



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

**JUNE 13, 2019
U_2019-0002**

SUMMARY

OWNER: TIM TAUBOLD
179 JEWETT STREET
FORT BRAGG, CA 95437

APPLICANT: SUNSHINE HOLISTIC
18601 NORTH HIGHWAY 1, PMB 166
FORT BRAGG, CA 95437

AGENT: BRANDY MOULTON
18601 NORTH HIGHWAY 1, PMB 166
FORT BRAGG, CA 95437

REQUEST: Minor Use Permit request to allow for a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 sq. ft. of mature canopy within a structure per Mendocino County Code Section 20.242.040 (C)(1)(c). This property is subject to the 'Sunset Clause'.

LOCATION: 3.9± miles southeast of Fort Bragg City center, lying on the west side of Franklin Rd. (CR 414D), 0.2 miles south of its intersection with Simpson Ln. (CR 414), located at 16730 Franklin Rd., Fort Bragg (APN: 019-450-08).

TOTAL ACREAGE: 0.95± Acres

GENERAL PLAN: Rural Residential - 80,000 sq. ft. minimum parcel size (RR-2)

ZONING: Rural Residential - 80,000 sq. ft. minimum parcel size (RR-2)

SUPERVISORIAL DISTRICT: 4th Supervisorial District (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures).

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: MARK CLISER

BACKGROUND

PROJECT DESCRIPTION: A Minor Use Permit request to allow for a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 sq. ft. of mature canopy within a structure per Mendocino County Code Section 20.242.040 (C)(1)(c). At all times, the subject property is limited to a total cultivation canopy of 2,500 sq. ft. As indicated in the application materials, cultivation activities are undertaken in 950 square foot accessory detached structure. Improvements to the structure are proposed to comply with ADA requirements. There are no additional structures related to the operation or cultivation of cannabis.

Per the 'Sunset Clause', this Use Permit is valid until May 4, 2020, three (3) years following the effective date of the ordinance adopting Chapter 20.242.

SITE CHARACTERISTICS: The project site is located approximately 3.9± miles southeast of Fort Bragg City center, lying on the west side of Franklin Rd. (CR 414D), 0.2 miles south of its intersection with Simpson Ln. (CR 414), located at 16730 Franklin Rd., Fort Bragg (See *attached Location Map*). Though predominately forested there is a clearing where the residence and cultivation structures are located (See *attached Aerial Imagery*). The subject property is accessed directly from Franklin Road (CR 414D).

The parcel is currently developed with an existing single-family residence (1,600 sq. ft.), an attached accessory structure (950 sq. ft.), as well as detached a pump house (10 sq. ft.). Per the applicant, the parcel is currently served by an existing well (WW20575), as well as a permitted septic system (ST24684). Electricity and gas to the site are provided by existing utility companies.

Elevations at the site range from 432 feet above mean sea level (amsl) at the west boundary to 436 feet amsl at the eastern boundary, with an average slope of approximately 0.2 percent.¹ The entirety of the site is located with a mapped "Moderate Fire Hazard" zone is within a California Department of Forestry and Fire Protection (CALFIRE) responsibility area. Fort Bragg Rural Fire District is the nearest local fire agency (See *attached Fire Hazard Zones & Responsibility Areas*).

Digger Creek is situated 467± feet southwest of the project site. A review of California Natural Diversity Database indicates occurrences of special status species throughout the subject property. There may be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped.² A Ground Water Resources map indicates sufficient water resources at the project site (See *attached Ground Water Resources*).

Per the 'Sunset Clause', this Use Permit is valid until May 4, 2020, three (3) years following the effective date of the ordinance adopting Chapter 20.242.

RELATED APPLICATIONS: AG_2018-0172 (Agriculture Permit); PP_2018-0221 (Property Profile); CFBL_2018-0053 (Cannabis Facilities Business License); BF_2018-0338 (Convert Residential. Shop to Cannabis Facility); BF_2017-0989 (Amnesty Garage Extension); BF_2014-0541 (200 AMP Panel Change on Pole L4L); BF_2006-0743 (Fence); BF_2006-0290 (Single Family Residence with Attached Garage)

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the site and surrounding lands are designated Rural Residential (RR2). The nearest adjacent dwelling unit is to the north approximately 65 feet away from the cultivation structure. Per Mendocino County Code Section 10A.17.040 (A)(6)(a), "Indoor cultivation sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located."

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR2	RR2	1± A	Residential
EAST	RR5	RR5	5± A	Residential
SOUTH	RR2	RR2	1± A	Residential
WEST	RR2	RR2	2± A; 1.14± A	Residential

PUBLIC SERVICES:

Access: FRANKLIN ROAD (CR 414D)
Fire District: FORT BRAGG RURAL
Water District: NONE
Sewer District: NONE

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures).

¹ Google Earth Maps. July 23, 2018.

² Mendocino County Department of Planning and Building Services. 2017. *Natural Diversity Database*

AGENCY COMMENTS: On March 1, 2019 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below:

REFERRAL AGENCIES	COMMENT
Department of Transportation	Comments
Planning (Fort Bragg)	Comments
Environmental Health	Comments
Building Inspection	No Response
CALFIRE	Comments
Air Quality Management District	Comments
CDFW	No Response
Sherwood Valley Rancheria	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sonoma State University	Comments
Fort Bragg Fire District	No Comments

KEY ISSUES:

- 1. General Plan and Zoning Consistency:** The subject parcel is located within the Rural Residential, 2 acre minimum parcel (RR2) Land Use Classification under the General Plan. According to the General Plan, the RR 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.”

While the proposed project does not entail the food production, the scale of the proposed indoor cannabis cultivation is small when compared to cultivation sites otherwise allowed within unincorporated Mendocino County, and thus conforms to the intent of agricultural production.

Additionally, the RR District is “intended to create and enhance residential areas where agricultural use compatible with a permanent residential use is desired. Typically, the RR District would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired.” as described in Chapter 20.048.005 of the Mendocino County Code.

Because of the property’s zoning designation, it is subject to the ‘Sunset Provision’ for Residential Districts. Cultivation sites on legal parcels located on residentially zoned parcels are subject to the following requirements, per Mendocino County Code Section 10A.17.080(B)(2)(b):

- a. There is an occupied dwelling unit on the legal parcel with the cultivation site.
- b. A Permit may be renewed and valid only until three (3) years following the effective date of the ordinance adopting this Chapter and any permits issued shall be void not later than three (3) years following said effective date.

The proposed cannabis cultivation site conforms to these requirements, as there is an occupied dwelling unit on the legal parcel. Establishment of the Mitchell Creek North and Mitchell Creek South Cannabis Accommodation (CA) Combining Districts, which would have negated the ‘Sunset Clause’ were considered, but the Planning Commission recommended against their creation due to insufficient support from property owners within the proposed areas.

While this finding can be made, because no Cannabis Accommodation district exists, this Use Permit will reflect an expiration date mandated by the ‘Sunset Clause’ of May 4, 2020.

- 2. Use Permit Findings:** The proposed use permit is required to meet the use permit findings set forth in the Mendocino County Code (MCC Section 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;*

The project would facilitate the permitting of an existing indoor cannabis cultivation site. Cannabis cultivation is allowed within the Rural Residential (RR) general plan designation. With the inclusion of the recommended conditions of approval, the project is found consistent with Mendocino County policies for cannabis cultivation, and in conformance with the Mendocino County General Plan. While this finding can be made, because no Cannabis Accommodation district exists, this Use Permit will reflect an expiration date mandated by the 'Sunset Clause' of May 4, 2020.

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

The proposed project has connections to existing water and septic systems that will be used for the operation. Agency conditions require that the applicant work with the Mendocino County Department of Environmental Health and Building Inspection to obtain any required permits or approvals. The site features a well and septic. With the incorporation of any potential agency conditions, this finding can be made.

- 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 of the public health, safety or general welfare, the finding shall be to that effect;*

Given that minimum improvements are proposed; that the cultivation is conducted within existing structures to allow for better mitigation of smell and light concerns; that the applicant has previously operated in a similar capacity with regards to cultivation; and that all setbacks for cultivation activities meet or exceed the requirements as identified by Mendocino County Code Section 10A.17.040(6)(a); and with the incorporation of agency conditions, this finding can be made.

While this finding can be made, because no Cannabis Accommodation district exists, this Use Permit will reflect an expiration date mandated by the 'Sunset Clause' of May 4, 2020.

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

Through granting a Use Permit to authorize the proposed cannabis cultivation site per Section 20.242.025(C) of the Mendocino County Code, and as conditioned, the project would be in conformance with the Rural Residential (RR) zoning district and would not undermine the integrity of the zoning district.

While this finding can be made, because no Cannabis Accommodation district exists, this Use Permit will reflect an expiration date mandated by the 'Sunset Clause' of May 4, 2020.

- 3. Environmental Protection:** To protect the forested areas on the site, in addition to other sensitive habitats and resources identified on the site, a condition is recommended to preserve existing trees and vegetation and restrict vegetation removal in areas other than the building sites and roads, as required by CalFire for fire suppression. Review of the California Natural Diversity Data Base (CNDDB) for this project site did identify special-status animal species to occur within the vicinity of the project. The project has been determined to be categorically exempt from CEQA per Section 15301 (Existing Facilities); Section 15303, Class 3 (New Construction or Conversion of Small Structures).

4. **Cultural Resources:** The application was referred to the Northwest Information Center at Sonoma State University, which found no record of any previous cultural resource studies for the proposed project area. California Historic Resource Information System (CHRIS), however, indicates a moderate potential for unrecorded historic period archaeological resources at the project site and recommends that a qualified archaeologist conduct further archival and field study of the project area to identify cultural resources. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and was determined to be an appropriate guidance document for what projects should require archaeological review. The proposed project consists only of improvements to be made to an existing structure which will bring it into compliance with California State ADA requirements. County staff determined that due to the small scale of the proposed improvements and lack of ground disturbance, no archaeological review would be required. Due to the fact that the project made use of existing facilities and minimal development was proposed, an archaeological survey was not performed for the site. While no further study for archaeological resources is recommended, Mendocino County General Plan Chapter 3 Development Element includes policies related to cultural resources. Both Policy DE-115 and Mendocino County Code Chapter 22.12 (Archaeological Resources) include provisions for archaeological sensitivity review, field evaluations, impact mitigations, archaeological discovery, and human remain discovery protocols (MCC §22.12.050 – 22.12.100). Furthermore, Standard Condition is recommended and advises the Applicant of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or excavation activities, in accordance with County Code Sections 22.12.090 and 22.12.100.

RECOMMENDATION

By resolution, the Zoning Administrator adopt a Categorical Exemption, and grant the Use Permit U_2019-0002 for the Project, as proposed by the Applicant, based on the facts and findings and subject to the Conditions of Approval.

DATE

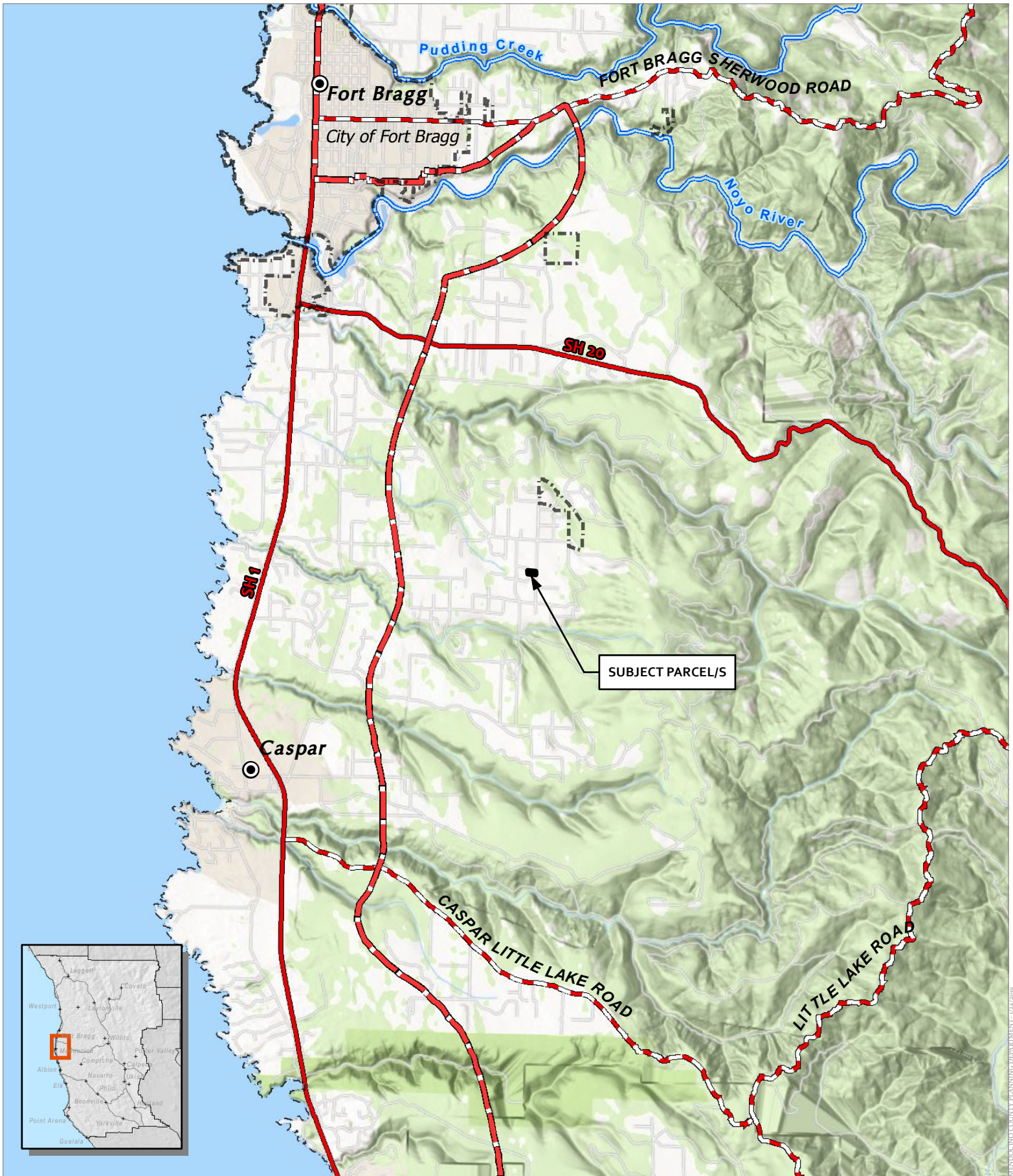
Appeal Period: 10 Days
Appeal Fee: \$1,616.00

MARK CLISER
PLANNER I

ATTACHMENTS:

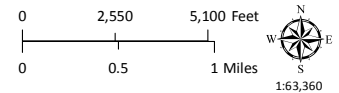
- A. Location Map
- B. Aerial Imagery
- C. Site Plan
- D. Zoning Display Map
- E. General Plan Classifications
- F. Adjacent Parcels
- G. Fire Hazard Zones Map
- H. Coastal Ground Water Resources Map
- I. Local Soils Map
- J. Floor Plan
- K. Mendocino Cypress

RESOLUTION AND CONDITIONS OF APPROVAL: Exhibit A



CASE: U 2019-0002
 OWNER: TAUBOLD, Timothy
 APN: 019-450-08
 APLCT: Sunshine Holistic
 AGENT: Brandy Moulton
 ADDRESS: 16730 Franklin Road, Fort Bragg

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



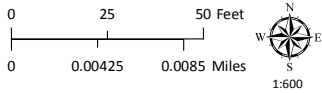
LOCATION MAP
 ATTACHMENT A

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



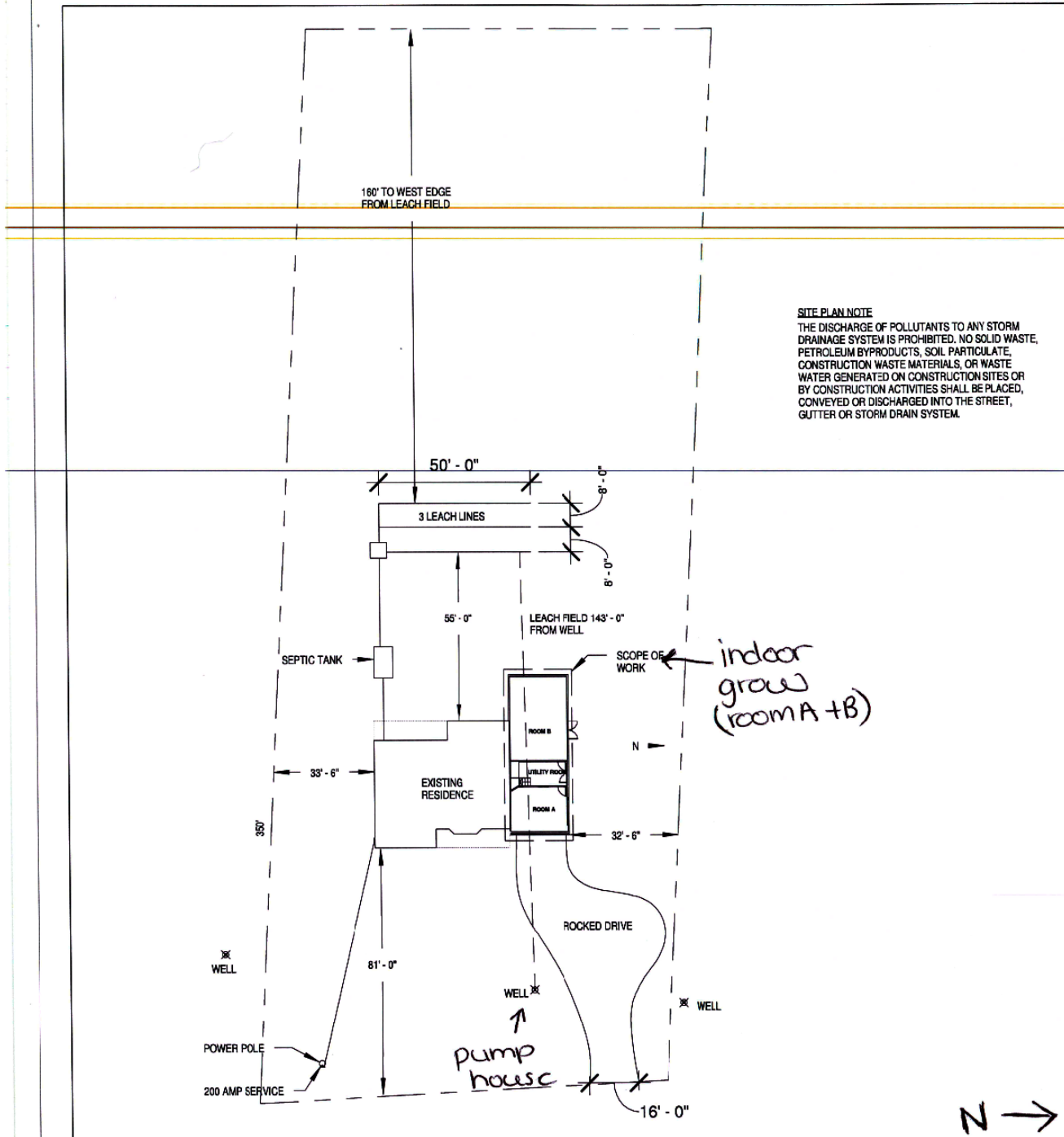
CASE: U 2019-0002
OWNER: TAUBOLD, Timothy
APN: 019-450-08
APLCT: Sunshine Holistic
AGENT: Brandy Moulton
ADDRESS: 16730 Franklin Road, Fort Bragg

Public Roads



AERIAL IMAGERY
ATTACHMENT B

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
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16730 FRANKLIN ROAD FORT BRAGG CA 95437 APN: 0194500800 Applicant: Sunshine Holistic	TIM TAUBOLD COMMERCIAL BUILDING	SITE PLAN	
		Project number 1702 Date Issue Date Drawn by BR Checked by Checker	A-00 Scale 1 : 500

5/7/2018 11:31:14 AM

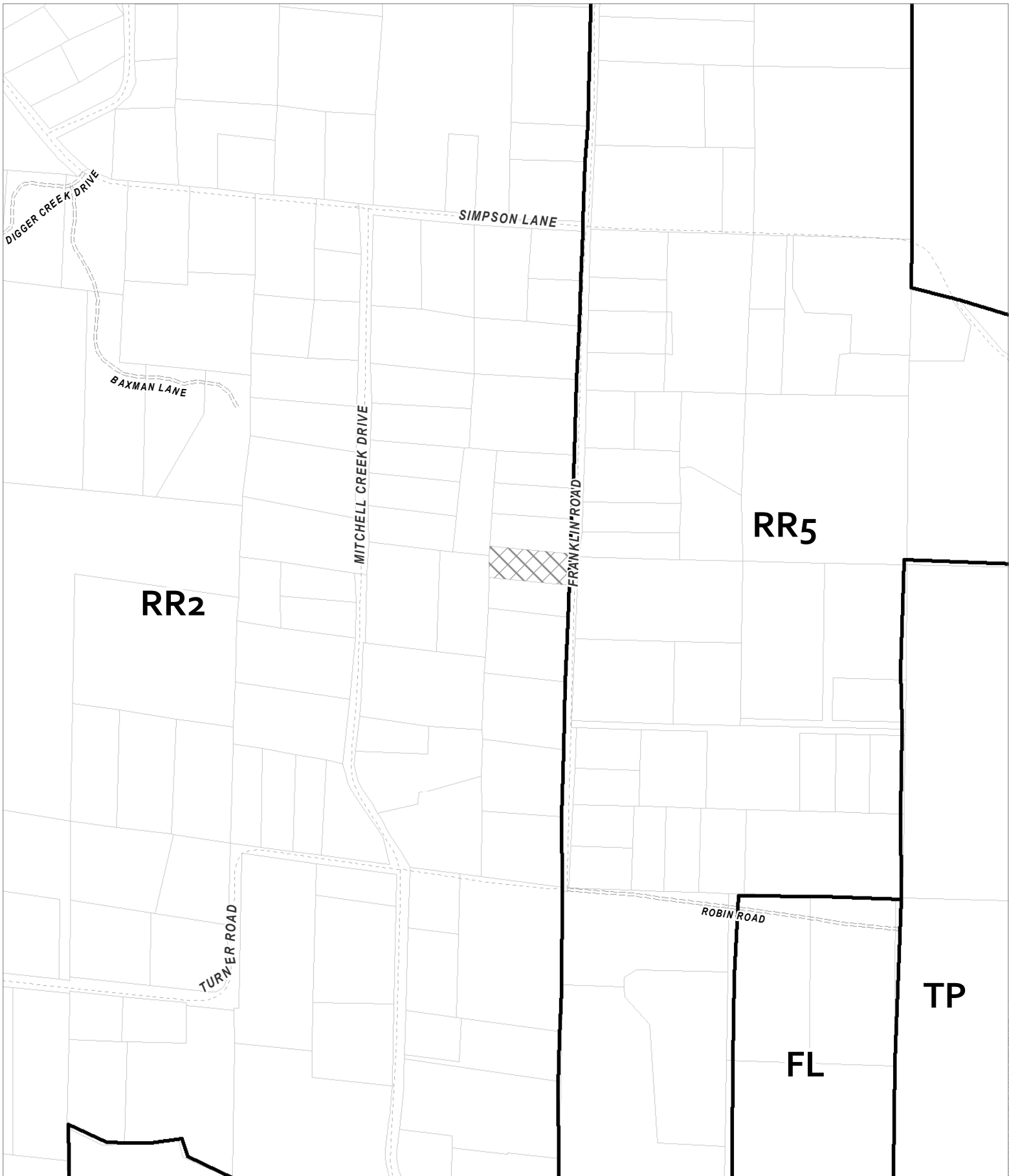
CASE: U 2019-0002
OWNER: TAUBOLD, Timothy
APN: 019-450-08

APLCT: Sunshine Holistic
AGENT: Brandy Moulton
ADDRESS: 16730 Franklin Road, Fort Bragg



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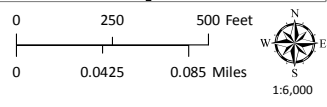
NO SCALE

SITE PLAN
ATTACHMENT C



CASE: U 2019-0002
OWNER: TAUBOLD, Timothy
APN: 019-450-08
APLCT: Sunshine Holistic
AGENT: Brandy Moulton
ADDRESS: 16730 Franklin Road, Fort Bragg


 Zoning Districts
 Public Roads

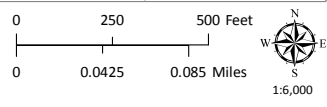




MENDOCINO COUNTY PLANNING DEPARTMENT - 7/24/2019

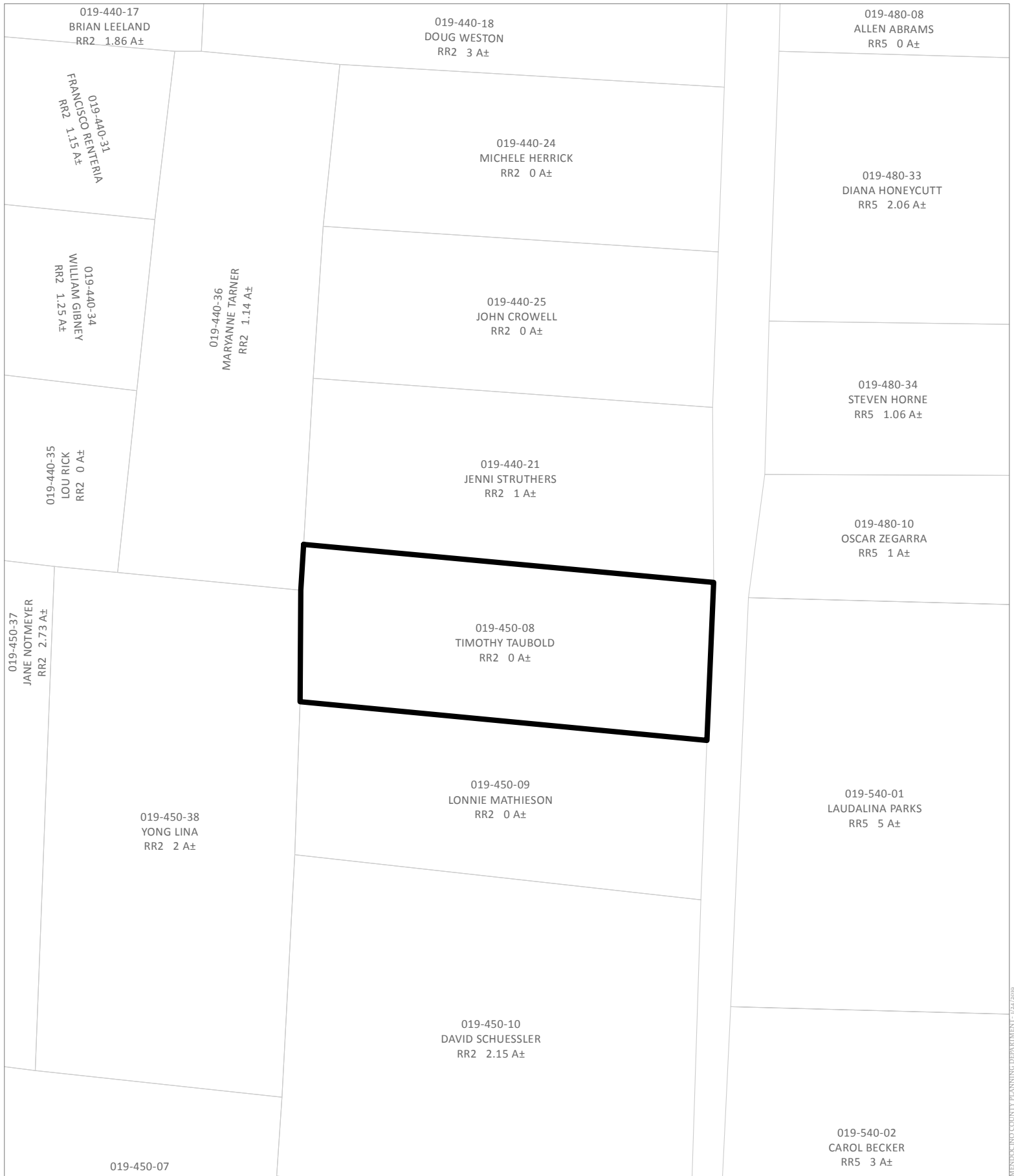
CASE: U 2019-0002
OWNER: TAUBOLD, Timothy
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 General Plan Classes



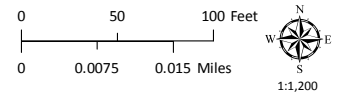
GENERAL PLAN CLASSIFICATIONS
ATTACHMENT E

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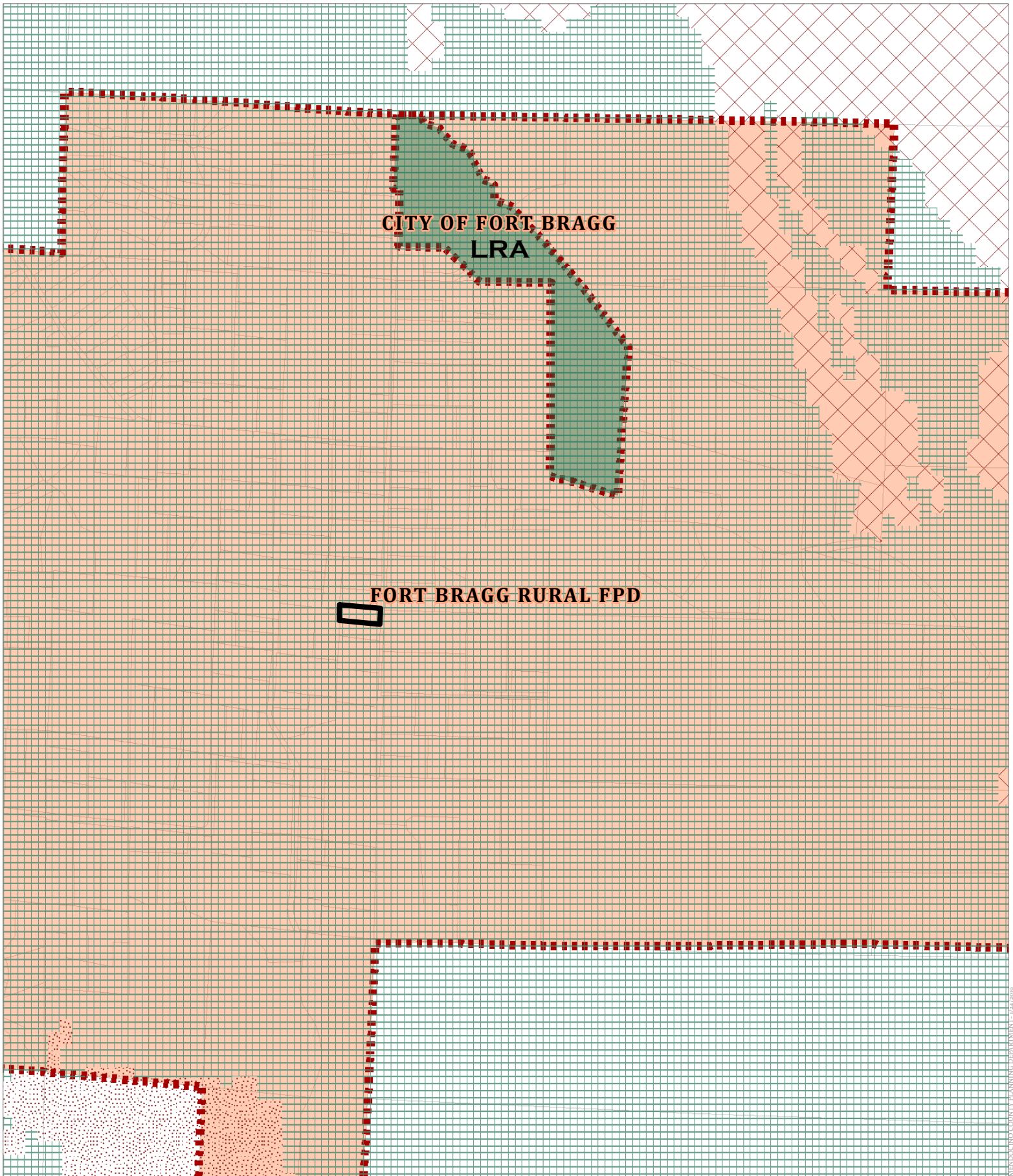
MENDOCINO COUNTY PLANNING DEPARTMENT - 7/24/2009

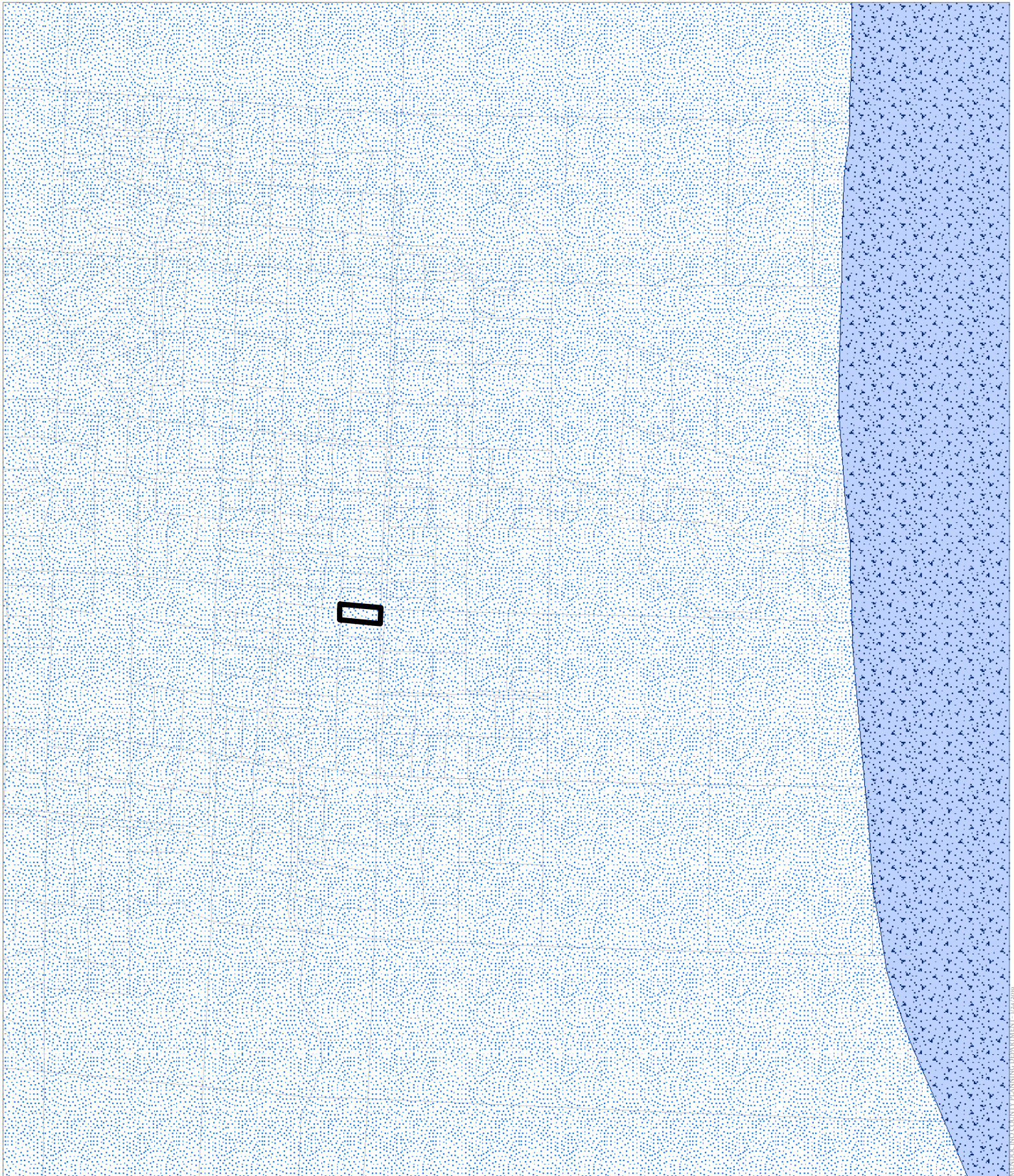
CASE: U 2019-0002
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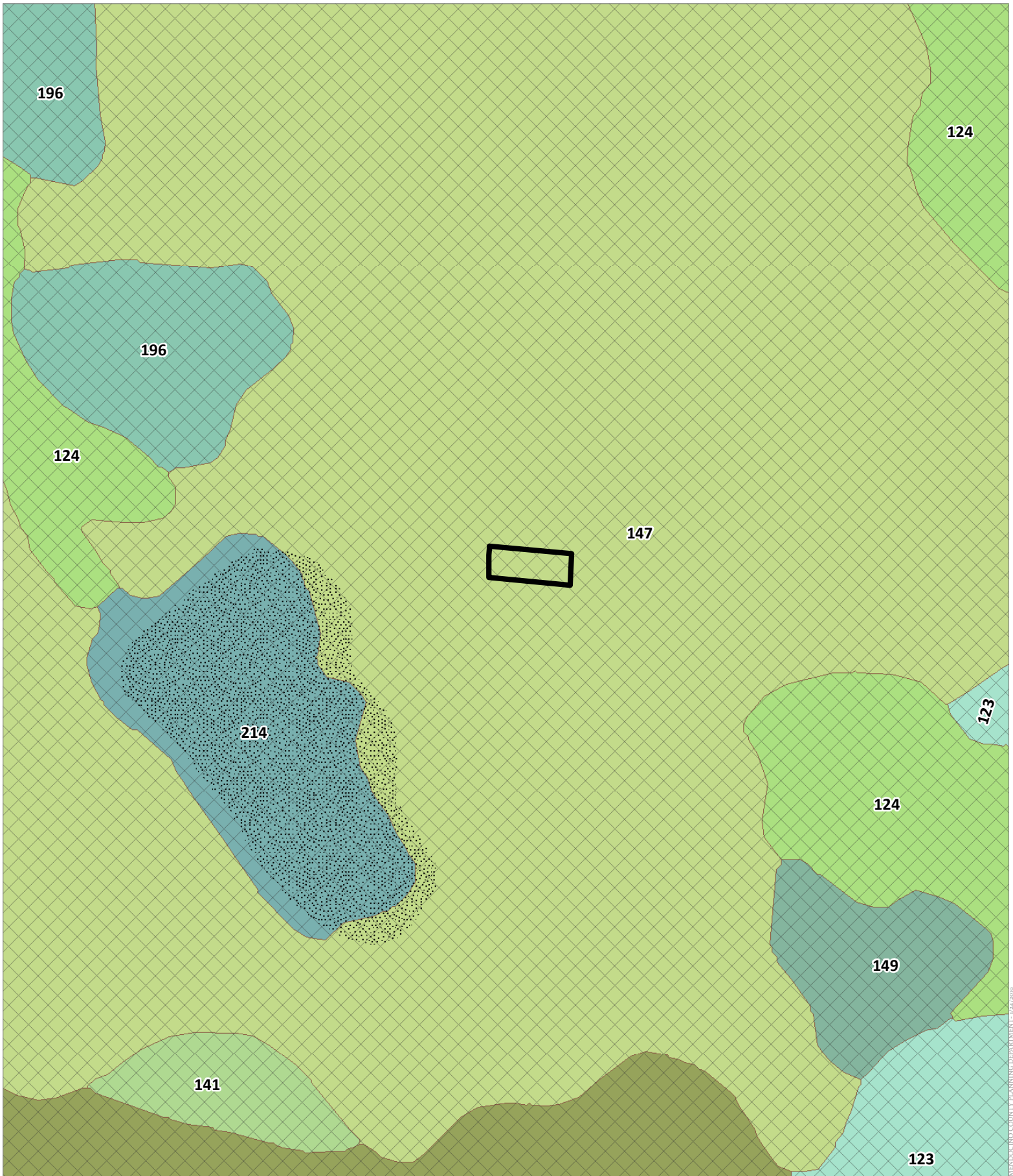


ADJACENT PARCELS
ATTACHMENT F




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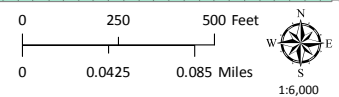






CASE: U 2019-0002
 OWNER: TAUBOLD, Timothy
 APN: 019-450-08
 APLCT: Sunshine Holistic
 AGENT: Brandy Moulton
 ADDRESS: 16730 Franklin Road, Fort Bragg

-  Shinglemill-Gibney Complex
-  Bishop Pine
-  Western Study Soil Types



LOCAL SOILS
 ATTACHMENT I

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FLOOR PLAN
ATTACHMENT J



MENDOCINO CYPRESS
ATTACHMENT K

Resolution Number _____

County of Mendocino
Ukiah, California
June 13, 2019

U_2019-0002 – SUNSHINE HOLISTIC

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO,
STATE OF CALIFORNIA GRANTING A MINOR USE PERMIT U_2019-0002 FOR
CANNABIS CULTIVATION.

WHEREAS, the Applicant, SUNSHINE HOLISTIC, filed an application for a USE PERMIT with the Mendocino County Department of Planning and Building Services to establish a Type C-A Cottage-Size Indoor Cultivation Permit (AG_2018-0172) for cannabis cultivation of no more than 2,500 square feet of canopy within one structure, 3.9± miles southeast of Fort Bragg City center, lying on the west side of Franklin Rd. (CR 414D), 0.2 miles south of its intersection with Simpson Ln. (CR 414), located at 16730 Franklin Rd., Fort Bragg (APN: 019-450-08). General Plan RR2; Zoning RR:2; Supervisorial District 4; (the “Project”); and

WHEREAS, the Secretary for Resources has found that certain classes of 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, and the Project was determined to meet the criteria for a CATEGORICAL EXEMPTION from the California Environmental Quality Act (CEQA) under Class 1 and Class 3; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on June 13, 2019 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. **General Plan and Zoning Findings:** The subject parcel is classified Rural Residential with an eighty thousand (80,000) square foot minimum parcel size (R-R:L-2) under the Mendocino County General Plan and the Project is consistent with the intent of the designation. Although the Project does not entail the farming of food, the sale of the proposed cannabis cultivation is small and thus conforms to the intent of the R-R:L-2 land use designation. Additionally, the subject parcel is consistent with the intent of the zoning district and the uses subject to a use permit per Section 20.242.040(B) of the Mendocino County Code; and
2. **Use Permit Findings:** The Project satisfies the Use Permit required findings per Section 20.196.020 of the Mendocino County Code; and
3. **Environmental Protection:** The Project has been determined to be Categorically Exempt from the provisions of CEQA under a Class 1 and Class 3 exemption; and
4. **Cultural Resources:** The application was referred to the Northwest Information Center at Sonoma State University, which found no record of any previous cultural resource studies for the proposed project area. However, California Historic Resource Information System (CHRIS) indicates a moderate potential for unrecorded historic period archaeological resources at the

project site and recommends that a qualified archaeologist conduct further archival and field study of the project area to identify cultural resources. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and was determined to be an appropriate guidance document for what projects should require archaeological review. The proposed project consists only of improvements to be made to an existing structure which will bring said structure into compliance with California State ADA requirements. County staff determined that due to the small scale of the proposed improvements and lack of ground disturbance, no archaeological review would be required. Due to the fact that the project made use of existing facilities and minimal development was proposed, an archaeological survey was not performed for the site. Furthermore, a Standard Condition is recommended and advises the Applicant of the County's "Discovery Clause".

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: JAMES F. FEENAN
Commission Services Supervisor

By: _____

BY: BRENT SCHULTZ
Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL JUNE 13, 2019

U_2019-0002 – SUNSHINE HOLISTIC

APPROVED PROJECT DESCRIPTION: Minor Use Permit for a Type C-A Cottage-Size Indoor Cultivation Permit (AG_2018-0172) for cannabis cultivation of no more than 2,500 square feet of canopy within one structure.

CONDITIONS OF APPROVAL:

General:

1. If Mendocino County Code (hereafter MCC) should be amended to allow for continued use as requested, the use permit shall continue if in compliance with the required conditions. However, as of this writing, the subject site is located within a zoning district governed by the so-called 'Sunset Clause'. **The applicant has sole responsibility for acknowledging the limits of and expiration of this use permit.** Per MCC Section 10A.17.080(2)(b)(iii), a Permit may be renewed and valid only until three (3) years following the effective date of the ordinance adopting this Chapter and any permits issued shall be void not later than three (3) years following said effective date. **Therefore, this Use Permit will expire on May 4, 2020. 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.
5. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any 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 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.
6. 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.
7. 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.

8. Prior to any construction, the Applicant shall adhere to the previously submitted and approved Cal Fire 4290 – Fire Safe Regulations provided to 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:

9. 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.
10. 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.
11. No signage shall be allowed for the operation.
12. As noted by County of Mendocino Department of Transportation, a commercial Road Approach shall be constructed onto Franklin Road (CR 414D), in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.

Air Quality:

13. Open-Outdoor burning of cannabis waste products is prohibited by Air Quality.
14. Any buildings, including greenhouses, used for the cultivation of cannabis shall be equipped with filtered ventilation systems, permitted by the Mendocino County Air Quality Management District (MCAQMD).
15. 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.
16. Secure any required permits from the Mendocino County Air Quality Management District.

Biological Resources:

17. 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:

18. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

Hydrology:

19. A completed Lake or Streambed Alteration Agreement (LSAA) will be required from the California Department of Fish and Wildlife (CDFW) for the project, including, but not limited to: diversion and use of water from a river, and potentially water use from springs. The pond may also be utilized as a source of water in case of emergency. Surface water sources (streams, springs, and hydrologically connected wells and ponds) are generally jurisdictional for CDFW, and their use, for domestic purposes or otherwise, generally requires notification pursuant to Fish and Game Code 1602. Please note that existing jurisdictional projects or infrastructure that does not have a valid or current LSAA will likely require notification (e.g. existing stream crossings on roads). Please contact the local regional CDFW office to determine if a LSAA is necessary for the proposed project.

Noise:

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

Building Inspection & Environmental Health:

21. In response to the Use Permit (U_2019-0002) the applicant shall secure all necessary permits as required by the Building Inspection Division of the Department of Planning and Building Service and the Department of Environmental Health:
22. Current California Business & Professions Code requires a licensed engineer to design, approve, stamp and sign all commercial structures. For all indoor cultivation facilities the applicant shall identify the source of electrical power and plan for compliance with applicable Building Codes. Also, provide documentations that addresses the handling of waste discharge from the grow location of items including, but not limited to nutrients, spent growing media, un-used containers and other associated hardware, supplies, and garbage.
23. If applicable, a site accessibility plan shall be submitted into the Building Department that shows the placement of all site features as required by California Building Code: Chapter 11-B. This shall be "wet-stamped" by a design professional and shall address (at a minimum) Site Arrival Parking, Signage, Restrooms, Path of Travel (to / through the building), Workspace designations / dimensions, and Interior Environment.
24. As noted by the Building Inspection Division, the applicant shall address additional submittal requirements as provided in the compliance agreement. For all indoor cultivation facilities the applicant shall identify the source of electrical power and plan for compliance with applicable Building Codes.
25. As noted by Environmental Health, standard well and septic requirements apply

Notice of Exemption:

26. 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 prior within 5 days of the end of any project action.