



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: SEPTEMBER 14, 2023
TO: PROJECT FILES – AP_2019-0001, AG_2018-0256, & AG_2019-0019
FROM: PLANNING AND BUILDING SERVICES, MARK CLISER, PLANNER III
SUBJECT: RE: AP_2019-0001 - CORRECTION

The Mendocino County Department of Planning & Building Services (PBS) has noted an error on the approved Staff Report for Administrative Permit number AP_2019-0001. The Staff Report incorrectly notes the associated Cannabis Permit number as AG_2018-0256. The correct Cannabis Permit number is AG_2019-0019.

ATTACHMENT: Copy of Administrative Permit AP_2019-0001 dated April 17, 2019.



**Zoning Administrator
STAFF REPORT- ADMINISTRATIVE**

**April 17, 2019
AP_2019-0001**

OWNER / APPLICANT: FIRESTONE/AHOLA TRUST
874 SUNNYBANK LANE
GARBERVILLE, CA 95542

REQUEST: An Administrative Permit request for a large outdoor cannabis cultivation site (Type 2 (10,000 ft²); AG 2019-0019) allowing for no more than 10,000 ft² of canopy.

LOCATION: 5 ± miles southwest of Piercy town center, lying on the north side of Hansen Ranch Road (Private), 3± miles west of its intersection with Milstead Road (CR 324A), located at 4220 Hansen Ranch Road, Piercy, CA (APN: 011-410-02).

TOTAL ACREAGE: 40 ± Acres

GENERAL PLAN: Forest Lands, 160 acre minimum parcel size (FL160)

ZONING: Timber Production Zone, 160 acre minimum parcel size (TP:160)

SUPERVISORIAL DISTRICT: 4th Supervisorial District

ENVIRONMENTAL DETERMINATION: Categorically Exempt per CEQA Section 15304 (Minor Alterations to Land)

RECOMMENDATION: Approve With Conditions

STAFF PLANNER: MARK CLISER

BACKGROUND

PROJECT DESCRIPTION: An Administrative Permit request for a large outdoor cannabis cultivation site (Type 2 (10,000 ft²); AG_2019-0019) allowing for no more than 10,000 ft² of canopy. Per the provided site plan and application there is an existing 10 x 12 shed used for storage and a 2,500 ft² water catchment tank. The Applicant is proposing to legalize and continue operations at this site. The existing water catchment tank is located on an adjoining parcel also owned by the Applicant. The Applicant indicates no plans involving further development or expansion of the cultivation site, beyond requirements identified by local and state agencies.

SITE CHARACTERISTICS: The 40± acre parcel on which the cultivation site is located is approximately 5± miles southwest of the Piercy town center, lying on the north side of Hansen Ranch Road (Private), 3± miles west of its intersection with Milstead Road (CR 324A), located at 4220 Hansen Ranch Road, Piercy, CA (APN: 011-410-02). The parcel is within the Forest Lands (FL160) General Plan designation and the Timber Production (TP:160) Zoning District, minimum parcel size 160± acres. The site is approximately 40± acres, which is considered legal non-conforming as the was created legally, but is not in conformance with current development standards.

The site is heavily forested with natural clearings where the cultivation site is located. The parcel is not served by any utilities, and there is no dwelling unit onsite. The 2,500 ft² water catchment tank is the

water source for cultivation activities, and the Applicant is in the process of permitting said tank with the California Department of Fish and Wildlife (CDFW) and the State Water Resources Control Board (SWRCB). The Applicant has submitted documentation to avail themselves of prior riparian water rights, but there has been no confirmation of deeded rights received by staff, although water rights are the purview of both CDFW and the SWRCB. Cultivation activities will depend on securing all necessary permits for the proposed development from County and State agencies having jurisdiction on cultivation related matters.

Elevations at the project site range from 1008 feet above mean sea level (amsl) in the southeast portion of the site to 1172 amsl in the northwest section of the parcel. The existing cultivation site is located at approximately 1148 amsl and has an average slope of approximately 0.5%.¹ The entirety of the parcel is located within a mapped "High Fire Hazard" zone and is within a California Department of Forestry and Fire Protection (CALFIRE) responsibility area. The California Department of Forestry, Garberville Forest Fire Station is the nearest local fire agency.

The East Branch South Fork of the Eel River runs through the southeast portion of the parcel, indicating a riverine wetland environment present onsite. The cultivation activities are occurring approximately 2 miles upslope from the river. A review of California Natural Diversity Database indicates no occurrences of special status species on the subject property. However, there may be occurrences or additional species within this area which have not yet been surveyed and/or mapped.²

RELATED APPLICATIONS: AG_2019-0019, Cannabis Cultivation, Type 2 Large Outdoor

SURROUNDING LAND USE AND ZONING: As listed, the surrounding lands are classified Institutional and develop with Agricultural or Residential Use Types

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Humboldt County	Humboldt County	N/A	N/A
EAST	FL160	TP	40+ acres	Forest land
SOUTH	FL160	TP and FL	50 ± and 100 ± acres	Forest land
WEST	FL160	TP	77.3+ acres	Forest land

PUBLIC SERVICES:

Access: BELL SPRINGS DRIVE TO HANSEN RANCH ROAD
 Fire District: CALFIRE; GARBERVILLE FIRE STATION
 Water District: NONE
 Sewer District: NONE
 School District: NONE

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt from CEQA pursuant to Section 15304 (Minor Alterations to Land).

AGENCY COMMENTS: On February 19, 2019 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below:

REFERRAL AGENCIES	COMMENT

¹ Google Earth Maps. July 23, 2018.

² Mendocino County Department of Planning and Building Services. 2017. *Natural Diversity Database*

Department of Transportation	No comment
Environmental Health	No comment
Building Inspection	No comment
Air Quality Management District	Comments
CalFire (Resource Management)	No comment
CalFire (Prevention)	No comment
Forestry Advisor	No comment
CDFW	No comment
Sonoma State University	Comments
Cloverdale Rancheria	No comment
Redwood Valley Rancheria	No comment
Sherwood Valley of Pomo Indians	No comment

PROJECT FINDINGS: The Zoning Administrator approves Administrative Permit AP_2019-0001, subject to the recommended conditions of approval identified by staff, finding the following:

1. The cannabis cultivation is in conformity with the General Plan designation for FL160.

Staff finds the proposed cultivation areas and appurtenant structures to support the cannabis cultivation are permitted accessory buildings within the Forest Land use classification. The existing and proposed use is consistent with the intent of the Forest Land classification and all associated development and performance criteria.

2. The cannabis cultivation will be provided with adequate utilities (water and sewer), access roads, drainage, and other necessary facilities.

Staff reviewed the application along with supplemental exhibits and determined the site utilizes rain water catchment and water storage sufficient for cultivation. The project site is absent of a residence and septic. Access to the site is provided along Hansen Ranch Road (Private) via Milstead Road (CR 324A).

3. The cannabis cultivation is consistent with the purpose and intent of the Timberland Production zoning district, as well as all other provisions of Division I of the Mendocino County Inland Zoning Code, and preserves the integrity of the TP:160 zoning district.

With compliance with the conditions of approval, Staff finds the cannabis cultivation, proposed appurtenant structures, and associated utilities would satisfy all development requirements for the Timberland Production zoning districts.

4. The cannabis cultivation, if operated in compliance with the conditions of approval, will not have any significant adverse impacts on the environment.

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15304, Class 4 (Minor Alterations to Land).

5. The cannabis cultivation will not have any adverse impacts on any known archaeological or paleontological resource.

Staff finds the proposed project would have no adverse impacts on any known archaeological or paleontological resources. Staff recommends that only that a standard condition advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the cannabis cultivation.

Staff finds that continued use of the existing accessory structures which support the cannabis cultivation operation and the expansion of cultivation would not generate a significant amount of solid waste or significantly increase public roadway use beyond that existing today.

7. The cannabis cultivation is compatible with the long-term protection of resource lands.

Staff finds that the project is compatible with the long-term protection of resource lands, as the project parcels would remain predominately forested, and the majority of the site would not be subject to cannabis cultivation.

8. The cannabis cultivation is located on a legal parcel.

Staff has reviewed the application along with supplemental exhibits and has determined that the project site is located on a legal parcel.

9. The cannabis cultivation site is allowed in the Timberland Production zoning district and it is in compliance with the provisions of Chapter 10A.17.

Pursuant to Chapter 20.242, existing cannabis cultivation is permitted in the Timberland Production zoning district subject to the issuance of an Administrative Permit. Staff finds the project to be in compliance with the provisions of Chapter 10A.17.

10. 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 15 percent, prime soil, oak woodland, and timber resources.

Staff finds that the project would not be located on slopes exceeding 15 percent, and would not result in the removal of additional trees or vegetation.

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

Based on a review of the application and supplemental materials, Staff finds that the project would avoid or minimize odor and light impact on residential uses, since all setbacks and development criteria will be achieved and the nearest residence is located at least 600 feet from the cultivation areas.

CONDITIONS OF APPROVAL:

1. The Applicant shall submit to Planning and Building Services within 30 days of the associated Agricultural Permits approval, a signed letter of acknowledgment stating that they have read all Conditions of Approval for this permit and that this project will be consistent with all conditions.
2. The Administrative Permit granted for the cannabis cultivation site shall be limited to a period not to exceed 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. **The applicant has sole responsibility for acknowledging the limits of and expiration of this permit. The County will not provide a notice prior to the expiration date.**

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. Within one year, the Applicant shall secure all required building and health permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services and the Department of Environmental Health.
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. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
10. Removal of any commercial tree species, as defined by California Code of Regulations section 895.1 (Commercial Species for the Coast Forest District and Northern Forest District), and the removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing the cannabis cultivation site shall be prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to safety or disease concerns.
11. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting shall be turned off at 7:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (Twenty-four hour security lighting would be exempt from this time requirement; however any exterior security lighting installed on the property shall utilize motion-sensored activation). All lighting along the property boundaries shall be setback a minimum of 20 feet from all property lines.
12. A complete CalFire Fire Safety Regulations Application package shall be submitted by the Applicant to the Howard Forest CalFire Headquarters in Willits for processing if there are any

structures (new or existing) to be permitted. The Applicant shall call CalFire for final inspection at (707) 459-7414 once all standards outlined by CalFire for the project have been met.

13. At the determination of the California Department of Fish and Game (CDFW):

- a. For any structure utilizing supplemental lighting for the purposes of cannabis cultivation, the applicant shall provide a lighting plan demonstrating that that proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, which may affect fish and/or wildlife directly, or from a distance.
- b. A completed Lake or Streambed Alteration Agreement (LSAA) will be required from the California Department of Fish and Wildlife (CDFW) for the project, including, but not limited to: diversion and use of water from a river, and potentially water use from springs. Surface water sources (streams, springs, and hydrologically connected wells and ponds) are generally jurisdictional for CDFW and their use, for domestic purposes or otherwise, generally requires notification pursuant to Fish and Game Code 1602. Existing jurisdictional projects or infrastructure that does not have a valid or current LSAA will likely require notification (e.g. existing stream crossings on roads). Please contact the local regional CDFW office to determine if a LSAA is necessary for the proposed project.
- c. If at any time, expansion or other project activities are proposed beyond the existing or proposed development footprint of AP_2019-0001, CDFW will be contacted to determine if a botanical survey should be conducted, during the blooming season, to identify any special status plant species that may occur. Botanical surveys should follow CDFW's 2018 "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities" or any updated version of that protocol.

RECOMMENDATION:

Grant the Administrative Permit for the Project, as proposed by the Applicant, based on the facts and findings and subject to the conditions of approval.

DATE

MARK CLISER
PLANNER

DATE

JESSE DAVIS
ZONING ADMINISTRATOR

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

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Site Plan (From Applicant)
- D. Zoning Display Map
- E. General Plan Classification Map
- F. Adjacent Parcels Map
- G. Fire Hazard Zones & Responsibility Areas
- H. Wetlands Map
- I. Local Soils Map