



**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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FB PHONE: 707-964-5379  
FB FAX: 707-961-2427  
pbs@mendocinocounty.gov  
www.mendocinocounty.org/pbs

May 07, 2024

Department of Transportation  
Environmental Health - Ukiah  
Building Inspection - Ukiah  
Assessor  
Forestry Advisor

Air Quality Management  
Caltrans  
Department of Forestry/ CalFire  
-Land Use  
Department of Fish and Wildlife

Cloverdale Rancheria  
Redwood Valley Rancheria  
Sherwood Valley Band of Pomo Indians  
Leggett Valley Fire District

**CASE#:** U\_2024-0003

**DATE FILED:** 4/9/2024

**OWNER:** GARY BALLARD AND DIANA K. BALLARD-DOLL

**APPLICANT:** WILL / MARIE LIVSEY

**REQUEST:** Minor Use Permit for a cannabis dispensary, providing retail and delivery of cannabis and cannabis products.

**LOCATION:** 1.1± miles northwest of Leggett town center, on the north side of US 101, northwest of its intersection with SR 1, located at 69501 Hwy 101 North, Leggett.

**SUPERVISORIAL DISTRICT:** 4

**STAFF PLANNER:** ROB FITZSIMMONS

**RESPONSE DUE DATE:** May 21, 2024

**PROJECT INFORMATION CAN BE FOUND AT:**

[www.mendocinocounty.org](http://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](mailto: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 \_\_\_\_\_ Department \_\_\_\_\_ Date \_\_\_\_\_

**CASE: U\_2024-0003**

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**OWNER:** Gary Ballard and Diana K. Ballard-Doll

**APPLICANT:** Will and Marie Livsey

**REQUEST:** Minor Use Permit for a cannabis dispensary, providing retail and delivery of cannabis and cannabis products.

**LOCATION:** 1.1± miles northwest of Leggett town center, on the north side of US 101, northwest of its intersection with SR 1, located at 69501 Hwy 101 North, Leggett.

**APNs:** 053-370-31

**PARCEL SIZE:** 5.8 acres

**GENERAL PLAN:** Rural Community

**ZONING:** Rural Community

**EXISTING USES:** Commercial/Residential

**DISTRICT:** 4, Gjerde

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	<u>ADJACENT GENERAL PLAN</u>	<u>ADJACENT ZONING</u>	<u>ADJACENT LOT SIZES</u>	<u>ADJACENT USES</u>
<b>NORTH:</b>	FL160	TP	125± ac	Residential
<b>EAST:</b>	FL160	TP	125± ac	Residential
<b>SOUTH:</b>	PL	PF	326± ac	Recreational
<b>WEST:</b>	FL160	TP	125± ac	Residential

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**REFERRAL AGENCIES**

**LOCAL**

- Air Quality Management District
- Assessor’s Office
- Building Division
- Department of Transportation (DOT)
- Environmental Health (EH)
- Forestry Advisor

- Leggett Valley FPD

**STATE**

- CALFIRE (Land Use)
- CalTrans
- California Dept. of Fish & Wildlife

**TRIBAL**

- Cloverdale Rancheria
  - Redwood Valley Rancheria
  - Sherwood Valley Band of Pomo Indians
- 

**ADDITIONAL INFORMATION:**

The applicant proposes converting an existing, defunct 1200-square-foot gas station to a cannabis dispensary with a delivery component and onsite consumption. In addition to the defunct gas station, the subject parcel hosts a restaurant (the Peg House), three residential houses, and additional accessory structures. It is not immediately clear how the parcel has exceeded the standard dwelling unit density of one unit per parcel.

The application materials include a request for a reduction in the standard cannabis facility 600-foot setback from “a youth-oriented facility, a school, a park, or any church or residential treatment facility,” as the property is adjacent to the Standish-Hickey State Recreation Area to the south. However, per MCC 10A.17.020, state recreation areas like this are not included in the definition of park for the purposes of this setback, so no reduction is necessary.

The applicant proposes four parking spots for the dispensary, one of which will be ADA-accessible, consistent with county code requirements for offsite parking for a 1200-square-foot retail operation. Signage proposed includes one 32 square foot sign on the wall of the proposed facility and an additional 32 square-foot mobile sign.

## ENVIRONMENTAL DATA

**1. MAC:**

GIS  
*NO*

**2. FIRE HAZARD SEVERITY ZONE:**

CALFIRE FRAP maps/GIS  
*High*

**3. FIRE RESPONSIBILITY AREA:**

CALFIRE FRAP maps/GIS  
*State Responsibility Area*

**4. FARMLAND CLASSIFICATION:**

GIS  
*Urban and Built-Up Land; Grazing Land*

**5. FLOOD ZONE CLASSIFICATION:**

FEMA Flood Insurance Rate Maps (FIRM)  
*NO*

**6. COASTAL GROUNDWATER RESOURCE AREA:**

Coastal Groundwater Study/GIS  
*N/A*

**7. SOIL CLASSIFICATION:**

Mendocino County Soils Study Eastern/Western Part  
*153 – Gschwend-Frenchman complex, 0-9% slopes*

**8. PYGMY VEGETATION OR PYGMY CAPABLE SOIL:**

LCP maps, Pygmy Soils Maps; GIS  
*NO*

**9. WILLIAMSON ACT CONTRACT:**

GIS/Mendocino County Assessor's Office  
*NO*

**10. TIMBER PRODUCTION ZONE:**

GIS  
*NO*

**11. WETLANDS CLASSIFICATION:**

GIS  
*NO*

**12. EARTHQUAKE FAULT ZONE:**

Earthquake Fault Zone Maps; GIS  
*NO*

**13. AIRPORT LAND USE PLANNING AREA:**

Airport Land Use Plan; GIS  
*NO*

**14. SUPERFUND/BROWNFIELD/HAZMAT SITE:**

GIS; General Plan 3-11  
*NO (but a former gas station)*

**15. NATURAL DIVERSITY DATABASE:**

CA Dept. of Fish & Wildlife Rarefind Database/GIS  
*YES*

**16. STATE FOREST/PARK/RECREATION AREA ADJACENT:**

GIS; General Plan 3-10  
*YES (Standish-Hickey State Recreation Area)*

**17. LANDSLIDE HAZARD:**

Hazards and Landslides Map; GIS; Policy RM-61; General Plan 4-44  
*NO*

**18. WATER EFFICIENT LANDSCAPE REQUIRED:**

Policy RM-7; General Plan 4-34  
*NO*

**19. WILD AND SCENIC RIVER:**

[www.rivers.gov](http://www.rivers.gov) (Eel Only); GIS  
*NO*

**20. SPECIFIC PLAN/SPECIAL PLAN AREA:**

Various Adopted Specific Plan Areas; GIS  
*NO*

**21. STATE CLEARINGHOUSE REQUIRED:**

Policy  
*NO*

**22. OAK WOODLAND AREA:**

USDA  
*YES*

**23. HARBOR DISTRICT:**

Sec. 20.512  
*NO*



Department of  
Planning and Building  
Services

Case No:	U-2024-0003
CalFire No:	
Business License No:	
Fee:	\$ 4,302.00
Receipt No:	PRS-061582
Received By:	Mat Goin
Date Filed:	4/14/24
Office use only	

**Application for Facilities – Use Permit / Administrative Permit**

**APPLICANT(S)**

Name: Will Livsey/Marie Livsey Phone: 707-489-4050/707-367-2243  
 Mailing Address: 44911 Highway 101 DMB 194  
 City: Laytonville State/Zip: CA email: will.livsey23@gmail.com

**PROPERTY OWNER**

Name: Gary Ballard + Diana K. Ballard-Doll Phone: 707-972-9331  
 Mailing Address: 69501 N. Highway 101  
 City: Leggett State/Zip: CA email: Gary.b3552@gmail.com

**AGENT**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State/Zip: \_\_\_\_\_ email: \_\_\_\_\_

Address of Property: 69501 North Hwy 101 Leggett CA 95585  
 Assessor Parcel Number(s): 053-370-3100

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 type="checkbox"/> - AP	<input type="checkbox"/> - AP	<input type="checkbox"/> - UP	<input type="checkbox"/> - UP	<input checked="" 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**	<input type="checkbox"/> - UP	<input type="checkbox"/> - AP
I1 (Limited Industrial)	ZC**	ZC**	<input type="checkbox"/> - AP	ZC**	<input type="checkbox"/> - UP	ZC**	<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)  Existing Packaging and Processing Facility (Mendocino County Code Section 20.243.070 Exception)  
 200 Ft → Setback Reduction (Mendocino County Code Section 20.243.050(B)(1))  
 Cottage Industry Use Permit (microbusiness)  
 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.

Will Livsey 3-28-24 Gary R Ballard 3-28-24  
 Signature of Applicant/Agent Date Signature of Owner Date

# FACILITY PROJECT DESCRIPTION & QUESTIONNAIRE

1. Does the proposed facility meet the following setbacks?  YES  NO  
 Steven Switzer Recommended a 200 Ft Set Back  
 • 1,000 feet from all youth-oriented facilities, schools, parks, churches, or residential treatment facilities.

2. Please describe the project in full.  
 A small dispensary in a  
 existing structure on the same property as the  
 the house. The structure was used as a gas  
 station and is now empty.

3. Please describe the project site. Include improvements such as structures, wells, septic systems, grading, vegetation removal, roads, etc.  
 The building is an old gas station at  
 Next to the Peg house in [unclear] There is a  
 existing store on site and bathrooms that are  
 maintained by the property owners. There is a septic system  
 and a well on the parcel. No grading, vegetation  
 removal will be necessary. Hwy 101 is on the west side of

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.  
 1) get use permit approved 2) County business Lic, State Lic.  
 3) Smoking area open after store is operating + open.

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): on existing structure and a movable sign  
 Size: 32/32 ft<sup>2</sup> Type (i.e. freestanding, wall, etc): Wall and a movable sign

Wall →  
 ← movable sign

9. How many parking spaces will be on provided on-site? 4 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. See Attached Sheet

	Existing Use:	Proposed Use:	Size:	ft <sup>2</sup>
1.				
2.				
3.				
4.				
5.				

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.  
Surrounding Properties are forested. There are limited structures. There is the possibility of residences. There are no known cultural/historic Assets. Hwy 101 Borders the South and the STATE PARK

13. Please indicate the surrounding land uses.

	NORTH	EAST	SOUTH	WEST
Vacant		<u>Private Forest</u>		
Residential/Agricultural	<u>Possible Residence</u>			
Commercial/Industrial				
Institutional/Timberland				
Other			<u>Hwy 101 STATE Park</u>	<u>Private Property</u>

14. Utilities will be supplied to the site as follows:
- A. Electricity
    - Utility Company (existing) TO PARCEL
    - 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 EXISTING TO PARCEL
    - Spring
    - Pond
    - Other - Specify \_\_\_\_\_
  - D. Sewage
    - Community sewage system - Specify provider \_\_\_\_\_
    - Septic Tank EXISTING TO PARCEL
    - Other - Specify \_\_\_\_\_

15. Please provide driving directions to the facility using identifiable landmarks (streets, mailboxes, etc).  
Drive North on Hwy 101 go past The 1 and 101 Junction in Leggett and continue North on The 101 for approx 3 miles. The Residence will be on the right

The Project site is the old gas station on the North side of The Peg House

**\*FOR PROCESSING\***

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

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

**\*FOR MANUFACTURING\***

M01. What solvents will be used?

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.

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

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

**\*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? 1

ON APPROVAL

**\*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:

Will Livsey 3-28-24  
Print Name of Applicant/Agent Date

Gary Ballard 3-28-24  
Print Name of Owner Date

[Signature]  
Signature of Applicant/Agent

[Signature]  
Signature of Owner

	Existing use:	Proposed use	Size ft <sup>2</sup>
1) Project site		dispensary	1200 <sup>ft</sup>
2) Peg House	Store		3,100 ft <sup>2</sup>
3) Burl Barn	empty		2,100 ft <sup>2</sup>
3) Pavillion	cultural Pavillion		312 ft <sup>2</sup>
4) house	house		750 ft <sup>2</sup>
5) house	house		1100 ft <sup>2</sup>
6) house	house		1,200 ft <sup>2</sup>



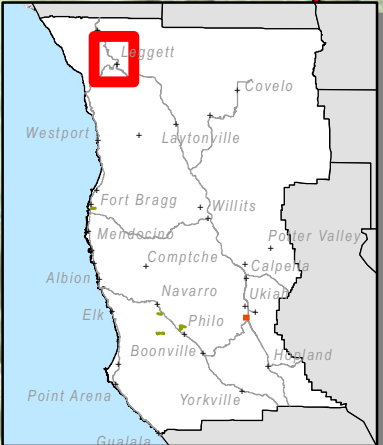


SUBJECT PARCEL

Leggett

US 101

SR 274

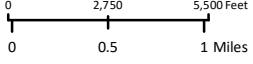


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**CASE: U 2024-0003**  
**OWNER: BALLARD, Gary & Diana**  
**APN: 053-370-31**  
**APLCT: Will & Marie Livsey**  
**AGENT:**  
**ADDRESS: 69501 N Hwy 101, Leggett**

● Major Towns & Places

— Highways



1:63,360

LOCATION




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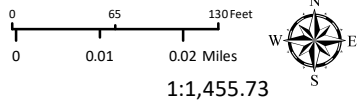


US 101

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**APN: 053-370-31**  
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**AGENT:**  
**ADDRESS: 69501 N Hwy 101, Leggett**

-  Highways (2017)
-  Public Roads
-  Driveways/Unnamed Roads



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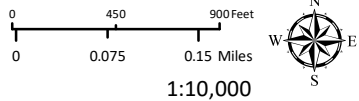
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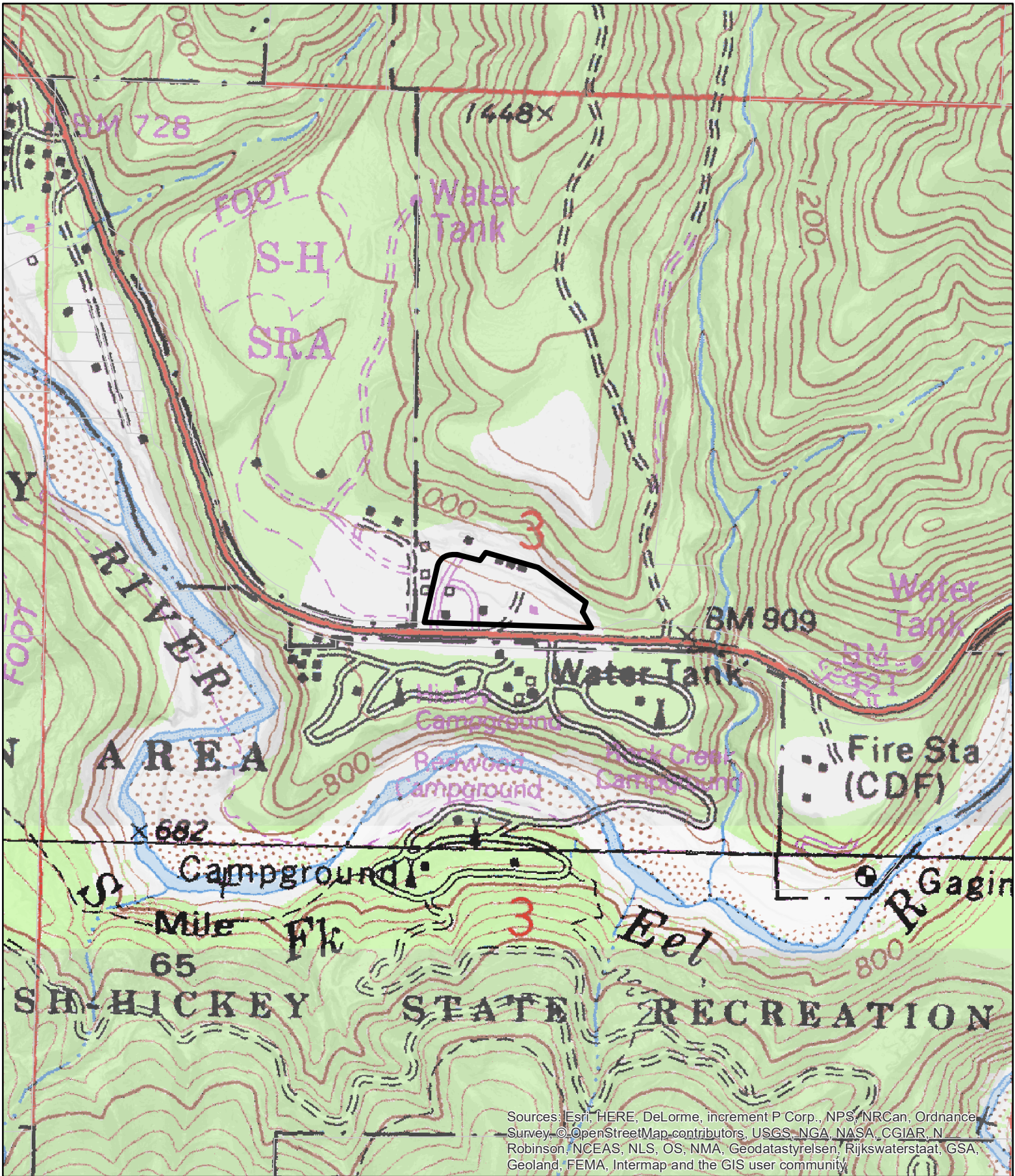
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- Highways (2017)
- Public Roads
- Private Roads
- - - - Driveways/Unnamed Roads




**AERIAL IMAGERY**

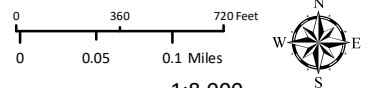
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**AGENT:**  
**ADDRESS:** 69501 N Hwy 101, Leggett

 Assessors Parcels

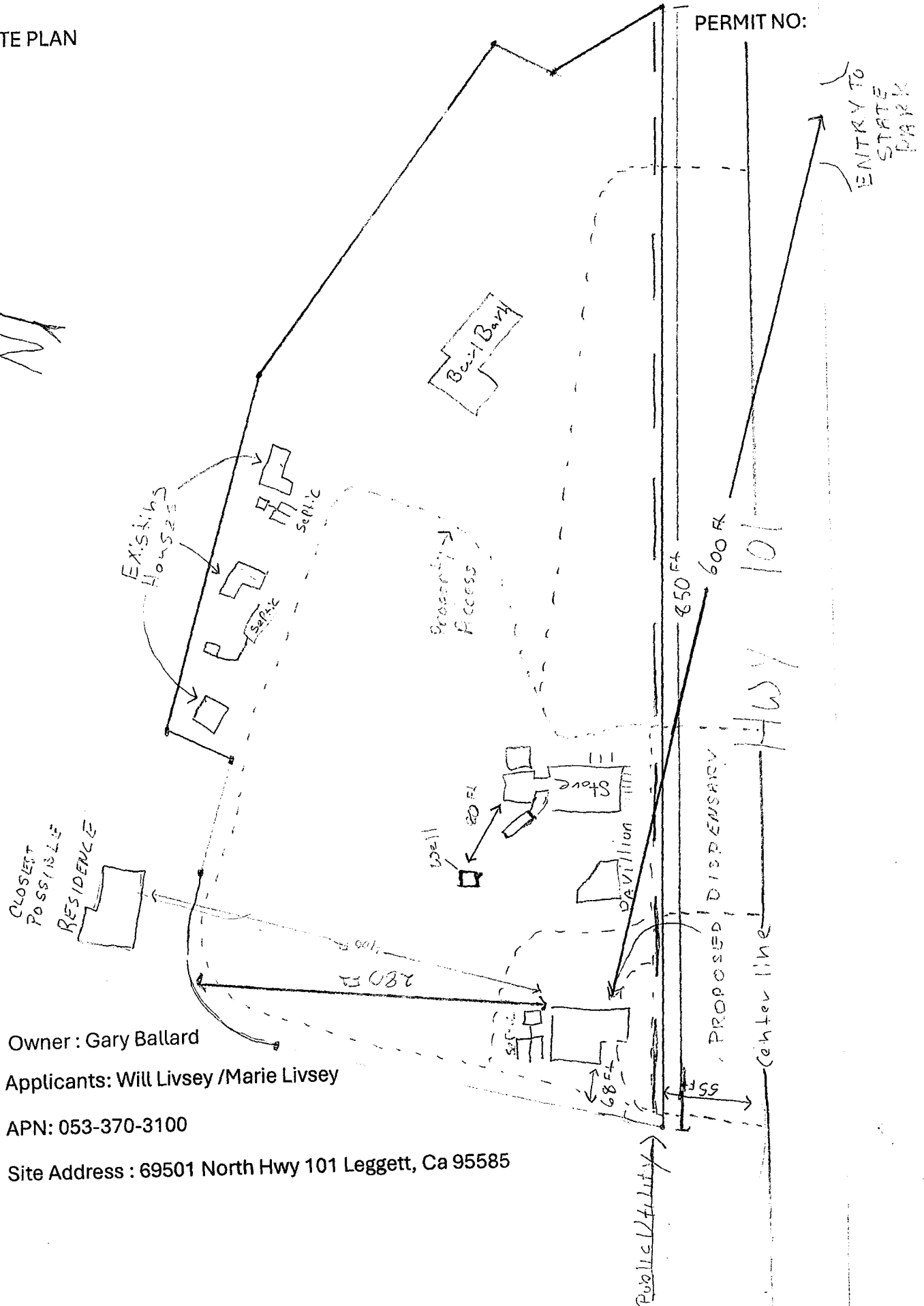


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**TOPOGRAPHIC MAP**  
 CONTOUR INTERVAL IS 40 FEET

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SITE PLAN

PERMIT NO:

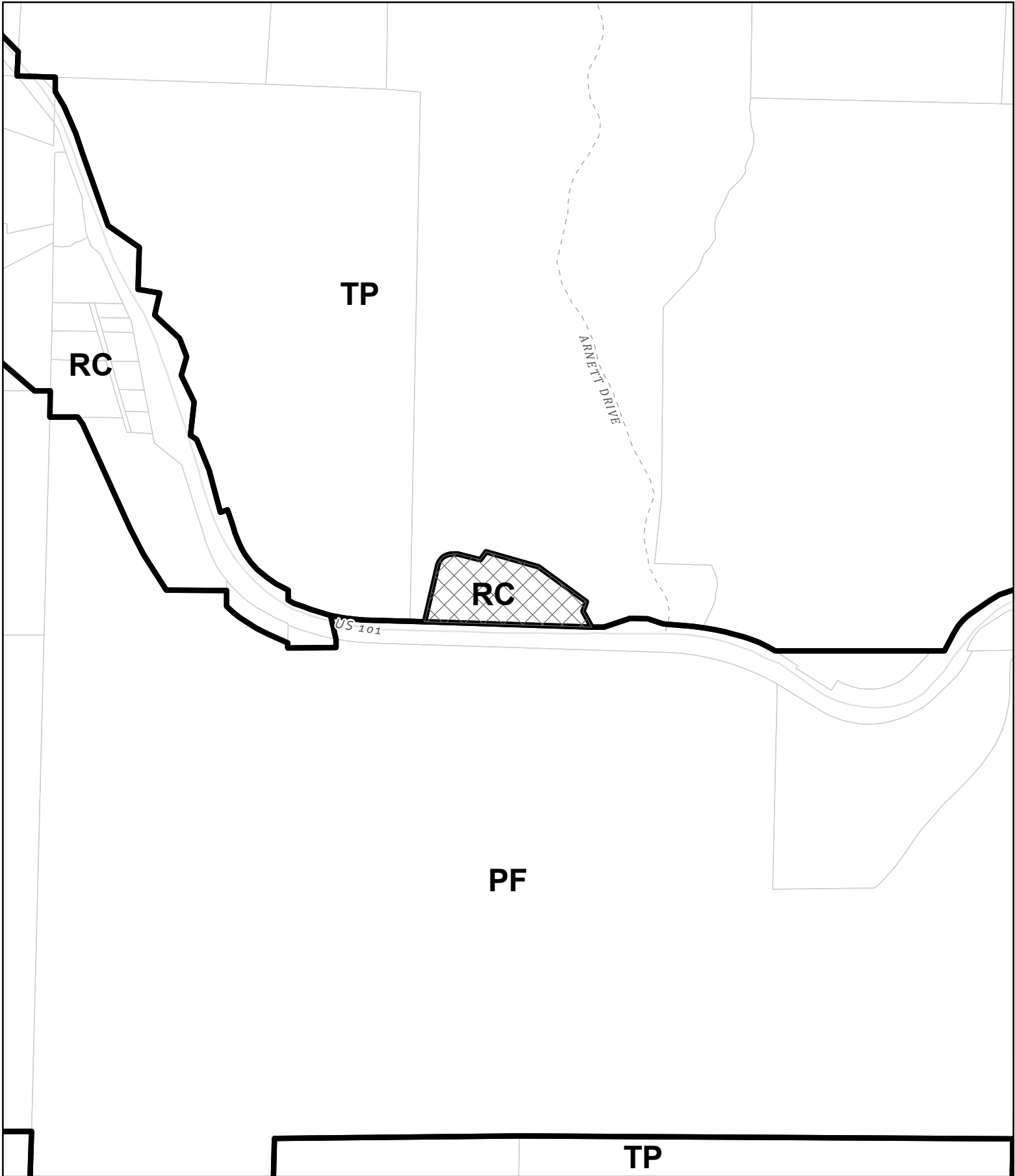


Owner : Gary Ballard





Applicants: Will Livsey / Marie Livsey

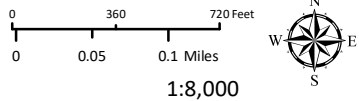
APN: 053-370-3100

Site Address : 69501 North Hwy 101 Leggett, Ca 95585



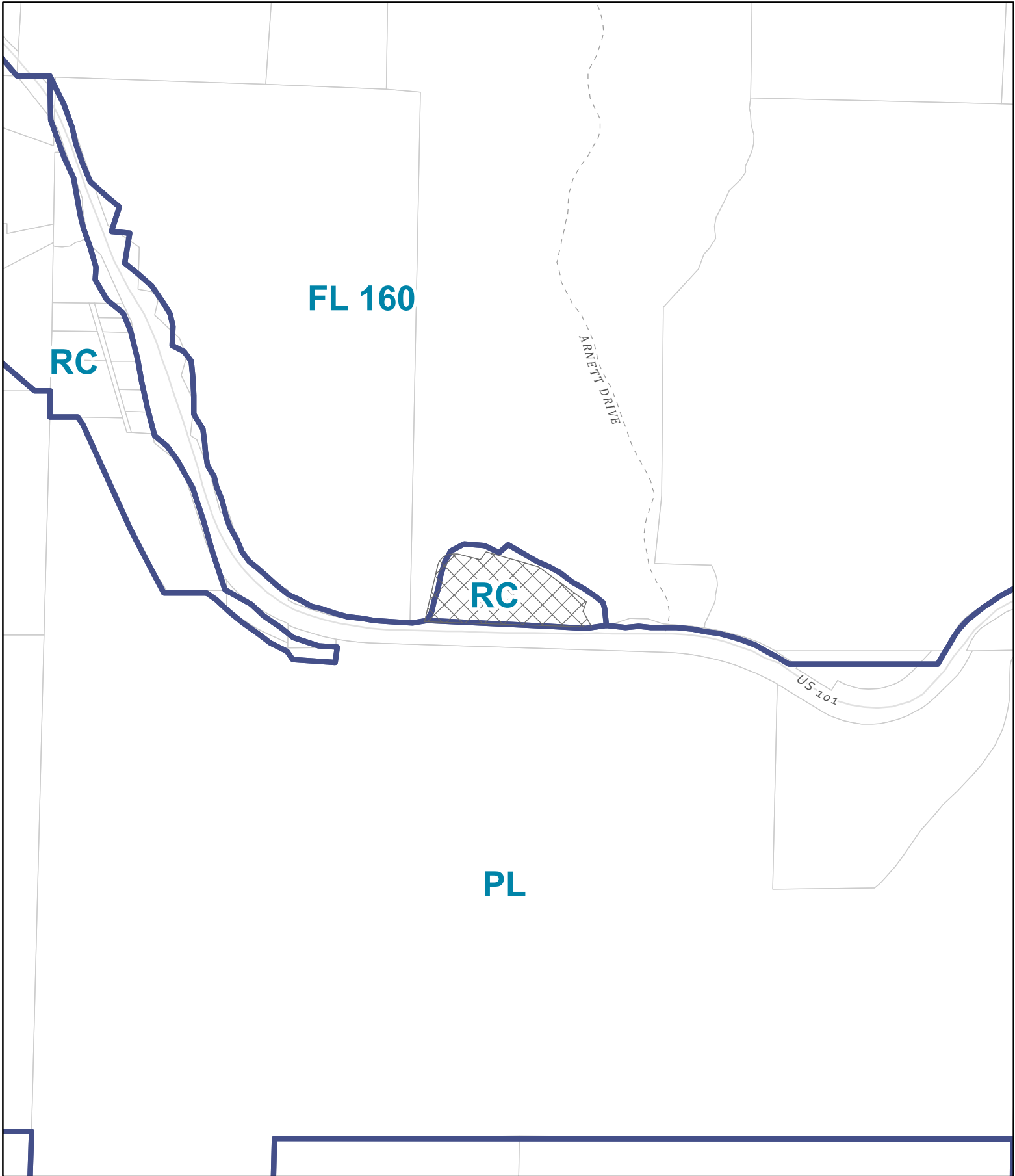
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**ADDRESS: 69501 N Hwy 101, Leggett**

-  Zoning Districts
-  Assessors Parcels
-  Public Roads
-  Private Roads






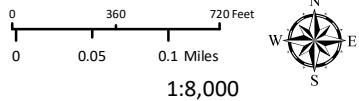
**ZONING**

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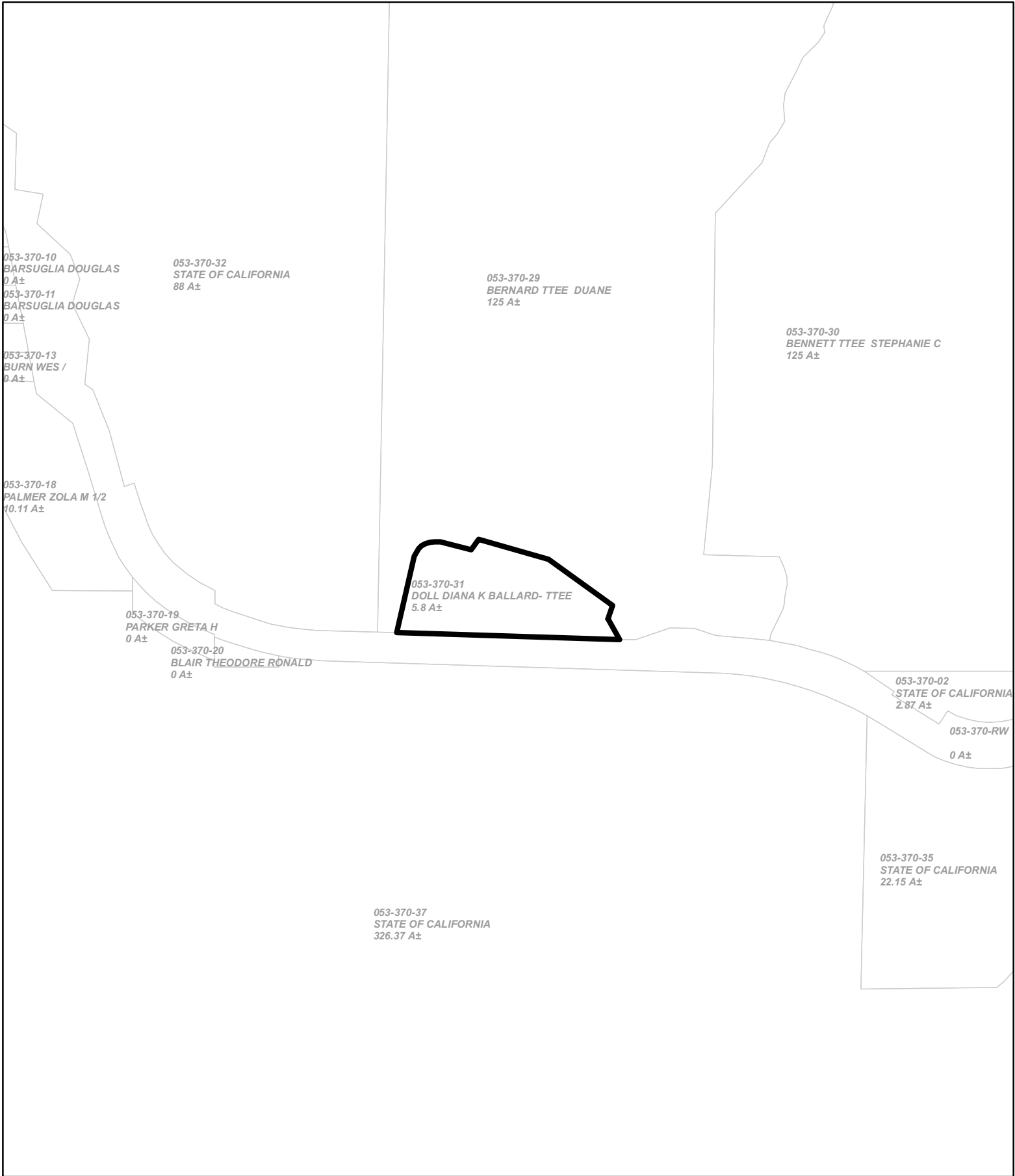
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-  Public Roads
-  Private Roads
-  Assessors Parcels




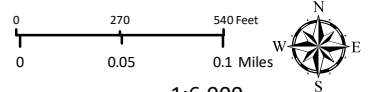
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**GENERAL PLAN**

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 Assessors Parcels

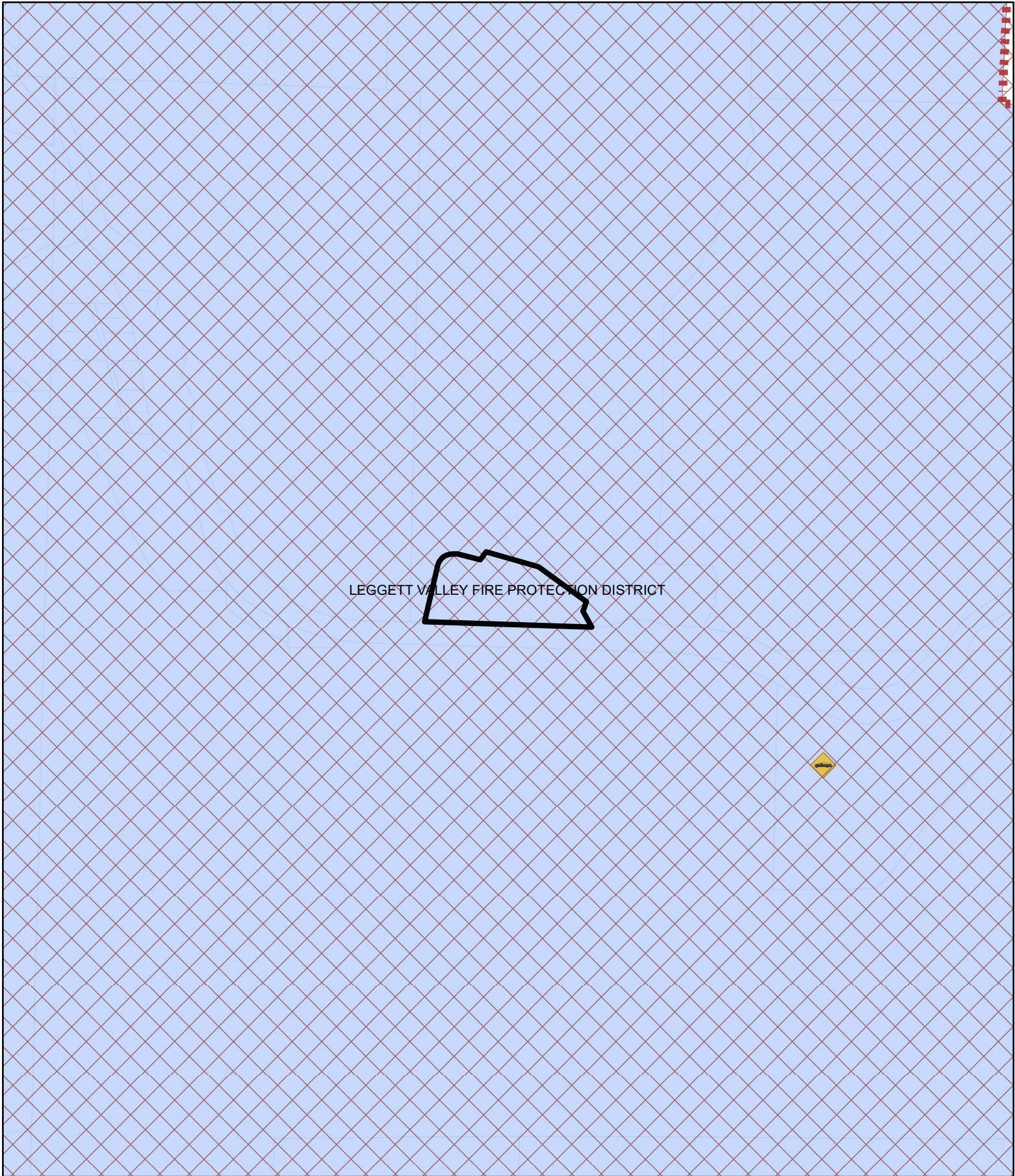


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ADJACENT PARCELS

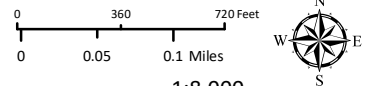
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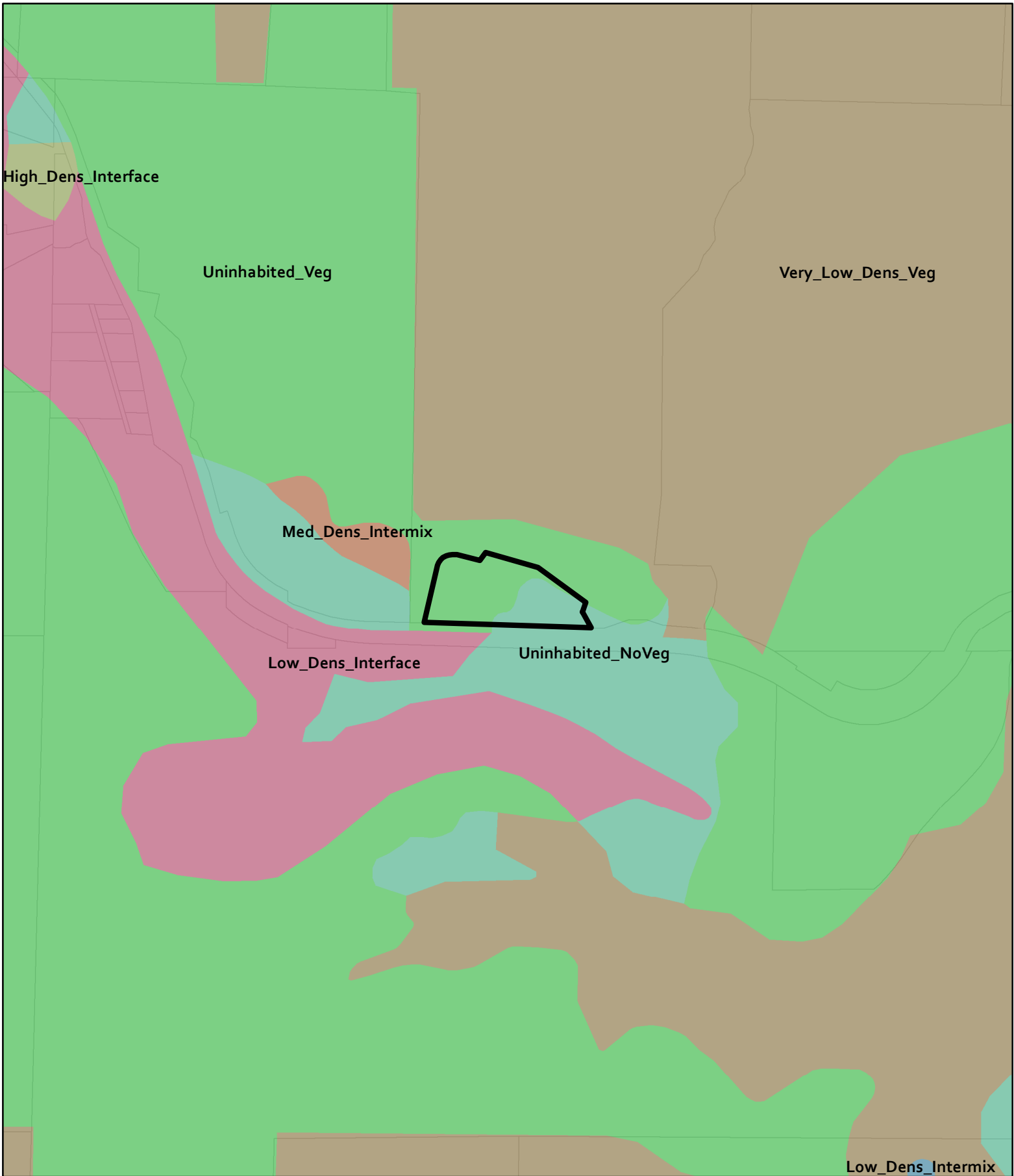
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**AGENT:**  
**ADDRESS: 69501 N Hwy 101, Leggett**

	High Fire Hazard		County Fire Districts
	Fire Stations		Assessors Parcels



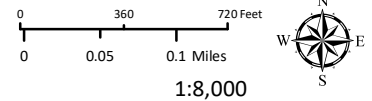
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**TOPOGRAPHIC MAP**  
CONTOUR INTERVAL IS 40 FEET

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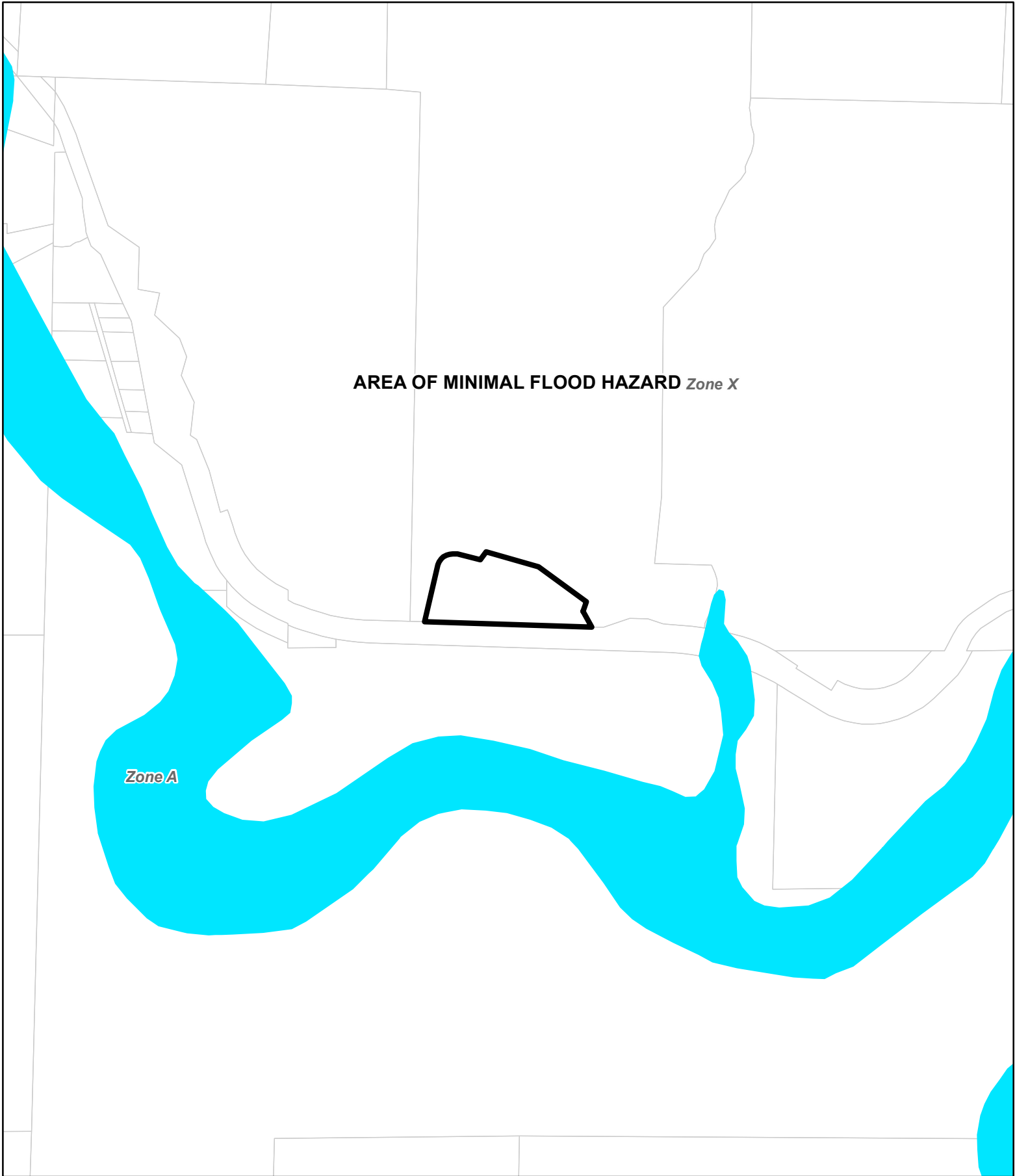
**CASE: U 2024-0003**  
**OWNER: BALLARD, Gary & Diana**  
**APN: 053-370-31**  
**APLCT: Will & Marie Livsey**  
**AGENT:**  
**ADDRESS: 69501 N Hwy 101, Leggett**

Assessors Parcels



**WILDLAND-URBAN INTERFACE**



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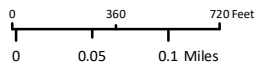


AREA OF MINIMAL FLOOD HAZARD *Zone X*

*Zone A*

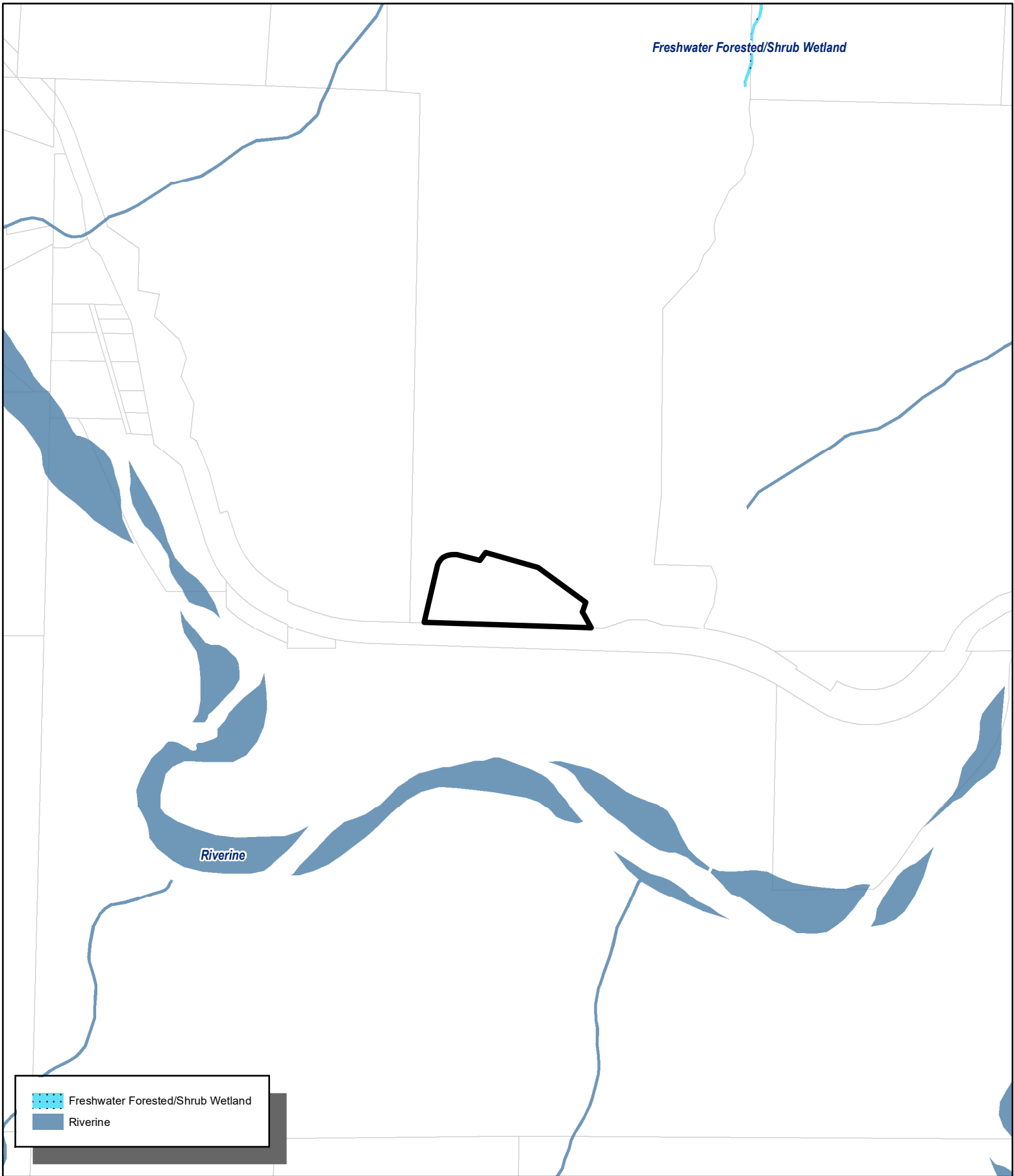
**CASE:** U 2024-0003  
**OWNER:** BALLARD, Gary & Diana  
**APN:** 053-370-31  
**APLCT:** Will & Marie Livsey  
**AGENT:**  
**ADDRESS:** 69501 N Hwy 101, Leggett

 1% Annual Chance Flood Hazard  
 Assessors Parcels




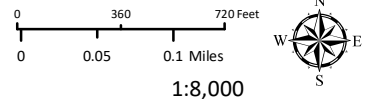
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**FLOOD ZONES**

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**CASE: U 2024-0003**  
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**APN: 053-370-31**  
**APLCT: Will & Marie Livsey**  
**AGENT:**  
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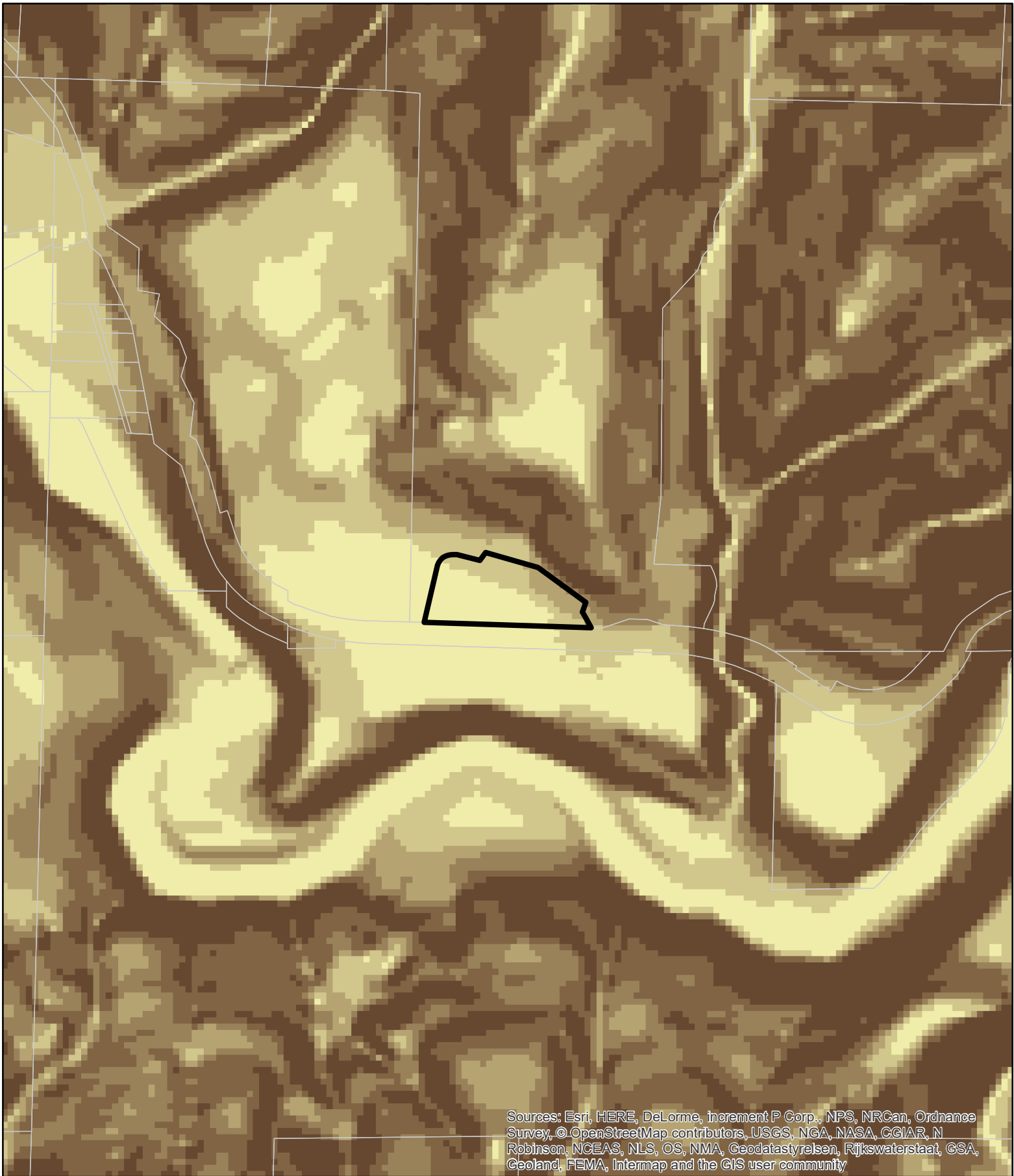
 Assessors Parcels



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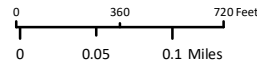
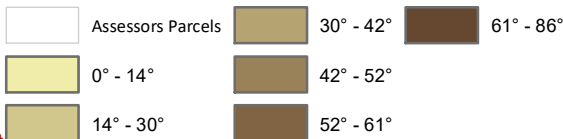
**WETLANDS**

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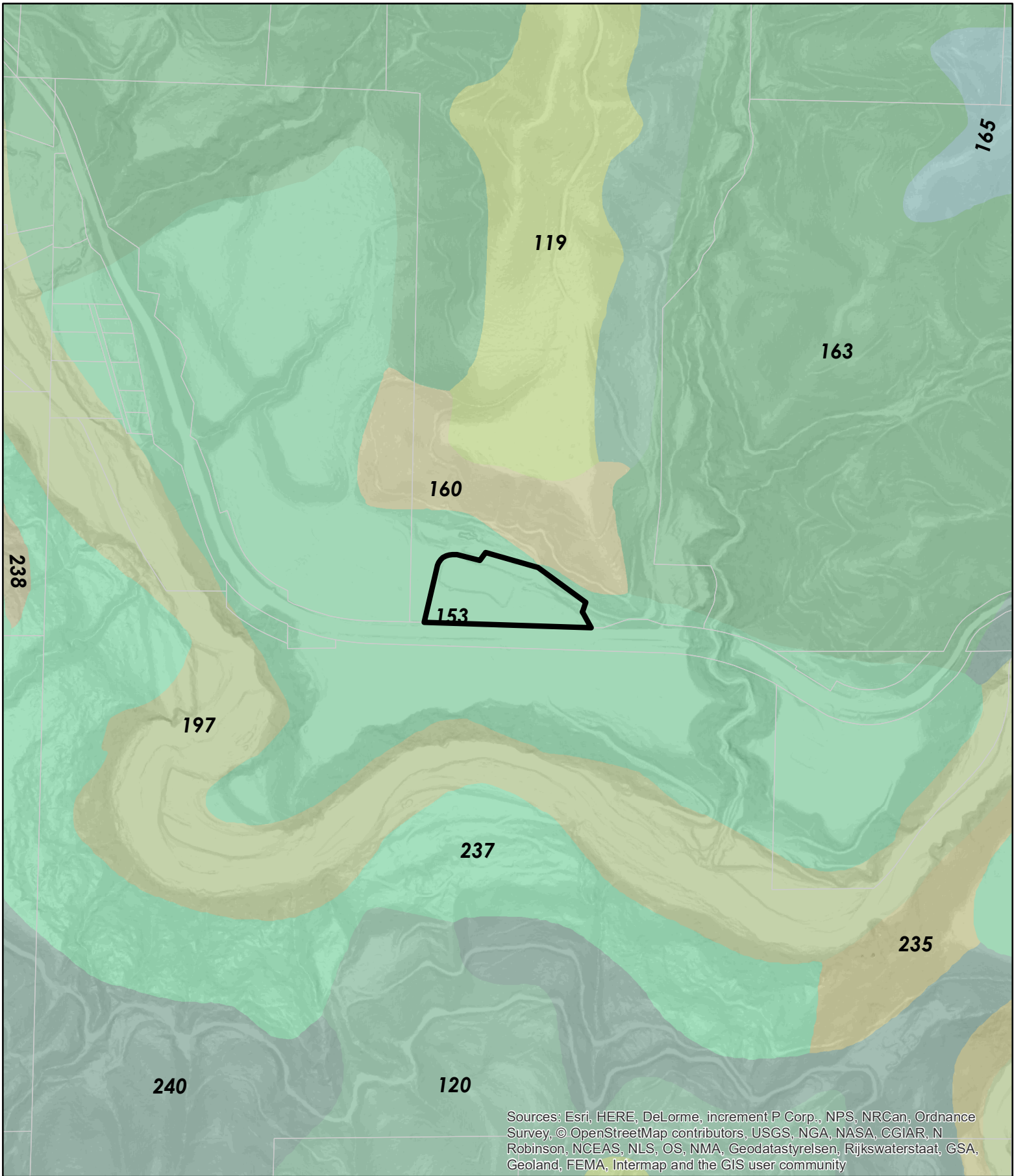
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**APLCT: Will & Marie Livsey**  
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**ADDRESS: 69501 N Hwy 101, Leggett**




1:8,000  
**ESTIMATED SLOPE**

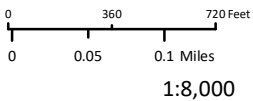
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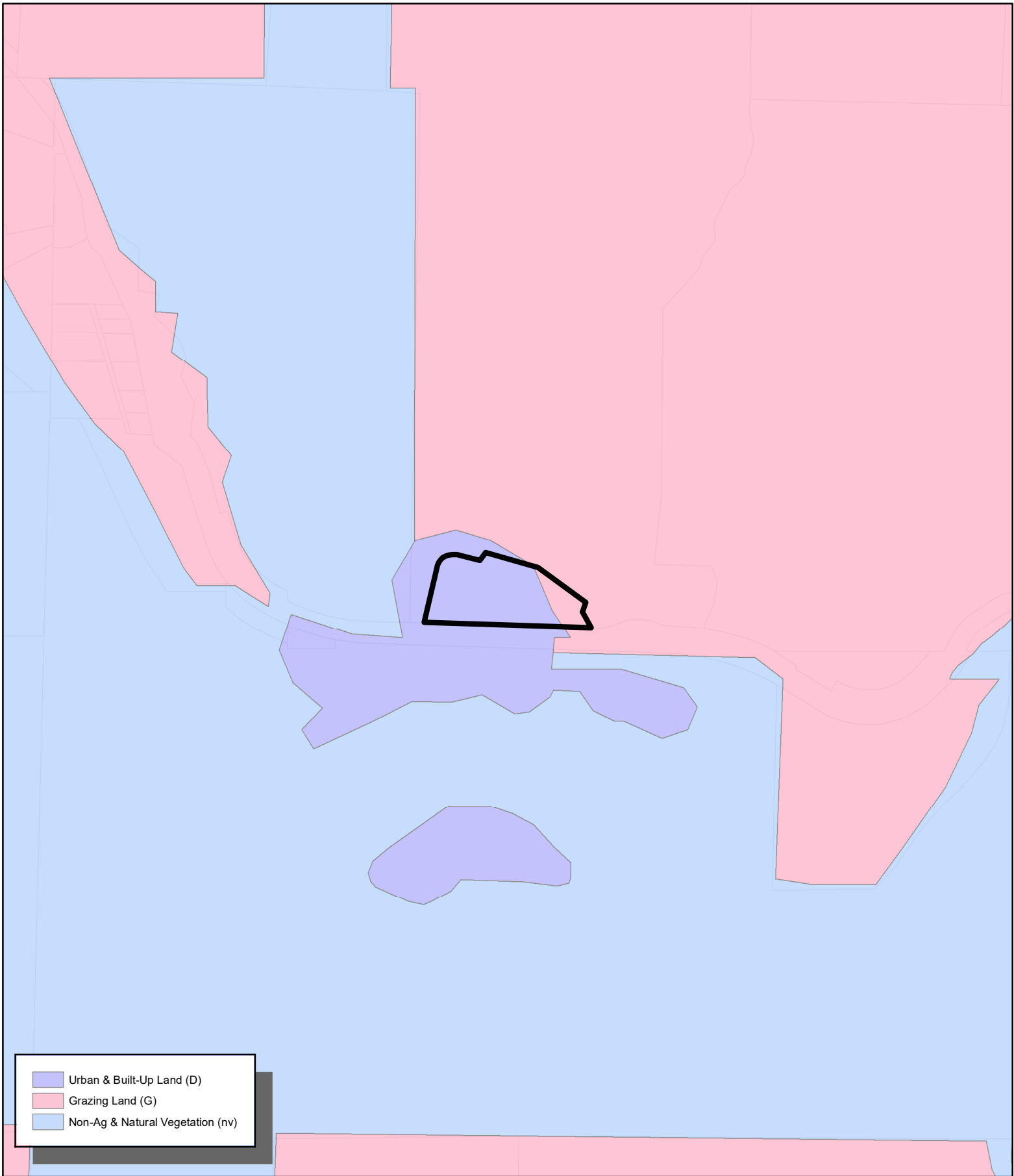
 Assessors Parcels



1:8,000


**WESTERN SOIL CLASSIFICATIONS**

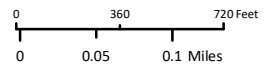
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	Urban & Built-Up Land (D)
	Grazing Land (G)
	Non-Ag & Natural Vegetation (nv)

**CASE: U 2024-0003**  
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**APN: 053-370-31**  
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**AGENT:**  
**ADDRESS: 69501 N Hwy 101, Leggett**

 Assessor's Parcels



1:8,000


**FARMLAND CLASSIFICATIONS**

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# Leggett Valley Unified

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**CASE: U 2024-0003**  
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 Assessors Parcels

0 360 720 Feet  
0 0.05 0.1 Miles

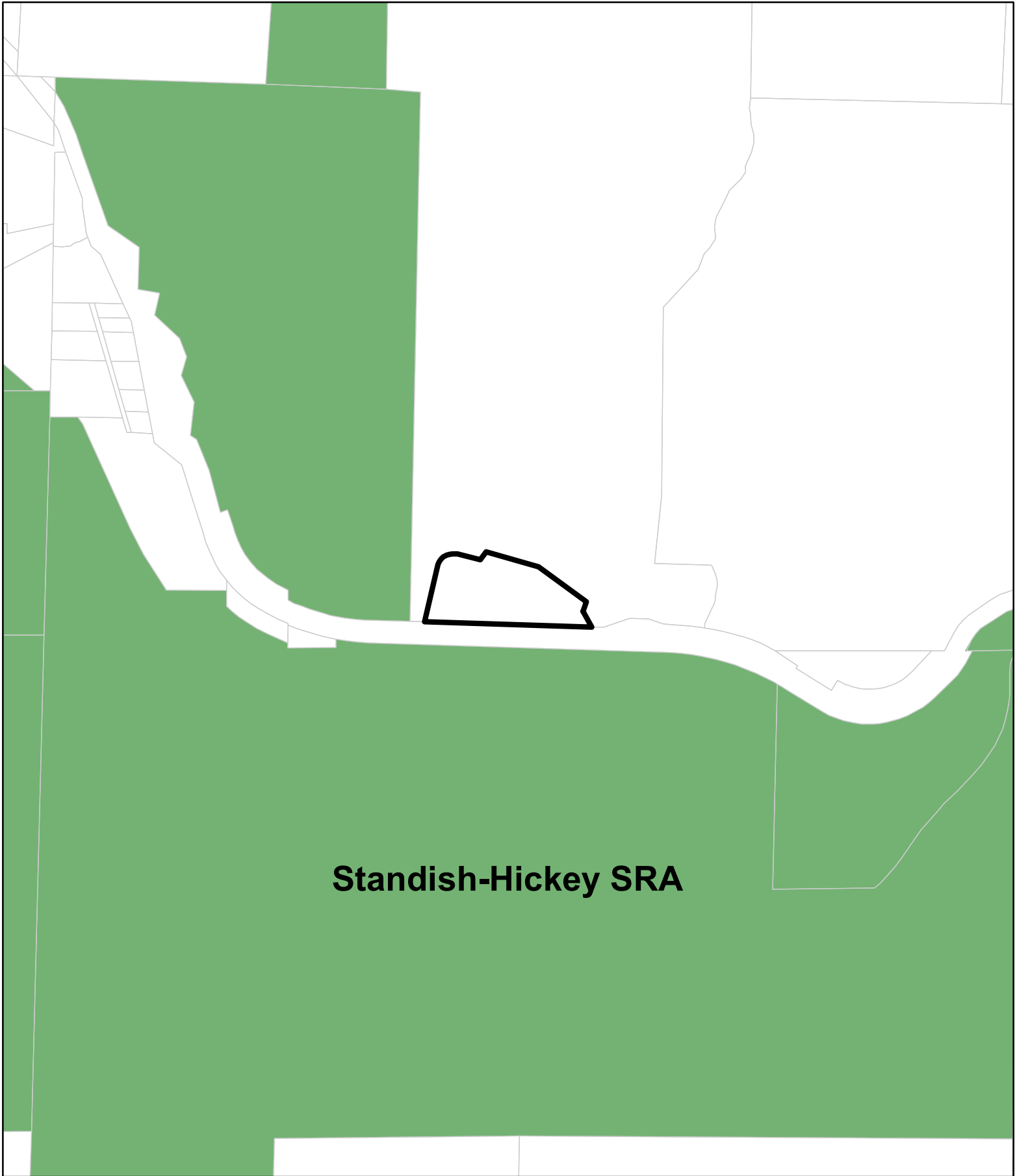


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SOIL DISTRICT

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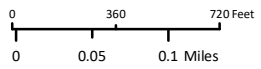




# Standish-Hickey SRA

**CASE:** U 2024-0003  
**OWNER:** BALLARD, Gary & Diana  
**APN:** 053-370-31  
**APLCT:** Will & Marie Livsey  
**AGENT:**  
**ADDRESS:** 69501 N Hwy 101, Leggett

 Assessors Parcels  
 State Parks



1:8,000

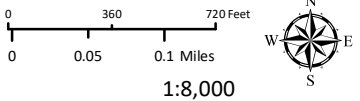
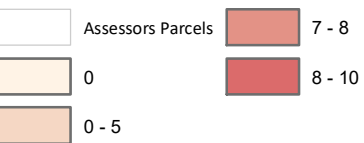
STATE PARKS

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**LANDSLIDE HAZARDS**

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