



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

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September 24, 2024

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator, at its regular meeting on Thursday, October 10, 2024, at 1:30 PM., will conduct a public hearing on the following project(s) 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](mailto: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#:** AP\_2024-0011

**DATE FILED:** 2/2/2024

**OWNER/APPLICANT:** Marco Chavoya

**AGENT:** Javier Rau

**REQUEST:** Administrative Permit for reduced side setbacks for a 5,000 square foot mixed light cannabis cultivation operation (Permit Type 1B).

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 1.4± miles north of Redwood Valley town center, on the west side of East Rd (CR 320), 0.1± miles north of its intersection with Road J (CR 235); located 10550 East Rd, Redwood Valley; APN: 161-020-09

**SUPERVISORIAL DISTRICT:** 1 (McGourty)

**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 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](mailto:pbscommissions@mendocinocounty.gov) by October 9, 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 hearing 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



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**ZONING ADMINISTRATOR  
STAFF REPORT- ADMINISTRATIVE PERMIT**

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**OCTOBER 10, 2024  
AP\_2024-0011**

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**PROJECT PLANNER CONTACT**

ROB FITZSIMMONS  
860 N BUSH ST  
UKIAH, CA 95482  
PHONE: 707-234-6650  
FAX: 707-463-5709  
fitzsimmonsr@mendocinocounty.gov

**PROJECT SUMMARY**

**OWNER/APPLICANT:** Marco Chavoya  
PO Box 50  
Talmage, CA 95481

**AGENT:** Javier Rau  
100 North Pine Street  
Ukiah, CA 95482

**REQUEST:** Administrative Permit for reduced side setbacks for a 5,000 square foot mixed light cannabis cultivation operation (Permit Type 1B).

**LOCATION:** 1.4± miles north of Redwood Valley town center, on the west side of East Rd (CR 320), 0.1± miles north of its intersection with Road J (CR 235); located 10550 East Rd, Redwood Valley; APN: 161-020-09.

**TOTAL ACREAGE:** 6.38± Acres

**GENERAL PLAN:** Rural Residential- 5 Acre Minimum (RR:5)  
General Plan (Chapter 2 – Development Element)

**ZONING:** Rural Residential-5 Acre Minimum: Flood Plain  
Combining District (RR5:FP)  
Mendocino County Code Title 20, Division (I)

**CODE REFERENCE:** Cannabis Cultivation  
Mendocino County Code (MCC) Section 20.242.060(C):  
Cannabis Cultivation Setback Reduction  
Mendocino County Code (MCC) Section 20.242.060(D):

**SUPERVISORIAL DISTRICT:** District 1 (McGourty)

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption

**PROJECT RECOMMENDATION**

By resolution, the Zoning Administrator find the Project Categorically Exempt from CEQA and grant Administrative Permit AP\_2024-0011 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:** Administrative Permit for reduced side setbacks for a Phase III 5,000 square foot mixed light cannabis cultivation operation (Permit Type 1B). Baseline setbacks for cannabis cultivation within the proposed hoopouses are 100 feet to each property line; the setback to the north property line would be reduced to 68 feet and the setback to the south property line would be reduced to 79 feet.

**SITE CHARACTERISTICS:** The 6.4± acre subject parcel is quite narrow, approximately 200 feet wide. The subject parcel currently hosts a single family dwelling, a detached garage, and a barn. The Russian River runs along the rear (western edge) of the parcel. The six proposed 1000-square-foot greenhouses had not been constructed at the time of application this permit, but the requisite building permits have since been applied for and issued. As this is a Phase III cultivation, cannabis cultivation cannot occur in these greenhouses until both State and local authorization has been secured. As the cannabis cultivation license CAN-C-2024-0002 has not yet been issued, the current use of these structures is presumed to be agricultural in nature.

**Public Services:**

Access: East Road (CR 320)  
Water District: Redwood Valley Water District  
Sewer District: None  
Fire District: Redwood Valley-Calpella 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.

**Subject Parcel Projects:**

- **CAN-C-2024-0002:** Phase III Mixed-Light Cannabis Cultivation License. **Under Review.**
- **BU\_2024-0258 through -0263:** Six 20'x50' agricultural exempt greenhouses, proposed for cannabis cultivation. They maintain the standard 50-foot property line setbacks for agricultural exempt structures, but not the standard 100 foot setbacks for cannabis cultivation, hence the need for the requested Administrative Permit. **Issued 5/1/2024.**
- **BU\_2019-1164:** Window replacement to existing SFR. **Expired**
- **BU\_2020-1992:** New Garage/Shop. **Expired**
- **BU\_2022-0822:** Reroof existing residence: **Expired**

**AGENCY COMMENTS:** On 4/1/2024, 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.

<b>TABLE 1: Referral Agency Responses</b>	
<b>REFERRAL AGENCIES</b>	<b>COMMENT</b>
Department of Transportation	No Comment
Environmental Health	No Comment
Mendocino Cannabis Department (MCD)	Comment
Building Services	No Comment
Air Quality Management District	No Response
County Assessor	No Response
Archeological Commission	Comment
CHRIS NWIC	Comment
CA Dept. of Fish & Wildlife	No Response
CAL FIRE (Land Use)	Comment
Regional Water Quality Control Board	No Response

Redwood Valley-Calpella Fire Protection District	No Response
Redwood Valley MAC	No Comment
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

**Redwood Valley MAC:** On 4/18/2024, Redwood Valley MAC sent in an email in regards to this project, saying that they “have no comment at this time on this application because there isn't enough information.” PBS staff followed up, asking what additional information they were expecting. In response, they stated “without hearing from the neighboring property owners, or knowing they were notified, we feel we don't have enough information to comment.” As neighbor notification is not a component of the Administrative Permit review process, staff took this as Redwood Valley MAC declining further comment on this project.

**CALFIRE:** CALFIRE commented on 4/29/2024, stating “*The proposed development included in Case # AP\_2024-0011 does not appear to be located within an area containing “timberland” as defined by the California Forest Practice Rules. The application also indicates that no conversion will occur. Therefore, no permit would be required from CAL FIRE resource management. While it appears from the application that no permit would be required from CAL FIRE resource management, all applicants should be aware that in California, anyone who conducts timber operations on timberland must be a licensed as a timber operator (LTO) by the California Department of Forestry and Fire Protection (CALFIRE) per Public Resources Code (PRC) § 4571 and must obtain a permit to cut that timber from CALFIRE per PRC § 4581.*”

**Mendocino Cannabis Department:** On 8/15/2024, MCD commented, stating “*The applicant needs to obtain a Final LSAA from CDFW. The proposed cultivation site will be referred to CDFW for proximity to navarretic leuccephia ssp bakeri and corynorhinus townsendii.*” Although the subject parcel is adjacent to the Russian River, the cultivation’s water source is a well. It is not clear why a Lake or Streambed Alteration Agreement (LSAA) would be needed, but this project was referred to CDFW for comment. No response from CDFW was received. Given the limited scope of this permit (a setback reduction), MCD’s comment does not seem to justify denial or modification of the project and has been taken as a status update of Cannabis Cultivation Business License CAN-C-2024-0002 rather than a requested condition of AP\_2024-0011. The applicant will still need to meet all MCD standards pursuant to MCC Chapter 10A.17 during the course of MCD’s review of CAN-C-2024-0002.

## **PROJECT ANALYSIS**

**GENERAL PLAN AND ZONING DISTRICT CONSISTENCY:** The project proposes a setback reduction for a commercial cannabis cultivation operation on a parcel within the General Plan Land Use Category of Rural Residential, as defined by Chapter 3: Development Element of the Mendocino County General Plan. The Rural Residential General Plan Land Use classification is intended,

*“...to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area, and residences should be located to create minimal impact on agricultural viability.*

*General Uses: Residential uses, agricultural uses, cottage industries, residential clustering, public facilities, public services, conservation and development of natural resources, utility installations.*

Although cannabis cultivation is not itself considered agriculture, it is functionally a very similar endeavor and is considered ‘related to and compatible with’ agriculture. The cultivation square footage limitations of Mendocino County Code (MCC) Chapters 10A.17 and 20.242 render cannabis cultivation necessarily small scale/low density, and thus not in conflict with the intent of the Rural Residential classification.

The proposed project is located within the Rural Residential (RR5) Zoning District, as defined by MCC Chapter 20.048. Although not listed as a permissible use in Chapter 20.048, Chapter 20.242 establishes that this Zoning District can indeed support some types of commercial cannabis cultivation. The intent of Chapter 20.242 is

*“...to provide land use regulations for the County of Mendocino where cannabis may be cultivated, subject to the limitations established of this chapter and the provisions of Mendocino County Code Chapter 10A.17, the Mendocino Cannabis Cultivation Ordinance (MCCO). The objective of this Chapter is to allow the cultivation of cannabis in locations that are consistent with the intent of the base zoning district and to help ensure that its cultivation and related activities will not create adverse impacts to the public health, safety, and welfare of the residents of the County of Mendocino.”*

Pursuant to MCC 20.242.060(C), up to 5,000 square feet of mixed-light cannabis cultivation can be permitted on a RR5 zoned parcel larger than five acres, subject to a Zoning Clearance, State Cultivation License, and County Cultivation Business License pursuant to MCC Chapter 10A.17.

Moreover, pursuant to MCC 10A.17.040(A)(5), such cultivation generally cannot occur within 100 feet of “any adjoining legal parcel under separate ownership or access easement (whichever is most restrictive).” However, MCC 20.242.060(D) provides for the following exception:

**MCC 20.242.060(D):** *Setback Reduction. A reduction in the setback from a legal parcel line required by Section 10A.17.040 may be allowed with an Administrative Permit, approved according to Section 20.242.070(C), provided that the approved setback reduction is fifty (50) feet or greater from an adjoining property under separate ownership or access easement, whichever is most restrictive and the location of the cannabis cultivation site continues to comply with the required setback from an occupied legal residential structure.*

The requested reduced setbacks will not be less than 50 feet, and all cultivation structures shall remain more than 30 feet from all property lines as required in the RR5 zoning district. As such, the proposed reduction of the cannabis cultivation setback can be considered in compliance with the RR5 zoning designation and the Mendocino County Zoning Code more broadly, provided the findings required by MCC 20.196.020 and MCC 20.242.070(C) can be made.

**Mendocino Cannabis Cultivation Ordinance (MCC 10A.17) Consistency:** MCC 20.242.070(C)(1) states that the requested Administrative Permit can only allowed provided that “(t)he cannabis cultivation site is allowed in the zoning district and it is in compliance with the provisions of Chapter 10A.17.” Much of Chapter 10A.17 governs cannabis cultivation business licenses (i.e. those with a CAN prefix, such as CAN-C-2024-0002). For the purposes of making the finding for this AP, determining the cultivation site’s “compliance with the provisions of Chapter 10A.17” has been restricted to review of MCC 10A.17.030 and 10A.17.040. The remaining sections apply more specifically to the cannabis cultivation permit for the operation, CAN-C-2024-0002.

No evidence is known to the County suggesting that the project site is currently harboring cannabis cultivation in excess of the allowances of MCC Section 10A.17.030. Continued compliance with MCC Chapter 10A.17 is a condition of this permit (**Condition B3**).

All commercial cannabis grown in Mendocino County “shall be secured by the required security measures found in California Code of Regulations Title 4, Division 19, as amended from time to time,” pursuant to MCC 10A.17.040(H). Continued compliance with this is a condition of this permit (**Condition B3**).

There is no evidence to suggest that the cultivation site was developed out of compliance with the prohibition on tree removal codified in MCC §10A.17.040(K).

In addition to the requested reduced setback to properties under separate ownership, 10A.17.040(A) imposes additional setbacks from cannabis cultivation. Review of the applicant's Site Plan in conjunction with aerial imagery of the subject parcel and surrounding environs confirms that no portion of the proposed cannabis canopy is within 1,000 feet of a youth-oriented facility, a school, or a park, nor within 200 feet of an occupied legal residential structure located on a separate legal parcel. The reduced setback to the nearest adjoining legal parcel under separate ownership or access easement would still be greater than 50 feet. These setbacks ensure that the cultivation shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.

Per the application, the project shall rely on the electrical grid as a primary source of power and shall not employ a generator.

Continued compliance with Mendocino County's Cannabis Cultivation Ordinance will be the responsibility of the permit-holder, as clarified in **Condition B3**.

**Archaeological and Cultural Resources:** At the 4/15/2024 recommendation of the California Historical Resources Information System's Northwest Information Center (CHRIS NWIC) at Sonoma State University, as affirmed by the Mendocino County Archeological Commission on 6/12/2024, an Archeological Survey and report was prepared for the project by John W. Parker, Ph.D./RPA, dated June 26, 2024. The survey found that the project was not expected to have an adverse effect on cultural resources, and recommended approval of the project as proposed with the qualification that should "cultural sites (be) encountered" during ground disturbance, would in the vicinity should cease and a "Registered Professional Archaeologist (be) called in to evaluate the find according to CEQA guidelines."

On 8/14/2024, the Mendocino County Archeological Commission accepted the survey, emphasizing that the Discovery Clause of MCC §22.12.090 and §22.12.100 still also applies. Staff recommends **Condition B4**, integrating the recommendation of the Archeological Survey with the language of the Mendocino County Code sections referenced above, prescribing the procedures to be followed subsequent to the discovery of any cultural resources or human remains during construction of the project.

Requests for comment on this project were sent to local tribes on 4/1/2024; no response was received.

### **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 setback reduction meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under California Code of Regulations Section 15305, also known as Class 5 of Article 19 of the California Environmental Quality Act Guidelines. Class 5 subsection (a) exemptions are intended for minor alterations in land use limitations, including setback variances.

The cultivation operation as a whole is not the "project" being reviewed for the purposes of the requested Administrative Permit; the cannabis cultivation is still subject to approval via the ministerial cultivation license CAN-C-2024-0002 and would thus be considered statutorily exempt from CEQA pursuant to Public Resources Code Section 21080 and California Code of Regulations Section 15268 (14 CCR § 15268). Should the requested setback reduction be denied, the cultivation permit CAN-C-2024-0002 could still be ministerially approved with a Site Plan revision removing the setback encroachment.

9/6/2024

DATE

*Rob Fitzsimmons*

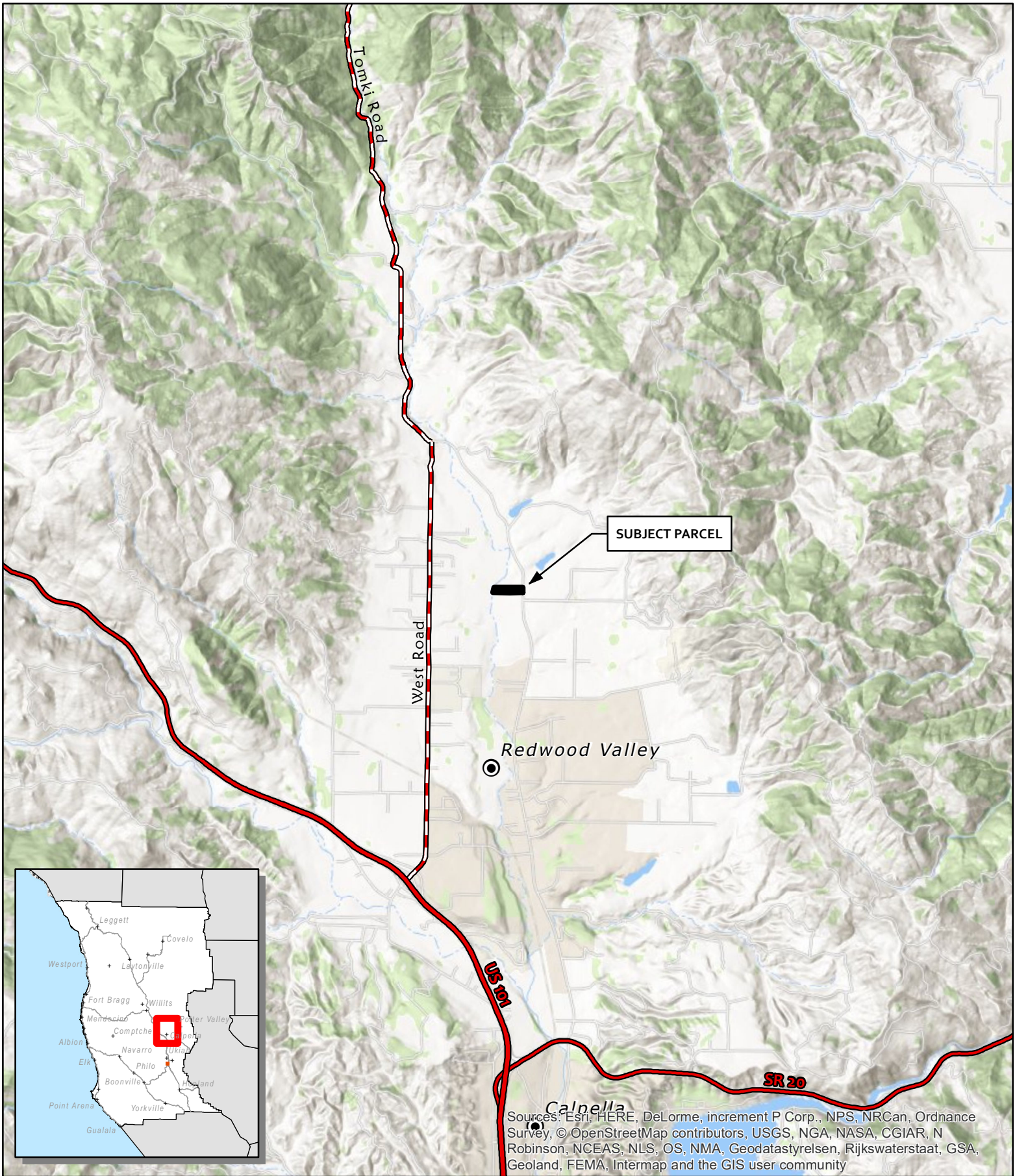
ROB FITZSIMMONS  
PLANNER II

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

**ATTACHMENTS:**

- A. Location Map
- B. Aerial Map
- C. Site/Tentative Map/Project Plans
- D. General Plan Map
- E. Zoning Map
- F. Adjacent Owner Map
- G. Fire Hazards Map

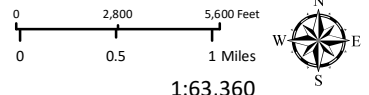




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**CASE:** AP\_2024-0011  
**OWNER:** CHAVOYA, Maria  
**APN:** 161-020-09  
**APLCT:** Marco Chavoia  
**AGENT:** Javier Rau  
**ADDRESS:** 10550 East Rd.

- Major Towns & Places
- Highways
- Major Roads



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LOCATION

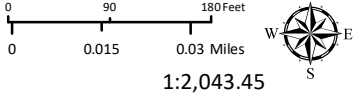
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Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community.  
Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

**CASE:** AP\_2024-0011  
**OWNER:** CHAVOYA, Maria  
**APN:** 161-020-09  
**APLCT:** Marco Chavoya  
**AGENT:** Javier Rau  
**ADDRESS:** 10550 East Rd.

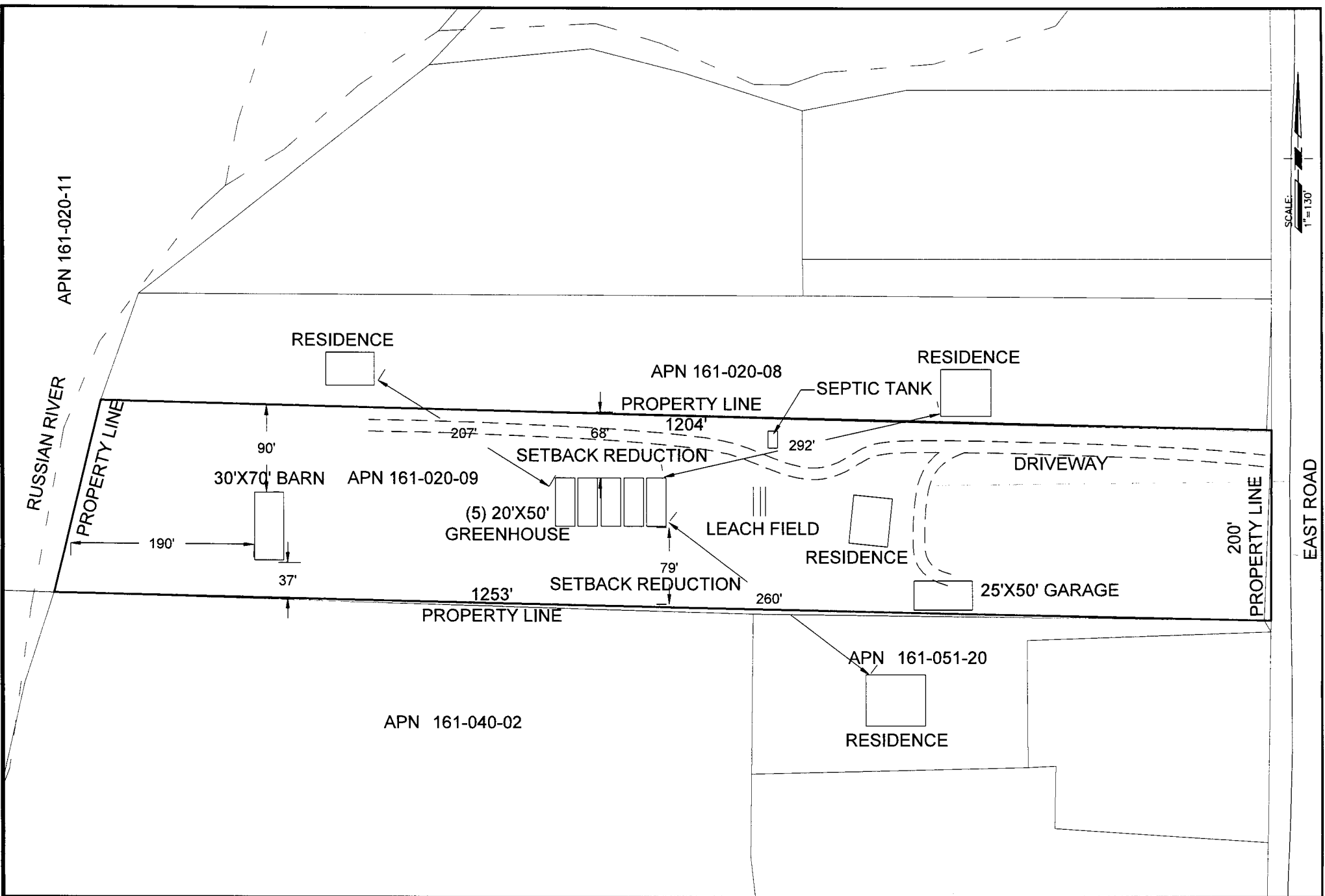
 Public Roads



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**AERIAL IMAGERY**

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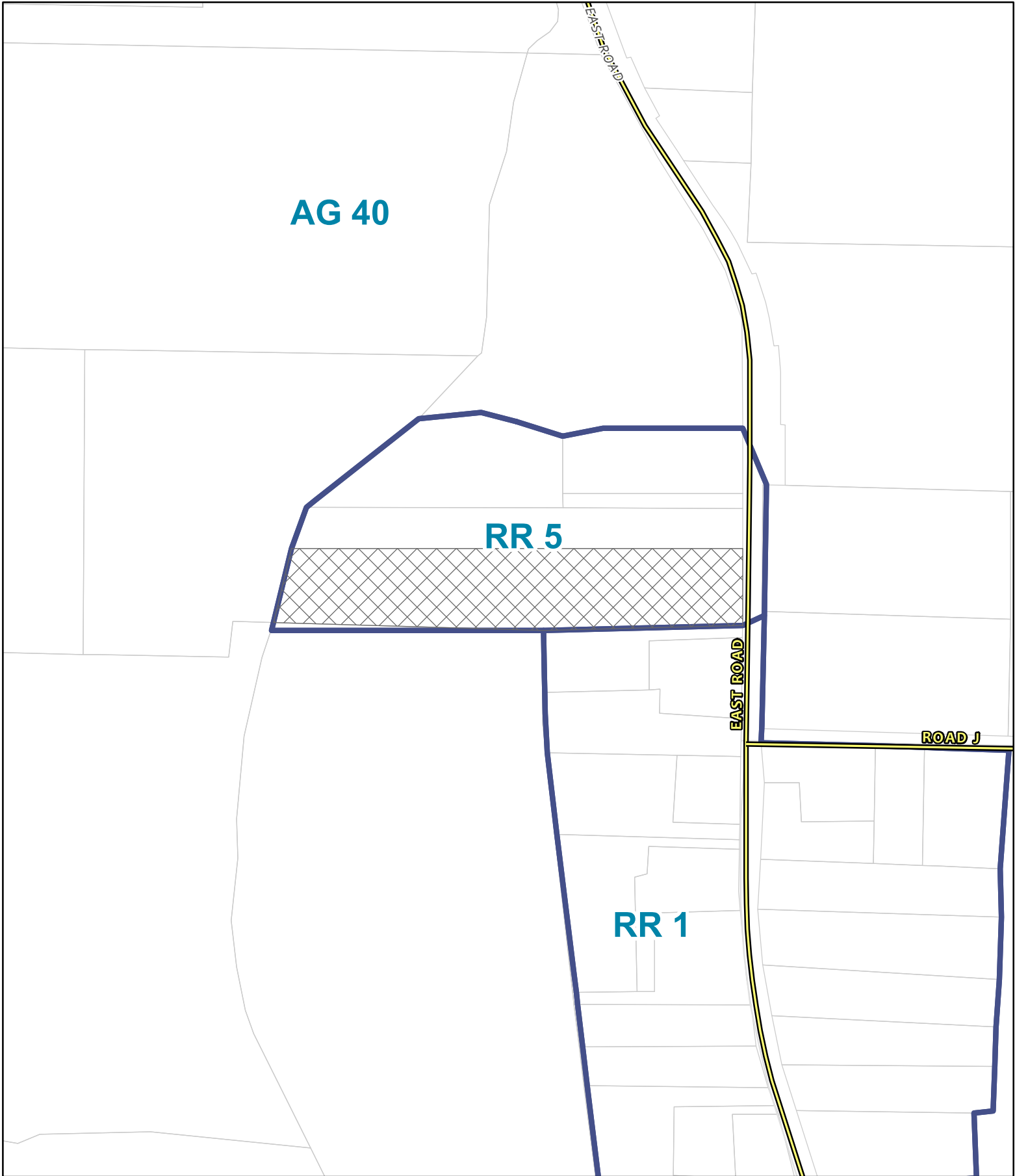


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APN: 161-020-09  
6.3 ACRES  
JAN. 2024

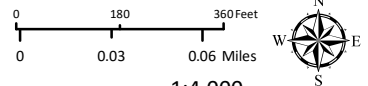
**SITE PLAN**  
10550 EAST SIDE ROAD  
REDWOOD VALLEY CA 95470

**OWNER:**  
MARIA CHAVOYA



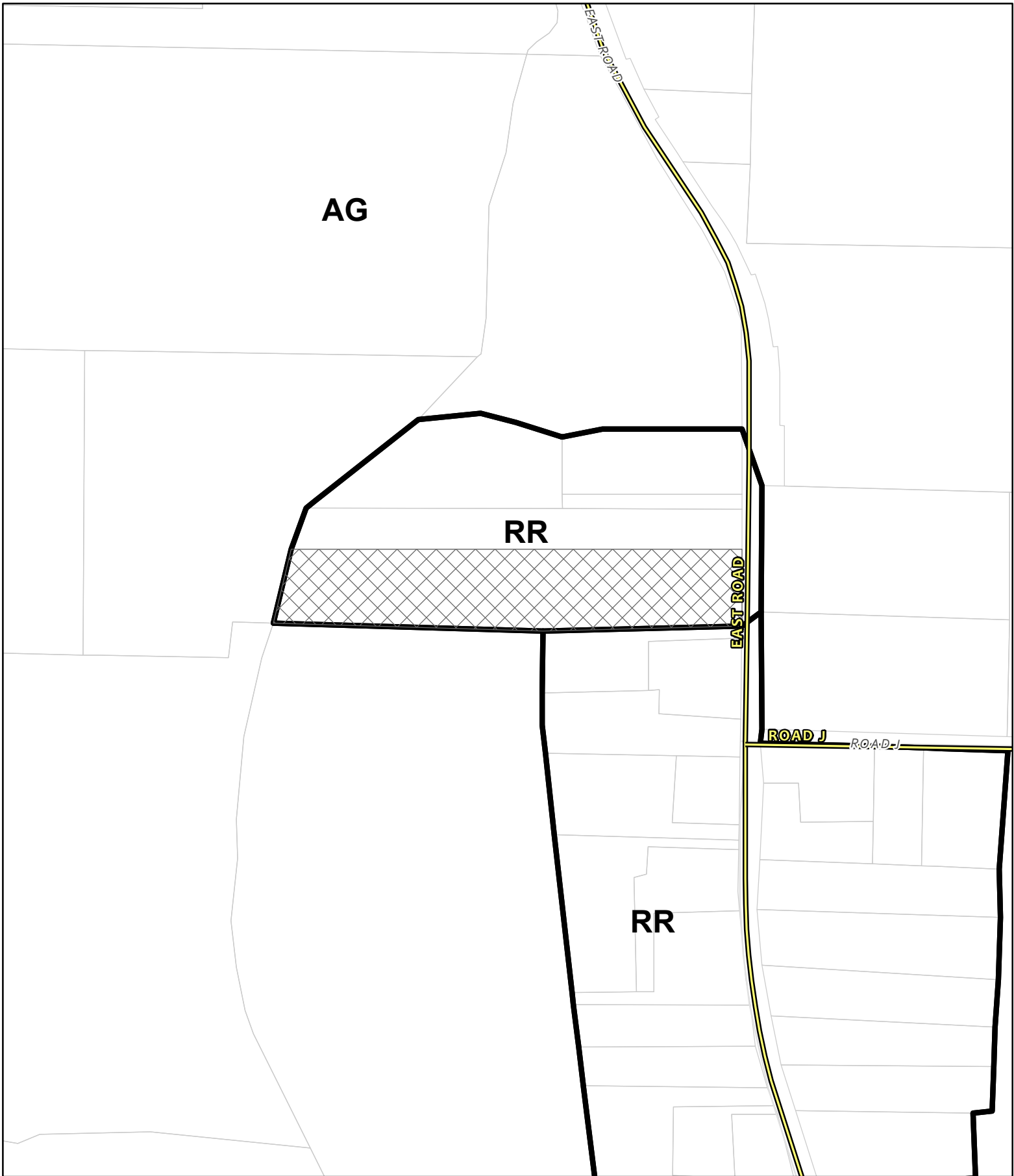
**CASE:** AP\_2024-0011  
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**ADDRESS:** 10550 East Rd.

-  Public Roads
-  Public Roads
-  Assessors Parcels





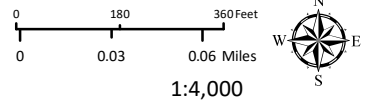
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**GENERAL PLAN**

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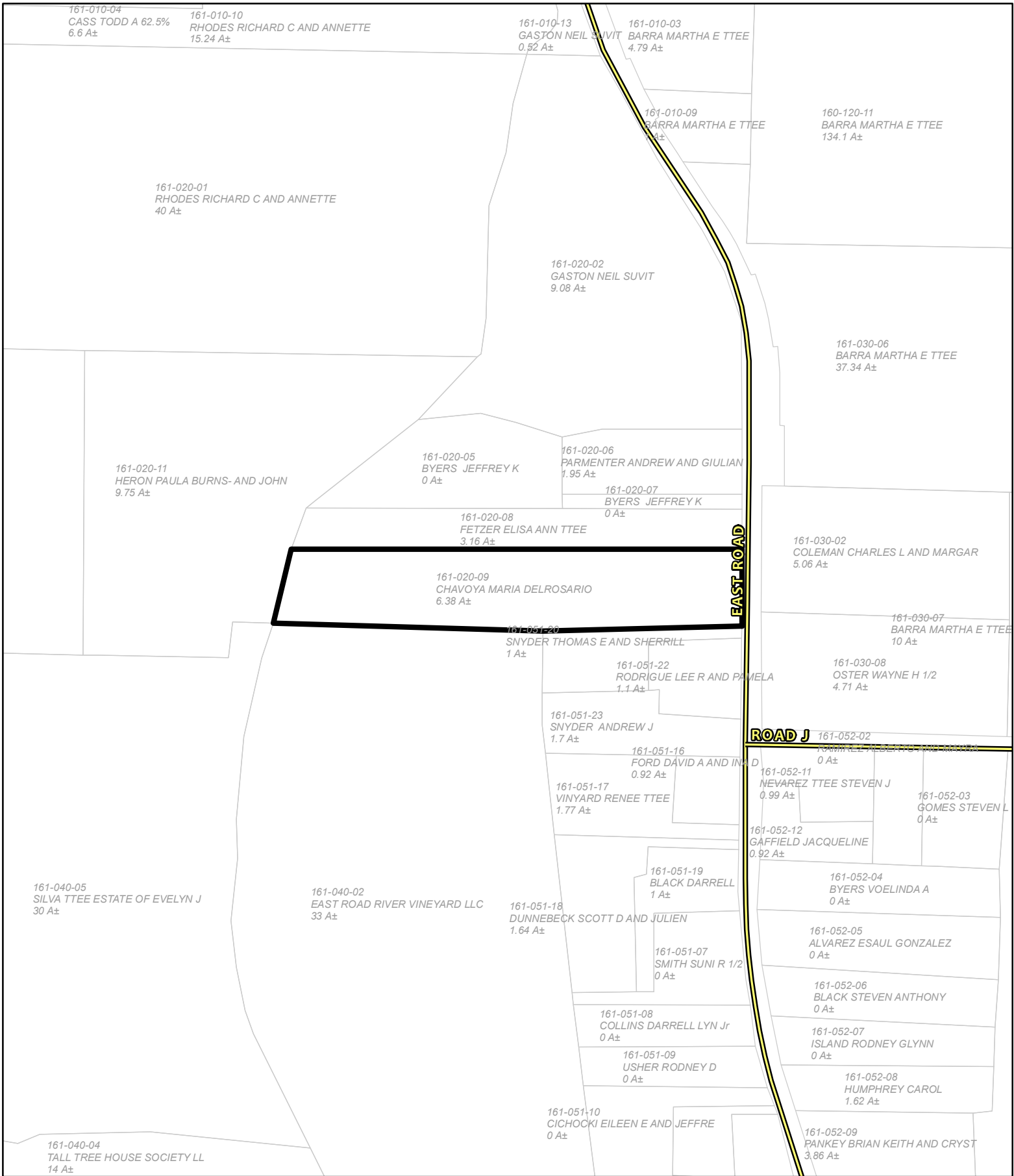
-  Public Roads
-  Assessors Parcels
-  Zoning Districts
-  Public Roads





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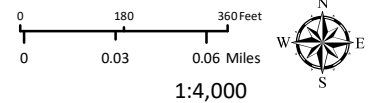
ZONING

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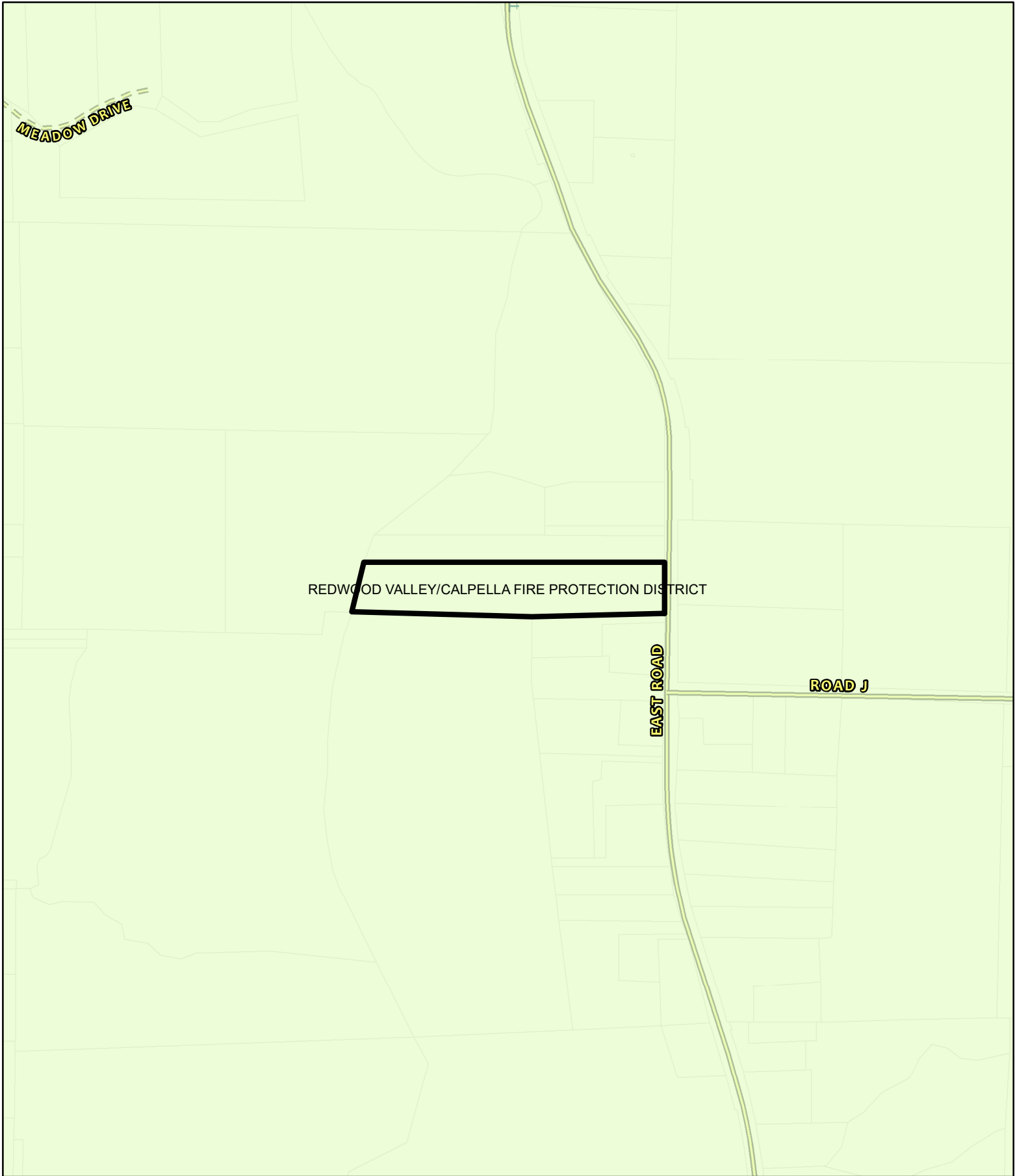
**CASE:** AP\_2024-0011  
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 Public Roads  
 Assessors Parcels

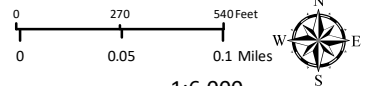
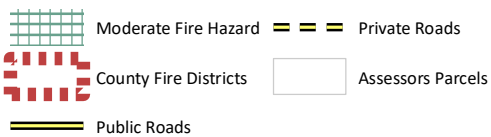


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**ADJACENT PARCELS**

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**1:6,000**  
**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

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**Resolution Number**

County of Mendocino  
Ukiah, California

**OCTOBER 10, 2024**

AP\_2024-0011 – CHAVOYA

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA FINDING A CATEGORICAL EXEMPTION AND GRANTING AN ADMINISTRATIVE PERMIT FOR REDUCED SIDE SETBACKS FOR A 5,000 SQUARE FOOT MIXED LIGHT CANNABIS CULTIVATION OPERATION (PERMIT TYPE 1B).

WHEREAS, the Applicant, MARCO CHAVOYA, filed an application for an Administrative Permit with the Mendocino County Department of Planning and Building Services to authorize a setback reduction for a 5,000 square foot mixed light cannabis cultivation operation, 1.4± miles north of Redwood Valley town center, on the west side of East Rd (CR 320), 0.1± miles north of its intersection with Road J (CR 235); located 10550 East Rd, Redwood Valley; APN: 161-020-09. General Plan RMR; Zoning UR; Supervisorial District 1; (the "Project"); and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on October 10, 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 Section 20.196.020(A), the establishment of the reduced cultivation setback is in conformity to the General Plan. Staff finds that although cannabis cultivation is not considered agricultural production, it is also not incompatible with concurrent or future agricultural use of the subject parcel and surrounding properties, and so at the proposed scale is not incompatible with the Rural Residential designation in the General Plan. Under this reasoning, a reduced cultivation setback, as is proposed by this project, would still be in conformance with the General Plan; and
2. Pursuant to MCC Section 20.196.020(B), adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. The proposed setback reduction will not result in increased demand on any of such utilities or facilities; and
3. Pursuant to MCC Section 20.196.020(C), the proposed reduced cultivation setback 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. No evidence has been presented to the County suggesting that this setback reduction or the cultivation operation more broadly would pose such a nuisance or hazard; and
4. Pursuant to MCC Section 20.196.020(D), the proposed reduced cultivation setback preserves the integrity of the zoning district. Staff finds that the reduced cannabis cultivation setback would not result in a reduction of any development requirements of the Rural Residential zoning district, and thus the integrity of the district will be preserved; and



5. Pursuant to MCC Section 20.242.070(C)(1), a mixed light cannabis cultivation site is allowed in the Rural Residential zoning district and the proposed site is in compliance with the provisions of MCC Chapter 10A.17. A mixed light cannabis cultivation site of the proposed scope (5,000 square feet) can be allowed in the Rural Residential zoning district pursuant to MCC 20.242.060(C) and the zoning table included therein ("Table 2"). The cultivation site is in full compliance with MCC Chapter 10A.17, also known as the Mendocino Cannabis Cultivation Ordinance. On 4/1/2022, this project was referred to the Mendocino Cannabis Department, which is tasked with implementing the provisions of MCC Chapter 10A.17; per their 8/15/2024 response, they have no objections to the approval of the requested Administrative Permit. Continued compliance with MCC Chapter 10A.17 has been made a condition of approval of this permit (Condition B3); and
6. Pursuant to MCC Section 20.242.070(C)(2), there is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding fifteen (15) percent, prime soil, oak woodland, and timber resources. The proposed cultivation site, with the proposed setback, does not pose a potential impact on such environmentally sensitive areas; and
7. Pursuant to MCC Section 20.242.070(C)(3), the cannabis cultivation will avoid or minimize odor and light impact on residential uses. The reduced cultivation setback will still be 50 feet from the nearest property line, and the standard 200-foot setback to adjacent residences under separate ownership will not change. The cultivation operation will be required to maintain ongoing compliance with MCC Chapter 10A.17, including the standard odor and artificial light control measures. Propagation of "objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public" shall be considered failure to remain in compliance with MCC Chapter 10A.17, which may result in revocation of this permit.

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 11<sup>th</sup> 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**

**AP\_2024-0011 - CHAVOYA**

**OCTOBER 10, 2024**

**APPROVED PROJECT DESCRIPTION:** Administrative Permit for reduced side setbacks for a 5,000 square foot mixed light cannabis cultivation operation (Permit Type 1B).

**CONDITIONS OF APPROVAL:**

**A. Conditions which must be met prior to use and/or occupancy:**

1. Cultivation of cannabis onsite at the proposed scale (5,000 square feet) shall not be allowed until the requisite Cannabis Cultivation Business License (CAN-C-2024-0002) and any necessary licenses from the State of California have been issued. This Administrative Permit is subject to the securing of all necessary permits and licenses for cannabis cultivation from the Mendocino County Cannabis Department and the State of California. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.

**B. Conditions which must be complied with for the duration of this permit:**

1. The applicant shall maintain defensible space on the subject parcel for wildfire safety, consistent with Mendocino County Code Chapter 8.77.
2. The Administrative Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Administrative Permit shall expire at the end of this period unless it is renewed prior to the end of the 10-year period, or at any time the approved MCCO permit for the cultivation site expires or is revoked.
3. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 10A.17 and Section 20.242 of the Mendocino County Code.
4. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery and call in a Registered Professional Archaeologist to evaluate the find according to CEQA guidelines. The property owner shall also immediately 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.
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 judgement 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. To record the Notice of Exemption, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any project action.