to sell her business. Can't the business be sold to a new owner who will maintain it as a market? Granting this application means a local market could be gone from the town in perpetuity.

Yorkville is a community that relies on its own internal support: neighbor-to-neighbor support, and support for its own infrastructure and fire station. For example, the community built the current Post Office, Fire Station and Community Center. It is now building a new water tender building and almost all of the funds for that were raised internally. Our fire department is volunteer; our town infrastructure, the Yorkville Community Benefits Association, is 100% volunteer. This fabric is essential for our existence as a town.

As of now, the cannabis community does not involve itself supporting the community. In fact, it feels the opposite, with the introduction of elements such as noise, water diversion and theft, fire risk, and uneasy personal interactions. Turning the one commercial building in Yorkville from a market into a cannabis processing business would further push this division, and undermine the fabric that voluntarily supports the town. I am very concerned about this potential cultural shift which so far has produced no positives for the community as a whole.

From the recent Board of Supervisors cannabis ordinance and the planned referendum to have it overturned, it is clear that the County does not yet have a viable vision for the cannabis industry. The negative impact cannabis has had on rural regions, such as Yorkville, has been strongly voiced. It seems highly premature to approve an application for cannabis processing for Yorkville.

Thank you,

Peter Brodigan

RECEIVED
 AUG 29 2021

BY
 PLANNING & BUILDING SERVICES
 Ukiah, CA 95482

Vandy Vandewater - Yorkville Market Cannabis permit

From: Sandy Mailliard <sandeclimr@gmail.com>
To: <vandewaters@mendocinocounty.org>
Date: 8/27/2021 8:41 AM
Subject: Yorkville Market Cannabis permit
Cc: Valerie Hanelt <valhanelt@me.com>

RECEIVED
AUG 27 2021

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

The town of Yorkville is small and what one person does impacts many. I would love to support Lisa Walsh in any way I can except for this way. Why didnt the people who are going to have the business apply for the permit? Who are they and shouldnt we know? It feels as if they have something to hide. The cannabis industry has made a major impact on the Anderson Valley ... why do we need one more operation. Please dont grant this permit.

Respectfully submitted,
Sandy Mailliard

Vandy Vandewater - Permitting Concerns Regarding Marijuana Production Facility in Yorkville

From: Bill Naves <bill.naves@att.net>
To: <vandewaters@mendocinocounty.org>
Date: 8/27/2021 10:02 AM
Subject: Permitting Concerns Regarding Marijuana Production Facility in Yorkville
Cc: <valhanelt@me.com>

Mr. Waters

I am responding to the potential permitting of a Marijuana Production Facility in Yorkville. It is my understanding that a permit is in process to allow a marijuana processing facility and potential dispensary in building of the current Yorkville Market. While this is an administrative process, not requiring public review it is of great importance to the Yorkville community. The presence of a marijuana processing facility would have a significant negative impact on the economic and social structure of Yorkville. With the presence of such a facility, the character of the valley would be impacted with a potential loss of property values, desirability, and property turnover. It would be adverse for Yorkville to be seen as "Marijuana Central" with the sole and main commercial building in the town being a marijuana processing factory.

While this is a private administrative matter between buyer, seller and the county, the outcome would be very negative for the community. Though the property is zoned for commercial activity, this is not what the citizens of Yorkville have in mind.

I urge you to take into consideration the negative impact of this permitting and deny its issue.

Thank you for your time and consideration.

Respectfully;

Bill Naves
28710 Highway 128
PO BOX 122
Yorkville, CA. 95494

Cell: (415) 383-7539



Vandy Vandewater - Yorkville Cannabis Permit Application

From: Kay Jablonski <kay9red@gmail.com>
To: <vandewaters@mendocinocounty.org>, Valerie Hanelt <valhanelt@me.com>
Date: 8/26/2021 9:02 AM
Subject: Yorkville Cannabis Permit Application

Here is a copy of a letter that I sent to Lisa Walsh, owner of the Yorkville Market.

"Hello Lisa,

I know how hard you have tried to keep the Market open in these almost impossible times, and I think everyone in Yorkville appreciates that tremendously,
but I also have to say that my stomach turns at the thought of it turning into a cannabis dispensary. That would stamp Yorkville, and all of us who live here, as pot growers etc. whether we are or not, since that will be the only business in town. Reputation matters, and I just hate to think of Yorkville's reputation becoming synonymous with cannabis.

Sincerely,

Kay Jablonski"

These thoughts apply whether it's a dispensary or a processing/packaging facility.

Thank you ,

Kay Jablonski

RECEIVED
AUG 26 2021

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

AP_2021-0014 AVCSO Proposed Recommended Conditions of Approval

Prior to issuance of a cannabis facilities business license, the applicant shall orientate parking spaces in a manner that discourages traffic from reversing onto State Highway 128.

Prior to issuance of a cannabis facilities business license, the applicant shall install odor minimizing ventilation to reduce cannabis odors and/or any odors resulting from cannabis processing or manufacturing.

Prior to issuance of a cannabis facilities business license, the applicant will work with the Mendocino County Department of Environmental Health (DEH) – Consumer Protection Division and obtain all necessary permits required by said Division regarding water usage. Written verification from DEH shall be submitted to the Department of Planning & Building Services to demonstrate compliance or non-applicability.

Prior to issuance of a cannabis facilities business license, the applicant will work with the Mendocino County Department of Environmental Health (DEH) – Land Use Division and obtain all necessary permit required by said Division regarding water access (i.e. well) and wastewater discharge (i.e. septic system and leach field). Written verification from DEH shall be submitted to the Department of Planning & Building Services to demonstrate compliance or non-applicability.

Prior to issuance of a cannabis facilities business license, the applicant will work with the Mendocino County Department of Environmental Health (DEH) – Land Use Division and obtain all necessary permit required by said Division regarding water usage and disposal. Written verification from DEH shall be submitted to the Department of Planning & Building Services to demonstrate compliance or non-applicability.

Prior to issuance of a cannabis facilities business license, the applicant will work with the North Coast Regional Water Quality Control Board and obtain all necessary permit required by the Board regarding water usage and disposal. Written verification from DEH shall be submitted to the Department of Planning & Building Services to demonstrate compliance or non-applicability.

The Anderson Valley Fire Department shall inspect the facility at least one (1) time per calendar year. In Should the District determine that the structure, any equipment, or any other aspect of the project be non-compliant with fire prevention regulations, the District, in addition its own enforcement, may submit a written statement to the Mendocino County Department of Planning & Building Services identifying the components of non-compliance. Planning & Building Services shall review the statement and place the cannabis facilities business license on local violation depending on its findings. The applicant shall initiate measures towards compliance to the satisfaction of the Planning & Building Services Director, or their designee, within thirty (30) days or this permit shall become null and void.

Prior to issuance of a cannabis facilities business license, the applicant shall install twenty-four (24) hour surveillance cameras that monitor all entrances/exits of the facility. Additionally, cameras shall be

installed that monitor product storage areas and any area in which money is secured. All cameras shall have a back-up source of energy should regular electricity services be disrupted for any reason.

At least one (1) security personnel shall be present at the facilities during any hours of operation. The contract for said security services shall be submitted to the Mendocino County Department of Planning & Building Services to demonstrate compliance with this condition.

All cannabis processed and/or manufactured by the facility shall be compliant with State of California "Track and Trace" regulations and requirements. No cannabis shall be processed or manufactured that is not within the "Track and Trace" system.



MENDOCINO COUNTY BOARD OF SUPERVISORS PLANNING APPEAL FORM

Appeals must be received in the Executive Office within the appeal period, 10 days from the date of the hearing* (post-marks will NOT be accepted). The Clerk of the Board or Planning and Building Services will verify appeal fee amounts*. The appeal fee must accompany the appeal letter/form in order to be considered valid.

**Verify with Planning and Building Services or with the Clerk of the Board of Supervisors*

Date Appeal Submitted*: <u>9.16.21</u>	Appeal Fee*: \$ <u>1660</u> <input type="checkbox"/> Verified <input type="checkbox"/> Receipt Generated
Case No.: <u>2021-0014</u>	Applicant: _____
Heard by: _____ Source: Planning Commission • MHRB • Zoning Administrator • Administrative (Planning) • Coastal Permit Administrator	Hearing Date: _____

Printed Name, Address, and Phone No. of Appealing Party:

Sandra Mailliard
19400 Fish Rock Road
Yorkville, CA 95494
(707) 738 - 4065

Basis for Appeal (Please provide sufficient detail to describe the nature of the appeal. Letters describing appeal may also be attached):

- 1. Deceptive Practices-** The person that is applying for this permit will not be running the business. They are applying for an unknown/unidentified entity, 1 or 2 possible lessors or buyers of the building.
- 2. Security-** This building is surrounded by elderly residents on 3 sides and it located on Hwy 128. It will be an easy target for criminals, with an easy escape route right out the front door.
- 3. It is the only retail business in Yorkville.** It provides needed grocery essentials as well as a necessary community gathering location. Making this facility into an armed and alarmed fortress will hurt the entire Yorkville Community and the Anderson Valley.
- 4. Environmental Concerns-** The building is on the banks of Dry Creek. The store has a long history of limited water supply.

Sandra Mailliard
 Signature

Submit completed form to:
 Mendocino County Clerk of the Board
 501 Low Gap Road, Room 1010
 Ukiah, CA 95482
 (707) 463-4221

Fee made out to :
 County of Mendocino

Staff Use:

- Obtain Agenda for meeting/appeal verification (distribute with appeal form to all parties listed below)
- Appeal period verified and confirmed
- Appeal fee verified and confirmed
- Form distribution completed/Date Stamp form
- Copy of receipt and check attached to original appeal form and provided to DCOB
- Other _____

Hon. Supervisor Ted Williams
501 Low Gap Road
Ukiah, CA 95482

Dear Supervisor Ted Williams -

I understand the economic hardships that the pandemic has brought to our community, but this proposal effects our whole neighborhood and way of life. Who are these buyers ? What is their short term and long term goals and plans for the heart of our community. Why did they not come and introduce themselves and communicate with us and how their plans might affect our way of life. Why did they not get the permits themselves, instead of forcing a local to do it? They are outsiders with no sense of community.

I am sorry, BUT, I am fed up with the cannabis industry coming in buying property to grow and not even getting legal. According to the Sherriff, only 10% of gardens are legally registered. They dry up the resources and effect everything from vegetation to wildlife with little to no regard for anything except themselves. I am sorry, but I do not want this element in my front yard.

Respectfully,

Larry Mailliard

September 15, 2021

Mendocino County Clerk of the Board Hon. Supervisor Ted Williams
501 Low Gap Road
Ukiah, CA 95482

Applicant: Yorkville Redevelopment Project, Inc. Case # AP_2021-0014

Dear Supervisor Williams,

I am a resident of Yorkville and I am writing to voice my opposition to the proposed administrative permit for cannabis processing and non-volatile manufacturing at the Yorkville Market, 26701 Highway 128, Yorkville CA.

I am concerned for the future and safety of our community if the Yorkville Market becomes a cannabis processing and manufacturing facility. We have no local law enforcement in Yorkville and this proposed facility will possibly endanger our community. Additionally, the Yorkville Market is an indispensable resource for our small close-knit community. It is more than just a store, it is also a gathering place that fosters community and a caring, positive environment for Yorkville. A cannabis processing and manufacturing facility will tear all of that apart.

Please assure the safety and welfare of Yorkville by denying this permit.

Sincerely,

Cassie Huhges Bahan
24401 Big Rock Road,
Yorkville, CA 95494

From: R & J Pronsolino
Date: September 15, 2021 at 8:11:48
Subject: Cannabis production request in Yorkville

Ted Williams
501 Low Gap Road
Ukiah, California 95482

Dear Mr. Williams,

We are writing to voice our concerns and opposition to the proposed application for a cannabis manufacturing facility at the Yorkville Market, 26701 Hwy. 128, Yorkville, CA.

The Market is and has been a wonderful, much needed asset to our little community. We would hate to see the market gone.

While we can understand the need and wanting to enhance the resale value of the property. We believe that the safety and quality of our community needs to be taken into consideration.

We have Grandchildren that live about 1.5 miles from the market. Trying to keep kids focused and positive during these crazy times is hard. This proposed cannabis manufacturing business will NOT be a positive atmosphere for them.

The property is near Dry Creek watershed. It has a long history of limited water supply. Also can the existing septic system handle the waste that this proposed business will generate? What about the air quality? Will the neighbors be subjected to the cannabis smells? These are some of our environmental concerns.

Thank you for your time.

Sincerely,
Ron and Jennifer Pronsolino

Hon. Supervisor Ted Williams
501 Low Gap Road
Ukiah, CA 95482

Dear Supervisor Ted Williams -

We are writing to express our concerns related to the application for a cannabis manufacturing facility in Yorkville.

Applicant Ms. Lisa Walsh is current owner / operator of the Yorkville Market. She has worked diligently to make the market a wonderful business and community space; her contributions to the community through the market are remarkable. The market is a critical resource in Yorkville, it is the only market in the ~30 mile stretch of the 128 from Cloverdale to Yorkville. We believe that as one of the few existing business spaces in Yorkville, it should be reserved for essential businesses that serve the immediate community, such as a food market.

In other forums, Ms. Walsh has stated that this application is being made to enhance the resale value of the space. She has been approached by two potential buyers, whose names and identities have not been disclosed. This adds an additional layer of uncertainty to this process. As it is not mentioned in her business application, it renders the application incomplete and County and AVCSD officials without all relevant facts for the decision making process.

Yorkville is a resilient community, due to dedicated community minded residents and a robust network of informal mutual aid and support. But it is also a remote, rural, and service poor community. Response times for law enforcement, health and human services, and other needed community support can be very extended, taking hours or even weeks. We have concerns that approval of this manufacturing license will further strain limited Yorkville resources.

Given this reality and the above mentioned concerns, we cannot support approval of this license at this time. We urge the County and AVCSD to consider these concerns and the voices of Yorkville residents in your decision making process.

Respectfully,

Mike Zaugg and Kelly Wentzel

September 15, 2021

Mendocino County Clerk of the Board
Hon. Supervisor Ted Williams
501 Low Gap Road
Ukiah, CA 95482

Applicant: Yorkville Redevelopment Project, Inc.
Case # AP_2021-0014

Dear Supervisor Williams,

As a longtime resident of Yorkville and active community volunteer I am writing to voice my opposition to the proposed administrative permit for cannabis processing and non-volatile manufacturing at 26701 Highway 128, Yorkville, CA.

The current business at this address, Yorkville Market provides groceries, wine tasting and a deli. It is a vital community meeting place for our small close-knit community. Yorkville is already exploited with illegal and legal cannabis grows that contribute nothing to our local community spirit. Why would Mendocino County issue a processing permit when there is little to no enforcement of existing illegal grows in my backyard?

Historically, the area has already had a double homicide directly related to cannabis and a fugitive evading arrest on an 28060 Elkhorn Road grow. This proposed facility will attract the wrong element and poses serious security issues in an area with no local law enforcement in addition to water insecurity in the area.

I ask you, Mr. Williams would you be comfortable with a similar facility located down the street from your residence? Please listen to your constituents and deny this permit.

Sincerely,

Peter Gordon
24300 Big Rock Road
Yorkville, CA 95494

Dear Supervisor Williams,

I am a Yorkville resident writing to say I do not support the application by Yorkville Development Project, Inc., Mary Lou Walsh and Lisa Walsh, for an Administrative Permit to allow for cannabis processing and non-volatile (level 1) manufacturing in an existing structure.

I have specific concerns about this application. This is difficult to write because I have the highest regard for Lisa Walsh and the extraordinary community support she has provided with the Yorkville Market.

But the application appears not for Ms. Walsh's own future business endeavors. She states that she was "approached by two separate entities with interest in purchasing the Market for cannabis processing and manufacturing, if I could acquire the appropriate licensing." Thus, the application is to benefit unknown future owners.

Yorkville needs the Market. It is the only public store in the 27 mile stretch between Cloverdale and Boonville. As such it is a cornerstone of this community.

We understand that Ms. Walsh may want to sell her business. Can't the business be sold to a new owner who will maintain it as a market? Granting this application means a local market could be gone from the town in perpetuity.

Yorkville is a community that relies on its own internal support: neighbor-to-neighbor support, and support for its own infrastructure and fire station. For example, the community built the current Post Office, Fire Station and Community Center. It is now building a new water tender building and almost all of the funds for that were raised internally. Our fire department is volunteer; our town infrastructure, the Yorkville Community Benefits Association, is 100% volunteer. This fabric is essential for our existence as a town.

As of now, the cannabis community does not involve itself supporting the community. In fact, it feels the opposite, with the introduction of elements such as noise, water diversion and theft, fire risk, and uneasy personal interactions. Turning the one commercial building in Yorkville from a market into a cannabis processing business would further push this division, and undermine the fabric that voluntarily supports the town. I am very concerned about this potential cultural shift which so far has produced no positives for the community as a whole.

From the recent Board of Supervisors cannabis ordinance and the planned referendum to have it overturned, it is clear that the County does not yet have a viable vision for the cannabis industry. The negative impact cannabis has had on rural regions, such as Yorkville, has been strongly voiced. It seems highly premature to approve an application for cannabis processing for Yorkville.

Thank you,

Peter Brodigan

September 15, 2021

Mendocino County Clerk of the Board Hon. Supervisor Ted Williams
501 Low Gap Road
Ukiah, CA 95482

Applicant: Yorkville Redevelopment Project, Inc. Case # AP_2021-0014

Dear Supervisor Williams,

I am a resident of Yorkville and I am writing to voice my opposition to the proposed administrative permit for cannabis processing and non-volatile manufacturing at the Yorkville Market, 26701 Highway 128, Yorkville CA.

The Yorkville Market is an essential resource for our small close-knit community. In addition to being the only business in town providing groceries and prepared foods, it is considered a meeting place that fosters positive community spirit for our small town.

I am concerned for the future and safety of our community if the Yorkville Market becomes a cannabis processing and manufacturing facility. We have no local law enforcement and this proposed facility will potentially endanger our community and we stand to lose the integrity, trust and care so many of have tried to foster within this community.

Please assure our peace, welfare and community spirit by denying this permit.

Sincerely,

Jim Bahan
24401 Big Rock Road, Yorkville, CA 95494

September 15, 2021

Supervisor Ted Williams
501 Low Gap Road
Ukiah, CA 95482

Re: Applicant: Yorkville Redevelopment Project
Case #AP 2021-0014

Dear Supervisor Ted Williams,

I am a long time Yorkville resident, property owner, volunteer fire fighter, officer and EMT and active community member.

I am reaching out to you to request that the application for a cannabis processing facility in downtown Yorkville should be denied.

The current store is a vital community gathering location, as well as a needed market for purchasing groceries and necessities.

The store is surrounded by elderly residents. I have great concern that the new business will be a magnet for criminal activity, endangering the residents and the community. The current store has already been robbed three times, what will happen when it is filled with thousands of dollars of marijuana combined with a lack of local law enforcement. Please do not try to tell me that large quantities of cannabis does not attract criminals. We have watched Humboldt County become the wild West, armed farmers, crime and murder. Is a processing facility really a good thing in a residential area, on Hwy 128? Can this facility be created somewhere else? Off the highway, away from the public's view, someplace less visible to the criminal eye?

The applicant is applying for unknown/unidentified purchasers (lessors) of the building. Is that even legal? How can you approve a processing facility for an unknown entity? Are there not rigorous background checks and screenings necessary to open a facility of this type?

Please deny this application. There is something fishy going on here.

Thanks for your leadership,

Tina Walter

Supervisor Ted Williams,

This is a sad note to write. As a long term Yorkville resident I am so sorry to hear about plans to convert the Market into a marijuana processing facility. With the Market, Lisa Walsh has brought a much needed venue for local residents as well as tourist. The Market is the only commercial space between Cloverdale in Sonoma County and Boonville in Mendocino County.

Lisa has done wonders for our local community with heart and flair and grace! When Covid first hit hard, she thoughtfully provided a service whereby we could safely acquire groceries and fresh produce through her delivery servers. Later her dinners brought community together for good food and music! We have been aware that it hasn't been easy for her and that she seems to do all with "smoke and mirrors" on a tight budget.

To lose this valuable resource to a "factory" that does nothing to enhance our community and quality of life is downright sad. I wonder if there might be viable options for the space that involve community such as a co-op market?

Is it possible to stall the permit that is in the works so that more thought and ideas for a viable solution might be formulated? Yorkville is a beautiful stretch of land on a designated scenic highway! The existing Market is like an Oasis. Are there more ways that we can support Lisa and the wonderful job she has done rather than see the Market closed?

Paula Gray

Supervisor Ted Williams,

As a fulltime resident of Yorkville, I am greatly interested in the considerations surrounding the Yorkville Market and the impact of altering its purpose on our small community. It is not a surprise to anyone in Yorkville that the rebirth of the market a handful of years ago brought a purpose and bonding to so many of us. We are not Boonville where the school creates a pull and engagement of its citizens. We are not Philo where the tasting rooms bring in an enlivening dynamic. We are Yorkville where a scant 300 citizens call home. The Market has energized us and catalyzed strong relationships that over the years have help turn a loose community into a tight web of friendships. No other type of business could have accomplished that transformation and now it is to be turned into cannabis processing facility. Just on the surface, any outsider would instinctively appreciated the negative hit this would have on our community. There is nothing subtle about what such a change would bring.

The Market supplies the gravitation forces that help keep us together. Its loss will not just be an address on highway 128 that no longer exists, it will be a community void that might never again be filled and that void may likely also influence real estate prices and have other impact downstream.

I and many other community members are anxious to be creative on how we can retain the market for the benefit of all.

Thank you for your time and consideration.

Regards, Mark Rawlins