

**Resolution Number \_\_\_\_\_**

County of Mendocino  
Ukiah, California

**JUNE 15, 2023**

U\_2022-0001 – SHAMROCK RANCH

**RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A MAJOR USE PERMIT FOR A SHOOTING RANGE**

WHEREAS, the applicant, Shawn Simpson, filed an application for a Major Use Permit with the Mendocino County Department of Planning and Building Services to establish a [shotgun, rifle and pistol firearms range on the existing Shamrock Ranch shooting range use of an](#) per Mendocino County Code Section 20.024.040(B): Outdoor Sports and Recreation; 4.8± miles south of Laytonville, on the east side of Highway 101, at its intersection with Old Sherwood Road (CR 311A), located at 40935 N. Hwy 101, Laytonville (APN 035-290-19); General Plan RL160; Zoning RL:160; Supervisorial District 4; (the “Project”); and

WHEREAS, an Initial Study and draft Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on May 8, 2023 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 Planning Commission held a public hearing on, June 15, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Mitigated Negative Declaration and the Project.

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

1. **General Plan and Zoning Consistency Findings:** The subject parcel has a General Plan Land Use Designation of Range Lands (RL160) and the Project is consistent with the General Plan definition. Additionally, the subject parcel lies within the Zoning District of Range Lands (RL:160) and the Project is consistent with the Zoning District per MCC 20.060.
2. **Use Permit Findings:**
  - a. Use Permit Findings MCC 20.196.020(A): The project is found to be consistent with General Plan Development Goal DE-1, as the proposed use is recreational in nature with limited development, maintaining the rural character of the area by preserving natural resources, and General Plan Development Goal DE-5, as the proposed use is approximately one mile from the nearest off-site residence, protecting adjacent parcels from excessive noise. The recreational activity is considered a ‘General Use’ within the

Range Lands use category. If developed in conformance with the recommended Conditions of Approval, the project is found to be consistent with the Mendocino County General Plan;

- b. Use Permit Findings MCC Section 20.196.020(B): The project site is located within unincorporated Mendocino County and is accessed via internal roads with main access to the parcel from State Highway 101. Staff has determined that the subject structure is served by on-site water and septic, and utilities to the subject residence are provided. The project is found to be consistent with the Use Permit Finding 20.196.020(B).
  - c. Use Permit Findings MCC Section 20.196.020(C): The proposed project would be available to guests of Shamrock Ranch only. Noise from the proposed shooting range could lead to a nuisance. Because the project site is located over one mile from the nearest on-site residence, noise will be reduced. Conditions have been included to further mitigate any nuisance issues, per MCC Appendix C – Exterior Noise Limit Standards. If operated in conformance with the recommended Conditions of Approval, the project is found to be consistent with the Mendocino County General Plan.
  - d. Use Permit Findings MCC Section 20.196.020(D): The project is found to be consistent with Mendocino County Code Chapter 20.060, as the proposal is for an allowed accessory use within the RL zoning district, as regulated by Chapter 20.024. Per Chapter 20.024.040(B), shooting ranges require a major use permit to conduct Outdoor Sports and Recreation activities. This use preserves the integrity of the zoning district as it is subordinate and incidental to the principally established agricultural use of the property. This Outdoor Sports and Recreation use does not alter the character of the area. If operated in conformance with the recommended Conditions of Approval, the project is found to be consistent with preserving the integrity of the zoning district.
3. **Environmental Protection Findings:** The CEQA Initial Study completed by Staff identified the Project to have less than significant impacts with mitigations incorporated on the environment; therefore, a Mitigated Negative Declaration is adopted

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration. The Planning Commission certifies that the Mitigated 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 Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Use Permit, subject to the Conditions of Approval and Mitigation Measures in Exhibit "A", attached hereto.

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

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

ATTEST: JAMES FEENAN  
Commission Services Supervisor

By: \_\_\_\_\_

BY: JULIA KROG  
Director

DIANA WIEDEMANN, Chair  
Mendocino County Planning Commission

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## EXHIBIT A

### CONDITIONS OF APPROVAL AND MITIGATION MEASURES

**U\_2022-0001 – SHAWN SIMPSON**

**JUNE 15, 2023**

Use Permit with the Mendocino County Department of Planning and Building Services for use of installation of a shotgun, rifle, and pistol firearms range on the existing Shamrock Ranch per Mendocino County Code Section 20.024-040(B): Outdoor Sports and Recreation, located 4.8± miles south of Laytonville, on the east side of Highway 101, at its intersection with Old Sherwood Road (CR 311A), located at 40935 N. Hwy 101, Laytonville (APN 035-290-19).

**APPROVED PROJECT DESCRIPTION:** Major Use Permit for installation of a shotgun, rifle and pistol firearms range on the existing Shamrock Ranch.

#### **CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “\*\*\*\*”):**

1. The permit shall become effective on the 11<sup>th</sup> day after Planning Commission approval and shall expire and become null and void at the expiration of two years after the effective date June 26, 2025 except where use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division I of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

7. 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.
8. Activities on the firing range shall be limited to the hours of 8:00 a.m. through 9:00 p.m. (see attached *Code of Federal Regulations (Title 27 Section 478.97)*).
9. In the event that the use of the facility should cease operation for a period exceeding one (1) year or more, the use shall be deemed invalid, and a new use permit will be required for the operation.
10. The applicant shall secure all required permits for the proposed project as required by the Mendocino County Division of Environmental Health.
11. The applicant shall adhere to US Bureau of Alcohol, Tobacco, Firearms and Explosives, Title 27, Code of Federal Regulations Section 478.97.
12. No lighting shall be installed as part of the project. The applicant shall submit an application for modification to use permit U\_2022-0001 should future installation of lighting be required.
13. Prior to the development of the project, the applicant shall contact the Mendocino County Air Quality Management District for a determination as to the need for a permit from the District for the proposed generators or any of the other proposed construction activities.

#### Archaeological

14. In the event that archaeological resources are encountered on the property, work or any use 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.
15. \*\*\* Prior to the commencement of operations, the Project Manager will ensure that all Special Treatment Zones (STZ) are clearly described and illustrated in plans, and specifications.
16. \*\*\* All parties (Project Manager and Archaeologist) will review the plans prior to the commencement of construction and operations.
17. \*\*\* Prior to commencement of operations, and Archaeological Surveyor or professional archaeologist familiar with the site, shall demarcate all sites with STZ flagging. Exclusionary flagging will be based on the site sketch map. No buffer around the site boundary is required for Special Conditions Sites. STZ flagging that is older than six months will be inspected and refreshed prior to operations.
18. \*\*\* Only hand tools and manual vegetation treatment is permitted within the STZ. No mechanical treatments.
19. \*\*\* An Archaeological Surveyor or professional archaeologist will periodically inspect sites during construction to ensure the BMPS are effective and the STZ has not been breached.
20. \*\*\* Once operations for the shooting range commence and are open to the public, all STZ flagging shall be removed.

## Biological & Wildfire

21. \*\*\* A 300-foot defensible space area shall be constructed and maintained immediately behind the impact area, as well as the sides of the shooting lanes, as allowed by Public Resources Code Section 4291.3(b).
22. \*\*\* The use of ammunition containing thermite, magnesium, or aluminum, commonly known as tracer or incendiary ammunition, is prohibited on any forest, brush or grass covered areas pursuant to Public Resources Code Section 4445.
23. \*\*\* The applicant shall adhere to CAL FIRE Emergency Water standards Sections 1275.01-1275.04 as detailed below.
  - Water systems equaling or exceeding the National Fire Protection Association (NFPA) 1142, 2012 Edition and California Fire Code CCR 24 part 9, shall be accepted as meeting the requirements of this article.
  - The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet and no further than 12 feet from roadway, and in a location apparatus using it will not block the roadway
  - The hydrant shall be not less than 50 feet nor more than ½ mile from the building is to serve, shall be located at a turnout or turnaround along the driveway to that building or along a road that intersects with driveway.
  - The hydrant head shall be 2 and ½ feet National Hose male thread with cap for pressure and gravity flow systems, and 4 and ½ feet for draft systems. They shall have suitable crash protection.
  - A reflectorized blue marker minimum of 3 inches diameter shall be mounted on a fire-retardant post within 3 feet of the hydrant. The marker shall be no less than 3 feet or more than 5 feet above grade.
24. \*\*\* Wildland fires started by the shooting of firearms during periods of hot, dry weather with low relative humidity could be consider negligent. In the event a fire escapes its area or origin, and negligence can be proven, the individual(s) responsible could be charged with a misdemeanor as outline in Public Resources Code Section 4435.
25. \*\*\* The applicant shall adhere to CAL FIRE driveway standards Sections 1273.01(b), 1273.03, 1273.05, 1273.06, and 1273.09 as detailed below:
  - Minimum 10 foot wide with 14 foot unobstructed horizontal clearance and 15 foot unobstructed vertical clearance.
  - Driveway shall have an all-weather surface, with no more than 16% grade, and minimum 50 foot radius inside curvature on all turns.
  - Driveways exceeding 150 feet but less than 800 feet require a turnout near the midpoint, driveways exceeding 800 feet shall provide turnouts no more than 400 feet apart. Turnout shall be a minimum of 12 feet wide, 30 feet long with 25 foot tapers on each end.

- A turnaround shall be provided to all building sites on driveways more than 300 feet in length and shall be within 50 feet of the building, a 40 foot radius turnaround or 60-foot hammerhead “T” shall be utilized.
- Gate shall be a minimum 14 feet, all gates providing access shall be located at least 30 feet from the road way. Security gates shall have an approved means of emergency operation.

26. \*\*\* The applicant shall adhere to the following CAL FIRE address standards

- Address must be posted at beginning of construction and maintained thereafter
- Minimum 4 inch letter height, ½” stroke, reflectorized with contrasting background, visible from both direction of travel
- Multiple addresses on a single driveway shall be mounted on a single post
- Address shall be placed at each driveway entrance

27. \*\*\* Only non-lead ammunition and ammunition approved as nontoxic by the U.S. Fish and Wildlife Service, as identified in Section 507.1 (Title 14, CCR), shall be stored on site and/or allowed during activities.

28. \*\*\* At all times during activities at the shooting range, the applicant shall have a fully filled (4,000 gallons) water truck on standby in the event of a fire.