



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

JULIA KROG, DIRECTOR
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May 22, 2023

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator, at its regular meeting on Thursday, June 8, 2023, at 1:30 PM, to be held at Planning & Building Services, 860 N. Bush Street, Ukiah, California, in the Public Conference Room, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard. Virtual attendance will be available via Zoom. Meetings will be live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance, the public may participate digitally in meetings by sending 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>.

CASE#: AP_2022-0004

DATE FILED: 2/16/2022

OWNER: DOUGLAS RAFANELLI

APPLICANT: IAN LAIDLAW

AGENT: PATRICK SELLERS

REQUEST: Administrative permit to allow an existing, permitted 5,000 square foot mixed light cannabis cultivation operation to increase to 10,000 square feet (changing from Permit Type 1B to 2B) on a parcel less than 10 acres in size.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 1.9± miles east of Redwood Valley town center; on the west side of Webb Ranch Rd, 0.5± miles northeast of its intersection with Colony Drive (CR 232A), located at 2900 Webb Ranch Rd, Redwood Valley; APN: 161-280-05.

SUPERVISORIAL DISTRICT: 1 (McGourty)

STAFF PLANNER: ROB FITZSIMMONS

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>.

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California. The public may participate digitally in meetings by emailing comments to pbscommissions@mendocinocounty.org by June 7, 2023, or orally via telecomment in lieu of personal attendance. All public comment will be made 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>

The Zoning Administrator's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Zoning Administrator's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

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 707-234-6650, 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.

JULIA KROG, Director of Planning and Building Services



**ZONING ADMINSTRATOR
STAFF REPORT- ADMINISTRATIVE PERMIT**

**JUNE 8, 2023
AP_2022-0004**

SUMMARY

OWNER: DOUGLAS RAFINELLI
828 BROWN ST
HEALDSBURG, CA 95448

APPLICANT: IAN LAIDLAW
2900 WEBB RANCH RD
REDWOOD VALLEY, CA 95470

AGENT: PATRICK SELLERS
298 SEMINARY AVE
UKIAH, CA 95482

REQUEST: Administrative permit to allow an existing 5,000 square foot mixed light cannabis cultivation operation to increase to 10,000 square feet (changing from Permit Type 1B to 2B) on a parcel less than 10 acres in size.

LOCATION: 1.9± miles east of Redwood Valley town center; on the west side of Webb Ranch Rd, 0.5± miles northeast of its intersection with Colony Drive (CR 232A), located at 2900 Webb Ranch Rd, Redwood Valley; APN: 161-280-05.

TOTAL ACREAGE: 7.8± Acres

GENERAL PLAN: Rural Residential-10 Acre Minimum (RR:10)

ZONING: Rural Residential (RR)

SUPERVISORIAL DISTRICT: 1 (McGourty)

ENVIRONMENTAL DETERMINATION: Categorical Exemption §15304

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: ROB FITZSIMMONS

BACKGROUND

PROJECT DESCRIPTION: Administrative permit to allow an existing 5,000 square foot mixed light cannabis cultivation operation (AG_2017-0320) to increase to 10,000 square feet (changing from Permit Type 1B to 2B) on a parcel less than 10 acres in size.

RELATED APPLICATIONS:

- AG_2017-0320, 1B Mixed Light
- PP_2017-0463, Property Profile

SITE CHARACTERISTICS: Per the applicant, the 7.8± acre site currently has a cannabis cultivation operation comprised of hoopouses (currently 8, though in previous years as many as 14), along with a rainwater catchment pond, a single-family residence, and several residential accessory structures. All cultivation structures maintain at least a 100 foot distance to all property lines, and are located within a fenced enclosure.

PUBLIC SERVICES:

Access: Webb Ranch Rd
 Fire District: Redwood Valley – Calpella Fire Protection District
 Water District: None
 Sewer District: None

SURROUNDING LAND USE AND ZONING:

	<u>ADJACENT GENERAL PLAN</u>	<u>ADJACENT ZONING</u>	<u>ADJACENT LOT SIZES</u>	<u>ADJACENT USES</u>
NORTH:	Range Lands	Rangeland	8.41± Acres	Residential
EAST:	Rural Residential (10ac)	Rural Residential	12.2± Acres	Residential
SOUTH:	Public Lands; Range Lands	Public Facilities; Rangeland	9.54±, 26.56± Acres	Public, Residential
WEST:	Rural Residential (10ac)	Rural Residential	7.5±, 10.39± Acres	Residential

AGENCY COMMENTS: On 5/10/2022, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency responses are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT	DATE
Mendocino Cannabis Department	Comments	5/12/2022
Department of Transportation	No comment	5/17/2022
Environmental Health	No response	
Building Services-Ukiah PBS	No comment	5/23/2022
Agriculture Commissioner	No response	
Air Quality Management District	Comments	5/11/2022
County Addresser	No response	
Farm Advisor	Comments	5/20/2022
Redwood Valley Calpella FPD	Comments	5/16/2022
Redwood Valley MAC	Comments	6/3/2022
Ukiah Unified School District	No response	
Sonoma State University-NWIC	No response	
Archaeological Commission	Comments	3/27/2023
Regional Water Quality Control	No response	
California Dept. of Fish & Wildlife	No response	
CAL FIRE	No response	
Potter Valley Tribe	No response	
Redwood Valley Rancheria	Comments	5/16/2022
Cloverdale Rancheria	No response	
Sherwood Valley Band of Pomo Indians	No response	

KEY ISSUES

1. Site History

On June 2, 2017, Ian Laidlaw applied for a permit (AG_2017-0320) for a medium-sized mixed-light cannabis cultivation (up to 5,000 square feet of canopy) on the subject parcel. The initial submittal packet included evidence that the site was host to medical cannabis cultivation prior to legalization of cultivation for non-medical use. The applicant was allowed to continue to cultivate, at the level proposed by AG_2017-0320, while the cultivation permit was being processed by the County. As of April 21, 2023, final action on AG_2017-0320 has not been made (it has neither been issued or denied).

2. Land Use and Zoning Consistency:

The project proposes expansion of a mixed-light commercial cannabis cultivation operation on a parcel within the General Plan Land Use Category of Rural Residential, as defined by Chapter 3: Development Element of the Mendocino County General Plan. The Rural Residential General Plan Land Use classification is intended,

“...to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area, and residences should be located to create minimal impact on agricultural viability.”

General Uses: Residential uses, agricultural uses, cottage industries, residential clustering, public facilities, public services, conservation and development of natural resources, utility installations.”

The subject parcel supports an existing residence, which shall not be used for cannabis cultivation. Although cannabis cultivation is not itself considered agriculture, it is functionally a very similar endeavor and is considered ‘related to and compatible with’ agriculture. Land used for the cultivation of cannabis can easily be converted to cultivation of bona-fide agricultural crops in the future, so the potential for crop production shall be preserved. Given this, cannabis cultivation on the subject parcel does not conflict with the Rural Residential classification.

The proposed project is located within the Rural Residential (RR10) Zoning District, as defined by Mendocino County Code (MCC) Chapter 20.048. Although not listed as a permissible use in Chapter 20.048, Chapter 20.242 establishes that this Zoning District can indeed support some types of commercial cannabis cultivation. The intent of Chapter 20.242 is

MCC §20.242.010: *“...to provide land use regulations for the County of Mendocino where cannabis may be cultivated, subject to the limitations established of this chapter and the provisions of Mendocino County Code Chapter 10A.17, the Mendocino Cannabis Cultivation Ordinance (MCCO). The objective of this Chapter is to allow the cultivation of cannabis in locations that are consistent with the intent of the base zoning district and to help ensure that its cultivation and related activities will not create adverse impacts to the public health, safety, and welfare of the residents of the County of Mendocino.”*

Pursuant to MCC 20.242.040(B), up to 10,000 square feet of mixed-light cannabis cultivation (a Type 2B permit) can be permitted on an RR10-zoned parcel, subject to a Zoning Clearance, State Cultivation License, a County Cultivation Permit pursuant to MCC Chapter 10A.17, and a standard minimum parcel area of 10 acres. Although the subject parcel is less than 10 acres, Footnote 3 of Table 1 of that chapter provides an exception to this last requirement, reading as follows:

“A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between seven (7) and ten (10) acres, and that shares at least fifty percent (50%) of its boundaries with parcels ten (10) acres in size or larger, may apply for and be granted permit types 2 and 2-B following the issuance of an Administrative Permit pursuant to section 20.242.070(C).”

The subject parcel is approximately 7.8 acres in size and approximately 54% of the length of its boundaries border parcels greater than 10 acres in size, rendering the subject parcel eligible for this exception. As such, the proposed expansion of cannabis cultivation can be considered in compliance with the RR zoning designation and the Mendocino County Zoning Code more broadly, provided the findings required by MCC §20.196.020 and §20.242.070(C) can be made. These are detailed in the Findings section of this Staff Report, below.

3. Mendocino Cannabis Cultivation Ordinance (MCC 10A.17) Consistency

MCC §20.242.070(C)(1) states that the requested Administrative Permit can only be allowed provided that “(t)he cannabis cultivation site is allowed in the zoning district and it is in compliance with the provisions of Chapter 10A.17.” Much of Chapter 10A.17 governs cannabis cultivation permits (i.e. those with an AG prefix, such as AG_2017-0320). For the purposes of making the finding for this AP, determining the cultivation site’s “compliance with the provisions of Chapter 10A.17” has been restricted to review of MCC §10A.17.030 and §10A.17.040. The remaining sections of Chapter 10A.17 apply more specifically to the cannabis cultivation permit for the operation, AG_2017-0320.

A review of the aerial imagery of the site dated June 2021 shows that the site is not currently harboring cannabis cultivation in excess of the allowances of §10A.17.030.

Per the applicant’s Cultivation and Operations Plan, the project shall rely on the electrical grid as a primary source of power and shall not employ a generator.

There is no evidence to suggest that the cultivation site was developed out of compliance with the prohibition on tree removal codified in MCC §10A.17.040(K). A review of historical satellite imagery shows that the cultivation site has been clear of trees since at least 1993.

There is no evidence that there is a youth-oriented facility, school, or park within 1000 feet of the cultivation site. All proposed and existing structures related to the project comply with the required 50’ property line setbacks for buildings in the RR10 zoning district. The fenced cultivation enclosure is not within 100 feet of another property under separate ownership, nor within 200 feet of an occupied legal residential structure located on a separate legal parcel. These setbacks ensure that the cultivation shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public. Cultivation is not proposed in the private residence on the subject parcel.

Continued compliance with Mendocino County’s Cannabis Cultivation Ordinance will be the responsibility of the permit-holder, as clarified in **Condition B5**. Once the Mendocino Cannabis Department (MCD) cultivation permit has been issued, the cultivation site will be subject to annual inspections by the MCD, pursuant to MCC §10A.17.110(K).

3. Archaeological and Cultural Resources

At the 5/23/2022 recommendation of the California Historical Resources Information System’s Northwest Information Center (CHRIS NWIC) at Sonoma State University, as affirmed by the Mendocino County Archeological Commission on 7/13/2022, an Archeological Survey was prepared for the project by Alta Archeological Consulting, dated January 9, 2022 (this appears to be an error – based on the information in the report, this was presumably intended to be dated 1/9/2023). Although the survey found that the project was not expected to have an adverse effect on cultural resources, the following recommendations were made:

Unanticipated Discovery of Cultural Resources

If previously unidentified cultural resources are encountered during project implementation, avoid altering the materials and their stratigraphic context. A qualified professional archaeologist should be contacted to evaluate the situation. Project personnel should not collect cultural resources. Prehistoric resources include, but are not limited to, chert or obsidian flakes, projectile points, mortars, pestles, and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or abode foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

Encountering Native American Remains

Although unlikely, if human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are

deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and further recommendations regarding treatment of the remains is provided.

These are consistent with existing code applicable to all ground disturbance in Mendocino County (MCC §22.12.090 and §22.12.100). On 3/8/2023, the Mendocino County Archeological Commission accepted the survey. Though the above procedures apply regardless, staff recommends **Condition B4**, advising the applicant of the relevant Mendocino County Code Chapter prescribing the procedures to be followed subsequent to the discovery of any cultural resources or human remains during construction of the project.

On 5/16/2022, the Redwood Valley Rancheria commented on the project, stating in part "(p)lease allow a Tribal Cultural Monitor to be on site." As this is an ongoing project with limited ground disturbance, clarification was requested on when the monitor's presence would be advisable; no response was received. Staff does not recommend an additional condition be placed on the permit, but encourage the applicant to coordinate with Redwood Valley Rancheria and provide as much access as is feasible.

4. Water Usage

In response to the current drought conditions in the region, on June 22, 2021 the Mendocino County Board of Supervisors passed Ordinance No. 4493. Said ordinance reads in part

The County ... shall not approve any application for subdivision, use permit, variance, or other discretionary entitlement for use which is required in order to comply with the County's zoning ordinances, specifically including but not limited to discretionary permits for cannabis cultivation, during the term of this ordinance without (A) considering the anticipated water use of the proposed development and (B) imposing conditions of approval related to limiting or phasing any expansion of water use, as deemed appropriate by the reviewing authority.

The authority approving the discretionary entitlement is authorized, as a condition of permit approval, to implement water use restrictions during the term of this ordinance.

On April 25, 2023, the Board of Supervisors adopted Resolution No. 23-077, terminating the local emergency declaration due to drought conditions and effectively also terminating Ordinance No. 4493. The proposed water source is an existing, permitted well and rainwater catchment. Water will be stored onsite in a permitted 100,000 gallon retention pond and six 2,500-gallon tanks. Anticipated water usage is 300,000 gallons per year, an increase from the reported 120,000-216,450 gallons per year reported for the current 5,000 square foot cultivation operation onsite. Concerns regarding the project's water usage and the area's water supply were raised in comments from the Redwood Valley Rancheria and Redwood Valley Municipal Advisory Council. Comments were solicited from the Northwest Regional Water Quality Control Board, but no response to the request was received.

Compliance with the performance standards of MCC §10A.17.110(D) requires ongoing compliance with "all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights," including the annual reporting of water usage data (currently via the State Waterboard Online Cannabis Water Quality Monitoring and Reporting Program).

5. Air Quality

On 5/11/2022, the Mendocino County Air Quality Management District submitted comments suggesting that the subject parcel may be located in an area of Naturally Occurring Asbestos and outlining a number of permitting requirements and best practices which may be applicable to the project. These comments are included in Attachment D. Any applicable AQMD requirements have been made a condition of this permit (**Condition B1**).

6. Environmental Protection

The project is Categorically Exempt from the provisions of CEQA, pursuant to California Code of Regulations Section 15304 (14 CCR § 15304), also known as Class 4 of Article 19 of the California Environmental Quality Act Guidelines. Class 4 exemptions are intended for minor alterations to land use limitations, such as new gardening or landscaping with minimal grading.

Pursuant to CCR §15300.2, this Categorical Exemption would not be applicable in certain cases, including but not limited to on locations where the project may have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies, where multiple successive projects of the same type in the same area may have a significant cumulative impact, or where unusual circumstances would result in a significant effect on the environment. No such special circumstances appear to apply in this case, although ongoing monitoring of regionwide water usage for cannabis cultivation should continue.

PROJECT FINDINGS AND CONDITIONS

FINDINGS:

1. The expanded cannabis cultivation area is in conformity to the General Plan.

Staff finds that although the subject parcel is less than 10 acres in size, the proposed expansion of cannabis cultivation will not inhibit current or future residential or agricultural use of the subject or surrounding parcels. The existing residence on the subject parcel shall not be used for cannabis cultivation. Given this, the proposed expansion is consistent with the Rural Residential designation in the General Plan.

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

Water is provided by an existing permitted well and rainwater catchment. Comments were solicited on the project from CalTrans, CAL FIRE, CDFW, the Northwest Regional Water Quality Control Board, the Mendocino County Department of Transportation, and the Division of Environmental Health; none of them raised any objections to the project. Staff finds that adequate utilities/facilities exist for the project.

3. 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.

Continued compliance with the Mendocino Cannabis Cultivation Ordinance, including the standard cannabis cultivation setbacks, is an ongoing requirement of this operation. A reduction in these setbacks would require a separate Administrative Permit. No special circumstances apply in the case of this project that would pose a significant detriment.

4. The proposed use preserves the integrity of the zoning district.

Staff finds that the expanded cannabis cultivation would not result in a reduction of any development requirements of the Rural Residential zoning district, and thus the integrity of the district will be preserved.

5. A mixed-light cannabis cultivation site is allowed in the Rural Residential zoning district and the proposed site is in compliance with the provisions of MCC Chapter 10A.17.

A mixed light cannabis cultivation site of the proposed scope (10,000 square feet of canopy, a "large" cultivation) can be allowed in the Rural Residential RR10 zoning district pursuant to MCC 20.242.040(B) and the zoning table included therein ("Table 1").

*On 5/10/2022, this project was referred to the Mendocino Cannabis Department (MCD), which is tasked with implementing the provisions of MCC Chapter 10A.17. MCD responded, identifying no active violations of MCC Chapter 10A.17 and recommending approval of this Administrative Permit with a condition clarifying that the applicant will need to request an Application Modification to convert AG_2017-0320 from an application for a medium mixed-light cannabis cultivation permit to an application for a large mixed-light cannabis cultivation permit. This condition has been included as **Condition A1**. A large mixed-light cannabis cultivation permit will ultimately need to be issued for this project to complete its local (County) approval process*

*Continued compliance with MCC Chapter 10A.17 has been made a condition of approval of this permit (**Condition B5**).*

6. There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding fifteen (15) percent, prime soil, oak woodland, and timber resources.

No such sensitive areas are present on the existing cultivation site or the areas of proposed expansion. No special circumstances apply in the case of this project that would pose a significant detriment.

7. The cannabis cultivation will avoid or minimize odor and light impact on residential uses.

Continued compliance with the Mendocino Cannabis Cultivation Ordinance, including the standard restrictions on odor and light emission, is an ongoing requirement of this operation. No special circumstances apply in the case of this project that would pose a significant detriment

STANDARD CONDITIONS OF APPROVAL:

A. Conditions which must be met prior to use and/or occupancy:

1. The applicant must apply for an application modification for AG_2017-0320 through the Mendocino Cannabis Department, changing it to an application for a large mixed-light cannabis cultivation permit. A Mendocino County permit for large mixed-light cannabis cultivation must be issued prior to initiating the cannabis cultivation expansion covered by this Administrative Permit.
2. The applicant must have all building permits issued on the site that are currently under review, expired, or waiting on the applicant, prior to commencement of the operations on the site.

B. Conditions which must be complied with for the duration of this permit:

1. That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County and State agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
2. Mixed-light cultivation of cannabis on the subject parcel shall not rely on a generator as a primary source of power.
3. The Administrative Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Administrative Permit shall expire at the end of this period unless it is renewed prior to the end of the 10 year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.
4. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
5. It shall be the responsibility of the applicant to adhere to all applicable regulations of Chapters 10A.17 and 20.242 of the Mendocino County Code.

6. 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.

RECOMMENDATION

Staff recommends approval of the project as proposed by the applicant, based on the above-discussed facts and findings and subject to the Conditions of Approval.

DATE

ROB FITZSIMMONS
PLANNER II




Appeal Period: 10 Days
Appeal Fee: \$2,620.00

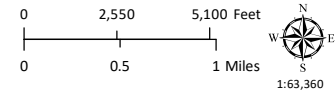
ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Site/Tentative Map
- D. AQMD Comments



CASE: AP 2022-0004
 OWNER: RAFINELLI, Douglas
 APN: 161-280-05
 APLCT: Ian Laidlaw
 AGENT: Patrick Sellers
 ADDRESS: 2900 Webb Ranch Road, Redwood Valley

-  Major Towns & Places
-  Highways
-  Major Roads



LOCATION MAP

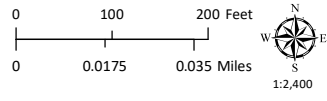
MENDOCINO COUNTY PLANNING DEPARTMENT 2/28/2022



MENDOCINO COUNTY PLANNING DEPARTMENT - 2/28/2022

CASE: AP 2022-0004
OWNER: RAFINELLI, Douglas
APN: 161-280-05
APLCT: Ian Laidlaw
AGENT: Patrick Sellers
ADDRESS: 2900 Webb Ranch Road, Redwood Valley

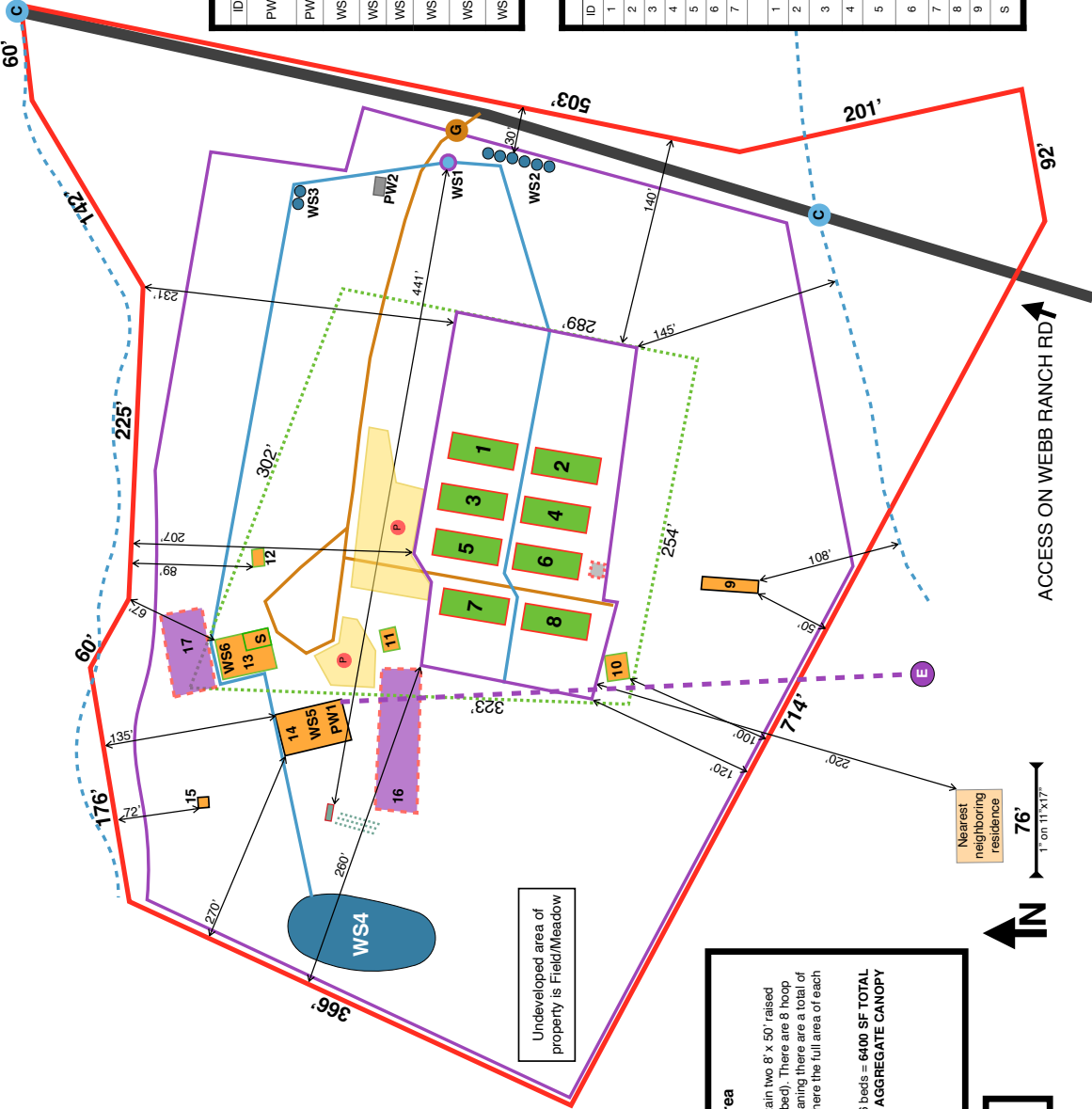
== Private Roads



AERIAL IMAGERY

LEGEND

- = Hoop House
- = Immature Plant Area
- = Cannabis Accessory Buildings
- = Non-Cannabis Buildings
- = Vegetable Garden
- = Secure Cannabis Compost Area (20'x20')
- = Parking/Loading Areas
- = Parcel Boundaries
- = Premises Boundaries
- = Fence: constructed of 6ft metal deer fencing and T-posts
- = Driveway / Private Road
- = Public Road
- = Septic Tank
- = Leach Field
- = Solar Panels
- = Gate
- = Water Tanks / Storage
- = Water Source
- = Water Crossing
- = Water Distro System
- = Class II Stream
- = Utility Pole
- = Underground Power Line (location approximated by owner)



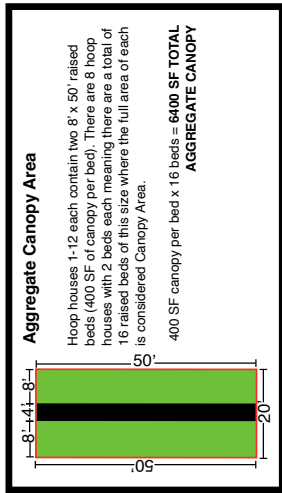
ACTIVITIES NOT OCCURRING ONSITE:
Curing, Drying, and Packaging

Features List

ID	Type	Use
PW1	Power Source - Grid Tie	Electrical lines are underground and their location is approximate. The smart meter is located at the Residence
PW2	Power Source - Solar	Powers well pump. BU_2023-0101
WS1	Water Source - Well & Pump	
WS2	Water Storage - Tanks	6x 2500 Gal Water Tanks
WS3	Water Storage - Tanks	2x 2500 Gal Water Tanks Domestic Use
WS4	Water Storage - Pond	100k Gal storage Pond
WS5	Water Source - Rainwater Catchment Surface	
WS6	Water Source - Rainwater Catchment Surface	

Structures List

ID	Type	Use	Size	Status
1	Green House	Canopy Area	20' x 50'	BU_2021-1285
2	Green House	Canopy Area	20' x 50'	BU_2021-1286
3	Green House	Canopy Area	20' x 50'	BU_2021-1287
4	Green House	Canopy Area	20' x 50'	BU_2021-1288
5	Green House	Canopy Area	20' x 50'	BU_2021-1289
6	Green House	Canopy Area	20' x 50'	BU_2021-1300
7	Green House	Canopy Area	20' x 50'	BU_2021-1301
1	Shipping Container	Domestic Storage	8' x 40'	NP
2	Shed	Tents and Fuel Storage	15'x17'	NP
3	Shed	Pesticide & Ag Chemical Storage Area	12'x15'	NP
4	Shed	Tool Storage Area	8' x 10'	N/A
5	Garage	Storage Areas #S & Rainwater Catchment Surface	30'x40'	NP
6	Residence	Rainwater Catchment Surface	30'x50'	NP
7	Kids Playhouse	Non-Cannabis	10' x 10'	N/A
8	Veggie Garden	Non-Cannabis	30'x100'	N/A
9	Veggie Garden	Non-Cannabis	35'x65'	N/A
S	Storage	Administrative Hold Area 5'x10' Harvest Storage Areas 10'x10'	10'x15'	N/A



ZONING - RR:10
7.77 acres

ACCESS ON WEBB RANCH RD ↑



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
 860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
 120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

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May 10, 2022

Planning – Ukiah
 Department of Transportation
 Environmental Health - Ukiah
 Building Inspection - Ukiah
 Assessor
 Farm Advisor
 Agriculture Commissioner
 Air Quality Management

Archaeological Commission
 Sonoma State University
 Department of Forestry/ CalFire
 -Resource Management
 -Land
 Department of Fish and Wildlife
 RWQCB
 Cannabis Program

Cloverdale Rancheria
 Redwood Valley Rancheria
 Sherwood Valley Band of Pomo Indians
 Potter Valley Tribe
 Redwood Valley MAC
 Redwood Valley Calpella Fire District
 Ukiah Unified School District

Received
MAY 11 2022

**Mendocino County
 Air Quality
 Management District**

CASE#: AP_2022-0004
DATE FILED: 2/16/2022
OWNER: DOUGLAS RAFANELLI
APPLICANT: IAN LAIDLAW
AGENT: PATRICK SELLERS

REQUEST: Administrative permit to allow for the increase of permit AG_2017-0320, from a 1b (5,000 square feet) to a 2B (10,000 square feet) outdoor cannabis garden.
LOCATION: 1.9± miles east from the center of Redwood Valley; located at 2900 Webb Ranch Rd.; APN: 161-280-05.
SUPERVISORIAL DISTRICT: 1
STAFF PLANNER: ROB FITZSIMMONS
RESPONSE DUE DATE: May 25, 2022

PROJECT INFORMATION CAN BE FOUND AT:

www.mendocinocounty.org

Select "Government" from the drop-down; then locate Planning and Building Services/Public Agency Referrals.

Mendocino County Planning & Building Services is soliciting your input, which will be used in staff analysis and forwarded to the appropriate public hearing. You are invited to comment on any aspect of the proposed project(s). Please convey any requirements or conditions your agency requires for project compliance to the project coordinator at the above address, or submit your comments by email to pbs@mendocinocounty.org. Please note the case number and name of the project coordinator with all correspondence to this department.

We have reviewed the above application and recommend the following (please check one):

- No comment at this time.
- Recommend conditional approval (attached).
- Applicant to submit additional information (attach items needed, or contact the applicant directly, copying Planning and Building Services in any correspondence you may have with the applicant)
- Recommend denial (Attach reasons for recommending denial).
- Recommend preparation of an Environmental Impact Report (attach reasons why an EIR should be required).
- Other comments (attach as necessary).

REVIEWED BY:

Signature *Roberto* Department *Air Quality* Date *5/11/22*

Mendocino County Air Quality Management District

Planning Referral or Building Permit Application Quick Response List

Project # _____

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

Projects Subject to Permitting by the Air Quality Management District:

- This project is or may be subject to District Regulation 1 regarding air quality permits. The applicant will need to submit an application and obtain an Authority to Construct permit from the District prior to beginning construction and/or installation of equipment.
- The Applicant currently holds a valid Air Quality Permit to Operate. The applicant is required to obtain an Authority to Construct permit from the District prior to beginning any modifications to the operation.
- This project may be subject to one or more of the following requirements as indicated:

Diesel Engines – Stationary and Portable Equipment and Mobile Vehicles:

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

Demolition / Renovation Projects:

All Commercial Buildings, Government Buildings, Schools, Multi-Family Dwellings are subject the requirements of Mendocino County Air Quality Management District Regulation 1, Rule 492, National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Asbestos.

- Prior to receiving a Demolition/ Renovation Permit from the Planning & Building Agency the applicant is required to:
 - (1) Have an Asbestos Survey conducted by a licensed Asbestos contractor for the presence of asbestos containing materials,
 - (2) Submit a completed Asbestos Demolition/Renovation form, all test results and applicable notification fees to the District at least 10 days prior to beginning the project,
 - (3) Have any Asbestos containing materials abated by a licensed abatement contractor prior to beginning any demolition or renovation activities.
 - (4) Obtain written authorization from the District indicating that all requirements have been met prior to receiving.

Single Family Dwellings Less Than Four (4) Units

- Prior to receiving a Demolition/ Renovation Permit from the Planning & Building Agency the applicant is required to:
 - (1) Submit a completed Asbestos Demolition/Renovation form to the District and obtain written authorization from the District.

Grading Projects:

- **All grading activities must comply with the following fugitive dust mitigation measures in accordance with District Regulation 1, Rule 1- 430:**
 - (1) All visibly dry disturbed soil road surfaces shall be watered to minimize fugitive dust emissions
 - (2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour.
 - (3) Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.
 - (4) Asphalt, oil, water or suitable chemicals shall be applied on materials stockpiles, and other surfaces that can give rise to airborne dusts.
 - (5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour.
 - (6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.
 - (7) The operator shall keep a daily log of activities to control fugitive dust.

Projects Less Than One (1) Acre or One (1) Mile of Road Located in NOA areas:

- (1) Construction vehicle speed at the work site must be limited to fifteen (15) miles per hour or less.
- (2) Prior to any ground disturbance, sufficient water must be applied to the area to be disturbed to prevent visible emissions from crossing the property line;
- (3) Areas to be graded or excavated must be kept adequately wetted to prevent visible emissions from crossing the property line
- (4) All storage piles must be kept adequately wet or treated with a chemical dust suppressant or covered when not being added to or removed
- (5) Equipment must be washed down before moving from the property onto paved public roads
- (6) Visible track-out onto paved public roads must be cleaned using wet sweeping or a HEPA filter equipped vacuum device within 24 hours.

Large Area Grading Projects Greater Than One (1) Acre or One (1) Mile of Road:

Not Located in Naturally Occurring Asbestos (NOA) areas:

- Prior to starting any construction the applicant is required to:
 - (1) Submit a Large Area Grading permit application to the District.
 - (2) Obtain a final determination from the Air Quality Management District as to the need for an Asbestos Dust Mitigation Plan and/or Geologic Survey to comply with CCR sections 93106 and 93105 relating to Naturally Occurring Asbestos.
 - (3) Obtain written verification from the District stating that the project is in compliance with State and Local regulations relating to Naturally Occurring Asbestos.

Located in Naturally Occurring Asbestos (NOA) areas:

- Prior to starting any construction the applicant is required to:
 - (1) Submit a Large Area Grading permit application to the District.
 - (2) Obtain a final determination from the Air Quality Management District as to the need for an Asbestos Dust Mitigation Plan and/or Geologic Survey to comply with CCR sections 93106 and 93105 relating to Naturally Occurring Asbestos, or
 - (3) Submit an Asbestos Dust Mitigation Plan and/or Geologic Survey to the District in compliance with California Code of Regulations (CCR), Sections 93106 and 93105 relating to Naturally Occurring Asbestos.
 - (4) Obtain written verification from the District stating that the project is in compliance with State and Local regulations relating to Naturally Occurring Asbestos.

Property Development:

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

Installation of Wood Burning Devices:

- **Installation of new wood burning devices is prohibited by District Regulation 4 with the following exceptions:**
 - (1) Wood burning appliances in existing residential, commercial or public buildings designated as a historical site.
 - (2) The installation of wood burning appliances on display at a retail business whose purpose is the sale of wood burning appliances to the public.
 - (3) Fireplaces and wood burning appliances installed on railroad equipment that is owned and/or operated by an active railroad or public museum.
 - (4) Wood burning appliances used primarily in the preparation of food.
 - (5) Wood burning appliances used in compliance with all other local, state and District regulations for recreational outdoor heating.
- **Building officials are prohibited from issuing a Certificate of Occupancy or approving a final building inspection until one of the following has been documented;**
 - (1) The authorized local building official observes and documents that no wood burning appliances have been installed, or;
 - (2) The project is a residential dwelling of three units or less and not part of a new major subdivision subject to Rule 4.1-400 (e) and;
 - (A) The authorized local building official observes and documents the presence of EPA certification labels on all installed wood burning appliances on the premises, or;
 - (B) The authorized local building official observes and documents that only pellet fueled wood burning appliances have been installed, or;
 - (3) The Air Pollution Control Officer has issued a statement, in writing, that the project is exempt from this Regulation, or
 - (4) The Air Pollution Control Officer has issued a statement, in writing, that the project is in compliance with this Regulation.

New Commercial Development Mitigation Recommendations:

- **New Road Construction:** The District recommends that at a bare minimum all roads be covered with a sealant or rocked to prevent fugitive dust emissions.
- **Parking Lot Tree Planting:** The District recommends that commercial parking lot tree planting be defined as no less than 1 tree per 4 parking spaces to provide a beneficial reduction in summer heat gain.
- **Mass Transit:** The District recommends that applicant work in conjunction with the local Transit Authority (MTA) to provide a shelter in addition to the concrete pad so that the benefits and incentives to use mass transit would be immediately available.
- **Electric Vehicle Charging:** To further mitigate impacts to local air quality, it is recommended that applicant encourage the use of low emission vehicles by providing a minimum of 2, AC Level 2, electric vehicle charging stations.

Resolution Number _____

County of Mendocino
Ukiah, California

JUNE 8, 2023

AP_2022-0004 – RAFANELLI

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA FINDING A CATEGORICAL EXEMPTION AND GRANTING AN ADMINISTRATIVE PERMIT FOR EXPANSION OF CANNABIS CULTIVATION FOR A 5,000 SQUARE FOOT MIXED LIGHT CANNABIS CULTIVATION OPERATION TO INCREASE TO 10,000 SQUARE FEET (CHANGING FROM PERMIT TYPE 1B TO 2B) ON A PARCEL LESS THAN 10 ACRES IN SIZE.

WHEREAS, the Applicant, WILLIAM HAYES, filed an application for an Administrative Permit with the Mendocino County Department of Planning and Building Services to allow an existing 5,000-square-foot mixed light cannabis cultivation operation to increase to 10,000 square feet (changing from Permit Type 1B to 2B) on a parcel less than 10 acres in size, 1.9± miles east of Redwood Valley town center; on the west side of Webb Ranch Rd, 0.5± miles northeast of its intersection with Colony Drive (CR 232A); located at 2900 Webb Ranch Rd, Redwood Valley; APN: 161-280-05. General Plan RR10; Zoning RR; Supervisorial District 1; (the “Project”); and

WHEREAS, the Project has been determined Categorically Exempt from the provisions of CEQA, pursuant to California Code of Regulations Section 15304 (14 CCR § 15304), also known as Class 4 of Article 19 of the California Environmental Quality Act Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on June 8, 2023 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. The expanded cannabis cultivation area is in conformity to the General Plan.
2. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
3. 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.
4. The proposed use preserves the integrity of the zoning district.
5. A mixed-light cannabis cultivation site is allowed in the Rural Residential zoning district and the proposed site is in compliance with the provisions of MCC Chapter 10A.17.

6. There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding fifteen (15) percent, prime soil, oak woodland, and timber resources.
7. The cannabis cultivation will avoid or minimize odor and light impact on residential uses.

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

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

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

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

ATTEST: JAMES F. FEENAN
 Commission Services Supervisor

By: _____

BY: IGNACIO GONZALEZ
 Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL

JUNE 8, 2023

AP_2022-0004 – RAFANELLI

APPROVED PROJECT DESCRIPTION:

Administrative permit for expansion of cannabis cultivation for a 5,000 square foot mixed light cannabis cultivation operation to increase to 10,000 square feet (changing from permit type 1b to 2b) on a parcel less than 10 acres in size.

CONDITIONS OF APPROVAL

A. Conditions which must be met prior to use and/or occupancy:

1. The applicant must apply for an application modification for AG_2017-0320 through the Mendocino Cannabis Department, changing it to an application for a large mixed-light cannabis cultivation permit. A Mendocino County permit for large mixed-light cannabis cultivation must be issued prior to initiating the cannabis cultivation expansion covered by this Administrative Permit.
2. The applicant must have all building permits issued on the site that are currently under review, expired, or waiting on the applicant, prior to commencement of the operations on the site.

B. Conditions which must be complied with for the duration of this permit:

1. That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County and State agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
2. Mixed-light cultivation of cannabis on the subject parcel shall not rely on a generator as a primary source of power.
3. The Administrative Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Administrative Permit shall expire at the end of this period unless it is renewed prior to the end of the 10 year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.
4. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
5. It shall be the responsibility of the applicant to adhere to all applicable regulations of Chapters 10A.17 and 20.242 of the Mendocino County Code.
6. 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.