



**ZONING ADMINISTRATOR
STAFF REPORT- MINOR USE PERMIT**

**DECEMBER 14, 2017
U_2017-0012**

SUMMARY

OWNER: MICHAEL STRUPP
40981 LITTLE RIVER AIRPORT RD
LITTLE RIVER, CA 95456

APPLICANT: PARGO ROJO INC
16350 PINE DRIVE
FORT BRAGG, CA 95437

AGENT: RYAN BIRCHARD
16350 PINE DRIVE
FORT BRAGG, CA 95437

REQUEST: Use Permit for indoor, cottage-sized (C-A) medical cannabis cultivation of no more than 2,500 sq. ft.

DATE DEEMED COMPLETE: July 11, 2017

LOCATION: 5± mi. south of Fort Bragg center, on the east side of Mitchell Creek Drive (CR 414B), 0.5± mi. south of its intersection with Simpson Lane (CR 414). 16551 Mitchell Creek Drive, Fort Bragg (APN: 019-450-24).

TOTAL ACREAGE: 2.42 acres

GENERAL PLAN: RR:2

ZONING: RR:2

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Negative Declaration

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Sam 'Vandy' Vandewater

BACKGROUND

PROJECT DESCRIPTION: The applicants are applying for a Use Permit for an indoor, cottage-sized (C-A) medical cannabis cultivation of no more than 2,500 square feet. Cultivation and incidental activities would occur in two commercially permitted buildings located in the rear (northeastern) portion of the property. Cultivation is valid for three (3) years or until May 4th, 2020, whichever is more restrictive.

SITE CHARACTERISTICS: The subject parcel is located south of Fort Bragg in a forested, semi-rural residential area, roughly 3 miles from Highway 1 and the coast. The parcel gains its access from east side of Mitchell Creek Drive (CR 414B) and has a circular driveway that allows on-site traffic to pull through the driveway. There is a house and garage and several smaller accessory structures such as sheds and a shop. The parcel is lightly forested with some smaller vegetation landscaped around the residence. Additionally, the entire parcel is fenced-in to provide privacy and a form of security for the cultivation buildings. The project site is in the rear of the property. The parcel has an existing on-site well and septic system, to which the proposed project will connect.

The project site is also lightly forested with a small commercial building already constructed in the area. The location of the proposed structure has some tree coverage that, limited to condition of the permit, can be removed to allow for construction. The area has a driveway that leads from the main circular driveway to the rear of the property.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR:2	RR:2	0.6±, 3.42±	Residential
EAST	RR:2	RR:2	2±, 2.1±	Residential
SOUTH	RR:2	RR:2	2±	Residential
WEST	RR:2	RR:2	2±, 2.46±	Residential

PUBLIC SERVICES:

Access: Mitchell Creek Drive (CR 414B)
 Fire District: Fort Bragg Rural Fire Protection District
 Water District: None
 Sewer District: None
 School District: None

AGENCY COMMENTS: On August 21, 2017, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the relevant agencies are listed below. Any comment that would trigger a modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT	DATE
Planning (Fort Bragg)	Comment	September 5, 2017
Department of Transportation	Comment	September 7, 2017
Environmental Health – Fort Bragg	Comment	November 3, 2017
Building Inspection – Fort Bragg	No Comment	September 12, 2017
Assessor	No Response	–
CalFire	Comment	August 29, 2017
Emergency Services	No Comment	August 23, 2017
Fort Bragg Rural Fire Protection District	No Response	–
Air Quality Management District	No Comment	September 14, 2017
Redwood Valley Rancheria	Comment	August 30, 2017
Cloverdale Rancheria	No Response	–
Sherwood Valley Band Rancheria	Comment	August 8, 2017
Potter Valley Rancheria	No Response	–
Archaeological Commission	No Response	–

KEY ISSUES

1. General Plan and Zoning Consistency: The subject parcel is located within the Rural Residential [2 acre minimum] (RR:2) General Plan Land Use Designation. The RR:2 General Plan zone “*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 as to create minimal impact on agricultural viability.*”

While the proposed project does not entail the farming of food, the scale of the proposed cannabis cultivation is small and thus conforms to the intended use of the General Plan Land Use Designation. Additionally, the proposed project is consistent with any of the Land Use Designation intended uses, thus the project is consistent with the General Plan

The proposed cannabis cultivation site is also consistent with the Rural Residential (R-R) zoning district, as defined by the Mendocino County Code; this parcel having a two acre minimum lot size (R-R:2). Chapter 20.048.005 of the Mendocino County Code defines the R-R District as a district "*intended to create and enhance residential areas where agricultural use compatible with a permanent residential use is desired. Typically the "R-R" District would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired.*"

The proposed project is consistent with the Mendocino County Code, thus the project conforms to the intended uses of the R-R:2 zoning district. Additionally, Section 10A.17.080(B)(2)(b)(ii) of the Mendocino County Code allows for a cottage-sized cannabis cultivation site within the R-R:2 zoning district, subject to a sunset provision that requires the operation to cease by May 4th, 2020. This sunset date to terminate cultivation operations has been included as a Condition of Approval. Aside from the zoning district considerations, the proposed project is in conformity with Chapter 10A.17 of the Mendocino County Code.

2. Use Permit Findings: The proposed use permit is required to meet the use permit findings set forth in the Mendocino County Code (MCC 20.196.020). Below is the discussion of each finding and how the use permit appropriately meets those requirements.

- A. *That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;*

As shown in the previous section, the proposed project is in conformity with the General Plan.

- B. *That adequate utilities, access roads, drainage and other necessary facilities have been are being provided;*

The proposed project has connections to existing water and septic systems that will be used for the operation. Conditions to the use permit require the applicant to work with the Mendocino County Department of Environmental Health. Additionally, in response to comments from the Mendocino County Department of Transportation, the proposed project will require a permitted encroachment off of Mitchell Creek Drive (CR 414B) to ensure adequate access.

- C. *That such use will not, under the circumstances of that 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; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;*

An Initial Study pursuant to CEQA regulations was completed for the proposed project and it has been determined that no aspects of the proposed project could have potentially significant impacts on the environment. A Negative Declaration was prepared for the project and includes conditions to ensure that impacts are less than significant.

- D. *That such use preserves the integrity of the zoning district.*

Similarly to the General Plan conformity, compliance with the Mendocino County Code zoning district is discussed in the previous section; the proposed project is in conformity with the zoning district.

3. Environmental Protection: Staff has completed an Initial Study for the project and determined that the project could have no potential significant impacts on the environment. The Negative Declaration was released for public comment on November 9th, 2017. As discussed in the Initial Study, conditions have been identified to mitigate potentially significant impacts to the environmental to a less than significant level. Staff recommends that the Zoning Administrator certify a Negative Declaration for the project.

RECOMMENDATION: By resolution, adopt a Negative Declaration and grant Use Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

DATE

SAM 'VANDY' VANDEWATER

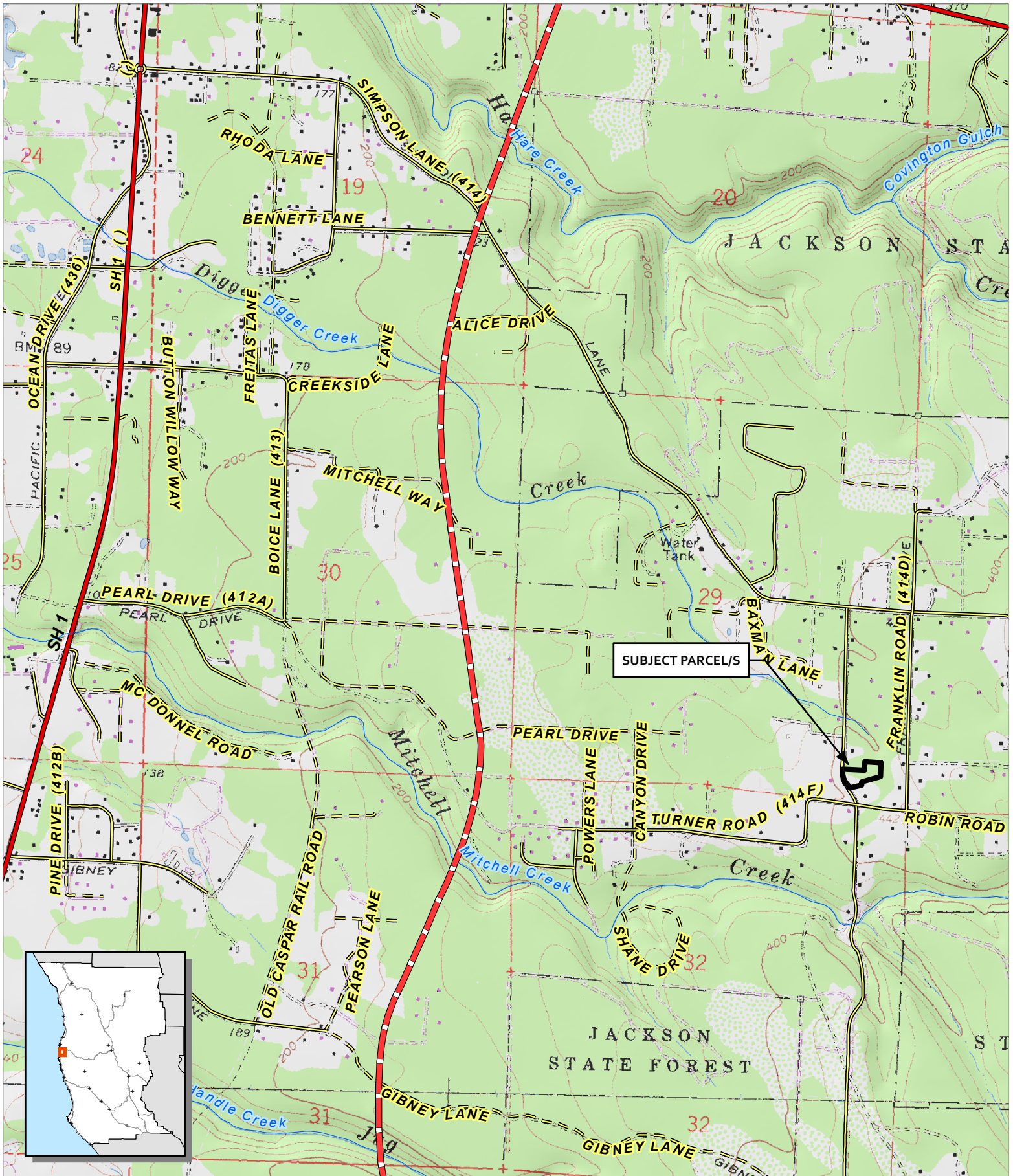
Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Topographical Map
- D. Site Map
- E. Zoning Map
- F. General Plan
- G. Adjacent Owner Map
- H. Fire Hazards Map
- I. Ground Water Resource Area
- J. Soils Map
- K. Important Farmland
- L. Storm water Map
- M. Miscellaneous Map



RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):

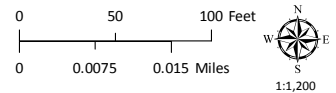
[NEGATIVE DECLARATION] Initial Study available online at:
<http://www.co.mendocino.ca.us/planning/meetings.htm>





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APN: 019-450-24
APLCT: Pargo Rojo, Inc.
AGENT: Ryan Birchard
ADDRESS: 16551 Mitchell Creek Drive, Fort Bragg

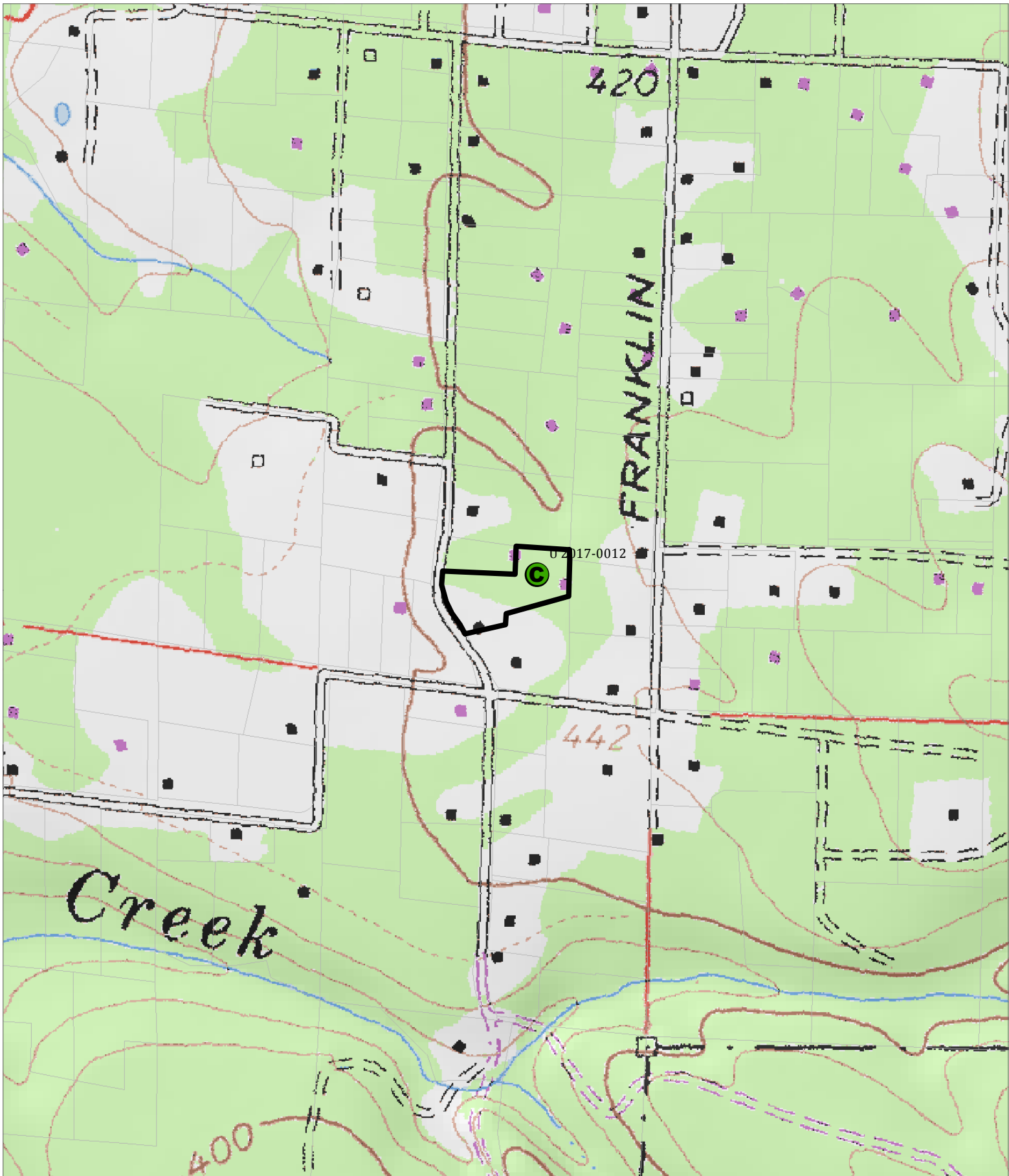
 Cannabis Cultivation Sites
 Public Roads



AERIAL IMAGERY

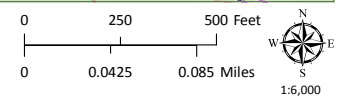
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ATTACHMENT B



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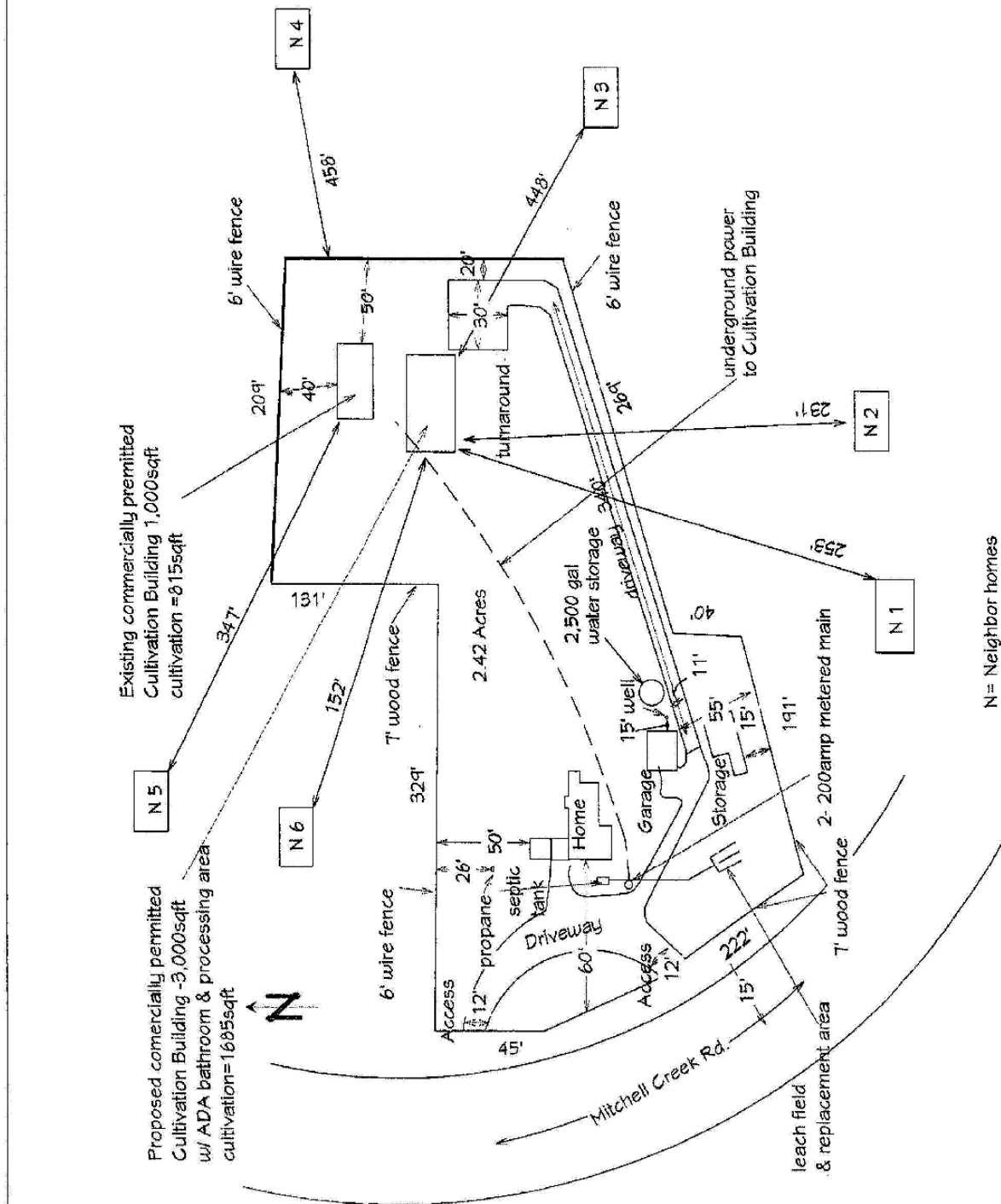
 Cannabis Cultivation Sites



TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

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ATTACHMENT C



Not to Scale

N = Neighbor homes

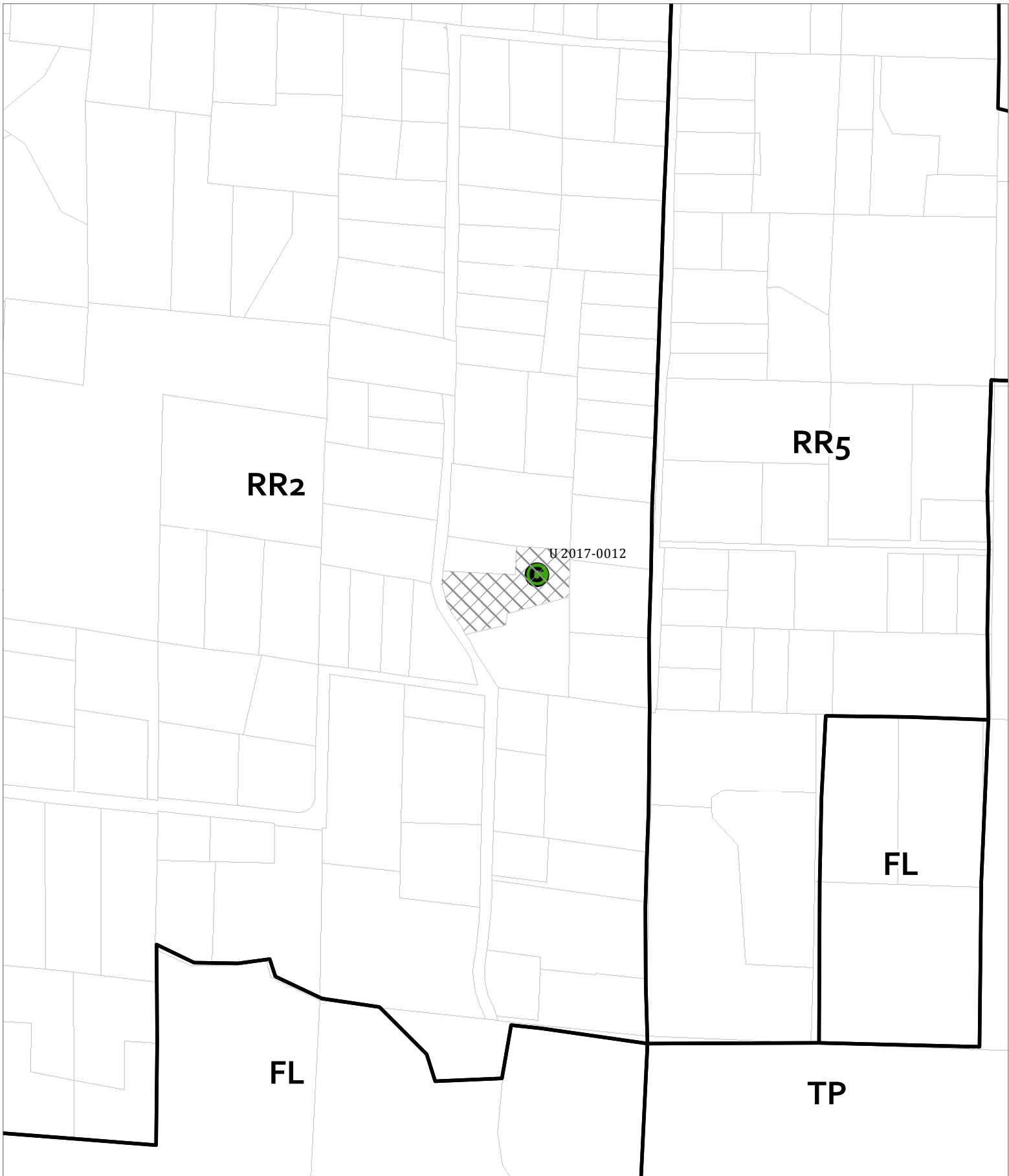
NO SCALE

ATTACHMENT D



MISC

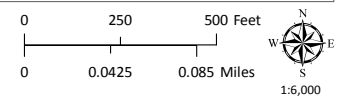
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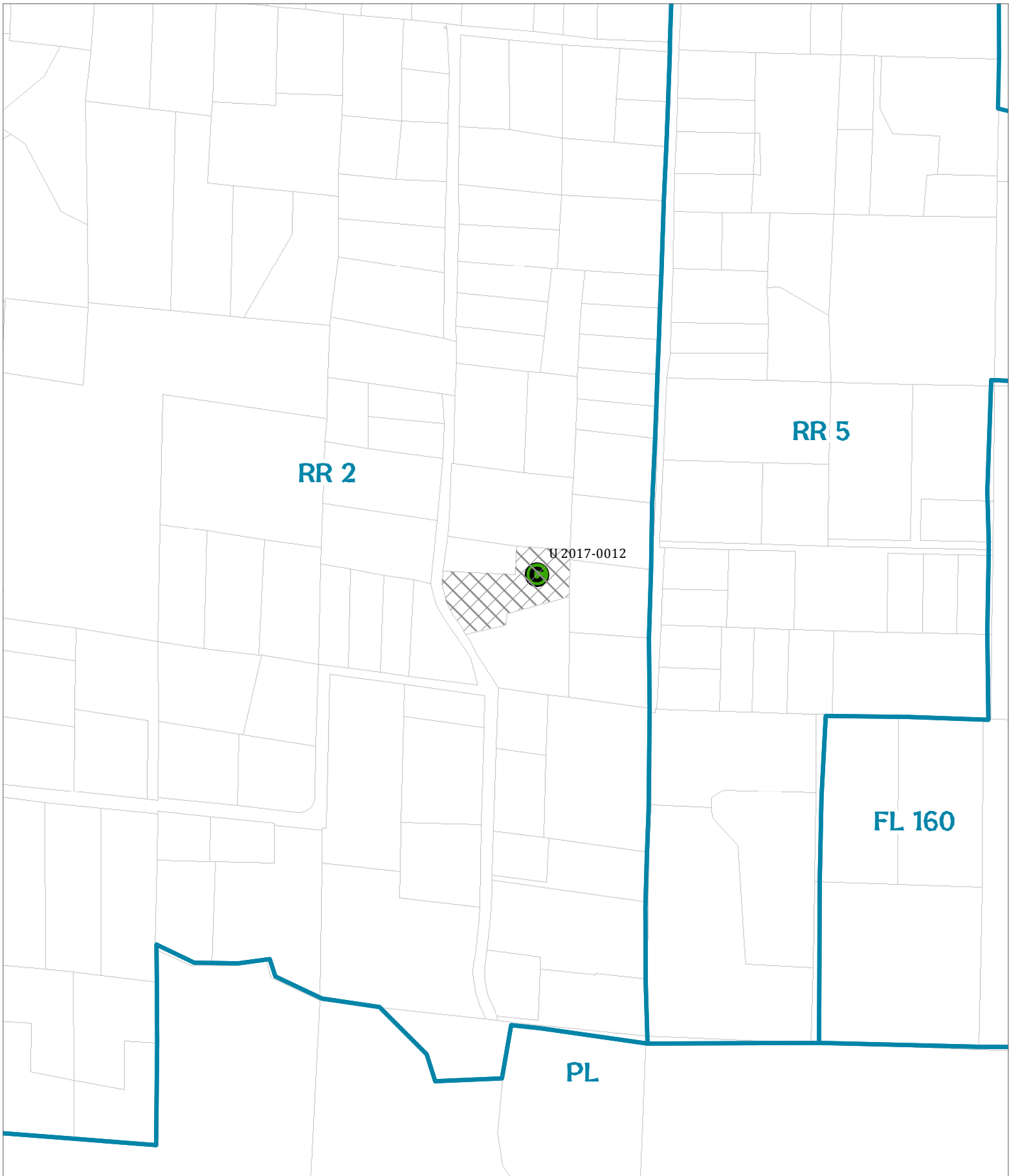
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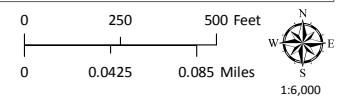
-  Cannabis Cultivation Sites
-  Zoning Districts

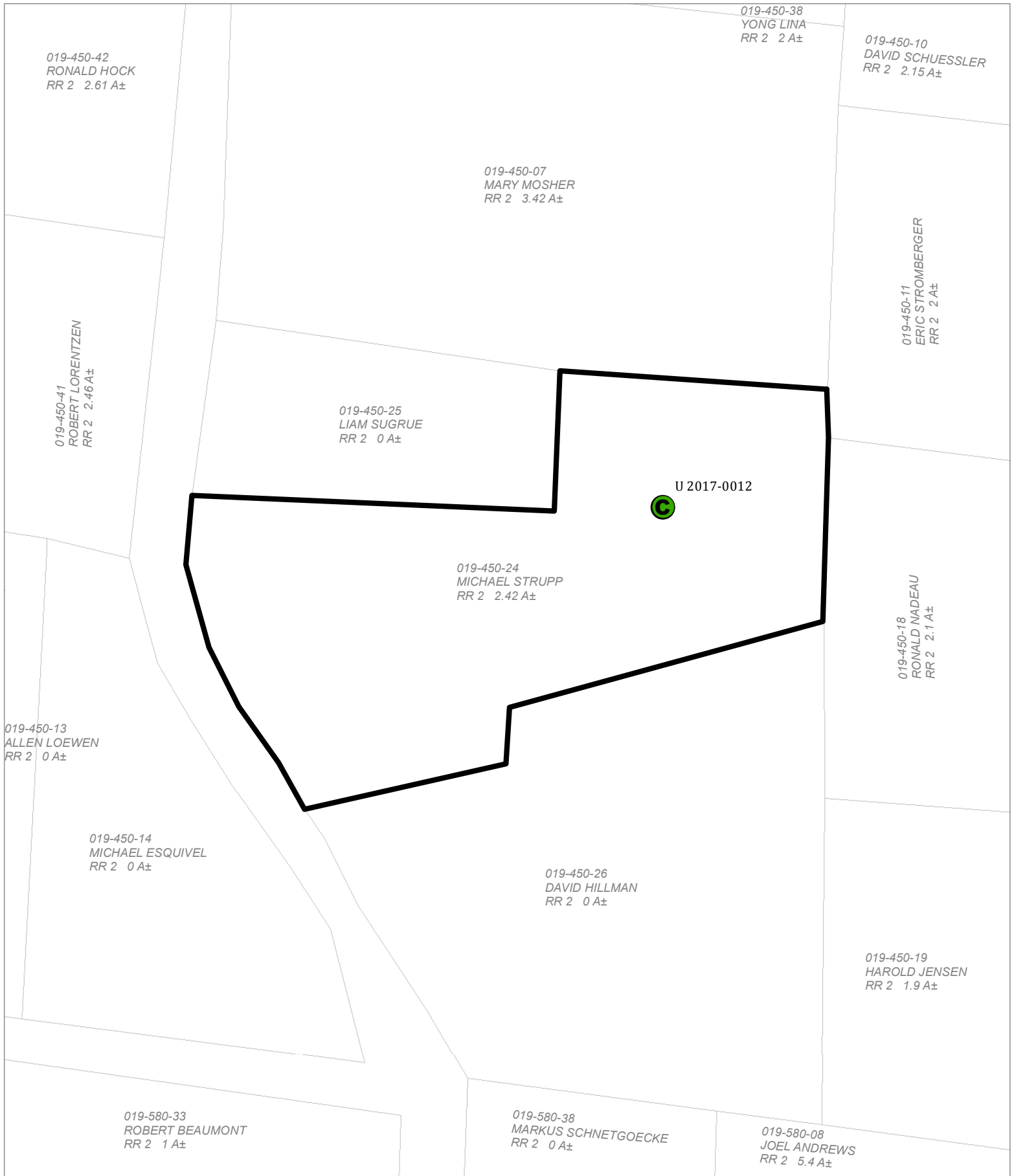




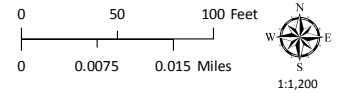
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-  Cannabis Cultivation Sites
-  General Plan Classes





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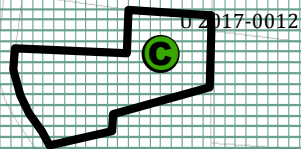


ADJACENT PARCELS




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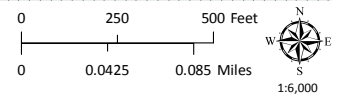
ATTACHMENT G

FORT BRAGG RURAL FPD

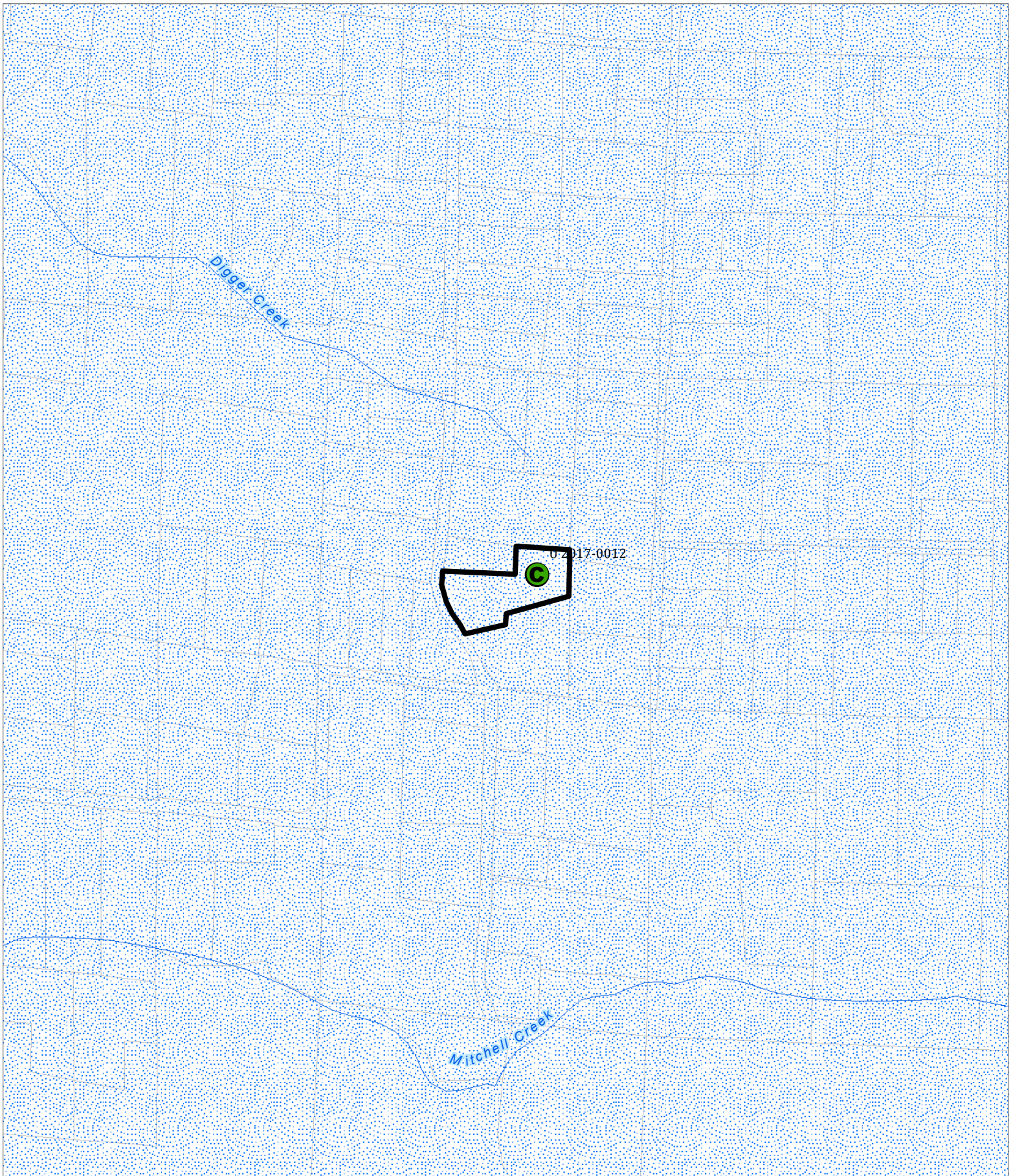


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-  Cannabis Cultivation Sites
-  County Fire Districts
-  Moderate Fire Hazard

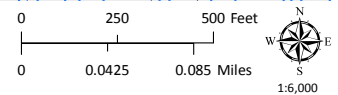


FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA



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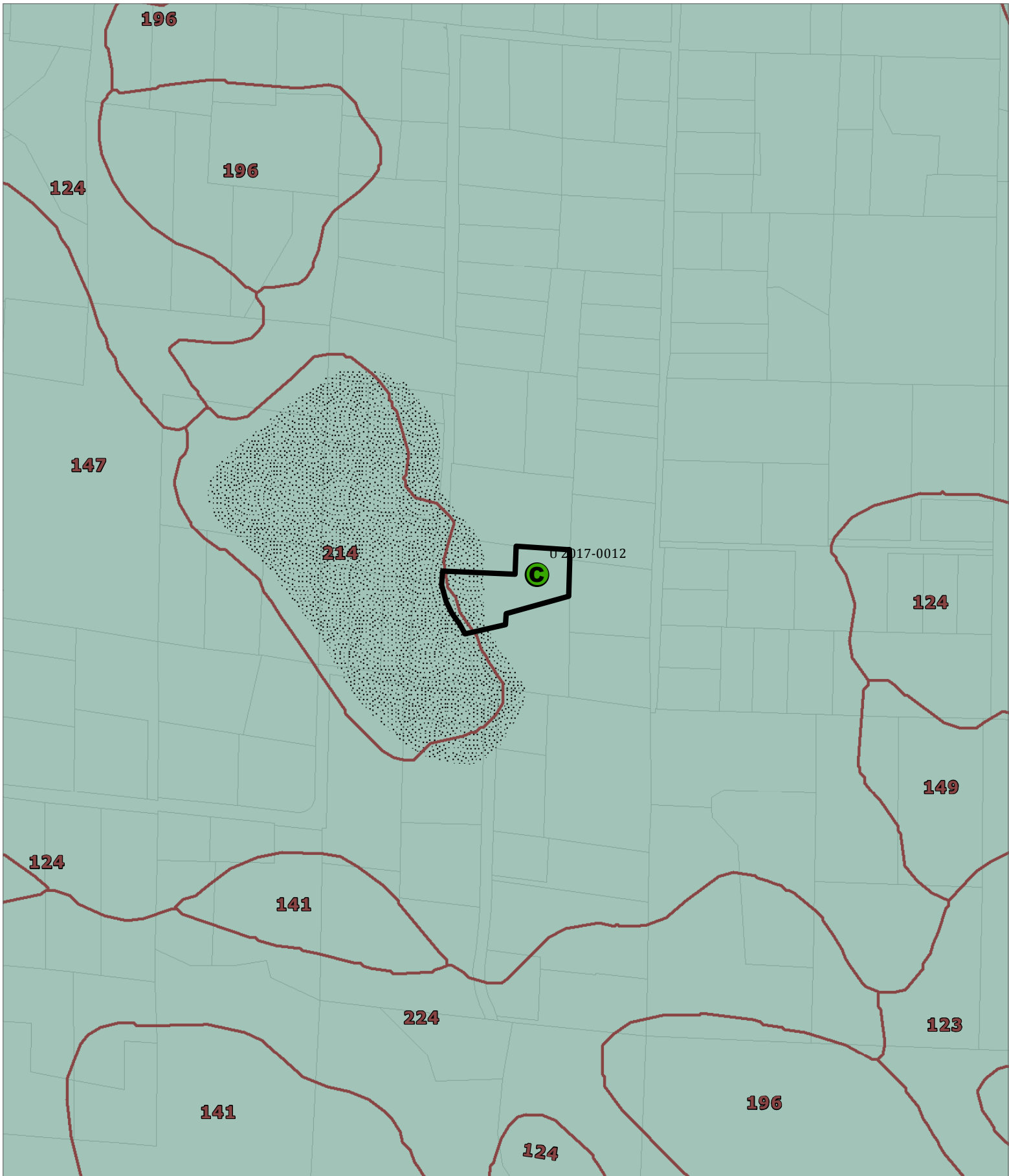
-  Cannabis Cultivation Sites
-  Named Rivers
-  Sufficient Water Resources

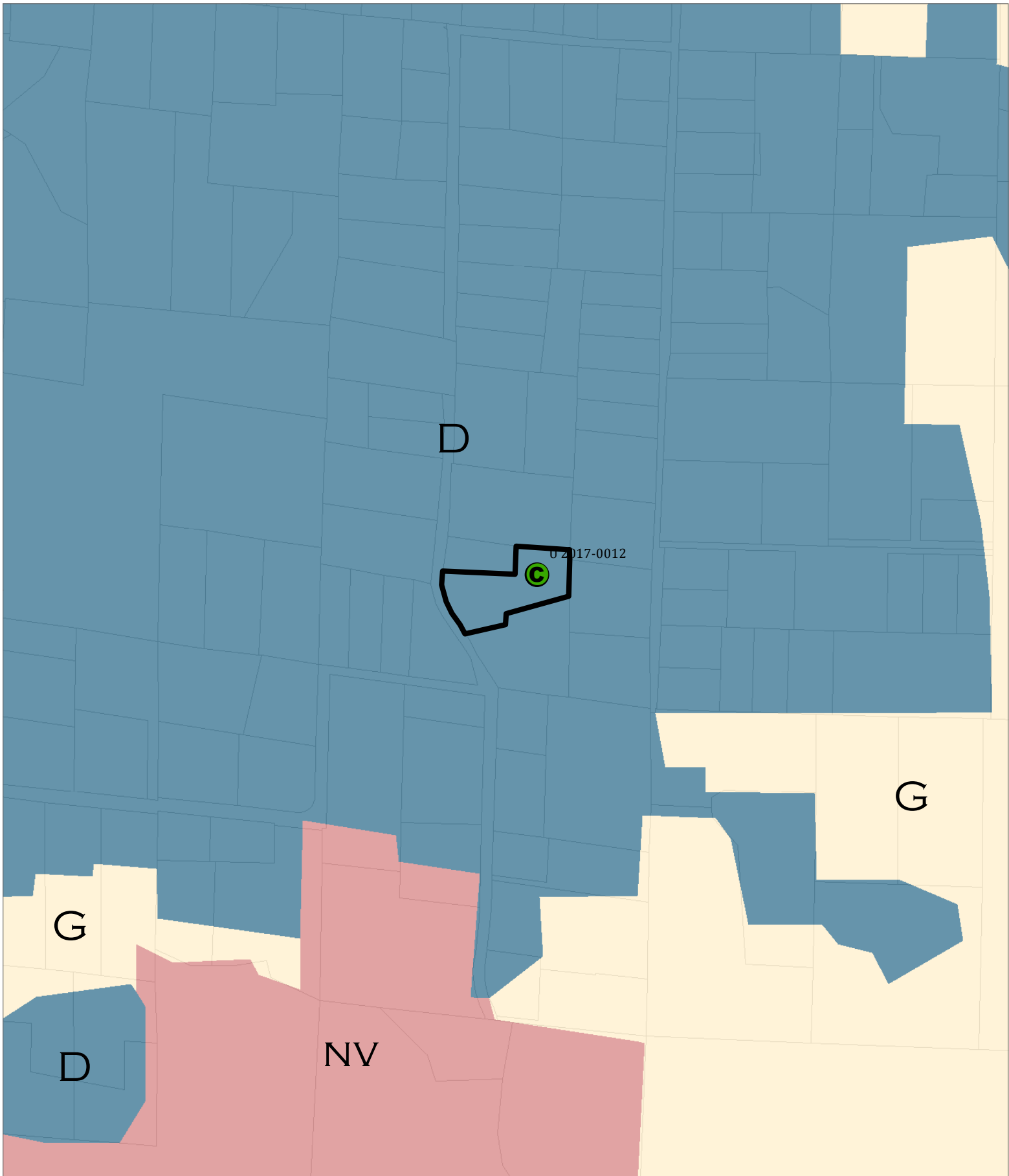


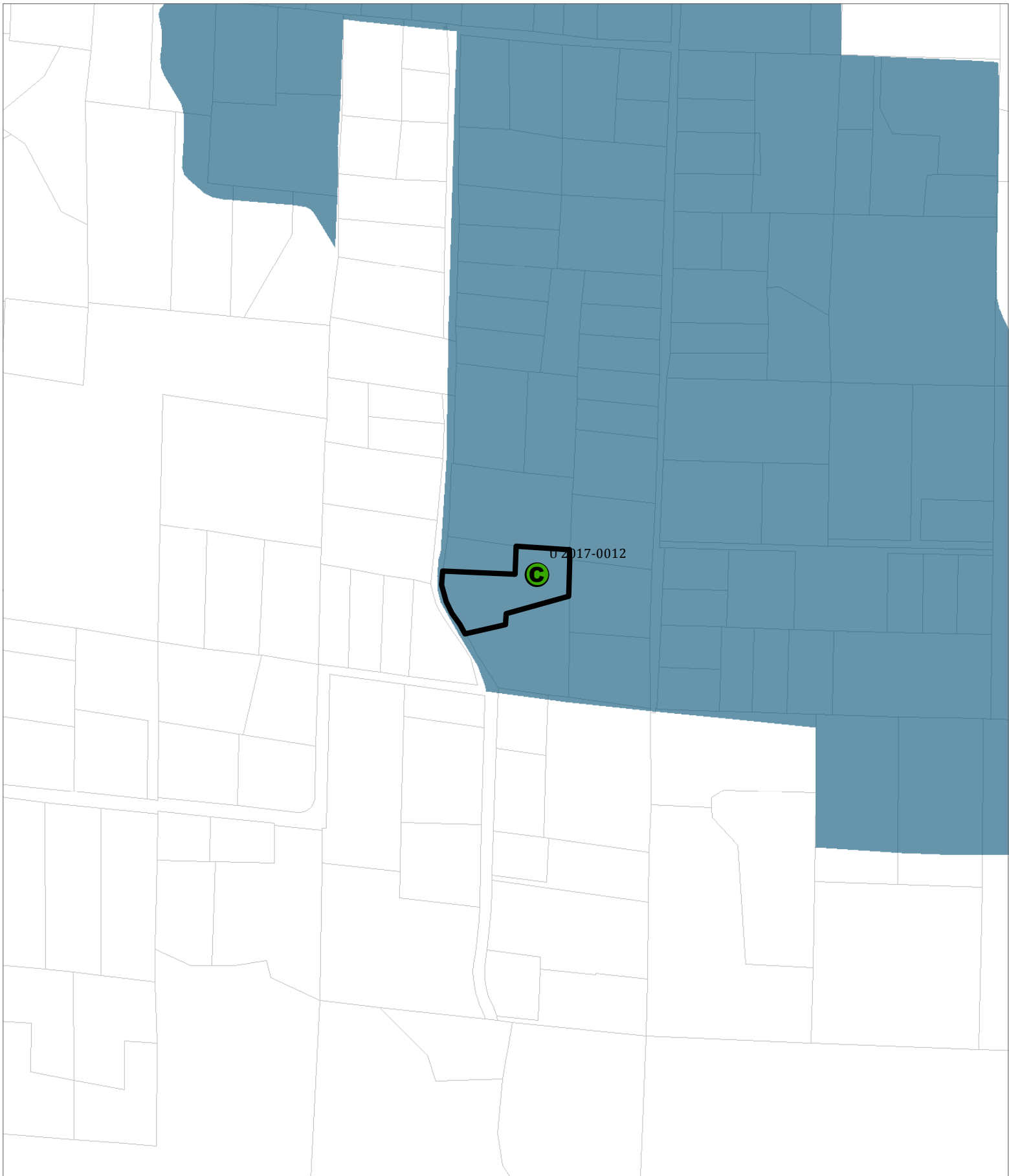
GROUND WATER RESOURCES

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ATTACHMENT I

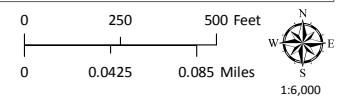






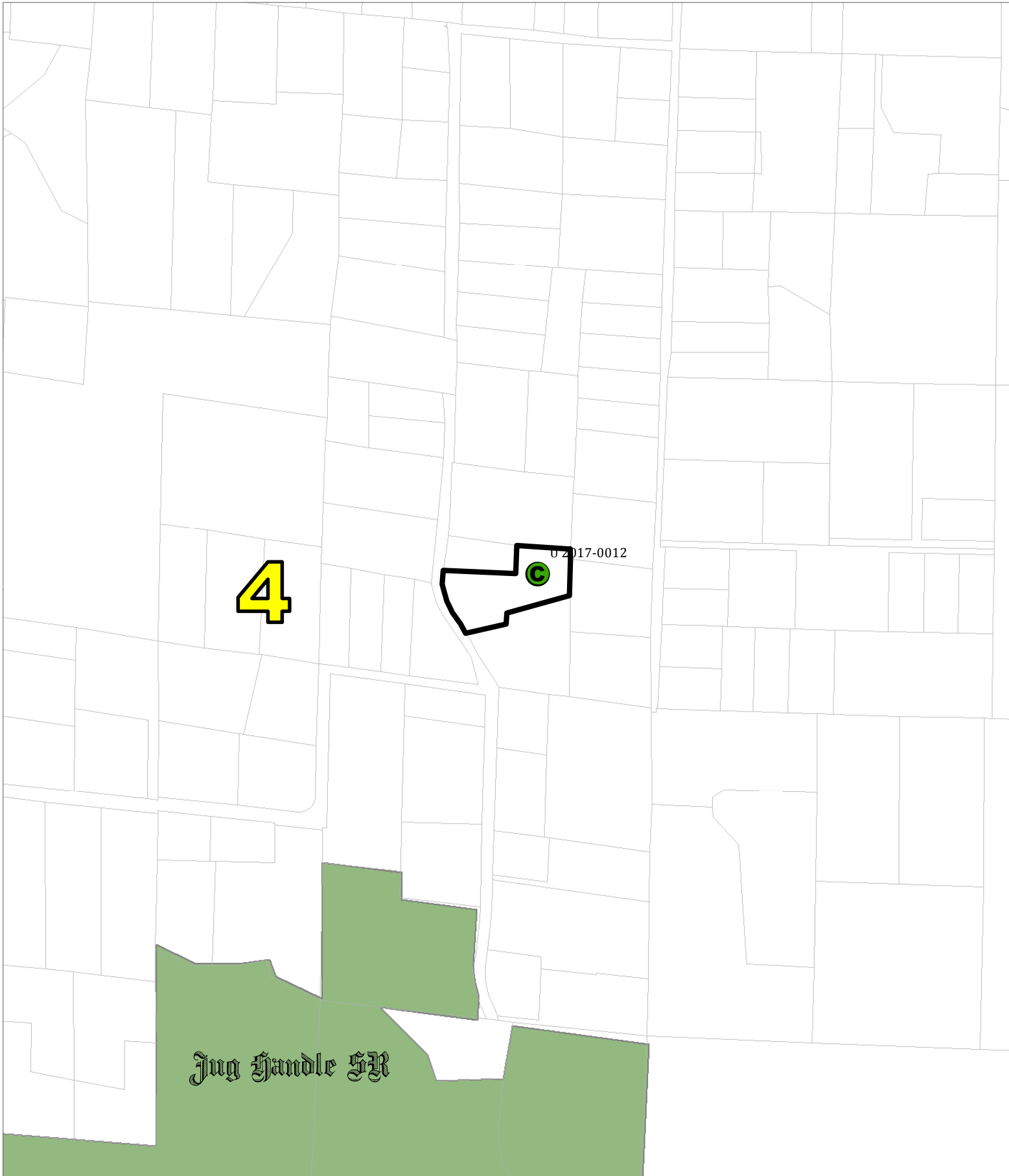
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-  Cannabis Cultivation Sites
-  Fort Bragg Stormwater Areas



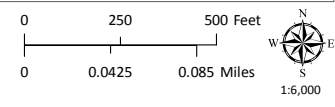
STORMWATER PERMITTING ZONES

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- Cannabis Cultivation Sites
- Supervisorial Districts 2010
- State Parks



Section I	Description Of Project.
	<p>DATE: OCTOBER 13, 2017 CASE#: U_2017-0012 DATE FILED: 11/10/2016 OWNER: MICHAEL STRUPP APPLICANT: PARGO ROJO INC PROJECT COORDINATOR: Sam 'Vandy' Vandewater REQUEST: Use permit for indoor, cottage-size (C-A) medical cannabis cultivation of no more than 2,500 sq. ft. ENVIRONMENTAL DETERMINATION: Negative Declaration LOCATION: 5± mi. south of Fort Bragg center, on the east side of Mitchell Creek Drive (CR 414B), 0.5± mi. south of its intersection with Simpson Lane (CR 414). 16551 Mitchell Creek Drive, Fort Bragg (APN: 019-450-24).</p>
Section II	Environmental Checklist.
	<p><i>"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).</i></p> <p><i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.</i></p>

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology /Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality
<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance

An explanation for all checklist responses is included, and all answers take into account the whole action involved, including off site as well as on-site; cumulative as well as project level; indirect as well as direct; and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the checklist the following definitions are used:

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant.

"Potentially Significant Unless Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

"No Impact" means that the effect does not apply to the Project, or clearly will not impact nor be impacted by the Project.

INITIAL STUDY/ENVIRONMENTAL REVIEW: This section assesses the potential environmental impacts which may result from the project. Questions in the Initial Study Checklist are stated and answers are provided based on analysis undertaken.

<u>I. AESTHETICS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-c) **No Impact:** The proposed project is not located on any scenic state highway, thus there is no potential for the project to damage any scenic resources or have adverse effects on any scenic vistas. Additionally, the property is almost entirely fenced-in, providing for more privacy which helps to eliminate any degradation of the existing visual character or quality of the site.

d) **Less Than Significant Impact:** The proposed project will include security lighting on the main cultivation structures that could create light and glare; however, **Condition 8** and has been included to address any issues regarding substantial light.

<u>II. AGRICULTURE AND FORESTRY RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>II. AGRICULTURE AND FORESTRY RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-e) **No Impact:** The land on which the proposed project will be located is considered 'Urban and Built-up Land' per the Important Farmland map, thus there will be no conversion of Prime, Unique, or state farmland to a non-agricultural use. Additionally, the lack of farmland means there is little to no conflict with any Williamson Act contract or other agricultural use. This applies to forest land resources too, as the majority of trees on the property are located within the setbacks, thus making their removal unlikely for purposes of the proposed project.

<u>III. AIR QUALITY.</u> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a-d) **No Impact:** The proposed project does not entail any activity that would create substantial pollution, or damage air quality in any way, thus the project would not conflict with any air quality plan, nor would it violate any air quality standards. Furthermore, and due to the nature of the small cannabis cultivation, the cumulative net increase of pollutants is negligible and would not expose sensitive receptors to pollutants.
- e) **Less Than Significant Impact:** As the proposed project involves the cultivation of medical cannabis, there could be some objectionable odors that affect the neighboring properties. However, this impact is considered less than significant as the number of neighbors surrounding the subject property is not substantial and the density is relatively low; **Condition 11** has been included to ensure there are minimal issues with odor.

<u>IV. BIOLOGICAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-d) **No Impact:** The proposed project is not located near any sensitive habitats, thus there is no potential for any substantial adverse impacts on a sensitive habitat such as a riparian zone, wetland, wildlife corridor, or any form of conservation land. As the project is not located near any of these habitats, there is no potential for the proposed project to have a substantial adverse impact on any sensitive species or native residents.

The California Department of Fish and Wildlife fee of \$2266.25 will be required within five (5) days of the end of any appeal period. This is ensured through **Condition 14**.

- e) **Less Than Significant Impact:** The applicant of the proposed project has completed a diseased tree removal through Jones Forestry Services (Registered Professional Forester #2814). Tree removal is allowed for this purpose. However, Mendocino County Code 10A.17.040(I) prevents the removal of commercial tree species (albeit specific conditions), as well as oak trees, thus future tree removal should not occur. Additionally, the Redwood Valley Little River Band of Pomo Indians submitted comments on August 30th, 2017, requesting oak tree species be protected, thus **Condition 15** has been included per Mendocino County Code 10A.17.040(I) to help reduce these impacts to a less than significant level.
- f) **Less Than Significant Impact:** The California Department of Fish and Wildlife provided comment that focuses on the Bishop Pine forest that has been identified in the area, including the subject parcel. As previously noted, some removal of diseased trees has occurred, but **Condition 15** has been included to ensure the protection of tree species, including Bishop Pine.

<u>V. CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-d) **No Impact:** The proposed project request was reviewed at the Archaeological Commission meetings on May 10th, 2017 and September 13th, 2017, the latter of which reviewed an archaeological survey prepared by Thad M. Van Bueren on July 31st, 2017. The survey did not identify any archaeological, paleontological, or cultural resources that could be adversely impacted by the proposed project. However, **Condition 16** (MCC 22.12.090 – Discovery Clause) has been included to ensure that any disturbance to cultural resources is properly managed, and **Condition 17** has been included, guiding the applicant to follow any recommendations made in the July 31st, 2017, archaeological survey.

<u>VI. GEOLOGY AND SOILS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- a-e) **No Impact:** The proposed project is not exposed to any major geological concerns such as ground shaking, ground failure, landslides, or soil erosion as it is not located on any fault zone or near any heavily sloped terrain. Furthermore, the subject parcel is not located on soils that would be considered unstable or expansive, per the *Attachment J Soils Maps*, thus these concerns do not apply to the project site. These identified soils are capable of supporting a septic or alternative waste water system.

<u>VII. GREENHOUSE GAS EMISSIONS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) **No Impact:** There are no proposed activities by this project that would generate greenhouse gas emissions, other than construction of the proposed commercial building, thus the project would not conflict with any greenhouse gas reducing plans. Ultimately, the proposed project would not have any impact on the environment or people with regards to greenhouse gas emissions.

<u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
airstrip, would the project result in a safety hazard for people residing or working in the project area?				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a-b) **No Impact:** As the project does not include the use of any hazardous materials, there will be no transportation of such materials to or from the subject parcel. Additionally, the lack of hazardous material use means there will be no possibility of accidents involving such materials.
- c) **No Impact:** There are no schools located within a quarter-mile of the project site, thus this issue can be considered to have no impact. The majority of schools in Fort Bragg are located just east of the downtown, making the closest school to the subject parcel more than 3 miles away.
- d) **No Impact:** The project site has not been identified as a hazardous materials site, thus there will be no significant hazard to the public or the environment in terms of exposure to on-site hazardous materials.
- e-f) **No Impact:** The proposed project is not located within an airport land use plan, the closest airport being Little River Airport, thus there are no concerns regarding airplanes or airstrips.
- g) **No Impact:** The proposed project gains access from Mitchell Creek Dr. (CR 414B) and allows for on-site parking, thus there will no physical interference with an emergency response or evacuation plan.
- h) **Less Than Significant Impact:** The proposed project is located in an intermixed setting with a low density of houses spread through a medium to thick density of wooded area, thus there is the potential for wildland fires to affect the subject property. However, the subject parcel is located within the Fort Bragg Rural Fire Protection District, as well as under a Calfire responsibility area, thus the impact is considered to be less than significant.

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a, f) **No Impact:** The project will not violate any water quality standards or degrade water quality itself as there are no aspects of the proposed activities that would affect water quality.
- b) **No Impact:** The proposed project will use an existing on-site well which, as seen in the *Ground Water Resources* Exhibit Map, will have sufficient groundwater supplies, thus no substantial depletion of water resources will occur.
- c) **No Impact:** The proposed project will not alter any drainage pattern that would result in erosion or siltation of the site or neighboring properties, thus this concern is considered to have no impact. As the parcel is mostly undeveloped, a majority of water drainage will occur on-site.
- d) **No Impact:** The proposed project will not alter any drainage pattern in terms of stream alterations as there are not water courses located on the subject parcel. As previously noted, the project site is mostly undeveloped soil that can absorb the water into the regional water table, thus this issue is considered to have no impact.
- e) **No Impact:** While the proposed project is located within the Fort Bragg MS4 Storm water area, a majority of the subject parcel is undeveloped and would allow for storm water to infiltrate into the local water table, thus the capacity of the existing storm water facility will not be surpassed.

- g-j) **No Impact:** The proposed project is not located within a flood plain or within a dam inundation zone, thus there is considered to be no impact in terms of these issues. MS4 requirements will be required at the building permit phase. Additionally, the subject parcel is far enough away from the coastline that no ocean-related flooding would occur.
- k-l) **No Impact:** The proposed project does not entail any large water discharging that would result in pollutant discharges or any activities that would significantly impact groundwater quality, thus there is considered no impact in terms of these issues.
- m) **No Impact:** The proposed project is not located within or near any aquatic, wetland, or riparian habitats, thus there is no potential for the project to have an impact on these types of environments.

<u>X. LAND USE AND PLANNING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact:** The proposed project will not divide an established community as the activities are to remain in an enclosed structure on the subject property; there are no aspects of the project that would create a physical barrier within the community.
- b) **No Impact:** There are no land use plans, policies, or regulations, established by a jurisdictional agency to mitigate environmental impacts, with which the proposed project conflicts.
- c) **No Impact:** There are no identified habitats or natural community conservation plans for the project location, thus there is no possibility for the project to conflict with any such plans. Additionally, there are no special habitats located on the subject parcel.

<u>XI. MINERAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) **No Impact:** The proposed project is not located on or within any identified mineral resource lands, thus it will not result in the loss of any available mineral resource.

<u>XII. NOISE.</u> Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) **No Impact:** The proposed project does not entail any activities which would expose surrounding neighbors to any excessive noise or groundborne vibrations, thus there will be no impacts in this regard. There will be temporary noise due to construction of the structure, but this is considered to not have an impact on any persons in the surrounding neighborhood.
- c) **No Impact:** The proposed project will not permanently increase noise levels in the project vicinity, thus there is no impact to the surrounding community with regards to noise.
- d) **Less Than Significant Impact:** The proposed project will entail temporary increases to noise level from the construction of the small structure; however, due to the scale of structure and temporary nature of construction projects, the impact is considered less than significant. **Condition 18** has been included to ensure construction is performed at reasonable hours of the day.
- e-f) **No Impact:** The proposed project is not located near any airport zone or within any airport land use plan, thus it would not be exposing people to any level of noise regarding aircrafts or airstrips.

<u>XIII. POPULATION AND HOUSING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>XIII. POPULATION AND HOUSING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-c) **No Impact:** As the proposed project does not entail any new homes or infrastructure, it is unlikely that direct or indirect substantial population growth would occur. This lack of development also means that no housing or people will be displaced because of the proposed project.

<u>XIV. PUBLIC SERVICES.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Medical Services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact:** The proposed project does not create any issues for public service delivery as the parcel gains access from Mitchell Creek Drive (CR 414B). The Department of Transportation has requested a standard private driveway encroachment be established for the parking area, thus **Condition 19** under *Section XVI Transportation & Traffic* ensures the subject parcel has access for public services such as fire and police protection and medical services.

<u>XV. RECREATION.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) **No Impact:** The proposed project would not increase the use of any local or state park, nor does it entail the development of more recreational facilities. This is mainly because the proposed project is for medical cannabis cultivation, which contains its activities to the subject parcel.

<u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate substantial additional vehicular movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Effect existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially impact existing transportation systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Alter present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Increase traffic hazards to motor vehicles, bicyclists or pedestrians.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-f) **No Impact:** The proposed project will not generate any vehicular movement that is more excessive than typical residential usage as the activities are conducted on the subject parcel, except for product transportation during the fall season. The subject parcel provides off-street parking, thus there will be no impact to existing parking facilities or existing transportation systems. The off-street parking also allows for adequate emergency response access. Additionally, the proposed project would not alter any movement patterns, nor increase traffic hazards to others within the surrounding area.

While the proposed project does not have any impacts on transportation or traffics within the surrounding area, the Mendocino County Department of Transportation has requested **Condition 16** to ensure adequate access to the parcel from a publically maintained road.

<u>XVII. UTILITIES AND SERVICE SYSTEMS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact:** The proposed project is connected to an approved existing septic system.
- b-c) **No Impact:** The proposed project is connected to an existing septic system, thus there is no need to construct any additional wastewater treatment facilities or expand any existing facilities. Additionally, more than half of the subject parcel is undeveloped land that allows for storm water drainage, thus new or expanded facilities are not necessary.
- d) **No Impact:** The proposed project is supplied water from an approved well within an area that has sufficient water supplies.
- e-f) **No Impact:** The proposed project is not located within any wastewater or sanitation district, thus there are no impacts with regards to these issues.
- g) **No Impact:** The proposed project may create some refuse, however the Fort Bragg transfer station is located roughly 6 miles north of the property, and thus there are no issues in terms of compliance with federal, state, and local solid waste regulations.

<u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact:** As noted in previous sections, the proposed project has mostly no impact on the quality of the environment and it would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, nor would the project eliminate important examples of the major periods of California history or prehistory.
- b) **No Impact:** The proposed project has less than significant impacts on the surrounding environment, albeit some minor disturbances occurring during the construction phase of the project. Once the small commercial structure is constructed, the number of impacts significantly decreases. Other impacts that would be caused by indoor cannabis cultivation are considered less than significant and would not cumulatively be of any major concerns.

- c) **No Impact:** Due to the insignificant impacts on the environment, as indicated through this Initial Study, the proposed project would not have an effect on the environment that would have adverse impacts on human beings.

DETERMINATION: On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

DATE

SAM 'VANDY' VANDEWATER

Resolution Number _____

County of Mendocino
Ukiah, California
DECEMBER 14, 2017

U_2017-0012 MICHAEL STRUPP

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO,
STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND GRANTING A
MINOR USE PERMIT 2017-0012 FOR MEDICAL CANNABIS CULTIVATION.

WHEREAS, the applicant, PARGO ROJO INC, filed an application for MINOR USE PERMIT with the Mendocino County Department of Planning and Building Services to establish an indoor, cottage-size medical cannabis cultivation site, 5± mi. south of Fort Bragg center, on the east side of Mitchell Creek Drive (CR 414B), 0.5± mi. south of its intersection with Simpson Lane (CR 414), located at 16551 Mitchell Creek Drive, Fort Bragg (APN: 019-450-24); General Plan RR:2; Zoning RR:2; Supervisorial District 4; hereto referred as (the "Project"); and

WHEREAS, a NEGATIVE DECLARATION was prepared for the Project and noticed and made available for agency and public review on November 9th, 2017, in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on December 14th, 2017, at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the NEGATIVE DECLARATION and the Project. All interested persons were given an opportunity to hear and be heard regarding the NEGATIVE DECLARATION and the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Zoning Administrator regarding the NEGATIVE DECLARATION and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. **General Plan and Zoning Findings:** The subject parcel is located in the RR:2 (Rural Residential; two acre minimum lot size) General Plan zone and the Project is consistent with the intent of the designation. Additionally, the subject parcel is in the RR:2 zoning district and the Project is consistent with the intent of the zoning district per Mendocino County Code §20.072; and
2. **Use Permit Findings:** The Project satisfies the Use Permit required findings per the Mendocino County Code §20.196.020; and
3. **Environmental Protection:** The Project received an Initial Study, in accordance with CEQA, which determined the Project will not have any significant adverse impacts on the environment.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby adopts the Negative Declaration and the Conditions of Approval. The Zoning Administrator certifies that the Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Negative Declaration reflects the independent judgment and analysis of the .

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested MINOR USE PERMIT subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: VICTORIA DAVIS
Commission Services Supervisor

By:_____

BY: IGNACIO GONZALEZ
Interim Director & Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL MICHAEL STRUPP - U_2017-0012

USE PERMIT FOR INDOOR, COTTAGE-SIZED (C-A) MEDICAL CANNABIS
CULTIVATION. AS APPROVED

APPROVED PROJECT DESCRIPTION: Use Permit for indoor, cottage-sized (C-A) medical cannabis cultivation of no more than 2,500 square feet.

CONDITIONS OF APPROVAL:

General:

1. If Mendocino County Code should be amended to allow for continued use as requested, the use permit shall continue if in compliance with the required conditions. In the event that the use as defined within this use permit should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new use permit will be required if applicable. **The applicant has sole responsibility for renewing this permit before the expiration date listed above. The County will not provide a notice prior to expiration date.**
2. The use of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
3. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Zoning Administrator.
4. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any one (1) or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

5. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
6. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.
7. Prior to any construction, the applicant shall adhere to Cal Fire 4290 – Fire Safe Regulations and provide the Mendocino County Department of Planning and Building Services with an approved State Fire Safe Regulation Application Form. The applicant shall comply with those recommendations of the California Department of Forestry (Cal Fire) or other alternatives as acceptable to Cal Fire. A

Final Clearance letter from Cal Fire shall be submitted to the Department of Planning and Building Services stating that compliance with their requirements have been met to their satisfaction.

Aesthetics:

8. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting shall be turned off at 7:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (Twenty-four hour security lighting would be exempt from this time requirement; however any exterior security lighting installed on the property shall utilize motion-sensored activation) All lighting along the property boundaries shall be setback a minimum of 20 feet from all property lines.
9. The applicant shall provide a lighting plan demonstrating that that proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, which may affect fish and/or wildlife directly, or from a distance.
10. No signage shall be allowed for the operation.

Air Quality:

11. Any buildings, including greenhouses, used for the cultivation of medical cannabis shall be equipped with filtered ventilation systems, permitted by the Mendocino County Air Quality Management District (MCAQMD).
12. The access road and interior circulation routes shall be treated with a dust suppressant and maintained in such a manner as to insure minimum dust generation subject to the Air Quality Management District's dust regulations.
13. Secure any required permits from the Mendocino County Air Quality Management District.

Biological Resources:

14. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$ 2266.25 OR CURRENT FEE shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to January (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**
15. Removal of any commercial tree species, as defined by California Code of Regulations section 895.1 (Commercial Species for the Coast Forest District and Northern Forest District), and the removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing the cannabis cultivation site shall be prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to safety or disease concerns.

Cultural Resources:

16. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code "Discovery" relating to archaeological discoveries have been satisfied.
17. Those "Recommendations" outlined in the Archaeological Report dated July 31st, 2017, prepared by Thad M. Van Bueren, Registered Professional Archaeologist shall be complied with. In the event that additional archaeological resources are encountered during development of the property, work in the

immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

Noise:

18. Construction shall be limited to the hours of 8:00 a.m. to 6:00 p.m..

Transportation & Traffic

19. The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct a standard private driveway approach onto Mitchell Creek Drive (CR 414B), to be surfaced with asphalt concrete, with a minimum width of ten (10) feet and length of fifteen (15) feet from the edge of the County road, per County of Mendocino Road and Development Standards No. A51A.