



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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FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.gov
www.mendocinocounty.org/pbs

May 29, 2024

Department of Transportation
Environmental Health - Ukiah
Building Inspection - Ukiah
Assessor
Air Quality Management

Cannabis
Department of Fish and Wildlife
Regional Water Quality Control Board
Cloverdale Rancheria
Redwood Valley Rancheria

Potter Valley Tribe
Sherwood Valley Band of Pomo Indians
Potter Valley Community Services

CASE#: AP_2023-0021

DATE FILED: 5/25/2023

OWNER/APPLICANT: BENJAMIN L & MAGDALENE BUTLER

AGENT: JAVIER RAU

REQUEST: Administrative Permit for a reduced 20 foot setback from cannabis cultivation activities to the nearest property line.

LOCATION: 4.1± miles east of Covelo town center, on the north side of Shale Lane, west of its intersection with Horseshoue Circle South; located 4421 Shale Ln, Ukiah.

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: ROB FITZSIMMONS

RESPONSE DUE DATE: June 12, 2024

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 _____ Department _____ Date _____

CASE: AP_2023-0021

OWNER: Ben and Magdalene Butler

APPLICANT: Ben Butler

AGENT: Javier Rau

REQUEST: Administrative Permit for a reduced 20 foot setback from cannabis cultivation activities to the nearest property line.

LOCATION: 4.1± miles east of Covelo town center, on the north side of Shale Lane, west of its intersection with Horseshou Circle South; located 4421 Shale Ln, Ukiah.

APN: 176-100-17

PARCEL SIZE: 16.4± acres

GENERAL PLAN: Remote Residential (RMR)

ZONING: Upland Residential (UR)

EXISTING USES: Commercial Cannabis Cultivation

DISTRICT: 1, McGourty

	<u>ADJACENT GENERAL PLAN</u>	<u>ADJACENT ZONING</u>	<u>ADJACENT LOT SIZES</u>	<u>ADJACENT USES</u>
NORTH:	RMR20	UR	8.7± Acres	Vacant
EAST:	RMR20	UR	10± Acres	Vacant
SOUTH:	RMR20	UR	24.1± Acres	Agricultural
WEST:	RMR40	UR	16.6± Acres	Agricultural

REFERRAL AGENCIES

LOCAL

- Air Quality Management District
- Assessor's Office
- Building Division Ukiah
- Cannabis Department
- Department of Transportation (DOT)
- Environmental Health (EH)

- Potter Valley CSD

STATE

- California Dept. of Fish & Wildlife
- Regional Water Quality Control Board

TRIBAL

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

ADDITIONAL INFORMATION:

Although the Site Plan and the project description on the application are somewhat unclear, the applicant has confirmed they are requesting the setback between the easternmost cultivation area and the eastern property line be reduced to 20 feet.

STAFF PLANNER: ROB FITZSIMMONS

DATE: 5/29/2024

ENVIRONMENTAL DATA

1. MAC:

GIS
NO

2. FIRE HAZARD SEVERITY ZONE:

CALFIRE FRAP maps/GIS
Moderate

3. FIRE RESPONSIBILITY AREA:

CALFIRE FRAP maps/GIS
SRA (State Responsibility Area)

4. FARMLAND CLASSIFICATION:

GIS
Grazing Land (G)

5. FLOOD ZONE CLASSIFICATION:

FEMA Flood Insurance Rate Maps (FIRM)
N/A

6. COASTAL GROUNDWATER RESOURCE AREA:

Coastal Groundwater Study/GIS
N/A

7. SOIL CLASSIFICATION:

Mendocino County Soils Study Eastern/Western Part
228 – Yorktree-Yorkville loams, 30 to 50% 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

15. NATURAL DIVERSITY DATABASE:

CA Dept. of Fish & Wildlife Rarefind Database/GIS
NO

16. STATE FOREST/PARK/RECREATION AREA ADJACENT:

GIS; General Plan 3-10
NO

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
YES

19. WILD AND SCENIC RIVER:

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:	
CalFire No:	
Cultivation No:	
Fee:	
Receipt No:	
Received By:	
Date Filed:	
Office use only	

Application for Cannabis Administrative Permit

Mendocino County

ADMINISTRATIVE PERMIT (AP)

- Type C-A Cottage Indoor (500 ft²)
- Wave RR:10 Housing Requirement
- Acreage (3.5 Acres-4.9 Acres: Type 1 Allowance)
- Acreage (7.0 Acres-9.9 Acres: Type 2 Allowance)
- Setback Reduction Request
- TPZ or FL (Type 1 or Type 2)
- RR5 (3.5-4.9 Acres) Waive Sunset

MAY 17 2024

Planning & Building Services

APPLICANT(S)

Name: Ben Butler Phone: 707-489-2039
 Mailing Address: 4421 Shale Ln
 City: Ukiah State/Zip: CA 95482 email: mauibenfarms@gmail.com

PROPERTY OWNER

Name: Ben and Magdalene Butler Phone: 707-489-2039
 Mailing Address: 4421 Shale Ln
 City: Ukiah State/Zip: CA 95482 email: mauibenfarms@gmail.com

AGENT

Name: Javier Rau Phone: _____
 Mailing Address: 100 North Pine St
 City: Ukiah State/Zip: CA email: javier@rauandassoc.com

Parcel Size: 16.14 acres

Address of Property: 4421 shale Ln Ukiah CA 95482

Assessor Parcel Number(s) 176-100-17-00

TYPE OF CULTIVATION PERMIT:

Size ↓	Type of Permit →	OUTDOOR	INDOOR	MIXED LIGHT
Small: (≤2500 ft ²)	<input type="checkbox"/> C	<input type="checkbox"/> C	<input type="checkbox"/> C-A (≤500 ft ²) <input type="checkbox"/> C-A (501 - 2500 ft ²)	<input type="checkbox"/> C-B
Medium: (2501 - 5000 ft ²)	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1-A	<input type="checkbox"/> 1-B
Large: (5001 - 10,000 ft ²)	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2-A	<input type="checkbox"/> 2-B
Nursery: (≤12,000 ft ²)	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 4

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 cultivation site is located.

Ben Butler 5-17-24
 Signature of Applicant/Agent Date

Ben Butler 5-17-24
 Signature of Owner Date

MAY 17 2024

Planning & Building Services

CULTIVATION SITE & PROJECT DESCRIPTION QUESTIONNAIRE

1. Does the proposed cultivation site meet the following setbacks? YES NO

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

FOR OUTDOOR AND MIXED LIGHT CULTIVATION SITES

- o 100 feet from any legal residential structure located on a separate legal parcel.
- o 50 feet from any adjoining legal parcel under separate ownership.
- o If in mobile home park, 100 feet from an occupied mobile home under separate ownership.

FOR INDOOR CULTIVATION SITES

- Any building property line setbacks.

2. Is the cultivation site visible from any public right of way or publically traveled private road? YES NO

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

The project site is a relatively flat area near the easterly property line for outdoor cannabis cultivation. The applicant currently has a cultivation permit at both the county and state levels, we would like to cultivate within 30' of the easterly boundary line which is currently a 10 acre vacant property. There will be no improvements.

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

If YES, please describe the phases briefly.

5. How will you dispose of hazardous, natural (trimmings), or other (plastics) materials from the cultivation site?

Applicant will stay compliant with all local and state laws which would trigger a designated compost area as shown on the site plan

6. Have you constructed in the past, are constructing, or plan to construct any roads? Grading? 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

7. In order to develop the proposed cultivation site, will it be necessary to:

- | | YES | NO |
|---|--------------------------|-------------------------------------|
| A. Remove oak species or commercial tree species? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| B. Make substantial changes in terrain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| C. Connect to existing water district? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| D. Connect to existing sewer district? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| E. Install a septic system? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| F. Connect to existing septic system? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| G. Install an individual well? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

H. OTHER (Explain)? _____

8. 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. Please include size of structures.

1. AN EXISTING RESIDENCE
2. AN EXISTING BARN/ SHOP
3. AN EXISTING VEGTABLE GREENHOUSE
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

9. Are there any contiguous properties and/or projects (unrelated to cannabis) under your ownership? YES NO

10. Will the proposed cultivation site convert land currently or previously used for agriculture? YES NO

If YES, how much land is being converted? _____ (ft² / acres)

11. Will the proposed cultivation site require the construction of a pond OR will it involve diking, filling, or dredging?

NO

- YES, the project will involve:
- Construction of a pond - a total of _____ cubic yards will be moved
 - Diking - a total of _____ cubic yards will be moved
 - Filling - a total of _____ cubic yards will be moved
 - Dredging - a total of _____ cubic yards will be moved

12. Briefly describe the surrounding properties including vegetation, animals, structures, and/or cultural/historic assets.

THE SURROUNDING PARCELS ARE ZONED UPLAND RESIDENTIAL AND TYPICALLY 10 ACRES IN SIZE OR GREATER. THEY CONSIST OF ROLLING OAK HILLS WITH GRASS LAND WITH OCCASIONAL LARGE TO MODERATE ROCK OUTCROPPING.

13. Please indicate the surrounding land uses.

	NORTH	EAST	SOUTH	WEST
Vacant	X	X		
Residential/Agricultural			X	X
Commercial/Industrial				
Institutional/Timberland				
Other				

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

A. Electricity

Utility Company (existing)

Utility Company (planned)

On-Site Generation – Specify _____

B. Gas

Utility Company (existing)

Utility Company (planned)

On-Site Generation – Specify _____

None

C. Water

Community water system – Specify supplier _____

Well

Spring

Pond

Other – Specify _____

D. Sewage

Community sewage system – Specify supplier _____

Septic Tank

Other – Specify _____

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

16. Will you have employees? YES NO

If YES, how many employees will you have? _____

If employees are residing onsite, please indicate the structure they will be residing.

17. Will there be any processing of cannabis on site (trimming, leaf removal, curing, drying, etc)? YES NO ^{BB}

18. If you answered YES to the previous question (17), please describe the activities.

~~DRYING OF PRODUCT FROM ON SITE FARM ACTIVITIES~~ ^{BB}

19. Have you discussed this proposal with adjacent property owners and other concerned parties?

YES. THE DIRECT NEIGHBOR TO THE EAST HAS BEEN CONTACTED.

20. Please describe how you intend to mitigate potential nuisances related to the proposed cultivation activities.

THE APPLICANT IS OPEN TO ANY SUGGESTIONS REGARDING A VISUAL BARRIER
FROM THE NEIGHBOR IF NECESSARY

21. Provide an overview of your past cultivation, as well as ancillary activities on this subject property. If 'Relocating' please describe past activities within Mendocino County, as well as past cultivation on this subject parcel, if applicable:

THE APPLICANT HAS CULTIVATED THROUGH THE LEGAL MARKET SINCE 2017.

22. Describe why the proposed location and operation is the most environmentally superior location on the subject property.

THIS SITE IS IMPORTANT AND FEASIBLE AS OTHER PARTS OF THE PROPERTY DEVELOPMENT WOULD IMPACT TREES, SIGNIFICANT GRADING, AND SET BACKS FROM WATER COURSES.

23. Are you aware of any Archeological or Paleontological resources on the subject property? YES NO

24. Have you recieved the requisite approvals from CALFIRE or your Local Response Agency? YES NO
If NO, do you intend to submit this information alongside needed building permits? _____

25. Have you recieved site inspections from any of the following agencies with regard to this proposed activity?

NO
 YES, following

Department of Agriculture Date: 2018

SWRCB Date: _____

CDFW Date: _____

CDFA Date: 2018

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

Ben Bute 5-25-23
Signature of Applicant/Agent Date

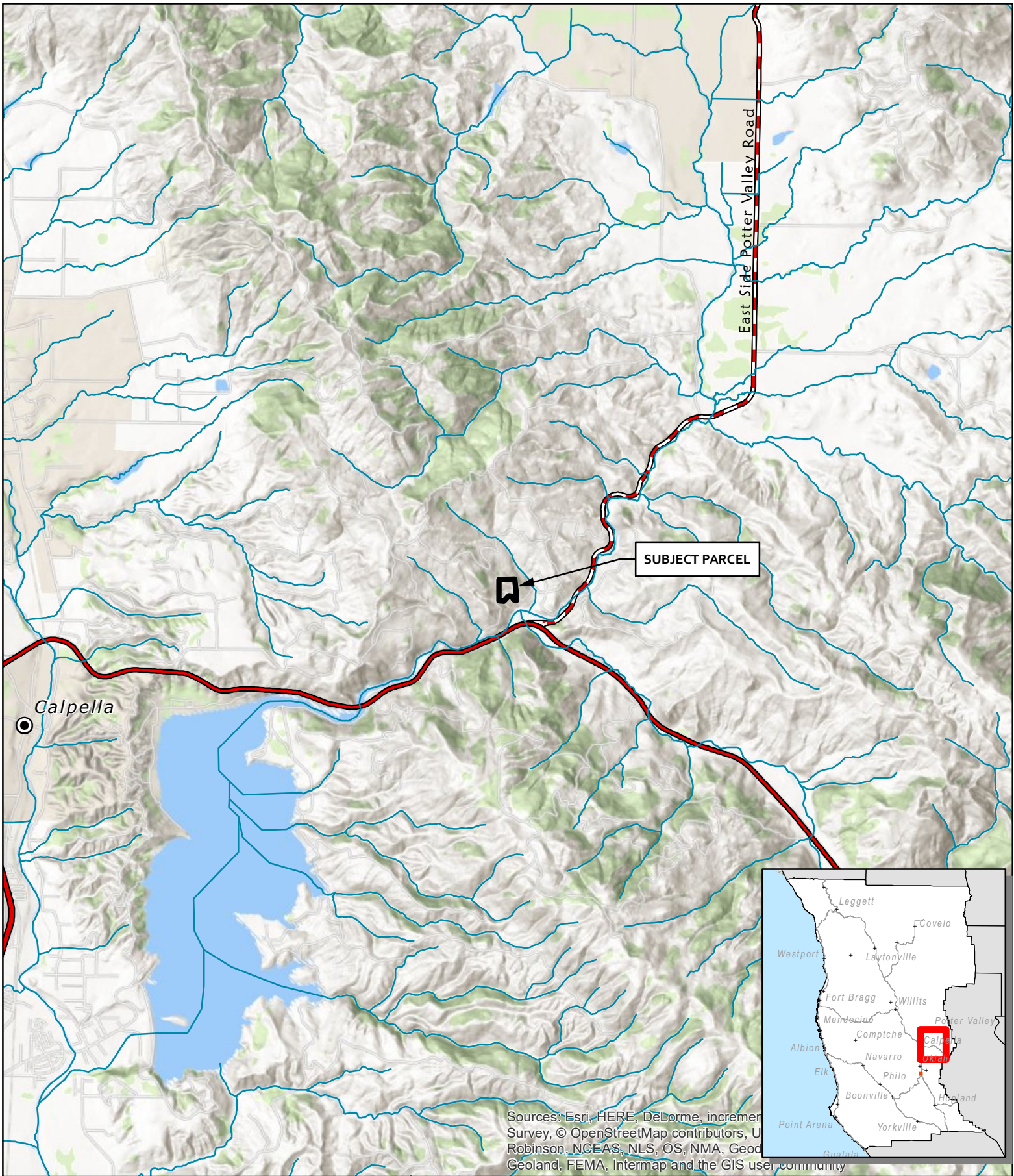
Ben Bute 5-25-23
Signature of Owner Date

FOR STAFF PURPOSES ONLY

Zoning District: _____

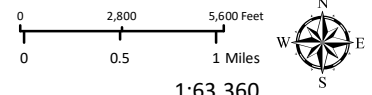
Subject to Sunset Provision [MCC 10A.17.080(B)(2)(b)]? YES NO

Compliant with Mendocino County Code Chapter 20.242: YES NO



CASE: AP 2023-0021
OWNER: BUTLER, Ben
APN: 176-100-17
APLCT: Ben Butler
AGENT: Javier Rau
ADDRESS: 4421 Shale Ln., Ukiah

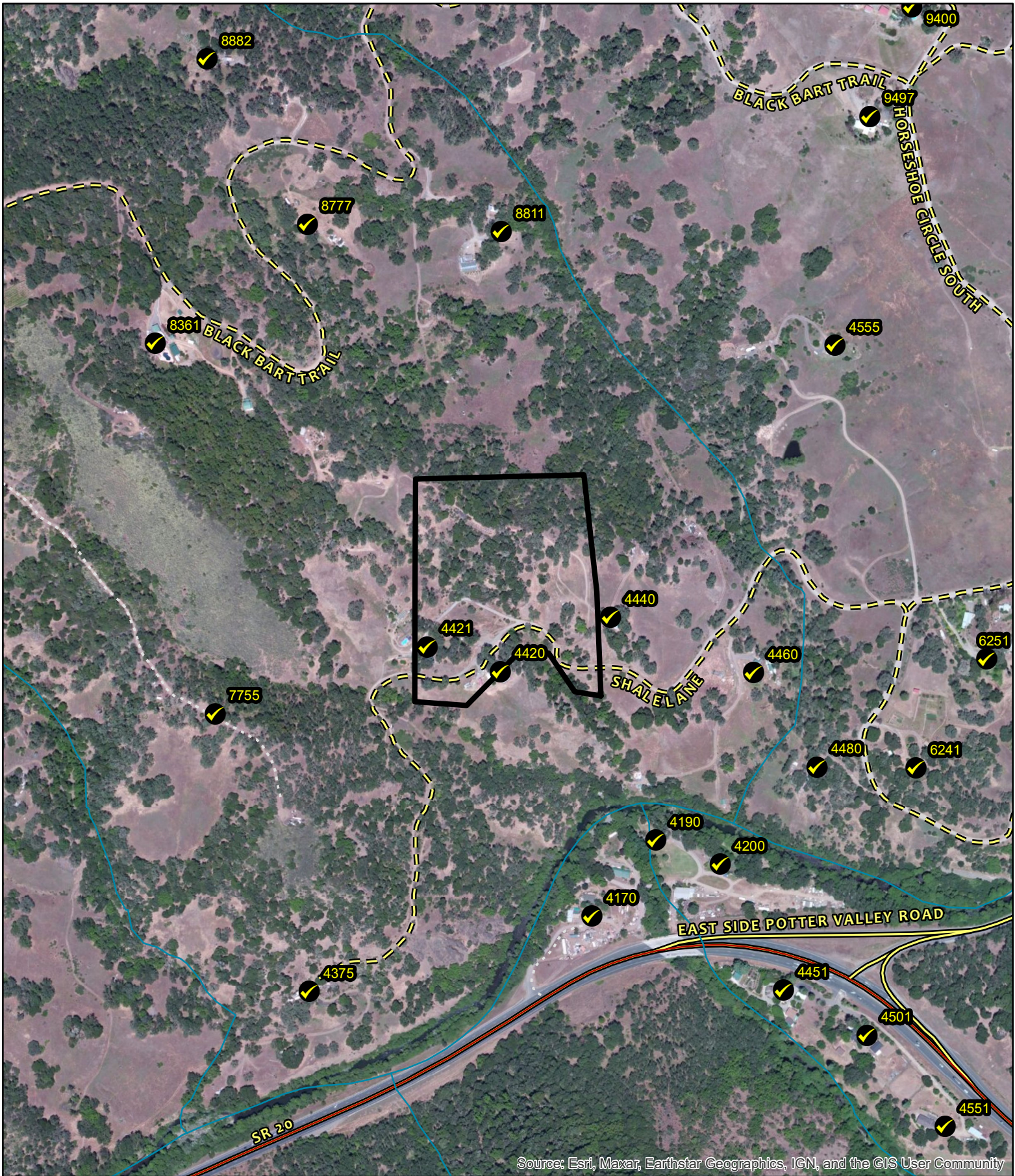
- Major Towns & Places
- Major Roads
- Hydrology
- Highways



1:63,360







LOCATION

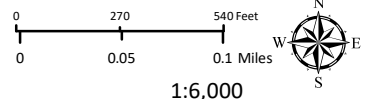
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Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

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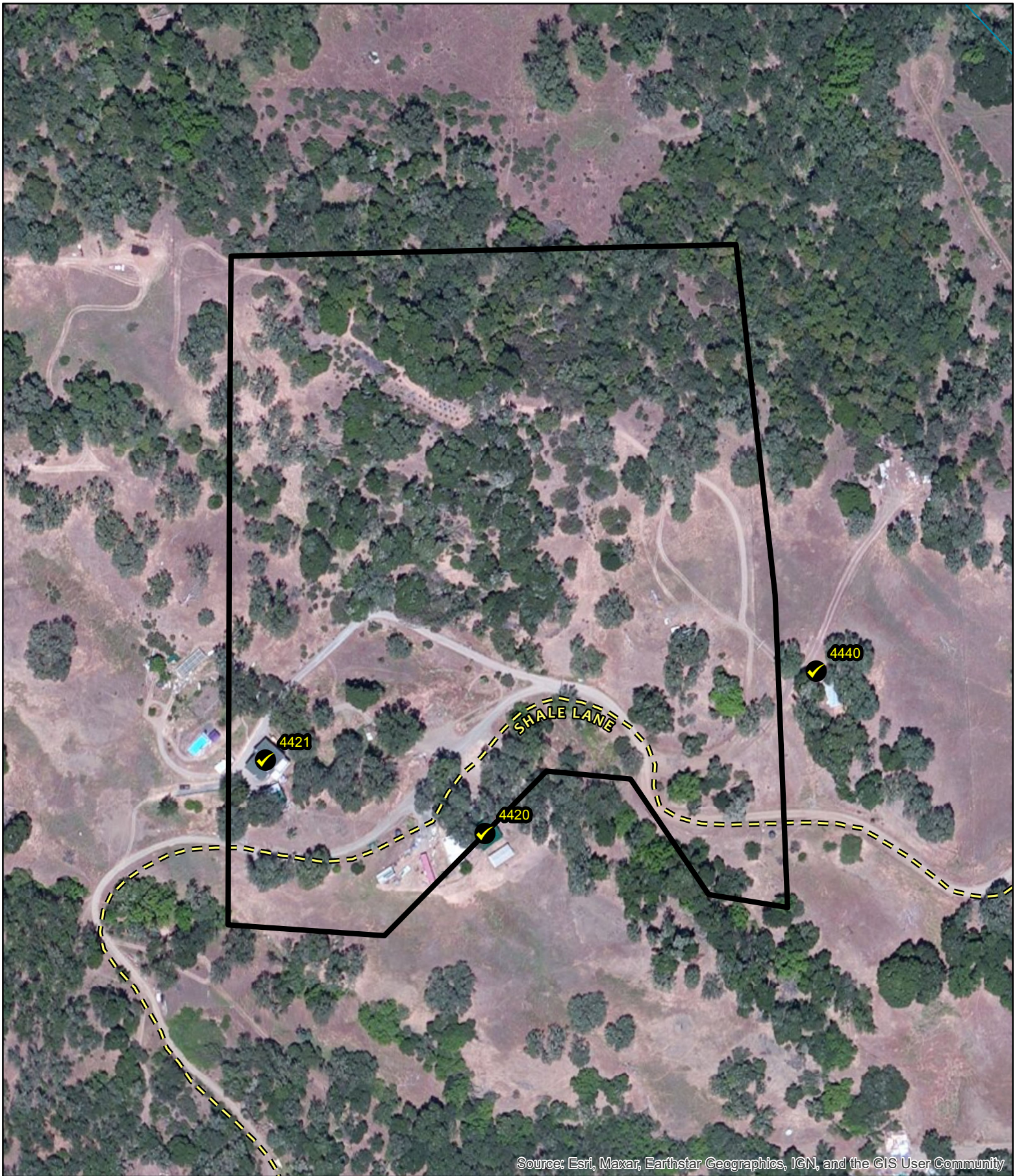
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-  Hydrology
-  Highways (2017)
-  Public Roads
-  Private Roads
-  Driveways/Unnamed Roads



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AERIAL IMAGERY

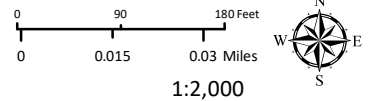
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-  Address_Points_04032023
-  Hydrology
-  Private Roads



AERIAL IMAGERY

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Ben Butler
 4421 Shale Lane
 Ukiah, CA 95482
 APN: 176-100-17-00
 UR:20

Acreage: 16.14
 10,000 Sq Ft of Outdoor Cultivation
 512 sq ft of Immature Plant Area

Water Source: Permitted Well
 Power Source: Grid












No Processing or storage will occur on the property

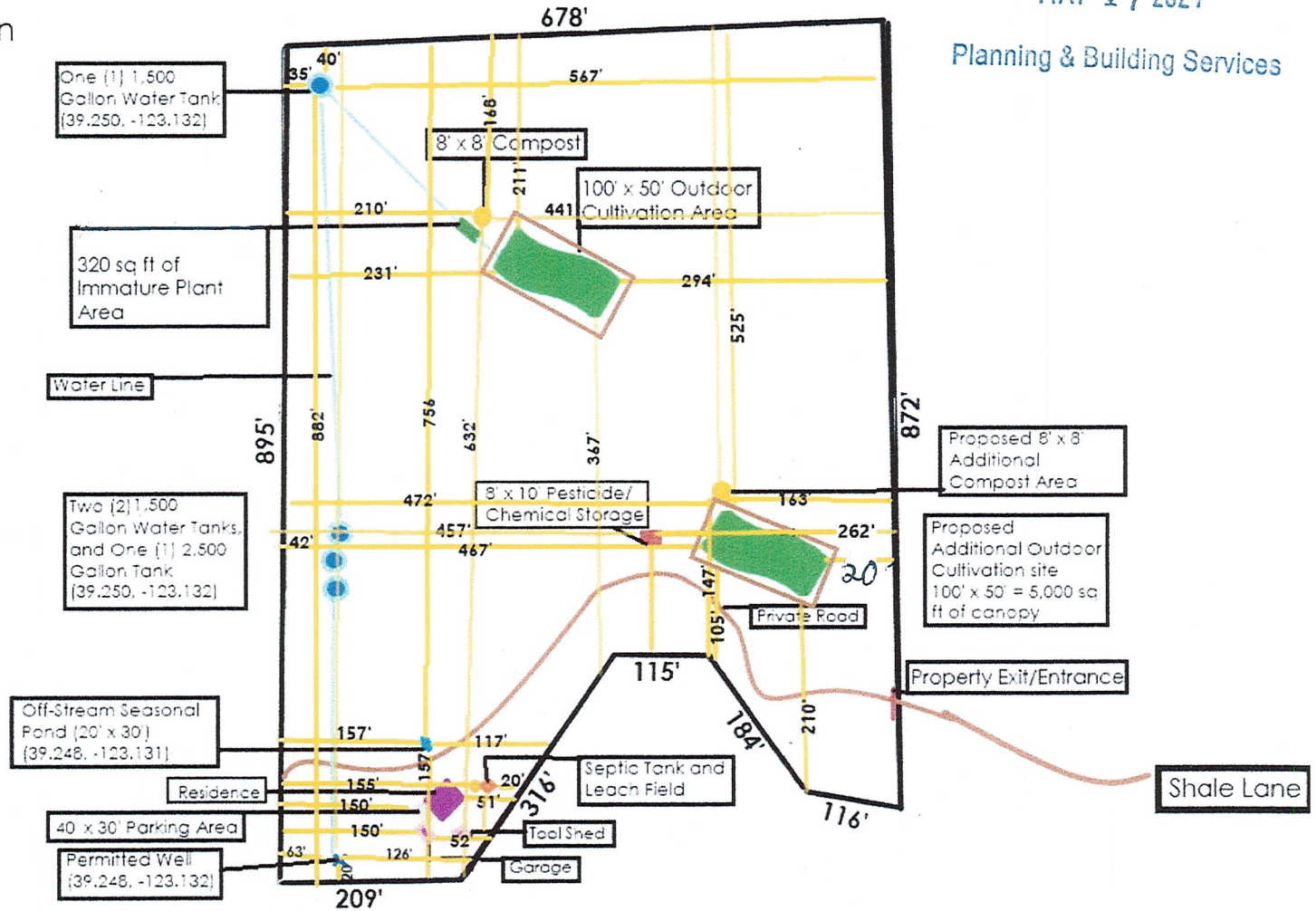
Mendocino County

MAY 17 2024

Planning & Building Services

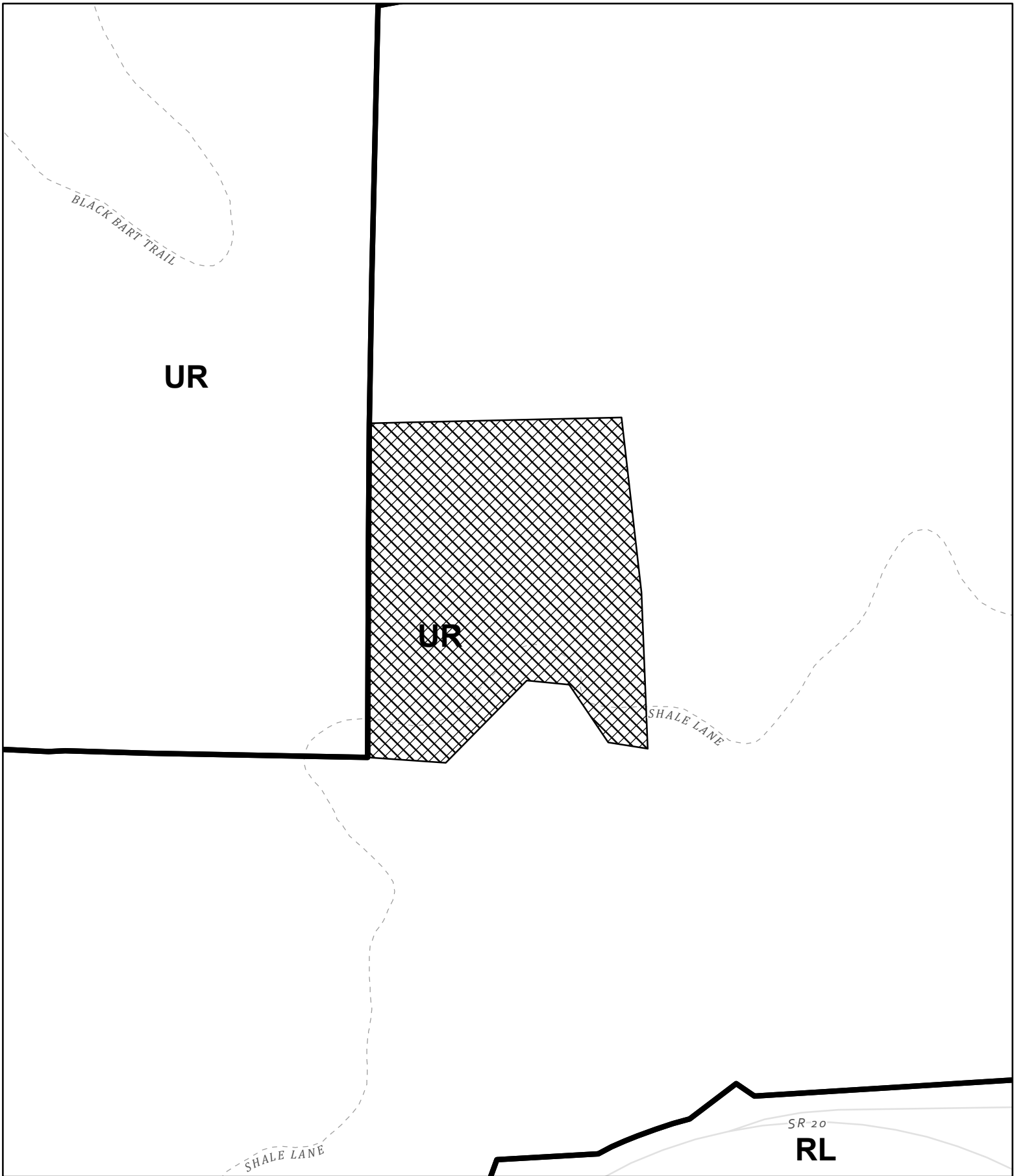
LEGEND

-  6 Ft. Wooden Fence
-  Cultivation Area
-  AG Chemical/Pesticide Storage
-  Water Tanks
-  Off Stream Pond
-  Residence
-  Parking Area
-  Water Lines
-  Garage & Tool Shed
-  Compost Area
-  Septic Tank & Leach Field






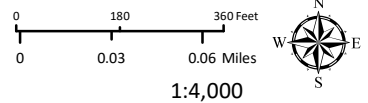
Scale
 1" = 120'





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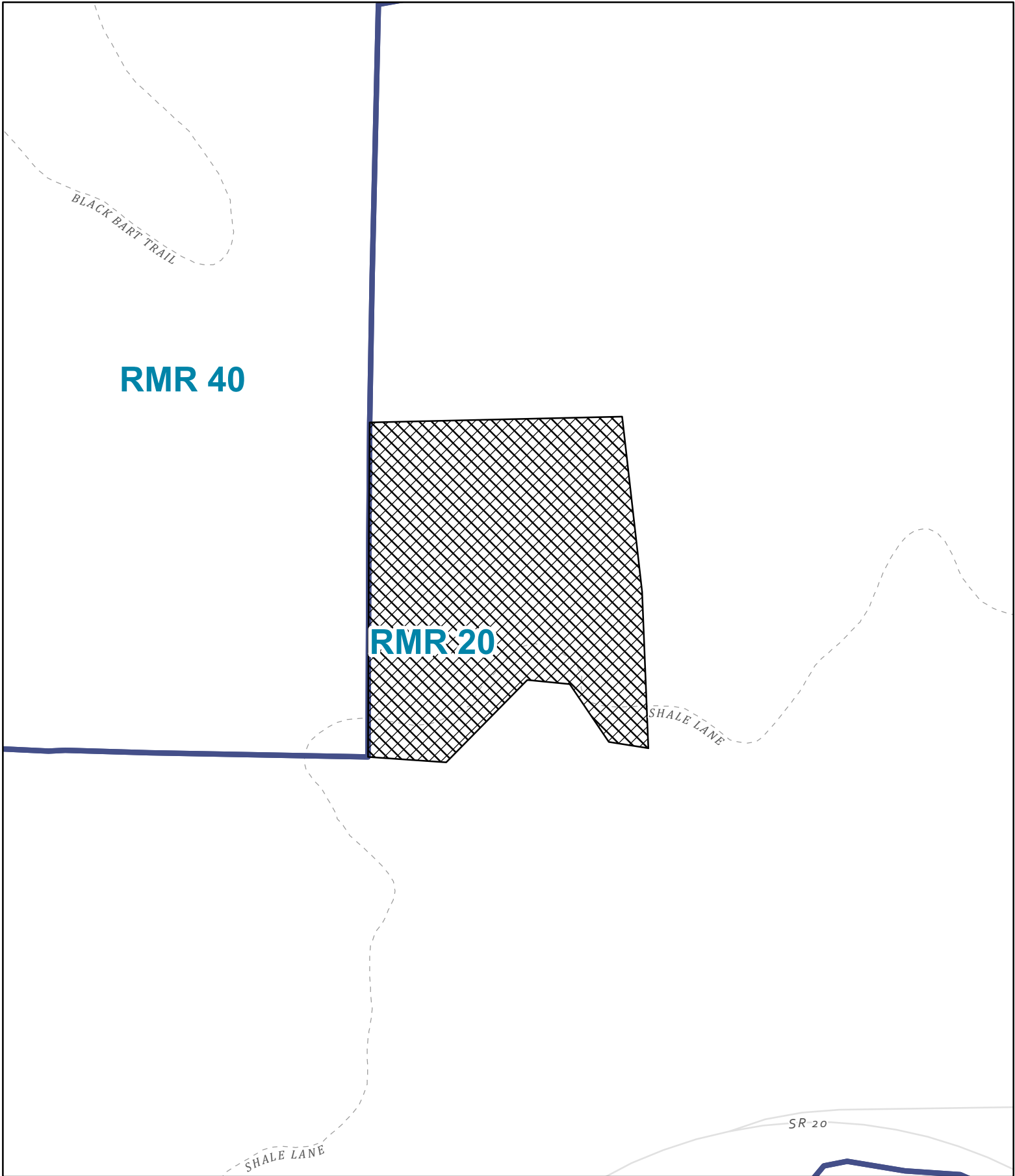
-  Zoning Districts
-  Public Roads
-  Private Roads



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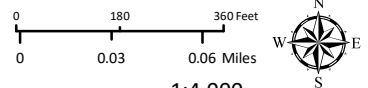
ZONING

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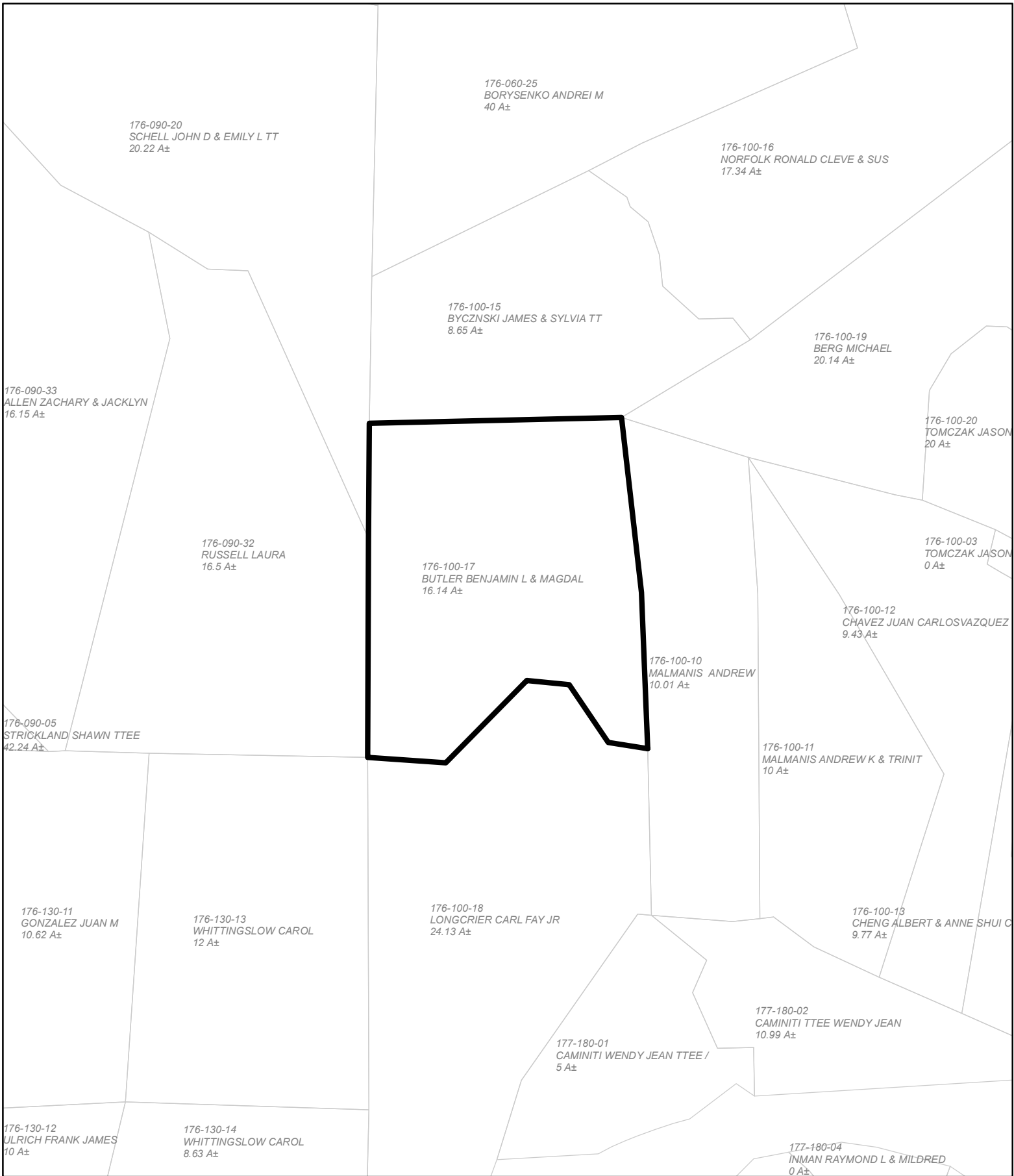
— Public Roads
 - - - Private Roads




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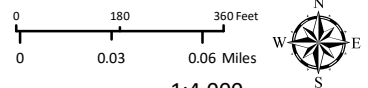
GENERAL PLAN

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 Assessors Parcels



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ADJACENT PARCELS

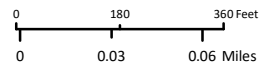
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POTTER VALLEY COMMUNITY SERVICES DISTRICT

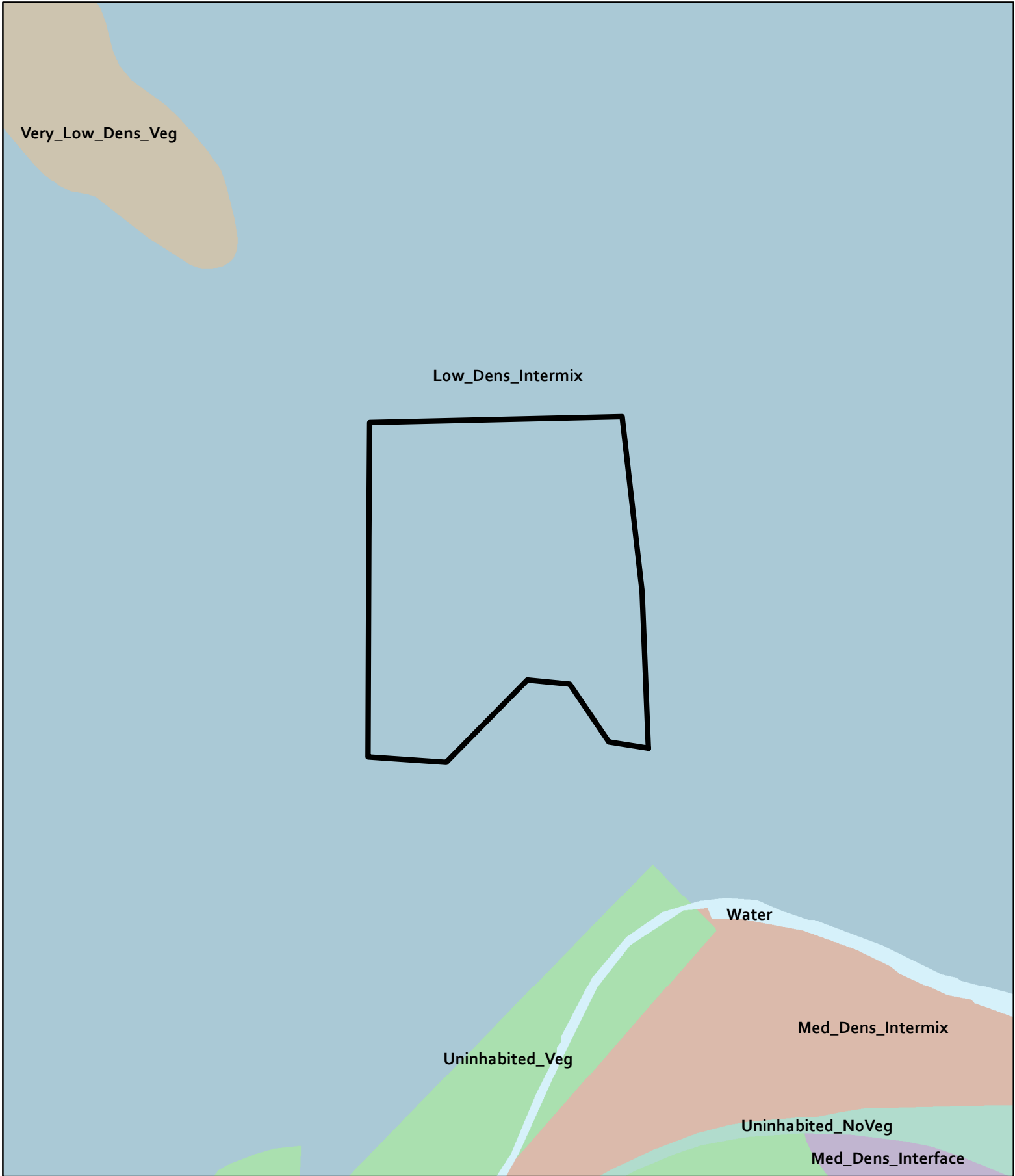
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-  High Fire Hazard
-  Moderate Fire Hazard
-  County Fire Districts

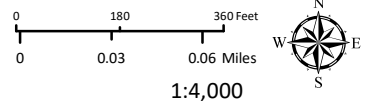


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FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

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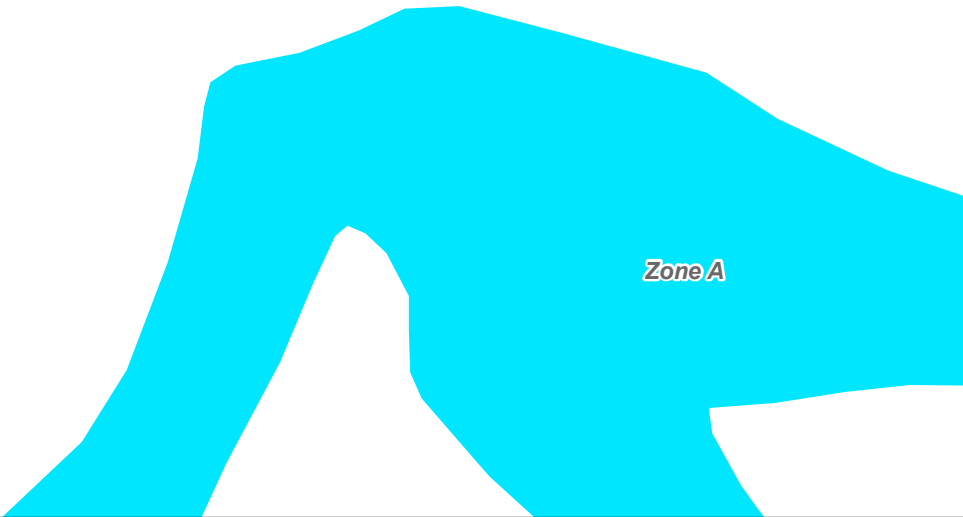


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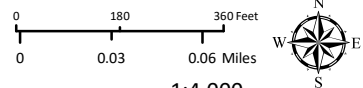
WILDLAND-URBAN INTERFACE

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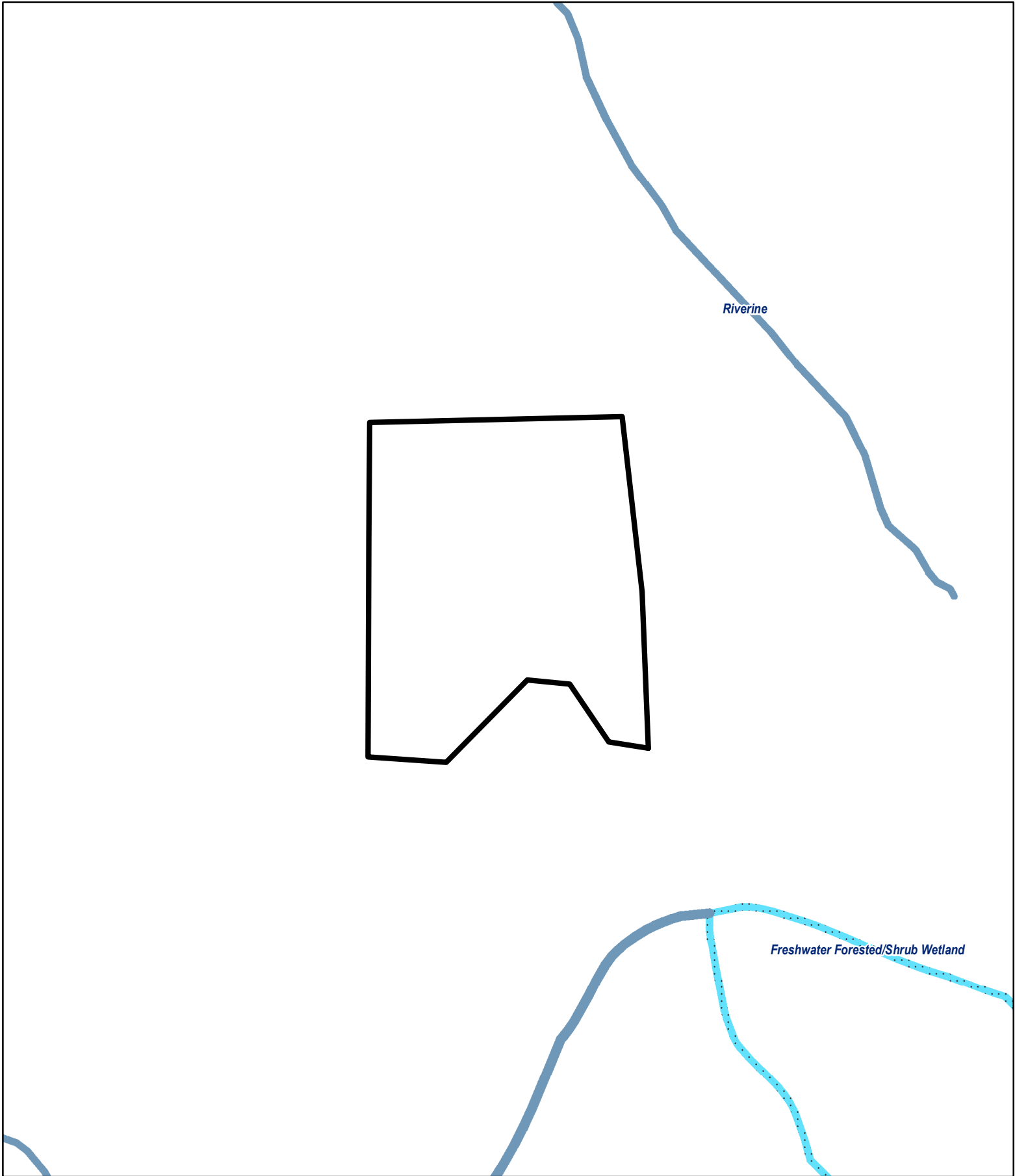
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 1% Annual Chance Flood Hazard

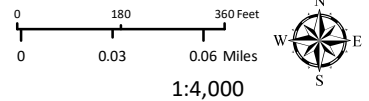


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FLOOD ZONES

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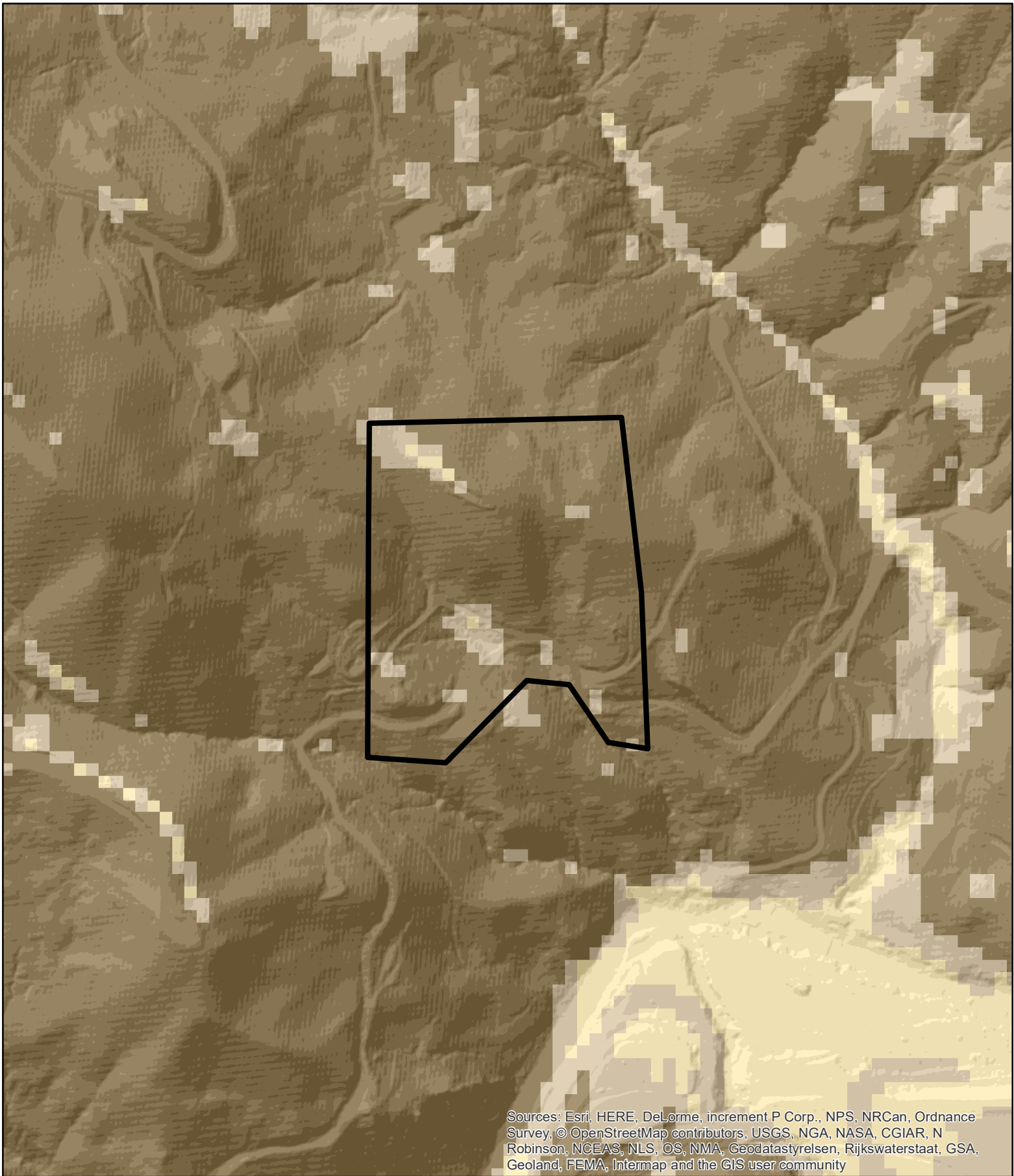
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1:4,000

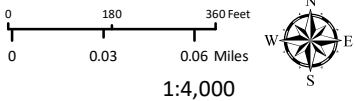
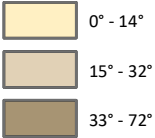
WETLANDS

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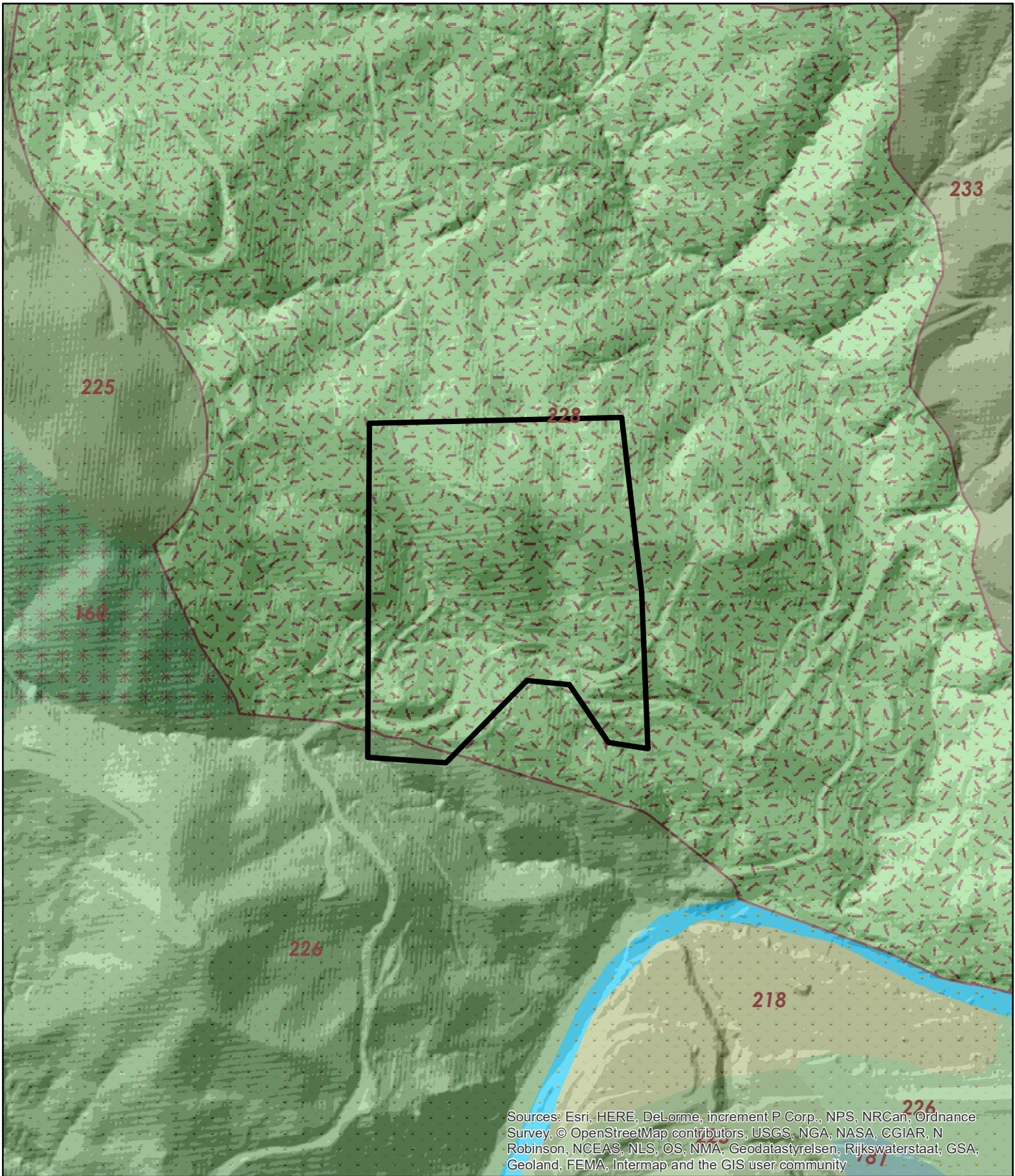
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APN: 176-100-17
APLCT: Ben Butler
AGENT: Javier Rau
ADDRESS: 4421 Shale Ln., Ukiah



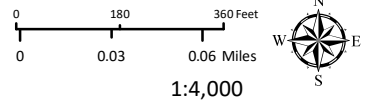
ESTIMATED SLOPE

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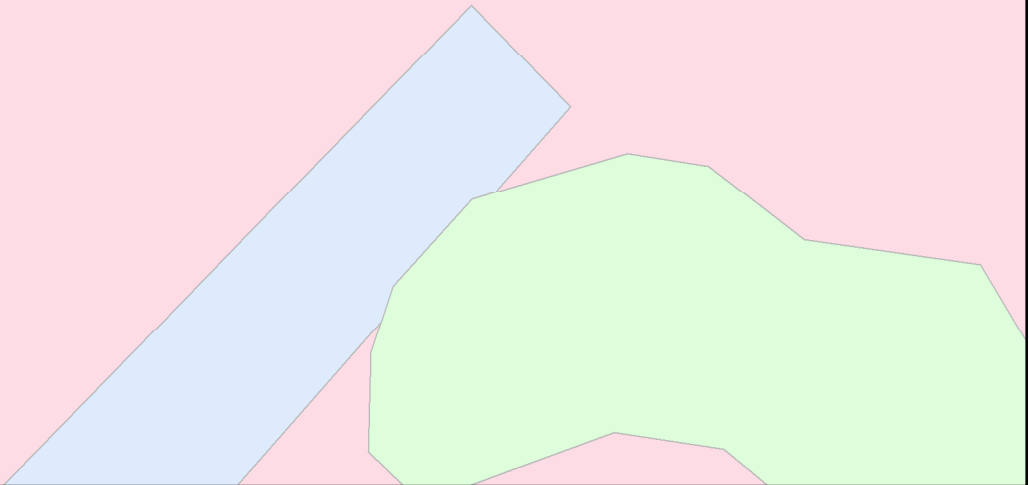
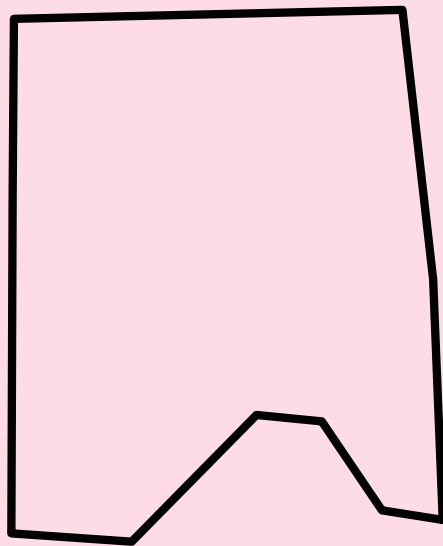
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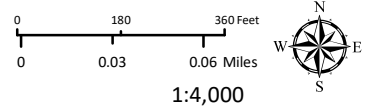
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EASTERN SOIL CLASSIFICATIONS

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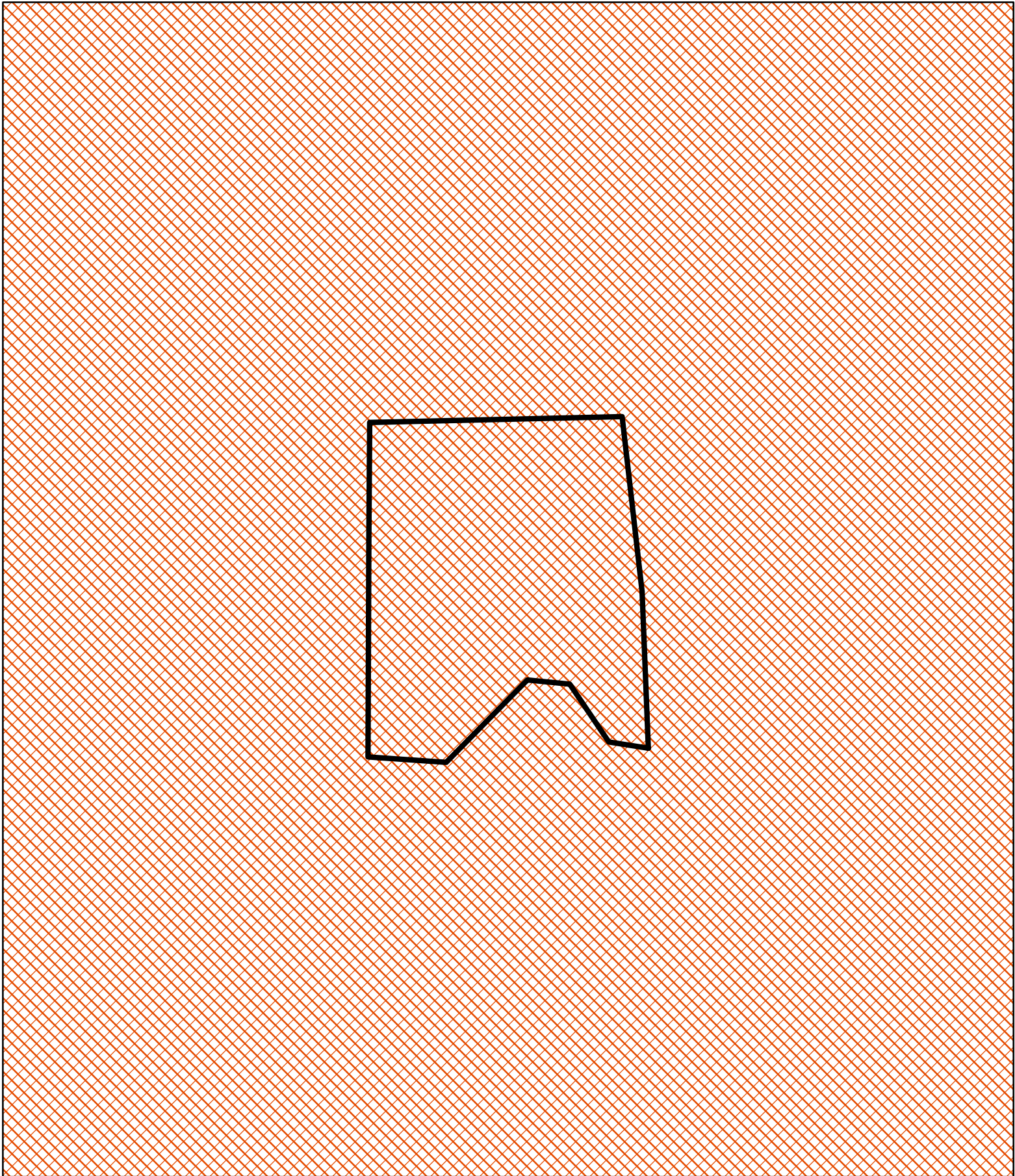


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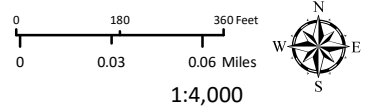
IMPORTANT FARMLANDS

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 PV Tribe Ancestral Areas



POTTER VALLEY TRIBE ANCESTRAL AREA

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