



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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www.mendocinocounty.gov/pbs

July 25, 2024

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator, at its regular meeting on Thursday, August 8, 2024, at 1:30 PM., will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard. This meeting will take place at the Planning & Building Services Conference Room, located at 860 North Bush Street, Ukiah and virtual attendance will be available via Zoom. Meetings are 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.gov or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies>.

CASE#: U_2024-0003

DATE FILED: 4/9/2024

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.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 1.1± miles northwest of Leggett town center, on the north side of US 101, northwest of its intersection with State Route 1 (SR1), located at 69501 Hwy 101 North, Leggett; APN: 053-370-31

SUPERVISORIAL DISTRICT: 4 (Gjerde)

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.gov/departments/planning-building-services/public-hearing-bodies>

Your comments regarding the above project 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.gov by August 7, 2024, 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.gov/departments/planning-building-services/public-hearing-bodies> under the Zoning Administrator tab.

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 ADMINISTRATOR
STAFF REPORT- MINOR USE PERMIT**

**AUGUST 8, 2024
U_2024-0003**

PROJECT PLANNER CONTACT

ROB FITZSIMMONS
860 N BUSH ST
UKIAH, CA 95482
PHONE: 707-234-6650
FAX: 707-961-2427
fitzsimmonsr@mendocinocounty.gov

PROJECT SUMMARY

OWNER: Gary Ballard and Diana K. Ballard-Doll
69501 Hwy 101 North
Leggett, CA 95585

APPLICANT: Will and Marie Livsey
44911 Hwy 101
Leggett, CA 95585

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 State Route 1 (SR1), located at 69501 Hwy 101 North, Leggett; APN: 053-370-31

TOTAL ACREAGE: 5.8± Acres

GENERAL PLAN: Rural Community
General Plan (Chapter 2 – Development Element)

ZONING: Rural Community
Mendocino County Code Title 20, Division I

CODE REFERENCE: Cannabis Retail/Dispensary
Mendocino County Code (MCC) Section 20.243.060

SUPERVISORIAL DISTRICT: District 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorical Exemption

RECOMMENDATION: Approve with Conditions

PROJECT BACKGROUND & INFORMATION

PROJECT DESCRIPTION: The applicant proposes converting an existing, defunct 1200-square-foot gas station to a cannabis dispensary with a delivery component and an onsite outdoor consumption area. 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 portable freestanding sign.

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 parks like this are not included in the definition of park for the purposes of this setback, so no reduction is necessary.

SITE CHARACTERISTICS: The subject parcel is in a clearing along the north side of US 101, surrounded by forest on all sides. The site is not identified as a brownfield, though the structure proposed for use as a dispensary is a former gas station. In addition to the defunct gas station, the subject parcel hosts a restaurant/store (the Peg House), three residential houses, and additional accessory structures. The Topographic Map (in attachments) indicates that the land is relatively flat. To the south, across US 101, is the Standish-Hickey State Recreation Area.

Public Services:

Access: US 101
Water District: None
Sewer District: None
Fire District: Leggett Valley Fire Protection District

RELATED APPLICATIONS: The following applications have occurred on the subject parcel or on the surrounding properties and are relevant to the proposed project. All projects listed below have already been approved, unless otherwise stated.

Neighboring Projects:

- **AP_2019-0042:** Cannabis cultivation in the Timberland Production Zoning District. **[Issued] 7/21/2019.**

AGENCY COMMENTS: On 5/7/2024, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions are discussed in this staff report and contained in Conditions of Approval. A summary of the submitted agency comments are listed below.

TABLE 1: Referral Agency Responses	
REFERRAL AGENCIES	COMMENT
Air Quality Management District	No Response
Assessor's Office	No Response
Building Division	Comment
Department of Transportation (DOT)	No Comment
Environmental Health (EH)	Comment
Forestry Advisor	No Response
Leggett Valley FPD	No Response
CALFIRE (Land Use)	No Response
CalTrans	No Response
California Dept. of Fish & Wildlife	No Response
Cloverdale Rancheria	No Response

Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

Building Division: “Must comply with all 2022 Building Codes. Also per the State of California Business and Professions Code all Tenant Improvements (TI) must be designed by a Licensed Architect or Engineer.”

Environmental Health: Any building improvements will require evaluation of the existing well and septic system.

This project was also referred to State Department of Parks and Recreation (State Parks) for comment on 7/10/2024. No response has been received.

PROJECT ANALYSIS

GENERAL PLAN AND ZONING DISTRICT CONSISTENCY:

The project proposes a cannabis dispensary with a delivery component and onsite consumption on a parcel within the General Plan Land Use Category of Rural Community, as defined by Chapter 3: Development Element of the Mendocino County General Plan. The Rural Community General Plan Land Use classification “designates areas that are logical, planned centers for future growth,” and is intended,

“...to be applied to small, unincorporated towns and community centers (including areas in the Community Planning Areas) and to areas near City boundaries, which provide a variety of community and tourist-oriented goods and services but may not have well-defined or identifiable commercial or residential districts. This classification may also be appropriate around a central commercial or industrial nucleus.

The Rural Community designation anticipates multiple land uses on any given lot, consistent with and supportive of a higher intensity of development in the community area core that will further define these town centers. Preference shall be given to those projects providing affordable housing, consistent with policies of the County’s Housing Element, and infill development.

Lower residential density and intensity of development is planned away from the town centers, near the peripheries of the Community Planning Areas, to ensure a transition to outlying resource lands and open space areas. New development shall only be permitted when provisions are made to construct or expand public service facilities, such as schools, recreation facilities, fire stations, water systems, sewer systems, storm drainage, and solid waste disposal facilities.

General Uses: Residential developments of varying densities (with development of affordable multi-family residential units to be classified in the Zoning Ordinance as a permitted use), mobile home parks, community commercial, tourist commercial, cottage industries, light industrial, public facilities, public services, public assemblies, utility installations.”

The subject parcel is already developed with multiple uses, with no change to the existing restaurant or dwelling units proposed. A dispensary at the proposed scale is consistent with *community commercial* and *tourist commercial* uses, as the terms are used in the General Plan, and would not inhibit future growth in the area.

The proposed project is located within the Rural Community (RC) Zoning District, as defined by Mendocino County Code (MCC) Chapter 20.084. This zoning is intended to allow “a mixture of residential, commercial, and limited industrial uses,” provided that “new developments, particularly commercial and limited industrial uses, are compatible in scale, function and character in those communities where this district is applied.”

The proposed project falls under the definition of *retail sales, general*, allowable in the RC Zoning District

with a Minor Use Permit. In addition to the standard regulations applicable to this use, MCC Chapter 20.243 establishes more stringent requirements for cannabis facilities, including dispensaries. Per MCC 20.243.060, cannabis *retail/dispensaries* and *distribution* are allowable in the RC Zoning District with a Minor Use Permit and Cannabis Facilities Business License, provided the findings referenced in MCC 20.243.090(A)(3) can be made.

GENERAL LIMITATIONS ON CANNABIS FACILITIES:

MCC Section 20.243.050 establishes limitations on cannabis facilities, which the proposed project, as conditioned, fully complies with. Additional limitations specific to dispensaries are established in MCC Section 20.243.040(D)(4).

The proposed cannabis facility is not within a 600-foot radius of a youth-oriented facility, a school, a park, or any church or residential treatment facility (MCC 20.243.050(B)). The property is adjacent to the Standish-Hickey State Recreation Area to the south, but per MCC 10A.17.020, state recreation areas like this are not included in the definition of park for the purposes of this setback. The existing structure proposed for conversion to the dispensary complies with all building setbacks of the Rural Community Zoning District (MCC 20.243.050(C), 20.084.035, and 20.084.040).

The existing structure proposed for conversion to the dispensary will need to maintain compliance with the California Building Code as adopted by Mendocino County for a commercial building (MCC 20.243.050(D)). This may require a Building Permit.

Pursuant to MCC 20.243.050(G), cannabis facilities shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products, to prevent individuals from remaining on the premises of the facility if they are not engaging in activity expressly related to the operations of the facility, and to establish limited access areas accessible only to authorized personnel. All cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault and in a manner sufficient to prevent diversion, theft, and loss. Diversion, theft, loss or any criminal activity involving the facility or any other breach of security must be reported immediately to law enforcement. This has been included as **Condition 7** in the recommended Conditions of Approval.

Pursuant to MCC 20.243.050(H), cannabis remnants, infused products, byproducts, and other waste material shall be disposed of in a safe, sanitary, and secure manner. Any portion of the cannabis remnants, products or byproducts being disposed of must be rendered unusable before disposal, must be protected from being possessed or ingested by any person or animal, and shall not be placed within the facility's exterior refuse containers. This has been included as **Condition 8** in the recommended Conditions of Approval.

Pursuant to MCC 20.243.040(D)(4)(c), onsite consumption of cannabis is permitted only in outdoor areas. The Lighting and Smoking Area diagram (Attachment D) indicates that onsite consumption shall only occur in a smoking area adjoining the northwest corner of the dispensary, partially obscured from view from the highway by the dispensary and a nearby tree. This diagram is not to scale and does not make clear how the area will be delineated (fence, painted lines, etc.). Limiting this area is key to minimizing potential odor, noise, and light impacts onto adjacent uses both onsite (the Peg House, residences) and off (the campground to the south). Staff recommends **Condition 9**, limiting the onsite consumption to a clearly-defined smoking area adjacent to the north side of the dispensary, extending no more than 20 feet (north and west) from the north wall of the building.

Pursuant to MCC Section 20.243.090(A)(3)(ii), approval of this permit is subject to the finding that the proposed cannabis facility will avoid or minimize odor and light impact on residential uses. The nearest residences are those along the northernmost portion of the subject parcel, and the primary responsibility for ensuring uses on the parcel do not conflict with each other lies with the property owner. Nonetheless, adjacent parcels also have the potential for residential development, so additional consideration is warranted. Although the campgrounds of the Standish-Hickey State Recreation Area to the south are not

subject to enhanced setbacks from cannabis facilities, due consideration must be given to potential light and odor impacts onto them as well. By restricting onsite consumption to a limited smoking area (**Condition 9**), limiting outdoor lighting, and ensuring that security lighting is motion activated rather than always on to the extent allowable by State laws and regulations, such impacts will be effectively minimized. Staff recommends **Condition 10**, clarifying that all external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries, and stipulating that outdoor lighting shall be turned off by 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 serving the dispensary shall utilize motion-sensored activation, to the extent allowable by State laws and regulations)

Pursuant to MCC 20.243.050(I), signage associated with permitted cannabis facilities shall meet the applicable requirements set forth in the Mendocino County Zoning Code for signage and other applicable State regulations (see below).

SIGN REGULATIONS:

MCC Chapter 20.184 establishes Sign Regulations for the county. Onsite signage can include wall signs, roof signs, and freestanding signs (including portable signs), but with limited exceptions all signs for all uses on the parcel are subject to the Sign Area Maximum of MCC 20.184.020(D):

***MCC 20.184.020(D) Sign Area—Maximum.** Except as permitted in Section 20.184.045, the total square-footage of all signs on a lot may not exceed one hundred twenty-eight (128) square feet; provided, however, in the absence of both freestanding signs and roof signs the maximum total sign area allowed may be increased to one hundred sixty (160) square feet.*

MCC 20.184.045 relates to variances, which are not proposed here.

No off-site signs are proposed for the project. Signage proposed includes one 32 square foot sign on the wall of the proposed facility and an additional 32 square-foot portable freestanding sign (both sides of the latter sign combined would total 32 square feet). Per the applicant, existing signage on the parcel is confined to approximately 64 square feet for the Peg House.

If approved, this project would put the subject parcel at its 128 square-foot signage limit, and only if the existing Peg House signage does not already exceed 64 square feet. Given this, **Condition 11** is recommended, requiring that the applicant submit a signage plan prior to installation of signs, showing the dimensions of all signs on the parcel (existing and proposed, for all uses) and demonstrating that the parcel remains compliant with the limit.

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. The proposed project, a cannabis dispensary with delivery, meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under California Code of Regulations Section 15301 for existing facilities. The project proposes adaptive reuse of a defunct gas station structure into a cannabis dispensary.

PROJECT RECOMMENDATION

By resolution, the Zoning Administrator find the Project Categorically Exempt from CEQA and grant a Minor Use Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

7/18/2024

DATE

Rob Fitzsimmons

ROB FITZSIMMONS
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2,674.00

ATTACHMENTS:

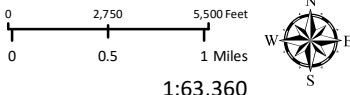
- A. Location Map
- B. Aerial Map
- C. Site Plan
- D. Lighting & Smoking Area Diagram
- E. General Plan Map
- F. Zoning Map
- G. Adjacent Owner Map
- H. Fire Hazards Map



Sources: Esri, HERE, DeLorme, increment P Corp., NPS, NRCAn, Ordnance Survey, © OpenStreetMap contributors, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

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




THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND. DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

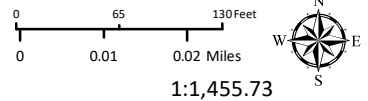


US 101

Sources: Esri, HERE, DeLorme, InCREMENT P Corp., NPS, NRCAN, Ordnance Survey, © OpenStreetMap contributors, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteisen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

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

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

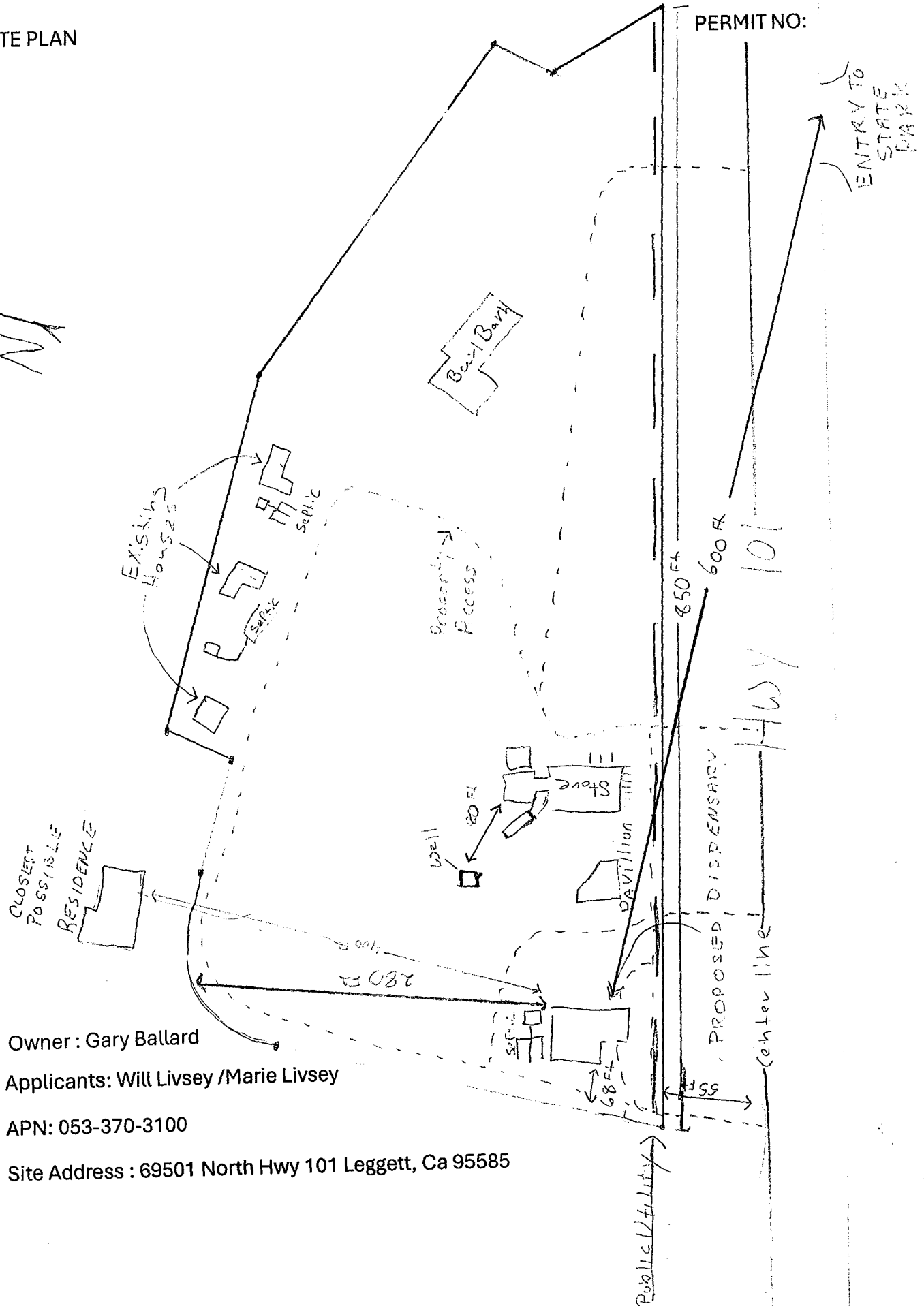


AERIAL IMAGERY

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SITE PLAN

PERMIT NO:



Owner : Gary Ballard

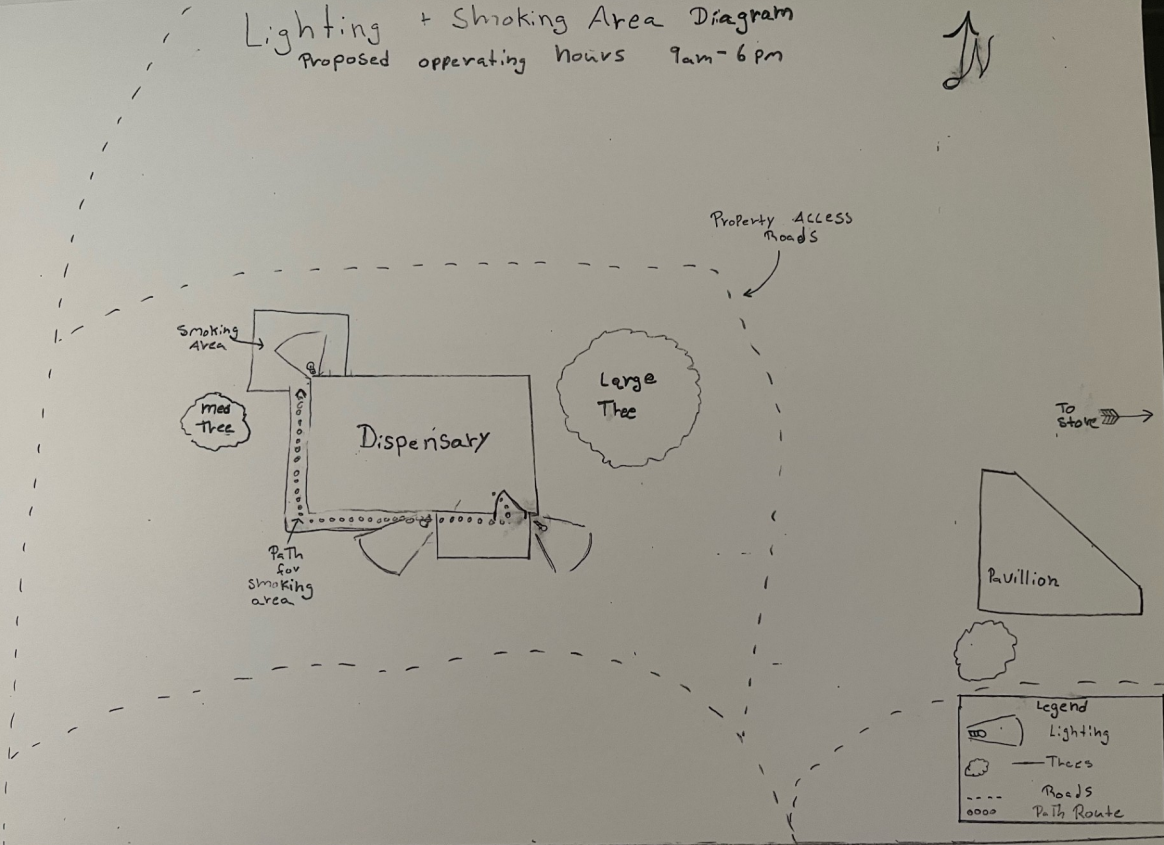
Applicants: Will Livsey /Marie Livsey

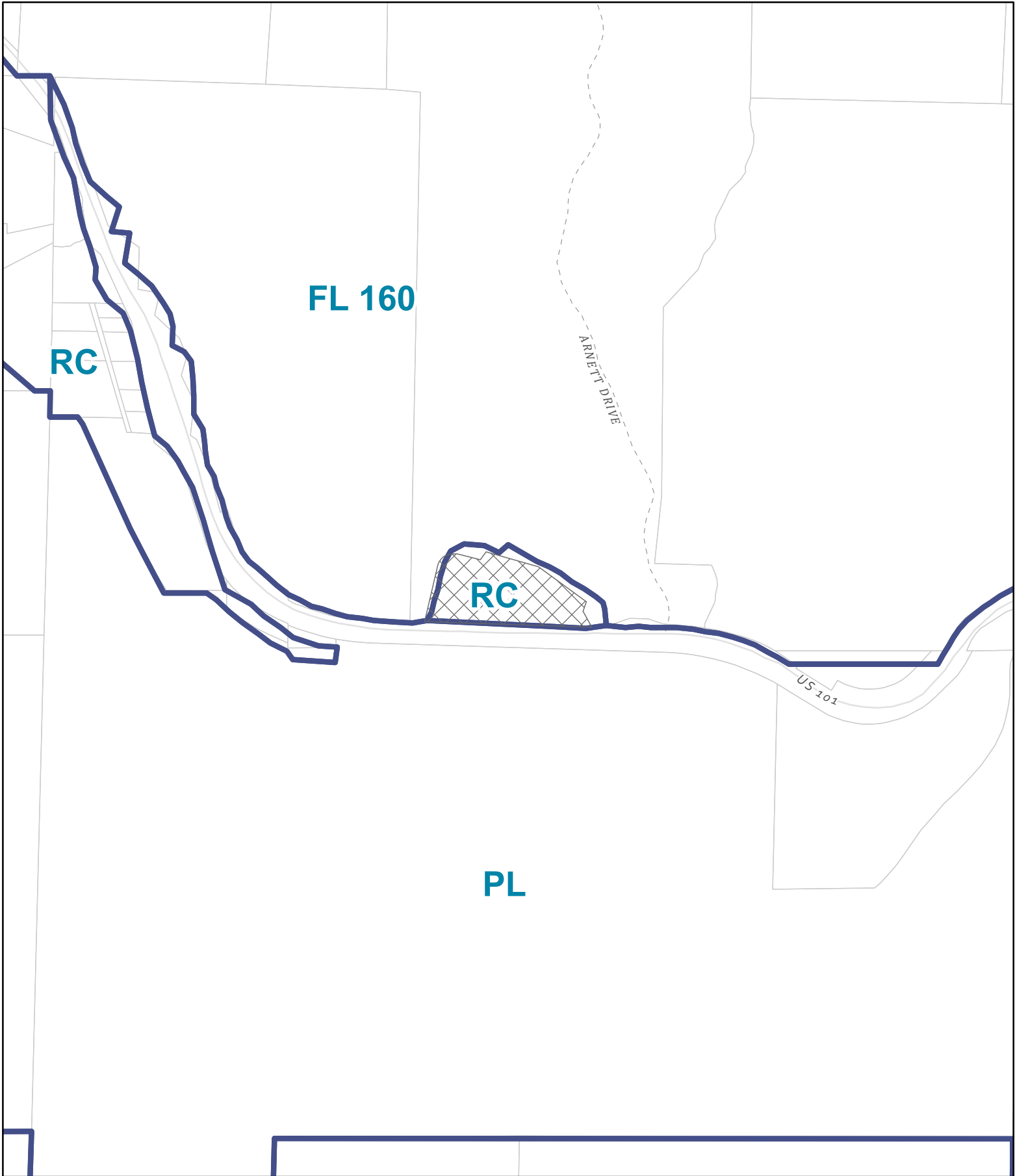
APN: 053-370-3100

Site Address : 69501 North Hwy 101 Leggett, Ca 95585




Lighting + Smoking Area Diagram

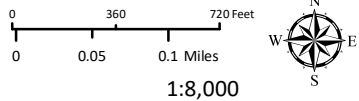
Proposed operating hours 9am - 6pm





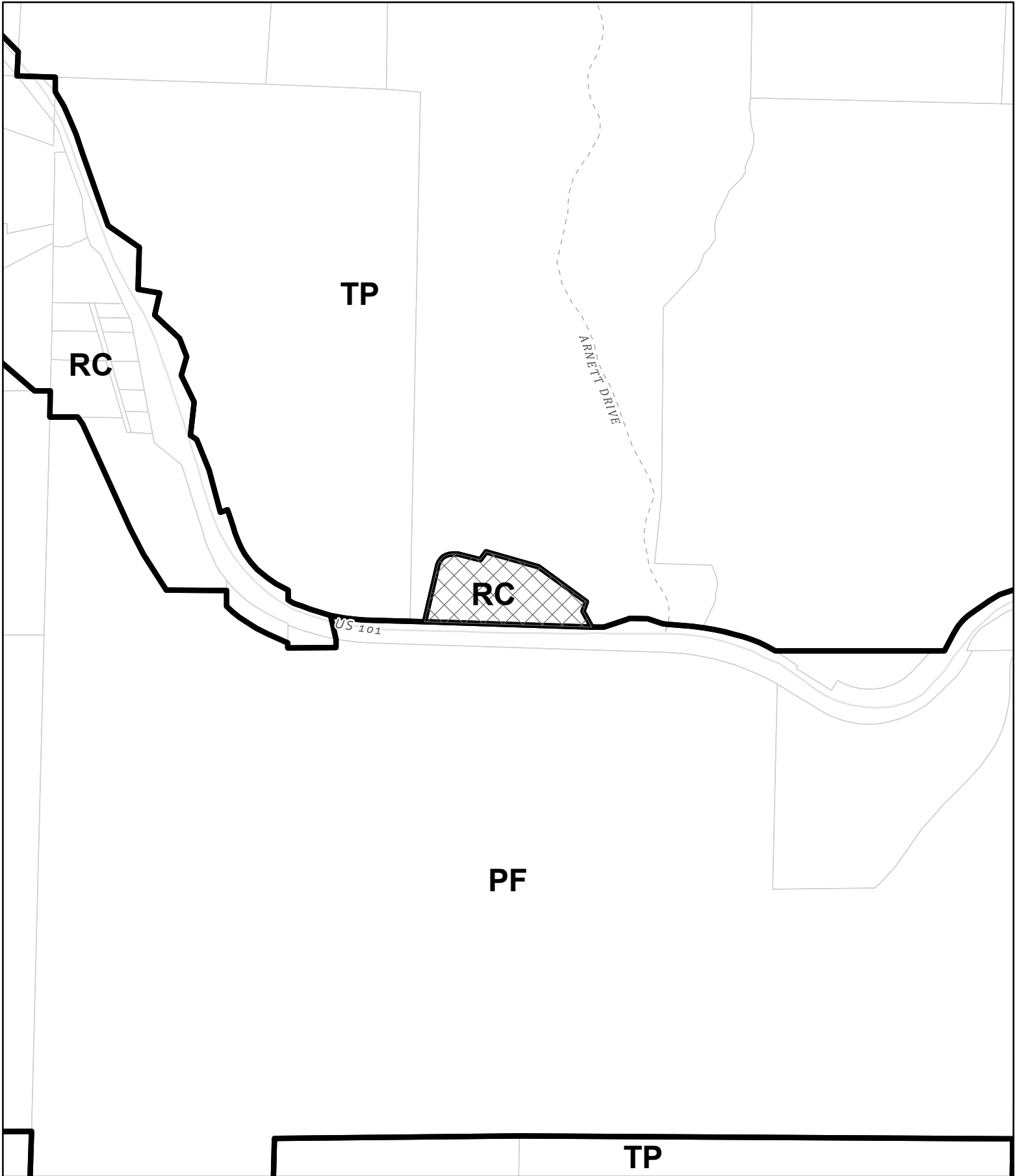
CASE: U 2024-0003
OWNER: BALLARD, Gary & Diana
APN: 053-370-31
APLCT: Will & Marie Livsey
AGENT:
ADDRESS: 69501 N Hwy 101, Leggett

-  Public Roads
-  Private Roads
-  Assessors Parcels







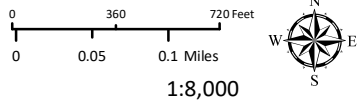
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GENERAL PLAN

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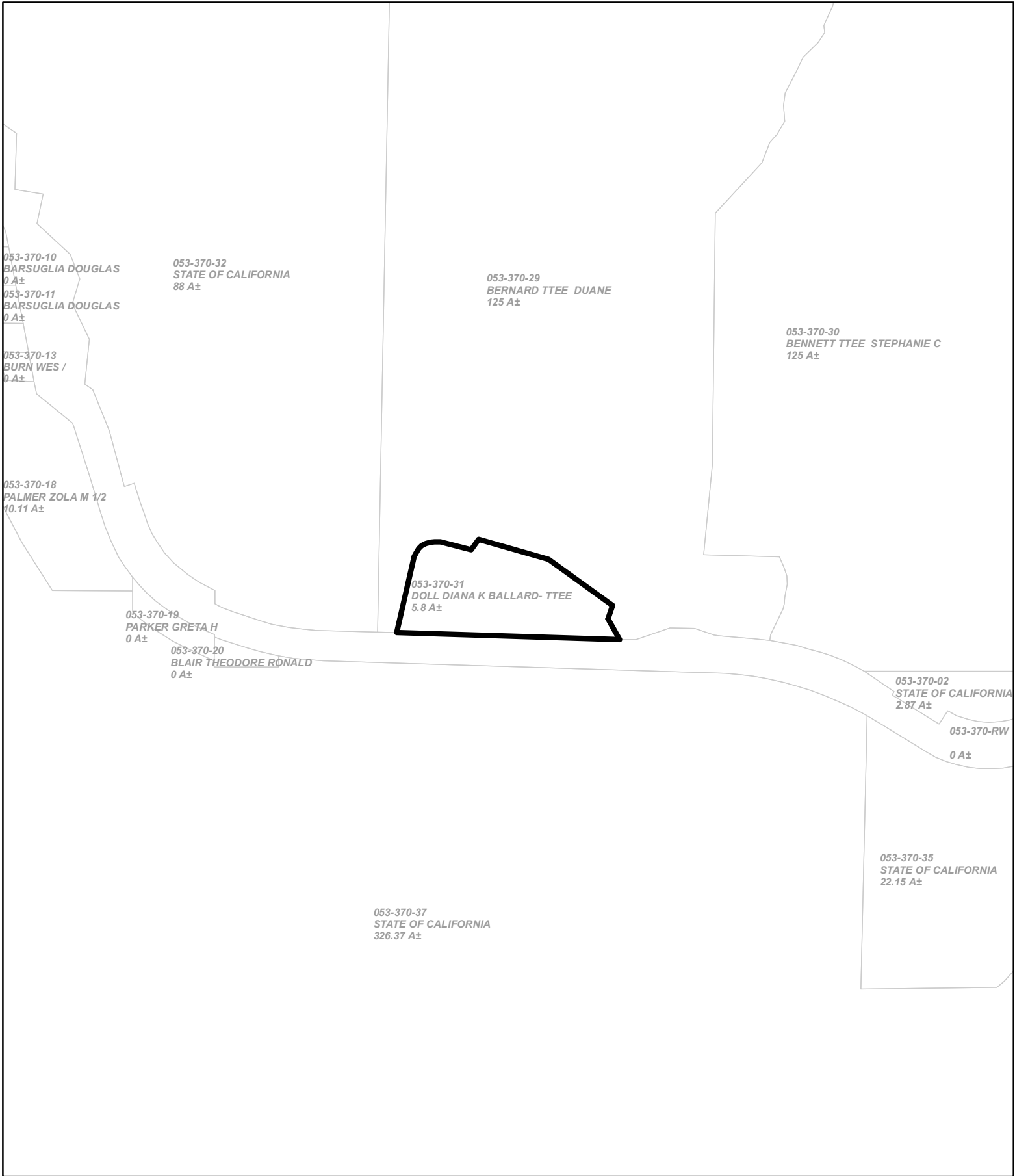
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OWNER: BALLARD, Gary & Diana
APN: 053-370-31
APLCT: Will & Marie Livsey
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ADDRESS: 69501 N Hwy 101, Leggett

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



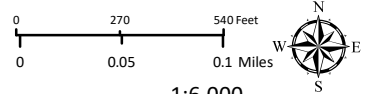
ZONING

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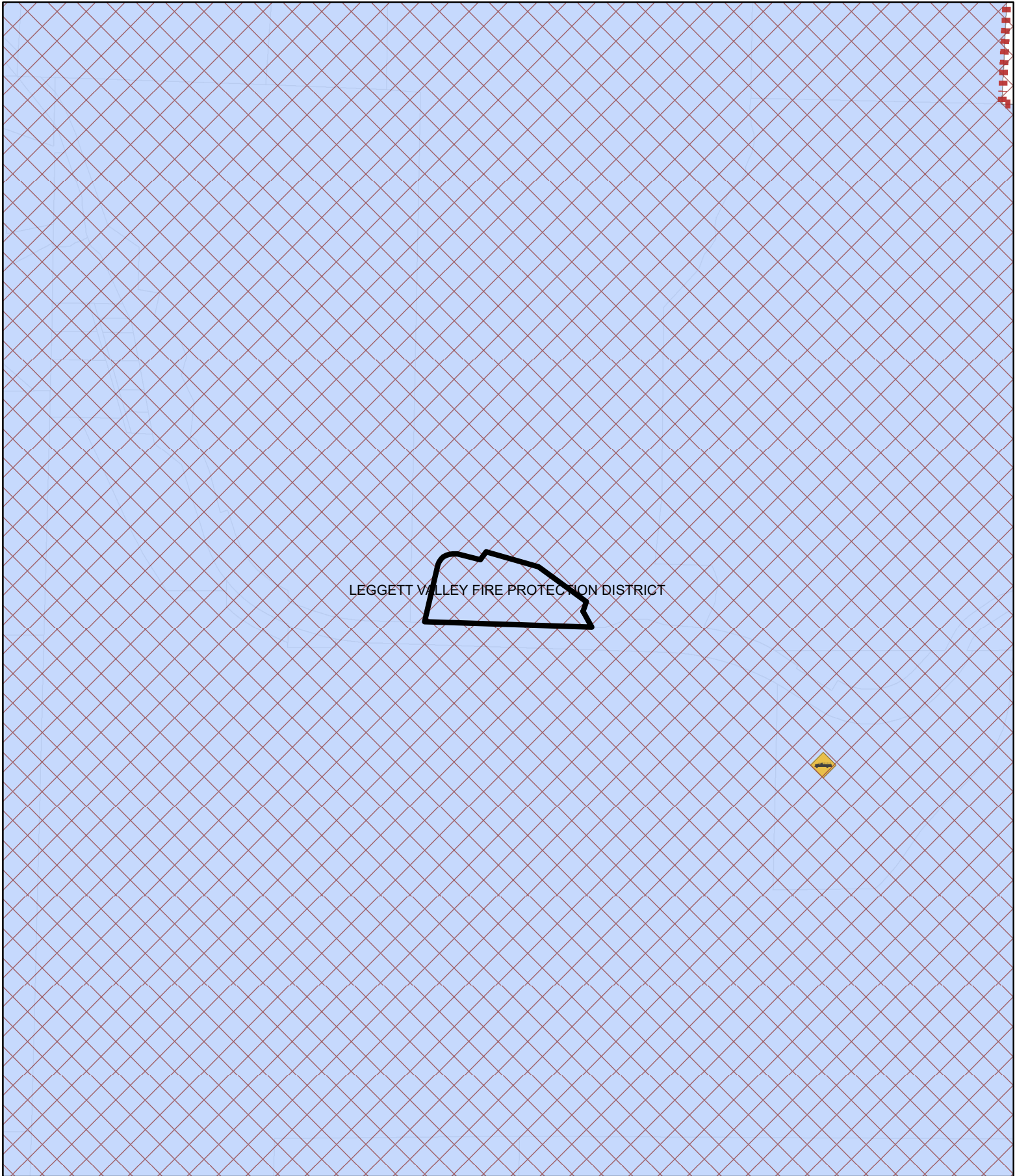
Assessors Parcels



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ADJACENT PARCELS

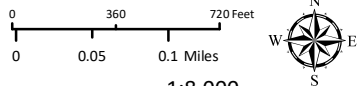
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LEGGETT VALLEY FIRE PROTECTION DISTRICT

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

	High Fire Hazard		County Fire Districts
	Fire Stations		Assessors Parcels



1:8,000
FIRE HAZARDS MAP
CONTOUR INTERVAL IS 40 FEET

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Resolution Number

County of Mendocino
Ukiah, California

AUGUST 8, 2024

U_2024-0003 - WILL AND MARIE LIVSEY

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A MINOR USE PERMIT FOR A CANNABIS DISPENSARY, PROVIDING RETAIL AND DELIVERY OF CANNABIS AND CANNABIS PRODUCTS.

WHEREAS, the Applicant, WILL AND MARIE LIVSEY, filed an application for an Administrative Permit with the Mendocino County Department of Planning and Building Services for a cannabis dispensary, providing retail and delivery of cannabis and cannabis products, 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; APN: 053-370-31. General Plan RC; Zoning RC; Supervisorial District 4; (the "Project"); and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on August 8, 2024, 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. Pursuant to MCC Sections 20.243.090(A)(3) and 20.196.020(A), the proposed development, including the establishment, maintenance or operation of a use applied for, is in conformity with the General Plan. The proposed project for a commercial cannabis dispensary with delivery, and is consistent with the intent of the Rural Community Land Use Classification; and
2. Pursuant to MCC Sections 20.243.090(A)(3) and 20.196.020(B), the proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. This project was circulated for review to other responsible agencies, and no concerns were raised regarding such facilities. All roads, driveways, and drainage will be adequate to access and maintain all components of the project; and
3. Pursuant to MCC Sections 20.243.090(A)(3) and 20.196.020(C), the proposed use will not, under the circumstances of this 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, and
4. Pursuant to MCC Sections 20.243.090(A)(3) and 20.196.020(D), the proposed development preserves the integrity of the Rural Community Zoning District. The proposed cannabis dispensary would not result in a reduction of any standards of the Rural Community Zoning District, and thus the integrity of the district will be preserved; and

5. Pursuant to MCC Section 20.243.090(A)(3) and 20.196.030, the conditions of approval included herein are necessary to secure the purposes of the Zoning Code and may require such guarantees and evidence that such conditions are being, or will be, complied with; and
6. Pursuant to MCC Section 20.243.090(A)(3)(i), the cannabis facility site is allowed in the zoning district and is in compliance with the provisions of MCC Chapters 10A.17 and 20.243, as applicable; and
7. Pursuant to MCC Section 20.243.090(A)(3)(ii), the cannabis facility will avoid or minimize odor and light impact on residential uses. By restricting onsite consumption to a limited smoking area, limiting outdoor lighting, and ensuring that security lighting is motion activated rather than always on (subject to the security requirements imposed by State laws and regulations), such impacts will be effectively minimized.

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 FEENAN
 Commission Services Supervisor

By: _____

BY: JULIA KROG
 Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL

U_2024-0003 - WILL AND MARIE LIVSEY

AUGUST 8, 2024

APPROVED PROJECT DESCRIPTION: Minor Use Permit for a cannabis dispensary, providing retail and delivery of cannabis and cannabis products.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code. The permit shall expire and become null and void at the expiration of ten years after the effective date except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. 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.
4. This permit shall be subject to the securing of all necessary permits and licenses for the proposed development from County and State agencies having jurisdiction, including but not limited to a Cannabis Facilities Business License
5. 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.
6. 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.
7. The proposed dispensary shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products, to prevent individuals from remaining on the premises of the facility if they are not engaging in activity expressly related to the operations of the facility, and to establish limited access areas accessible only to authorized personnel. All cannabis and cannabis products shall be stored in a

secured and locked room, safe, or vault and in a manner sufficient to prevent diversion, theft, and loss. Diversion, theft, loss or any criminal activity involving the facility, or any other breach of security, shall be reported immediately to law enforcement.

8. Cannabis remnants, infused products, byproducts, and other waste material shall be disposed of in a safe, sanitary, and secure manner. Any portion of the cannabis remnants, products or byproducts being disposed of shall be rendered unusable before disposal, shall be protected from being possessed or ingested by any person or animal, and shall not be placed within the facility's exterior refuse containers.
9. Onsite consumption shall be limited to a clearly-defined smoking area adjoining the northwest corner of the dispensary building, extending no more than 20 feet (north and west) from the north wall of the building.
10. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting shall be turned off by 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 serving the dispensary shall utilize motion-sensored activation, to the extent allowable by State laws and regulations).
11. Prior to installing proposed signage, the applicant shall provide a signage plan, showing the dimensions of all signs on the parcel (existing and proposed, for all uses) and demonstrating that the parcel remains compliant with the 128 square foot sign area maximum, notwithstanding the exceptions provided in MCC Chapter 20.184.
12. If any archaeological sites or artifacts are discovered during ground disturbance, the property owner shall cease and desist from all further excavation and disturbances within 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.