



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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September 5, 2024

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission, at their regular meeting to be held on Thursday, September 19, 2024 at 9:30 a.m., 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 in the **Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California**, 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_2023-0015

DATE FILED: 12/12/2023

OWNER: Tracy Wolfson

APPLICANT: Nathaniel Buttrick

REQUEST: Coastal Development Use Permit for commercial wholesaling, storage, packaging, and distribution of cannabis.

ENVIRONMENTAL DETERMINATION: Categorical Exemption

LOCATION: In the Coastal Zone, 3.2± miles south of Fort Bragg city center, at the southeast corner of the intersection of State Route 1 (SR1) and Tregoning Drive (CR 412D), located at 17975 N. Hwy 1, Fort Bragg; APN: 017-171-01.

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(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, 860 North Bush Street, Ukiah, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.gov by September 18, 2024, or orally via telecomment in lieu of personal attendance. All public comment will be made available to the Planning Commission, 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 Planning Commission tab.

The Planning Commission's action regarding the item shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. 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 or the Planning Commission 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 Planning Commission'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

**PROJECT PLANNER CONTACT**

Rob Fitzsimmons
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PROJECT SUMMARY

OWNER: Tracy Wolfson
PO Box 523
Mendocino, CA 95410

APPLICANT: Nathaniel J. Buttrick
PO Box 2256
Fort Bragg, CA 95460

REQUEST: Coastal Development Use Permit for commercial wholesaling, storage, packaging, and distribution of cannabis.

LOCATION: In the Coastal Zone, 3.2± miles south of Fort Bragg City center, at the southeast corner of the intersection of State Route 1 (SR1) and Tregoning Drive (CR 412D), located at 17975 N. Hwy 1, Fort Bragg; APN: 017-171-01

TOTAL ACREAGE: 0.9± Acres

GENERAL PLAN: Commercial (C)
General Plan (Chapter 7 – Coastal Element)

ZONING: Commercial (C:40K)
Mendocino County Code Title 20, Division (II)

CODE REFERENCE: *Wholesaling, Storage and Distribution: Light*
Mendocino County Code (MCC) §20.396.015(C)
Cannabis Processing and Distribution Facilities
MCC §6.36.030(A)&(E)

APPEALABLE Yes, Conditional Use

SUPERVISORIAL DISTRICT: District 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorical Exemption

PROJECT RECOMMENDATION

By resolution, the Planning Commission find the project to be Categorically Exempt from CEQA and grant Coastal Development Use Permit U_2023-0015 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

PROJECT BACKGROUND & INFORMATION

PROJECT DESCRIPTION: Applicant requests the creation of a second business within an existing cannabis dispensary, to include commercial wholesaling, storage, packaging, and distribution of cannabis. These activities have already been occurring as accessory to the dispensary; this request is to separate them out into a second business operating independently from the dispensary. The proposed business will also be within 600 feet of a Mendocino County Code (MCC) Chapter 6.36-established sensitive receptor (same as the existing dispensary). The two business will be separated by a wall but share some facilities, as detailed in the applicant’s statement below. Some internal structural changes will be needed to facilitate the change in floorplan. No expansion of the existing structure or exterior changes are proposed.

APPLICANT’S STATEMENT: *This project is a fully licensed and insured Commercial Cannabis facility, in good standing, involved in the wholesaling, storage and distribution of cannabis goods from licensed cultivators and manufacturers. The project operates within an existing permitted commercial structure. A licensed cannabis retail operates within the same structure and is separated by a permanent wall with security doors. The two businesses share a bathroom facility and a hallway. There will be no secondary improvements required for this project as all of the wells, septic systems, grading, vegetation removal and roads are already in place.*

SITE CHARACTERISTICS: The project site is located in the Coastal Zone, 3.2± miles south of Fort Bragg city center, at the southeast corner of the intersection of State Route 1 (SR 1) and Tregoning Drive (CR 412D), as shown on the *Location* and *Aerial (Vicinity)* maps and Figure 1 below. The parcel is developed with a cannabis dispensary, which has been operating with an accessory distribution facility. The parcel is relatively flat and predominantly cleared, with a treeline along the rear of the parcel. Immediately south of the parcel is Kingdom Hall of Jehovah’s Witnesses, potentially a sensitive receptor (see discussion under Land Use/Zoning, below).

Per the applicant, “there are 5 LED security flood lights located on the exterior of the building. One is located on the east side, four on the north side. There are also two porch lights; one is located on the east side of the building, one is on the west.”



Fig 1 - Aerial Imagery (Google Earth, 6/1/2023 and newer)

Public Services:

Access: Tregoning Drive (CR 412D)
 Fire District: Fort Bragg Rural Fire Protection District
 Water/Sewer District: None
 School District: Fort Bragg Unified School 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.

Subject Parcel Projects:

- **CFBL_2018-0147** Cannabis Facilities Business License for existing cannabis retail, issued to Jude Thilman. Application materials for CFBL_2018-0047 included commercial wholesaling, storage, packaging, and distribution of cannabis in conjunction with the dispensary. **Approved 7/6/2018.**
- **BF_2018-0761** Building Permit for an interior remodel of the dispensary/distribution structure. **Issued 08/23/2018**, but never finalized; **Expired 12/17/2019.**

AGENCY COMMENTS: On February 14, 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
County Department of Transportation (MCDOT)	Comment
Environmental Health	No Comment
Building Services-Fort Bragg	No Comment
Assessor’s Office	No Response
Air Quality Management District	No Response
Fort Bragg Rural FPD	No Comment
CAL FIRE	No Response
California Coastal Commission (CCC)	Comment
California Dept. of Fish & Wildlife	No Response
Sherwood Valley Band of Pomo	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response

MCDOT: Requested conditions related to new commercial driveway approaches (see discussion under Transportation, Utilities, and Public Services, below).

CCC: Initially expressed opposition to the project, believing the application of MCC 6.36 and 20.243 standards to be in conflict with the Local Coastal Plan. After further consultation, they amended their comments, stating that the Local Coastal Program Consistency analysis included below was valid. They wanted to emphasize that this does not set precedent for allowing new cannabis facilities in the Coastal Zone where they did not already exist.

PROJECT ANALYSIS

LOCAL COASTAL PROGRAM CONSISTENCY:

Land Use and Planning Areas/Zoning: The project site is located within the Land Use Classification of Commercial, as defined in Chapter 2 of the Coastal Element of the Mendocino County General Plan. The

intent of this classification is “(t)o provide suitable locations within or contiguous to developed areas for commercial development appropriately located in and compatible with unincorporated and rural communities. Housing should be encouraged as a conditional use to encourage retention and construction of affordable housing.”

Principal permitted uses include retail stores, services, and offices. Conditional Uses include commercial tourist attractions and amusements, public and semi-public facilities and utilities, electrical transmission and distribution lines, natural gas pipeline, visitor accommodations, and residential dwellings.

The project proposes separating an existing commercial cannabis wholesaling/storage/packaging/distribution component of a licensed cannabis retail dispensary into a stand-alone business. *Wholesaling, Storage and Distribution: Light* is a conditionally permitted use in the Commercial (C) Zoning District subject to a Coastal Development Use Permit, but cannabis operations are not explicitly allowed or disallowed in the Mendocino County Local Coastal Plan (LCP). Past Board of Supervisors direction has been to review and potentially approve applications as they come in, applying the Inland standards of MCC Chapter 20.243 and the countywide cannabis facilities business standards of MCC Chapter 6.36, in addition to all relevant standards of the LCP. The applicant will also be required to secure a Cannabis Facilities Business License for distribution and processing, separate from the existing CFBL_2018-0147 for retail issued to Jude Thilman.

The property is located within the Coastal Zone and subject to Division II of Title 20 of Mendocino County Code. Since there are currently no distinct regulations for cannabis facilities within Division II of Title 20 of Mendocino County Code, staff reviewed the Project for consistency with Division I of Title 20 of the Mendocino County Code governing the inland areas of the County as it contains regulations for cannabis facilities. While not subject to the provisions of the inland zoning regulations, Chapter 20.243 provided helpful guidance in establishing appropriate findings for the Project. Chapter 20.243 establishes necessary findings and approval procedures for cannabis facilities based on Inland Zoning Districts. In the General Commercial (C2) Inland Zoning District, the inland district most analogous to the project site’s Commercial Coastal Zoning District, the proposed uses would be allowed with a Minor Use Permit.

Based upon the above analysis, the project can be considered consistent with the land use policies of the C classification.

Coastal Element Chapter 4.5 *Hare Creek to Jug Handle Creek Planning Area* does not include policies or goals for unincorporated lands south of Fort Bragg, including those areas associated with the proposed development.

The proposed project conforms to all front, rear, and side yard minimum distances, and the broader intent of the Commercial zoning district.

MCC Chapter 20.396 Commercial Development Standards (C)		
SECTION	STANDARD	PROPOSED
20.404.030 Minimum Front, Rear, & Side Yards	None required*	No change
20.404.035 Building Height Limit	35 feet	19 feet (no change)

*No yard setbacks required except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five feet and a minimum rear yard of twenty feet and buffered from adjoining uses by fencing or plant screening or other appropriate mitigating devices. The proposed use will occur in the existing structure. No expansion of the structure, and thus no changes to yards or building height, is proposed.

General Limitations on Cannabis Facilities:

The existing, licensed cannabis dispensary onsite may be within 600 feet of a sensitive receptor, which is generally not allowed by MCC Chapters 6.36:

MCC §6.36.020(C)(1): *Cannabis facilities... shall not be allowed within a 600-foot radius of a youth-oriented facility, a school, a park, or any church or residential treatment facility, as those terms are defined in section 10A.17.020 of the Mendocino County Code, that is in existence at the time a Cannabis Facility Business License is applied for. The distance between the uses listed in the preceding sentence and the cannabis facility shall be measured in a straight line from the nearest point of the cannabis facility to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation. A cannabis facility not in compliance with the setback requirement of this paragraph (1) shall not be issued a cannabis facility business license unless the facility is first issued an administrative permit pursuant to Chapter 20.243 for a reduction in this required setback. The setback requirement of this paragraph (1) shall not apply to retailers/dispensaries which were operating with an approved business license as of the effective date of the ordinance adopting this Chapter 6.36.*

“Church” has since been removed from the definitions and is no longer defined in MCC §10A.17.020. When the license for the dispensary, CFBL_2018-0047, was approved, it was determined that the Kingdom Hall of Jehovah’s Witnesses immediately south of the subject parcel may qualify as a church for the purpose of the above code sections, but since the license was legalizing an existing operation, it did not represent a “new impact on a sensitive receptor,” which is what the 600 foot setback was meant to address (See **CFBL_2018-0047 Memo, Attachment A**). Unlike the proposed operation, the existing dispensary was not referred to the Coastal Commission as it did not require discretionary approval.

The original application materials for CFBL_2018-0047 included commercial wholesaling, storage, packaging, and distribution of cannabis in conjunction with the dispensary, and the applicant has stated that no expansion in use is being proposed - these components are simply being spun off into their own separate entity in the same structure (under the current code, ministerial CFBLs alone cannot approve cannabis distribution or processing outside industrial zones, hence the application for this Coastal Development Use Permit). As the proposed project does not present an increase in intensity or a further encroachment onto the setback, it can likewise be considered to not represent a new impact on the receptor.

MCC §6.36.020(C)(2) further stipulates that cannabis facilities shall comply with the general limitations set forth in MCC §20.243.050.

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 8** 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 9** in the recommended Conditions of Approval.

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. Existing onsite signage already exceeds these standards – see Sign Regulations, below. No new signage has been proposed as part of this project.

Pursuant to MCC §20.243.090(A)(3)(b), the cannabis facility must be found to avoid or minimize odor and light impact on residential uses. As no intensification of the existing use is proposed, no additional odor or

light impacts are anticipated. No new external lights are proposed.

Grading, Erosion, and Runoff: The purpose of MCC Chapter 20.492 *Grading, Erosion, and Runoff* is:

“The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading, erosion and runoff. The approving authority shall determine the extent to which the following standards (of Chapter 20.492) should apply to specific projects, and the extent to which additional studies and/or mitigation are required, specifically development projects within Development Limitations Combining Districts.”

Although the project only proposes a change in use of the existing structure, with minor internal changes, minor grading may be required to accommodate the commercial driveways requested by the Mendocino County Department of Transportation. **Condition 11** is recommended, requiring erosion BMPs for any work requiring grading.

Environmentally Sensitive Habitat and Other Resource Areas: Coastal Element Chapter 3.1 and MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* applies to all development proposed in the Coastal Zone, unless and until it can be demonstrated to the approving authority that the project will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas. There are no identified environmentally sensitive habitat areas onsite, and the project does not propose any external changes.

Hazards Areas: Coastal Element Chapter 3.4 and MCC Chapter 20.500 *Hazard Areas* applies to all development proposed in the Coastal Zone unless and until it is determined by the Coastal Permit Administrator that the project is not subject to threat from geologic, flood, or other hazards.

MCC §20.500.025 *Fire Hazard* – The parcel is located in an area classified as “Moderate Fire Hazard” (See attachment *Fire Hazard Zones & Responsibility Areas* map). Fire protection services are provided by the Fort Bragg Rural Fire Protection District and California Department of Forestry and Fire Prevention (CalFire). No comments were received from either.

Mapping does not associate the project site with any of the following: significant flood plains, faults, bluffs, landslides, or erosion hazards. With the inclusion of standard conditions requiring the property owner to obtain all necessary permits from local, State, and federal agencies, the project would be consistent with MCC Chapter 20.500 *Hazard Areas* (See **Condition 4**).

Visual Resources and Special Treatment Areas: The project site is not mapped as a Highly Scenic Area; therefore, applicability of Coastal Element Chapter 3.5 policies and MCC Chapter 20.504 Visual Resources and Special Treatment Areas is limited. No new external lights are proposed.

As proposed, the project is consistent with Coastal Element Chapter 3.5 and MCC Chapter 20.504.

Transportation, Utilities, and Public Services: The project site abuts both Tregoning Drive (CR 412D) to the north and State Route 1 (SR1), a Minor Arterial, to the west. The project will not necessitate an increase in the capacity of Highway 1, so applicability of Coastal Element 3.8 is limited. The project would contribute minimally to new sources of traffic on local and regional roadways. The project was referred to the Mendocino County Department of Transportation (MCDOT), who recommended the following Conditions of Approval:

1. *The applicant shall construct two commercial driveway approaches onto Tregoning Drive (CR 412D), in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.*
2. *Applicant shall obtain an encroachment permit from the Mendocino County Department of*

Transportation for any work within County rights-of-way.

These have been incorporated into the recommended Conditions of Approval, as **Conditions 11** and **4**, respectively. As conditioned, the project would not affect transportation or circulation and would be provided with adequate access.

The project site is mapped as a marginal water resource area and is served by an existing septic system and well. Per MCC §20.516.015(B)(2), “Commercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies shall be required to show proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies. Such required proof shall be demonstrated prior to final approval of the proposed use.” As the proposed change in use from the existing, permitted commercial use is not expected to result in an increase in water demand, no further water supply documentation was required. The proposal was referred to both the Mendocino County Division of Environmental Health and the California Coastal Commission. Comments concerning water supply/demand were not received from either.

Sign Regulations:



Fig 2 - Existing signage onsite as of 8/5/2024 (signs identified by red borders). Note that the yellow air dancer in the right side of the image also falls under the definition of “sign” in the Coastal Zoning Code, but signs that move cannot be permitted and so it must be taken down.

MCC Chapter 20.476 establishes sign regulations for the coastal zone. 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 §20.476.025(J):

MCC §20.476.025(J) Sign Area—Maximum. *Except as permitted in Chapter 20.540 (Variance), Section 20.476.040 and Section 20.476.045 the total square footage of all signs on a lot may not exceed forty (40) square feet, provided however in the absence of both free-standing signs and roof signs the maximum total sign area allowed may be increased to eighty (80) square feet.*

No new signage is proposed for this project, but existing signage on the lot, including free-standing signs, already exceeds the 40 square-foot maximum (see Figure 2, above). Staff recommends **Condition 13**, requiring that, prior to installation of any new signs, the applicant submit a signage plan showing the dimensions of all signs on the parcel (existing and proposed, for all uses) and demonstrating that the parcel is compliant with the limits of MCC Chapter 20.476.

As of 8/5/2024, the site currently has a yellow “air dancer” installed (visible in Figure 2). This falls under the definition of “sign” in MCC §20.308.110 (15), and as it is a sign that moves it cannot be permitted per MCC

§20.476.025 and so must be removed. Staff recommends **Condition 12**, emphasizing this. If the existing signage includes other signs not in compliance with the regulations in existence at the time of their erection or placement, they should also be removed, but as there is no Notice of Violation on record for the subject parcel and the applicant is not currently planning on placing any signs for the proposed use, Staff did not feel it was necessary to require excess signage be remediated prior to operation of the facility.

Archaeological and Cultural Resources: As no ground disturbance is proposed, the applicability of Chapter 22.12 is limited. However, some ground disturbance may occur in performing the MCDOT-requested road encroachment work (Condition 11). The Discovery Clause of MCC §22.12.090 applies to all ground disturbance in Mendocino County regardless of whether a permit is required, and has been included as **Condition 7** as an informational measure. As proposed, the project would be consistent with the archaeological resource policies of Coastal Element Chapter 3.5 and MCC Chapter 22.12.

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 to establish commercial wholesaling, storage, packaging, and distribution of cannabis meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under California Code of Regulations Section 15301 for existing facilities. No exterior changes are proposed, beyond the MCDOT-requested driveway approaches.

8/19/2024

DATE

Rob Fitzsimmons

ROB FITZSIMMONS
PLANNER II

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

ATTACHMENTS:

- A. CFBL_2018-0047 Memo
- B. Location Map
- C. Aerial Map
- D. Site Plan
- E. General Plan Map
- F. Zoning Map
- G. LCP Maps
- H. Adjacent Owner Map
- I. Fire Hazards Map

RESOLUTION AND CONDITIONS OF APPROVAL (EXHIBIT A)



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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www.co.mendocino.ca.us/planning

MEMORANDUM

DATE: 7/5/2018
TO: Property File – 017-170-01
FROM: Mary Lynn Hunt, Chief Planner
SUBJECT: Dragonfly Dispensary, Hwy 1 Fort Bragg

The Board of Supervisors at their meeting of June 12, 2018, directed staff to review the re-location of Dragonfly Dispensary (Dragonfly), Owner Jude Thilman. Ms. Thilman is proposing to move a legally established dispensary along with her accessory distribution (one of the original 12 recognized/grandfathered) (MCC 6.36.020(C)(1)) within the Coastal Zone to a new location approximately 2 properties to the north. The zoning on both sites is Commercial and allows for retail sales. Both the existing site of Dragonfly and the proposed site for Dragonfly are within six hundred feet of the Kingdom Hall of Jehovah's Witnesses located on Highway 1; the Kingdom Hall may qualify as a church under the definition in Section 10A.17.020. This means both the current and proposed sites are within the Sensitive Receptor Setback of Chapter 6.36, which is now 600 feet pursuant to amendments to the ordinance effective on July 5, 2018. Because a change in location is proposed, planning staff would typically review the new site with regard to the current regulations of the Cannabis Facility Business License. The section of code addressing the setback requirement is MCC 6.36.020(C)(1), which states:

Cannabis facilities other than Manufacturing Level 2 (Volatile) or Microbusinesses with a cultivation site shall not be allowed within a six hundred (600) foot radius of a youth-oriented facility, a school, a park, or any church or residential treatment facility, as those terms are defined in section 10A.17.020 of the Mendocino County Code, that is in existence at the time a Cannabis Facility Business License is applied for; Manufacturing Level 2 (Volatile) facilities and Microbusinesses with a cultivation site shall not be allowed within one thousand (1000) feet of such places or facilities. The distance between the uses listed in the preceding sentence and the cannabis facility shall be measured in a straight line from the nearest point of the cannabis facility to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation. A cannabis facility not in compliance with the setback requirement of this paragraph (1) shall not be issued a cannabis facility business license unless the facility is first issued an administrative permit pursuant to Chapter 20.243 for a reduction in this required setback. The setback requirement of this paragraph (1) shall not apply to retailers/dispensaries which were operating with an approved business license as of the effective date of the ordinance adopting this Chapter 6.36.

The last sentence of the above paragraph means that dispensaries already in operation with an approved business license as of October 17, 2017, are not subject to the sensitive receptor setback. Adoption of that language was based on the idea that an existing dispensary should not have to move because of a newly established setback. The language does not specify that the grandfathering applies only to the existing location of the dispensary.

On June 12, 2018, the Board discussed the location of Dragonfly in regards to the above sensitive receptor setback. In discussing the matter, one member of the Board provided this review of the situation:

"Given the legislative intent is to not create any new impacts to sensitive receptors that they are not already exposed to. Therefore, we are not going to allow for someone to come in and open up a shop. The intent was to prevent a new impact to a sensitive receptor. No new impacts to any sensitive receptor, no increase in impacts."

Staff believes this is a reasonable interpretation of the last sentence of paragraph (C)(1) above. The grandfather clause clearly applies to the existing location of a pre-existing dispensary. In the event a grandfathered dispensary desires to relocate, on a case-by-case basis staff should review whether the new location would affect new sensitive receptors. If the new location affects additional sensitive receptors, that location is increasing the impacts and should not be approved. If the new location does not affect additional sensitive receptors, the above reasoning of the Board is that there is no increase in impacts to the sensitive receptor. However, such cases should be analyzed

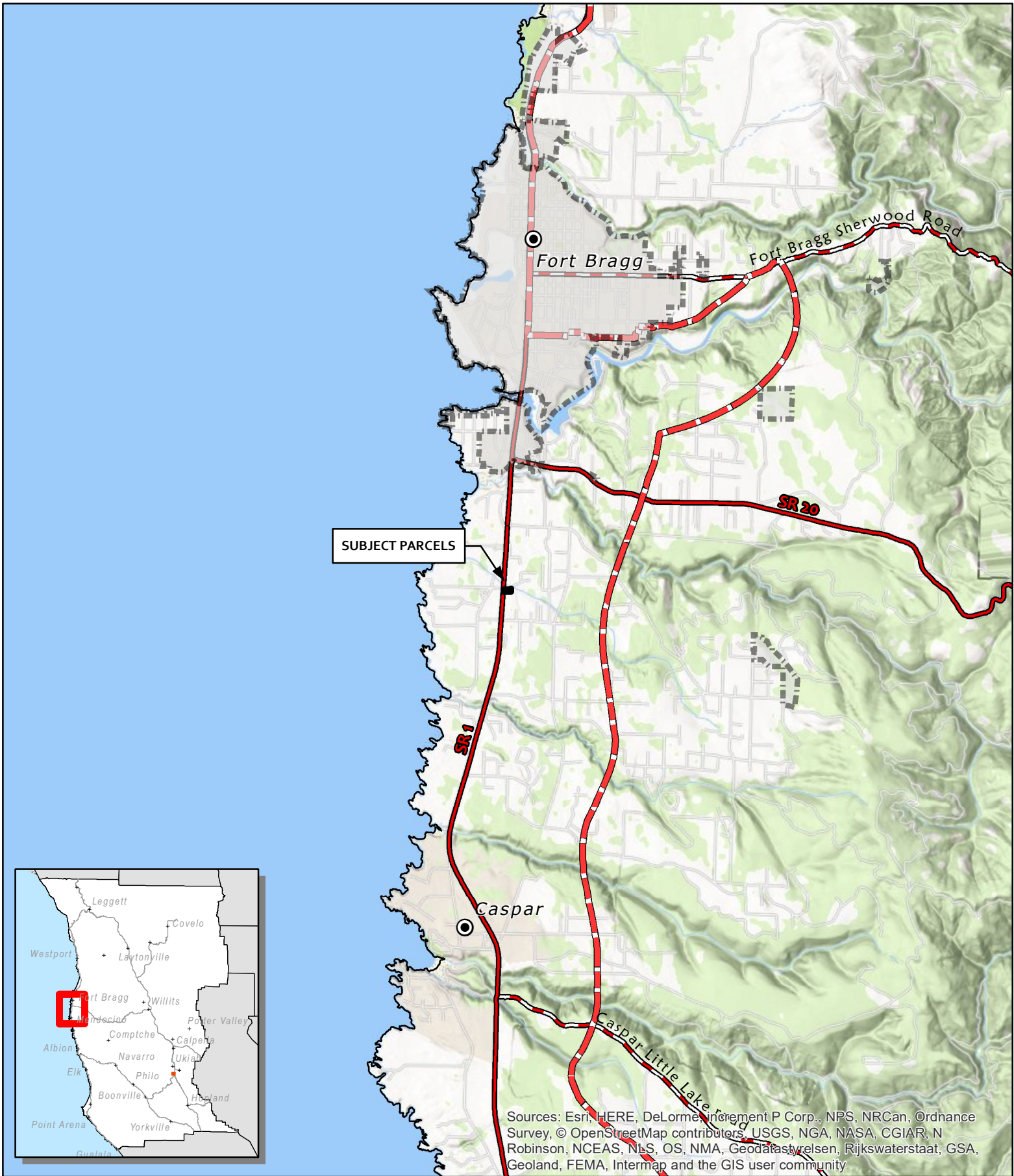
on a case-by-case basis to review whether this is in fact the case.

Staff would also note that the use triggering the sensitive receptor setback, the Kingdom Hall, Ms. Thilman has provided an unsigned statement regarding a conversation she had with Mr. Jeff Green of the Kingdom Hall of Jehovah's Witnesses regarding the relocation next door to them, stating that they hold meetings but do not conduct "religious services" and that it additionally is not opposed to Dragonfly's relocation.

Ms. Thilman was advised to contact the Fort Bragg Building Department to ensure that the occupancy of the existing new location was in compliance with the proposed use.






New Site Location: 17975 N. Hwy. 1, Fort Bragg
APN: 017-171-01
Zoning: Coastal Zone-Commercial

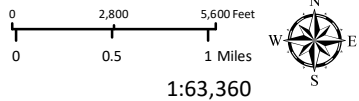
Attachement



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

CASE: U 2023-0015
OWNER: WOLFSON, Tracy
APN: 017-171-01
APLCT: Nathaniel Buttrich
AGENT: Nathaniel Buttrich
ADDRESS: 17975 N Hwy 1

-  Major Towns & Places
-  City Limits
-  Coastal Zone Boundary
-  Highways
-  Major Roads



1:63,360



LOCATION

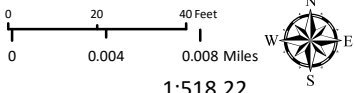
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Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

CASE: U 2023-0015
OWNER: WOLFSON, Tracy
APN: 017-171-01
APLCT: Nathaniel Buttrich
AGENT: Nathaniel Buttrich
ADDRESS: 17975 N Hwy 1

 Public Roads
 Assessors Parcels






1:518.22

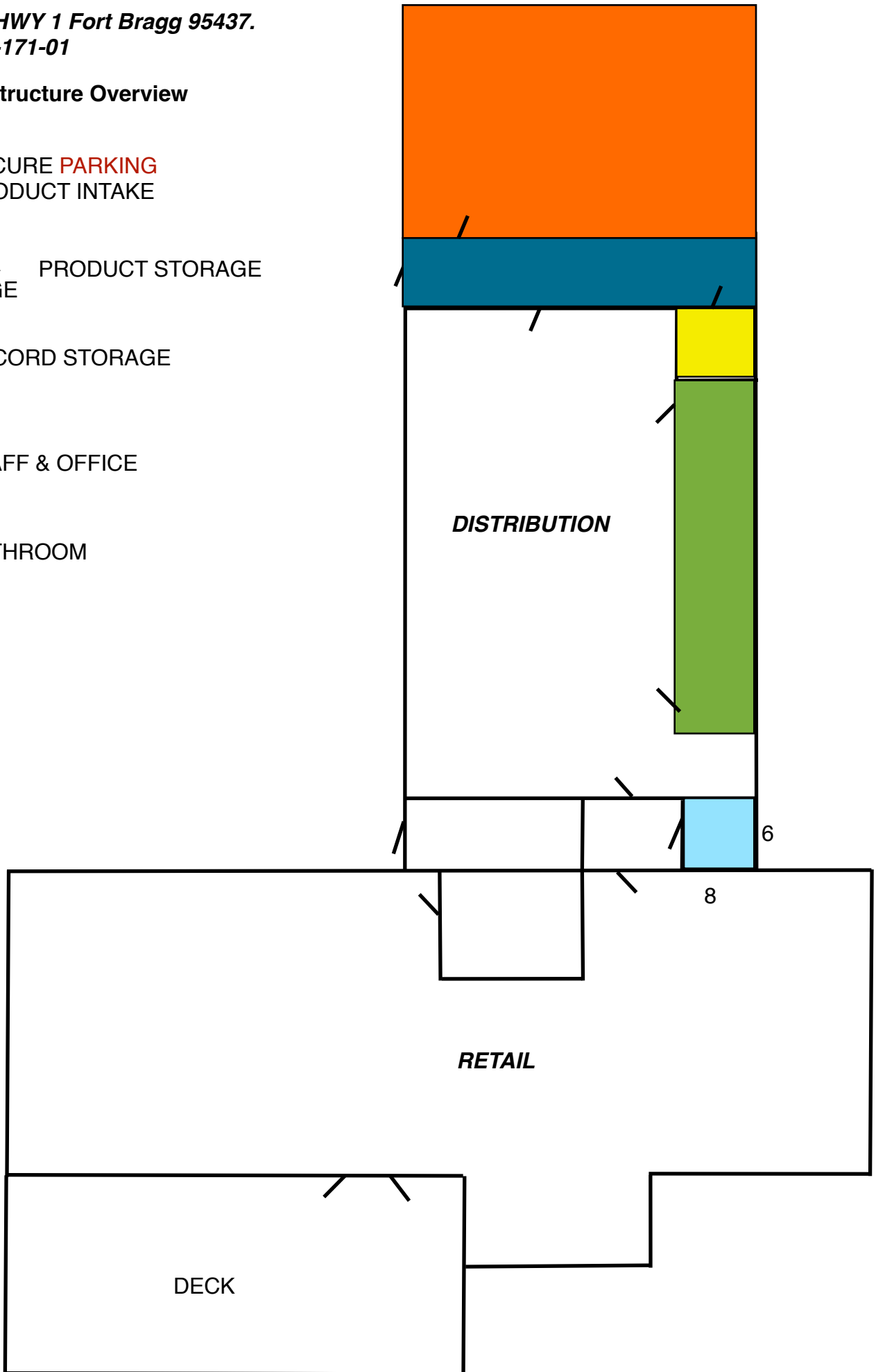
AERIAL IMAGERY

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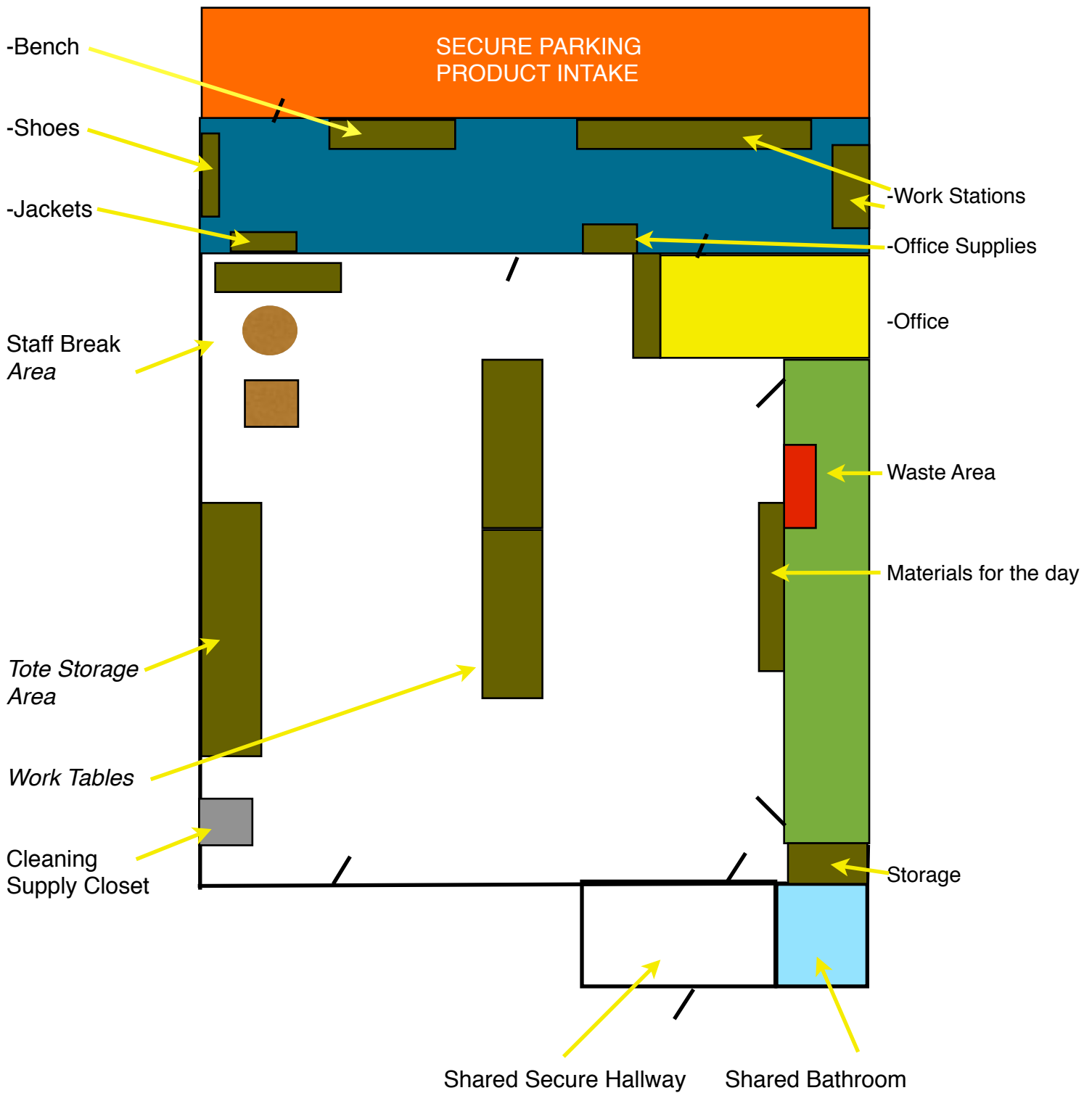
17975 N.HWY 1 Fort Bragg 95437.
APN-017-171-01

Existing Structure Overview

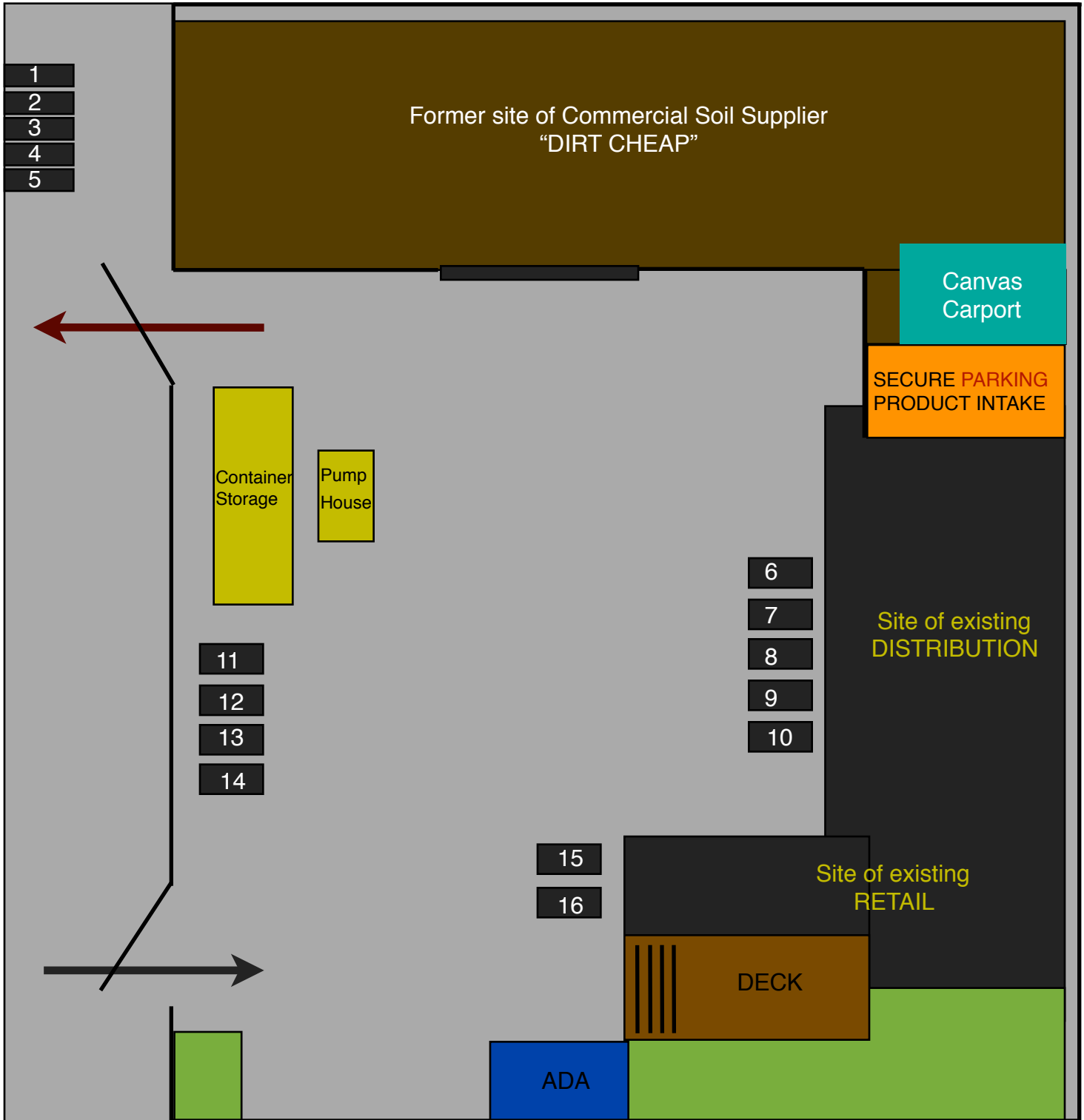
-  SECURE **PARKING**
PRODUCT INTAKE
-  DEA PRODUCT STORAGE
CAGE
-  RECORD STORAGE
-  STAFF & OFFICE
-  BATHROOM

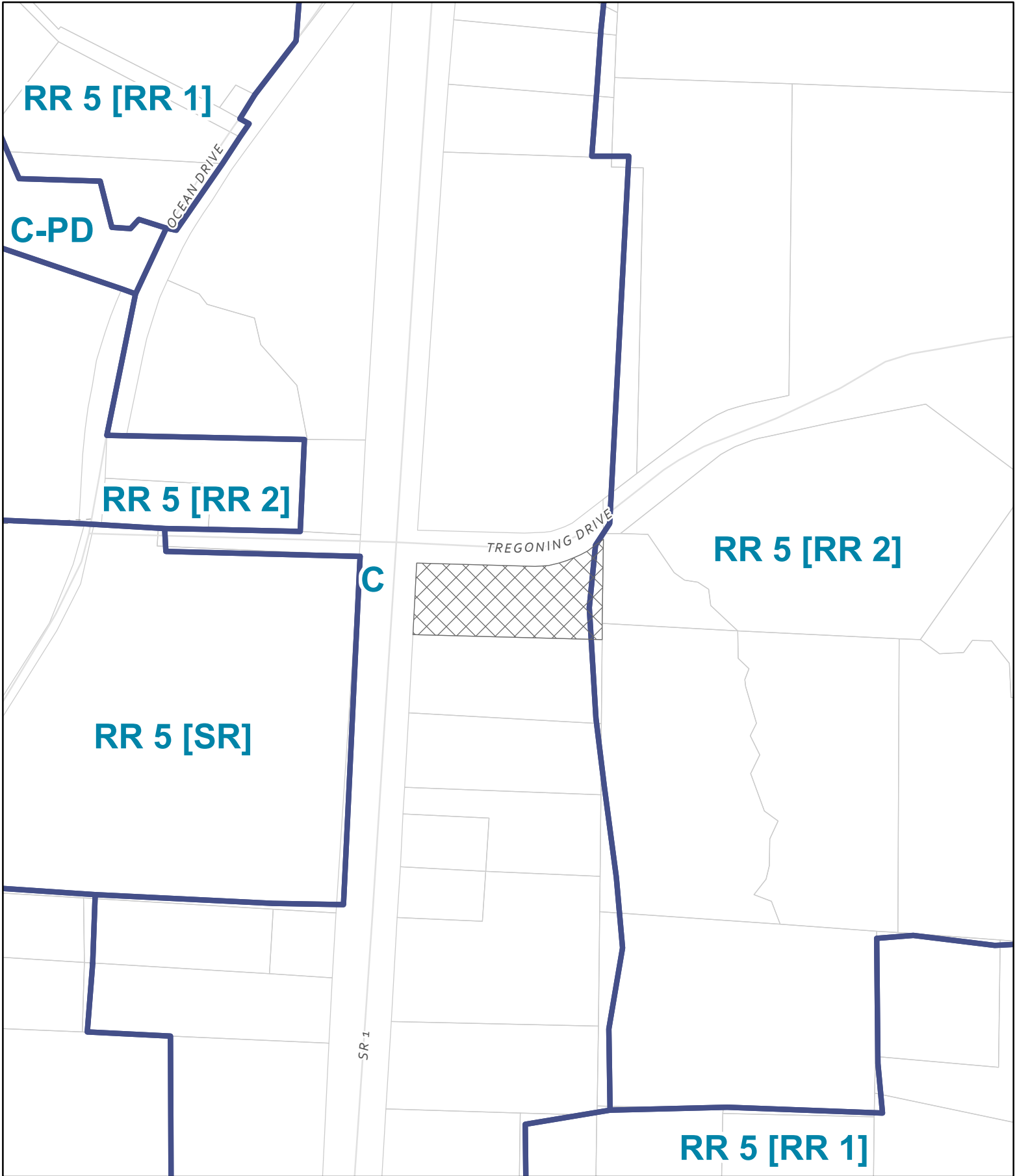


Expanded Distribution Site Map






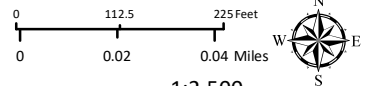
Parcel Site Map





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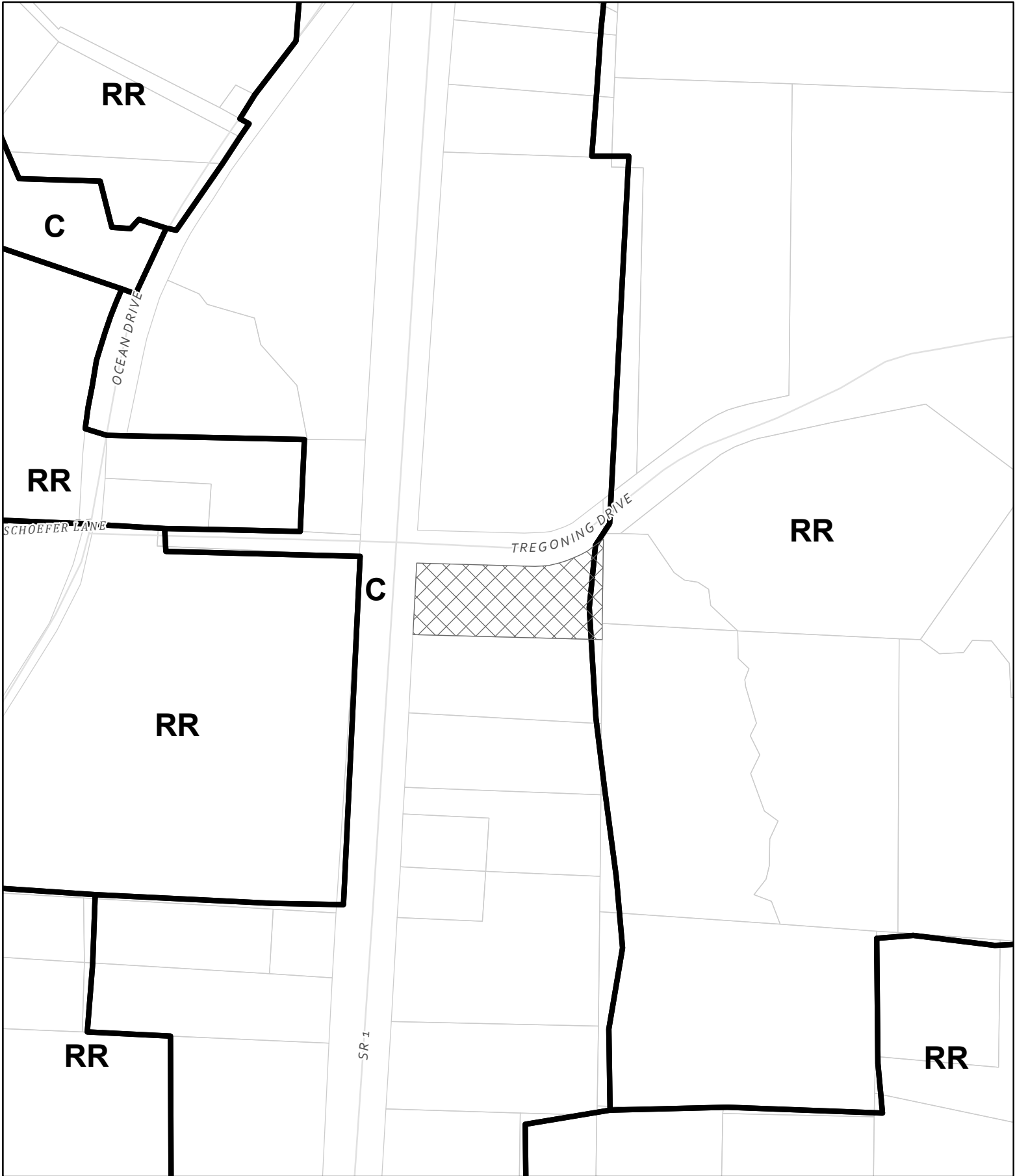
-  Public Roads
-  Private Roads
-  Assessors Parcels



1:2,500

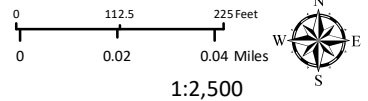
GENERAL PLAN

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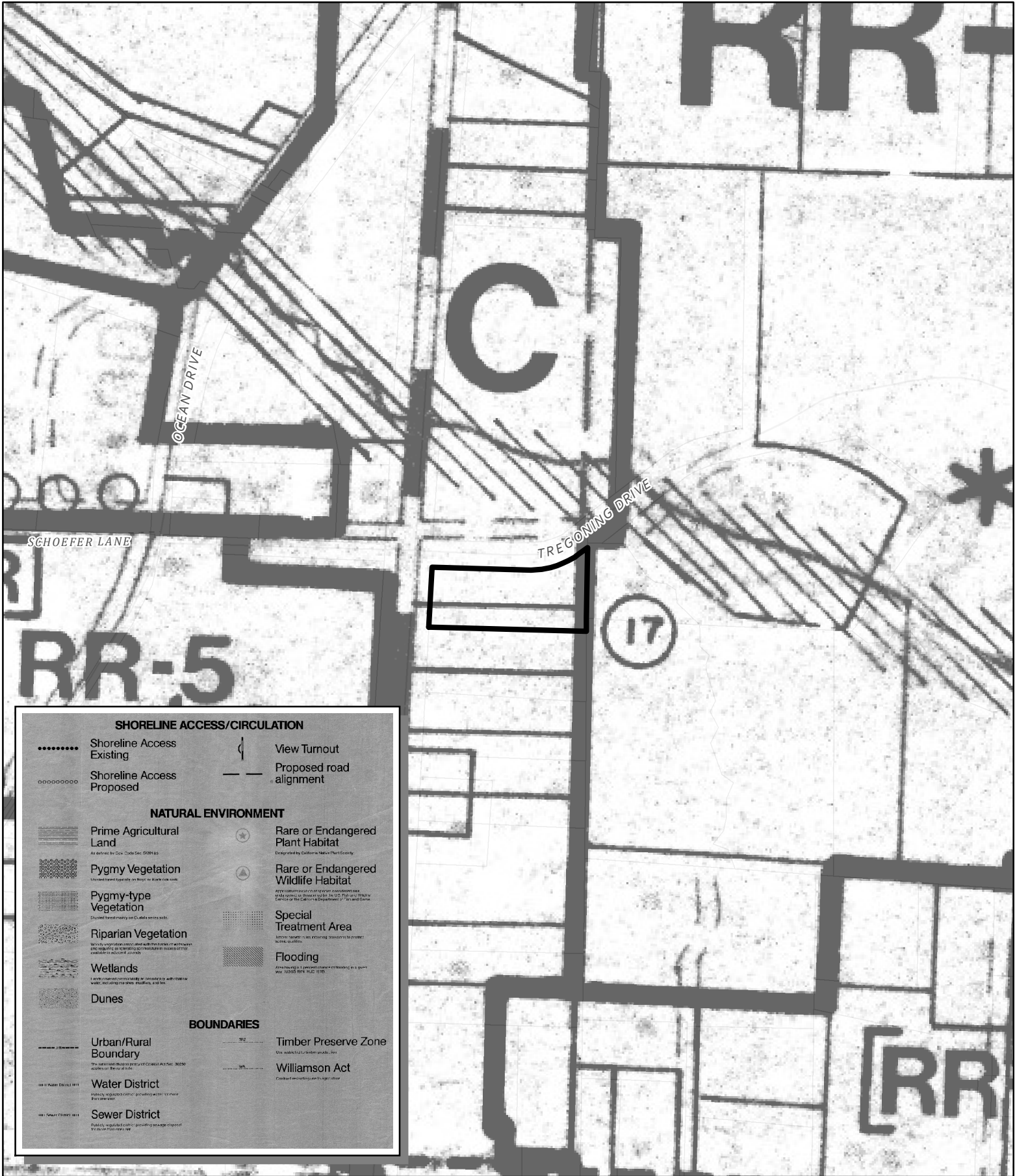
- Zoning Districts
- Assessor's Parcels
- Public Roads
- Private Roads



1:2,500

ZONING

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SHORELINE ACCESS/CIRCULATION

- Shoreline Access Existing
- o-o-o-o-o-o-o-o Shoreline Access Proposed
- Proposed road alignment
- View Turnout

NATURAL ENVIRONMENT

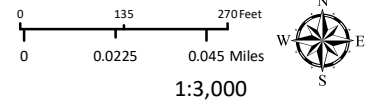
- Prime Agricultural Land
As defined by Gov. Code Sec. 51080.05
- Pygmy Vegetation
Located primarily on slopes or black rock soils
- Pygmy-type Vegetation
Located primarily on dunes and rocky soils
- Riparian Vegetation
Native vegetation associated with riparian corridors and requires special management practices to maintain riparian ecological function
- Wetlands
Wetlands are defined by the presence of water, either surface water or groundwater, and soil
- Dunes
- Rare or Endangered Plant Habitat
Designated California Native Plant Society
- Rare or Endangered Wildlife Habitat
Appropriate to the requirements of the California Department of Fish and Game
- Special Treatment Area
Timber harvest areas requiring special management practices
- Flooding
Areas subject to periodic flooding as shown on a map with 100-year flood return period

BOUNDARIES

- Urban/Rural Boundary
The boundary between the Urban and Rural Areas as defined by the Williamson Act
- Water District
Publicly regulated utility providing water supply to the area
- Sewer District
Publicly regulated utility providing sewage disposal to the area
- Timber Preserve Zone
One or more timber products
- Williamson Act
Contract farming with agriculture

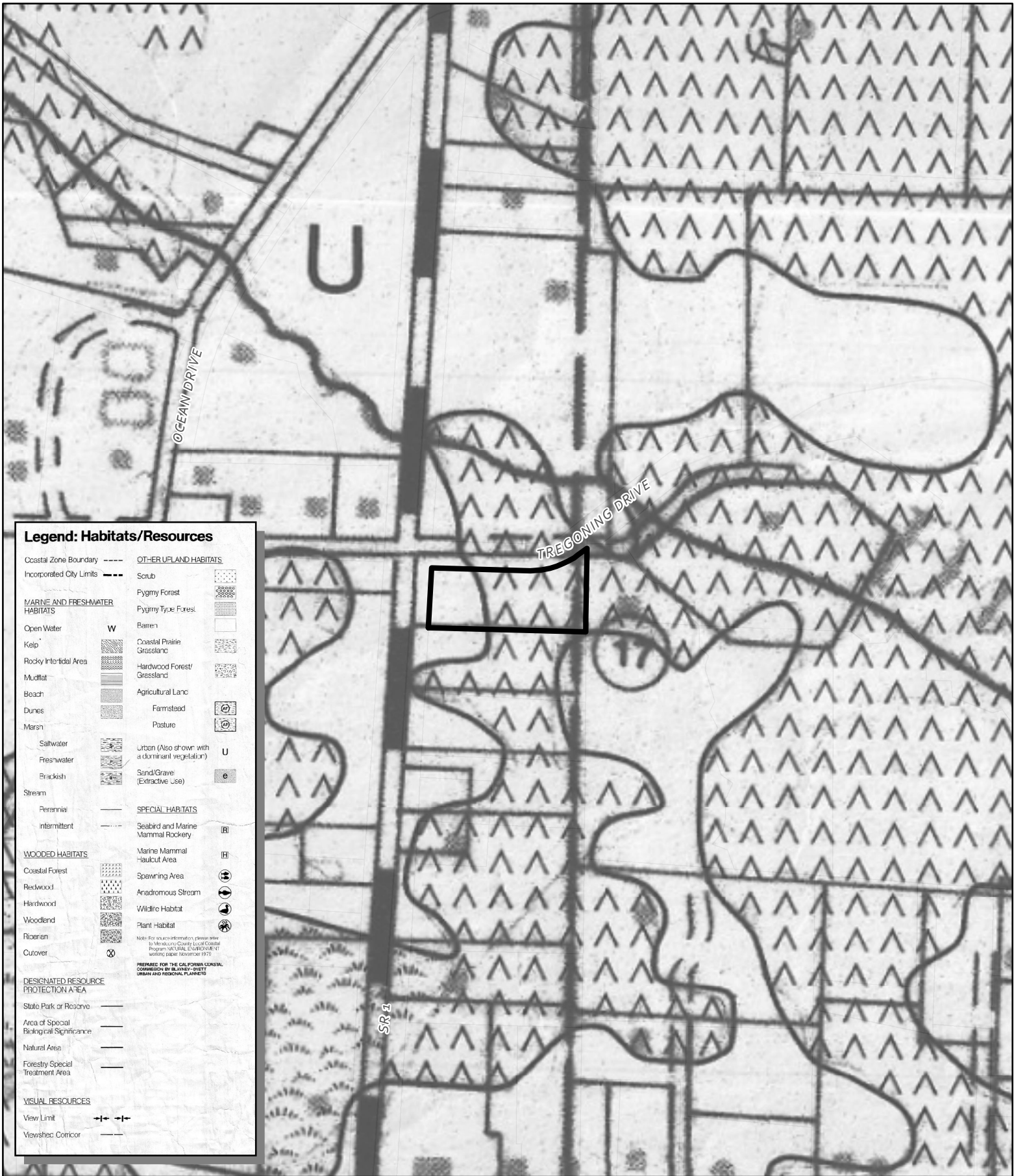
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- Public Roads
- Private Roads
- Assessors Parcels



LCP LAND USE MAP 14: BEAVER

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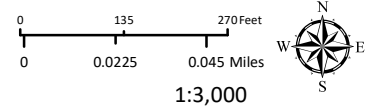


Legend: Habitats/Resources

Coastal Zone Boundary	---	OT-HER UPLAND HABITATS	
Incorporated City Limits	---	Scrub	[Pattern]
MARINE AND FRESHWATER HABITATS		Pygmy Forest	[Pattern]
Open Water	W	Pygmy Tree Forest	[Pattern]
Keel	[Pattern]	Barren	[Pattern]
Rocky Intertidal Area	[Pattern]	Coastal Prairie	[Pattern]
Mudflat	[Pattern]	Gressland	[Pattern]
Beach	[Pattern]	Hardwood Forest/	[Pattern]
Dunes	[Pattern]	Gressland	[Pattern]
Marsh	[Pattern]	Agricultural Land	[Pattern]
Saltwater	[Pattern]	Farmstead	[Pattern]
Freshwater	[Pattern]	Pasture	[Pattern]
Brackish	[Pattern]	Urban (Also shown with	U
Stream		a dominant vegetation)	
Perennial	—	Sand/Grave	e
Intermittent	---	(Extractive Use)	
WOODED HABITATS		SPECIAL HABITATS	
Coastal Forest	[Pattern]	Seabird and Marine	[Symbol]
Redwood	[Pattern]	Mammal Rockery	[Symbol]
Hardwood	[Pattern]	Marine Mammal	[Symbol]
Woodland	[Pattern]	Haulcut Area	[Symbol]
Rioeren	[Pattern]	Spawning Area	[Symbol]
Cuover	[Symbol]	Anadromous Stream	[Symbol]
<small>Note: For more information, please refer to Marin County Local Coastal Program NATURAL ENVIRONMENT Working Paper November 1972.</small>		Wildfire Habitat	[Symbol]
<small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANNEY-SCHETT URBAN AND REGIONAL PLANNERS</small>		Plant Habitat	[Symbol]
DESIGNATED RESOURCE PROTECTION AREA			
State Park or Reserve	—		
Area of Special Biological Significance	—		
Natural Area	—		
Forestry Special Treatment Area	—		
VISUAL RESOURCES			
View Limit	—+—+—		
Viewshed Corridor	—		

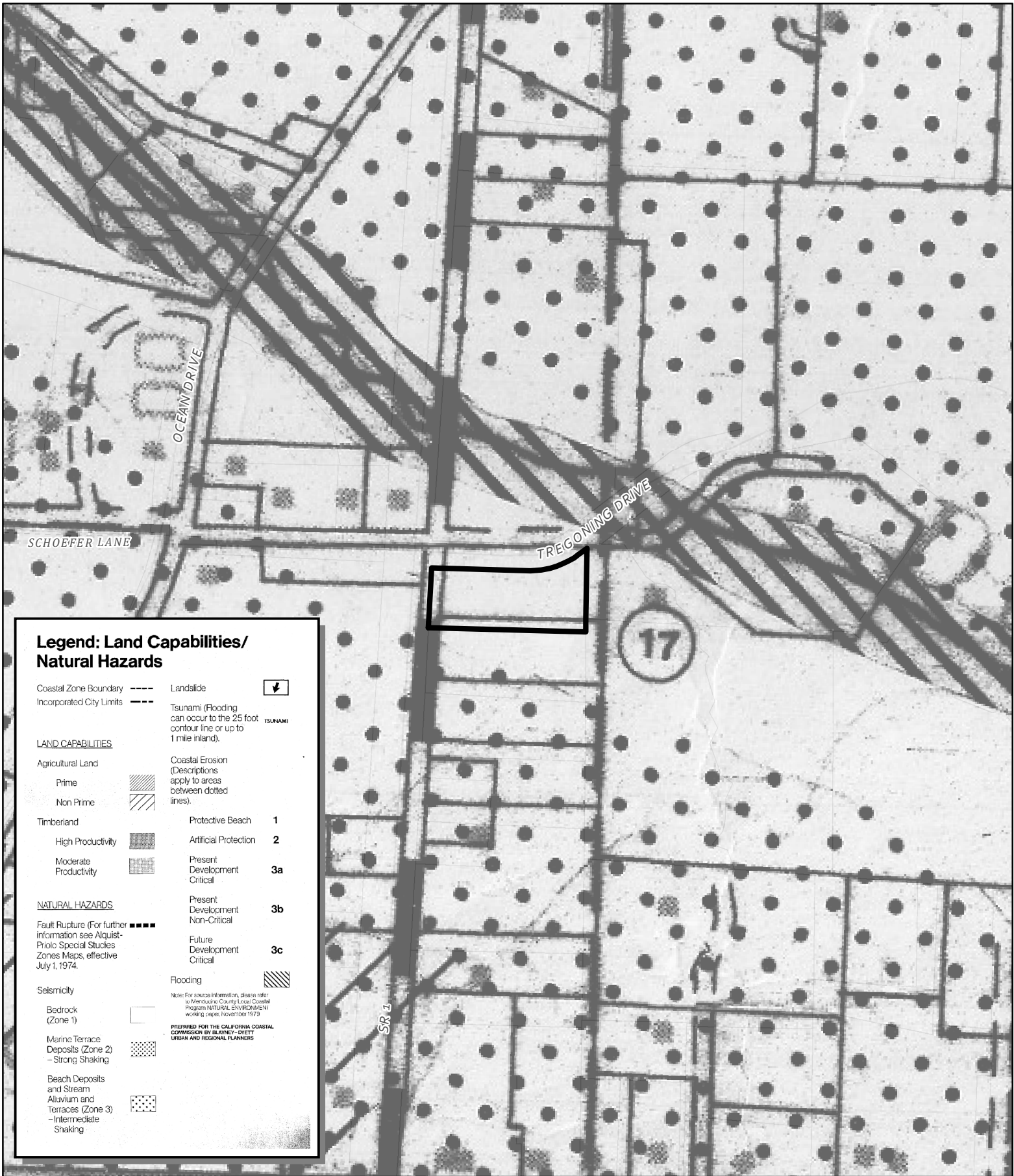
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— Public Roads
 - - - Private Roads
 □ Assessors Parcels



1:3,000
LCP HABITATS & RESOURCES

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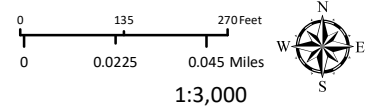


**Legend: Land Capabilities/
Natural Hazards**

Coastal Zone Boundary	---	Landslide	
Incorporated City Limits	---	Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland).	
LAND CAPABILITIES			
Agricultural Land		Coastal Erosion (Descriptions apply to areas between dotted lines).	
Prime		Protective Beach	1
Non Prime		Artificial Protection	2
Timberland		Present Development Critical	3a
High Productivity		Present Development Non-Critical	3b
Moderate Productivity		Future Development Critical	3c
NATURAL HAZARDS			
Fault Rupture (For further information see Alquist-Priolo Special Studies Zones Maps, effective July 1, 1974.	---	Flooding	
Seismicity		<small>Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENTAL working paper, November 1979.</small> <small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAINEY-OYETT URBAN AND REGIONAL PLANNERS</small>	
Bedrock (Zone 1)			
Marine Terrace Deposits (Zone 2) - Strong Shaking			
Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking			

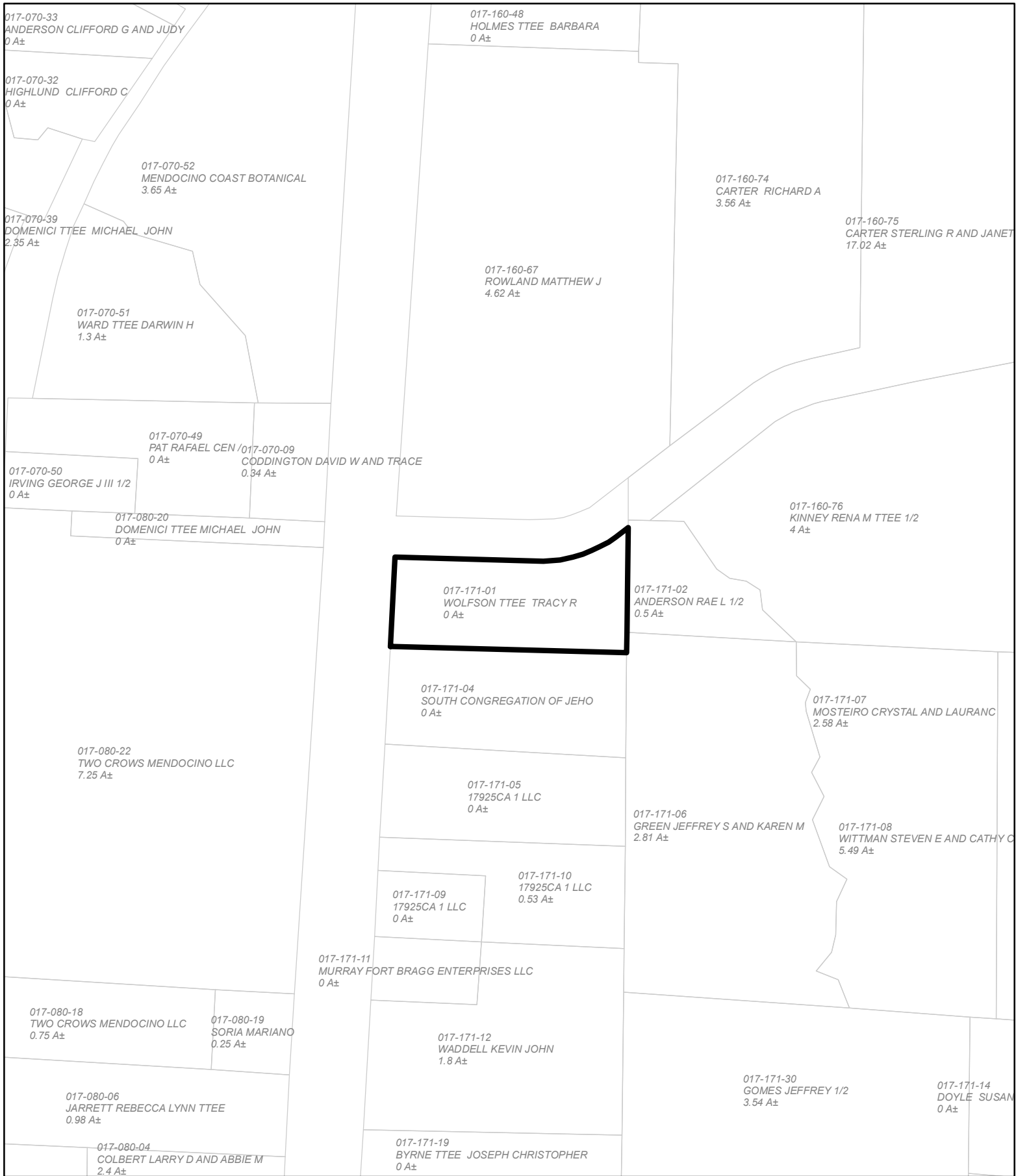
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Private Roads
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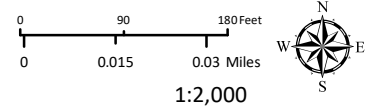
LCP LAND CAPABILITIES & NATURAL HAZARDS

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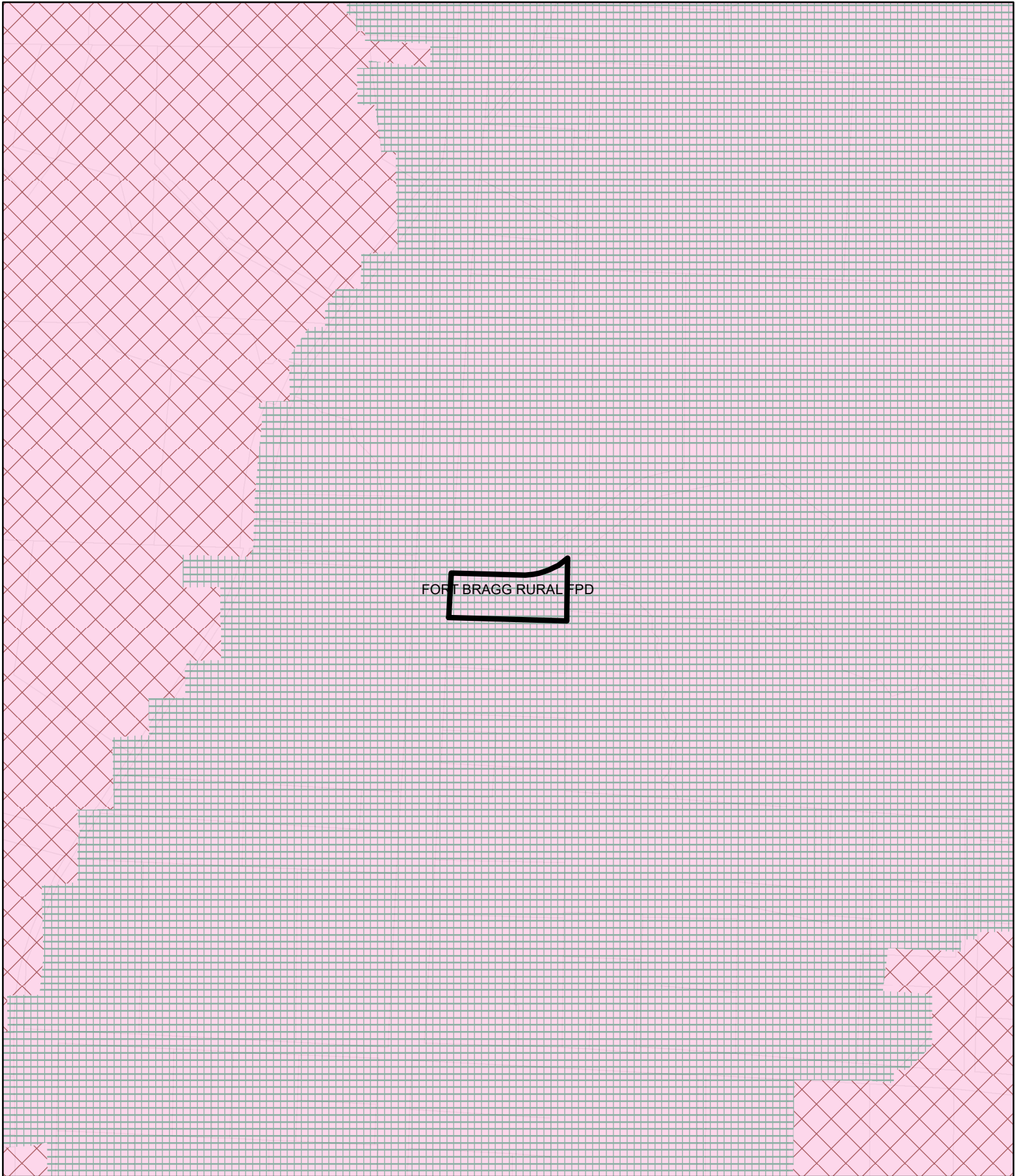
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 Assessors Parcels



1:2,000
ADJACENT PARCELS

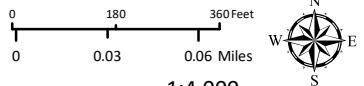
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FOFF BRAGG RURAL FPD

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AGENT: Nathaniel Buttrich
ADDRESS: 17975 N Hwy 1

-  High Fire Hazard
-  Moderate Fire Hazard
-  County Fire Districts
-  Assessors Parcels



1:4,000
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

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Resolution Number

County of Mendocino
Ukiah, California

SEPTEMBER 19, 2024

U_2023-0015 TRACY WOLFSON

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A COASTAL DEVELOPMENT USE PERMIT FOR COMMERCIAL WHOLESALING, STORAGE, PACKAGING, AND DISTRIBUTION OF CANNABIS.

WHEREAS, the applicant, Nathaniel Buttrick, filed an application for a Coastal Development Use Permit with the Mendocino County Department of Planning and Building Services for commercial wholesaling, storage, packaging, and distribution of cannabis, located in the Coastal Zone, 3.2± miles south of Fort Bragg city center, at the southeast corner of the intersection of SR1 and Tregoning Drive (CR 412D), located at 17975 N Hwy 1, Fort Bragg; APN 017-171-01; (the "Project"); and

WHEREAS, pursuant to section 15096 of the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3), the County, as Lead Agency, has determined the Project Categorically Exempt from CEQA; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on September 19, 2024, at which time the Planning Commission 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 Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based upon the evidence in the record before it, makes the following findings:

1. Pursuant to MCC Sections 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program. The proposed project is an existing commercial cannabis facility and is consistent with the intent of the Commercial Land Use Classification; and
2. Pursuant to MCC Sections 20.532.095(A)(2), the proposed development, if completed in compliance with the conditions of approval, will be provided with adequate utilities, access roads, drainage and other necessary facilities. No intensification of use is proposed, and therefore no intensification of demand for such services and facilities is anticipated. As conditioned, all roads and driveways will be adequate to access and maintain all components of the project; and
3. Pursuant to MCC Sections 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the Commercial Zoning District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code. The project constitutes "Wholesaling, Storage and Distribution: Light," a conditionally permitted use in the Commercial Zoning District in the Coastal Zone in Mendocino County, and the project is compliant with all development standards of the zoning district. Although Division II of Title 20 of the Mendocino County Code does not address cannabis operations directly, the project is also subject to the standards of Mendocino County Code chapter 6.36 as

well. As conditioned, the project is consistent all applicable standards and preserves the integrity of the Commercial Zoning District; and

- 4. Pursuant to MCC Section 20.532.095(A)(4), the proposed development, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The County, as Lead Agency, has found the project to be Categorically Exempt from CEQA; and
- 5. Pursuant to MCC Section 20.532.095(A)(5), the proposed development would not have any adverse impact on any known archaeological or paleontological resources. No such known resources are present on the subject parcel, and no ground disturbance is proposed, beyond what is necessary for the driveway approaches. Any ground disturbance will be subject to the precautionary procedures of MCC Chapter 22.12; and
- 6. Pursuant to MCC Section 20.532.095(A)(6), other public services, including but not limited to solid waste and public roadway capacity, have been considered and are adequate to serve the proposed development. The project will have no long-term effect on public roadway capacity, solid waste collection, or other such services, and

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Coastal Development Use Permit U_2023-0015, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission 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 Planning Commission action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

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
Director of Planning & Building Services

CLIFFORD PAULIN, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

U_2023-0015 - TRACY WOLFSON

SEPTEMBER 19, 2024

APPROVED PROJECT DESCRIPTION: Coastal Development Use Permit for commercial wholesaling, storage, packaging, and distribution of cannabis.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. 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 Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County and State agencies having jurisdiction, including a Cannabis Facilities Business License and an encroachment permit from the Mendocino County Department of Transportation for work done in the County right of way. If not superseded by a new Building Permit, expired Building Permit BF_2018-0761 for the interior remodel of the dispensary/distribution structure will need to be reinstated and finalized prior to issuance of the new 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. 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.
8. The proposed facility shall continue to 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.
9. 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.
10. Conditions approving this Coastal Development Use Permit shall be attached to or printed on any building permit application and shall be a part of on-site construction drawings.
11. Prior to commencement of construction activities or issuance of a building permit, the applicant shall construct two commercial driveway approaches onto Tregoning Drive (CR 412D), in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted. Standard erosion control Best Management Practices (BMPs) shall be employed during this work. BMPs shall be shown on submitted site plans for all permits associated with this project.
12. No flashing or moving signs or lighting creating the effect of movement are permitted onsite. Any such existing signage, including air dancers, must be removed within 30 days of issuance of this permit.
13. Prior to installing new 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 sign regulations of MCC Chapter 20.476 as may be amended.