

ORDINANCE NUMBER _____

**AN ORDINANCE CHANGING THE ZONING OF REAL
PROPERTY WITHIN MENDOCINO COUNTY**

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1. Rezone. Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as follows:

The property described by Assessor's Parcel Numbers 170-100-37 and 170-100-41 (the "subject property") is reclassified from the Industrial – Limited (I1) zoning district to the Commercial – General (C2):CR zoning district as shown on Exhibit A, attached hereto and incorporated herein by this reference, subject to the requirements of section 2 of this ordinance.

Section 2. Contract Rezone. Said zoning change made by Section 2 of this Ordinance shall be subject to the conditions set forth in the Contract for Compliance with Rezoning Conditions, attached hereto as Exhibit B and incorporated herein by this reference, to be recorded against the subject property and in Exhibit B pursuant to Government Code Section 27281.5 and Mendocino County Code Section 20.212.010.

Section 3. Findings. Based on the information provided in the agenda packet accompanying this ordinance and evidence in the record, the Board of Supervisors makes the following findings:

- (a) The rezoning of the subject property is exempt from CEQA pursuant to Section 15183 of the State CEQA Guidelines.
- (b) The subject property is located within the Mixed Use General Plan designation and as such the proposed rezone seeks to bring the zoning district into compliance with the General Plan, as well as the Ukiah Valley Area Plan.
- (c) The rezoning of the subject property meets the stated intent and minimum lot size requirements of the Commercial – General zoning district, as stated in Section 20.092.025 of the Mendocino County Code.
- (d) The rezoning of the subject property is consistent with the County of Mendocino Road and Development Standards.
- (e) The contract rezone is necessary to ensure that safety and general welfare standards of the County of Mendocino are upheld.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2018, by the following roll call vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel

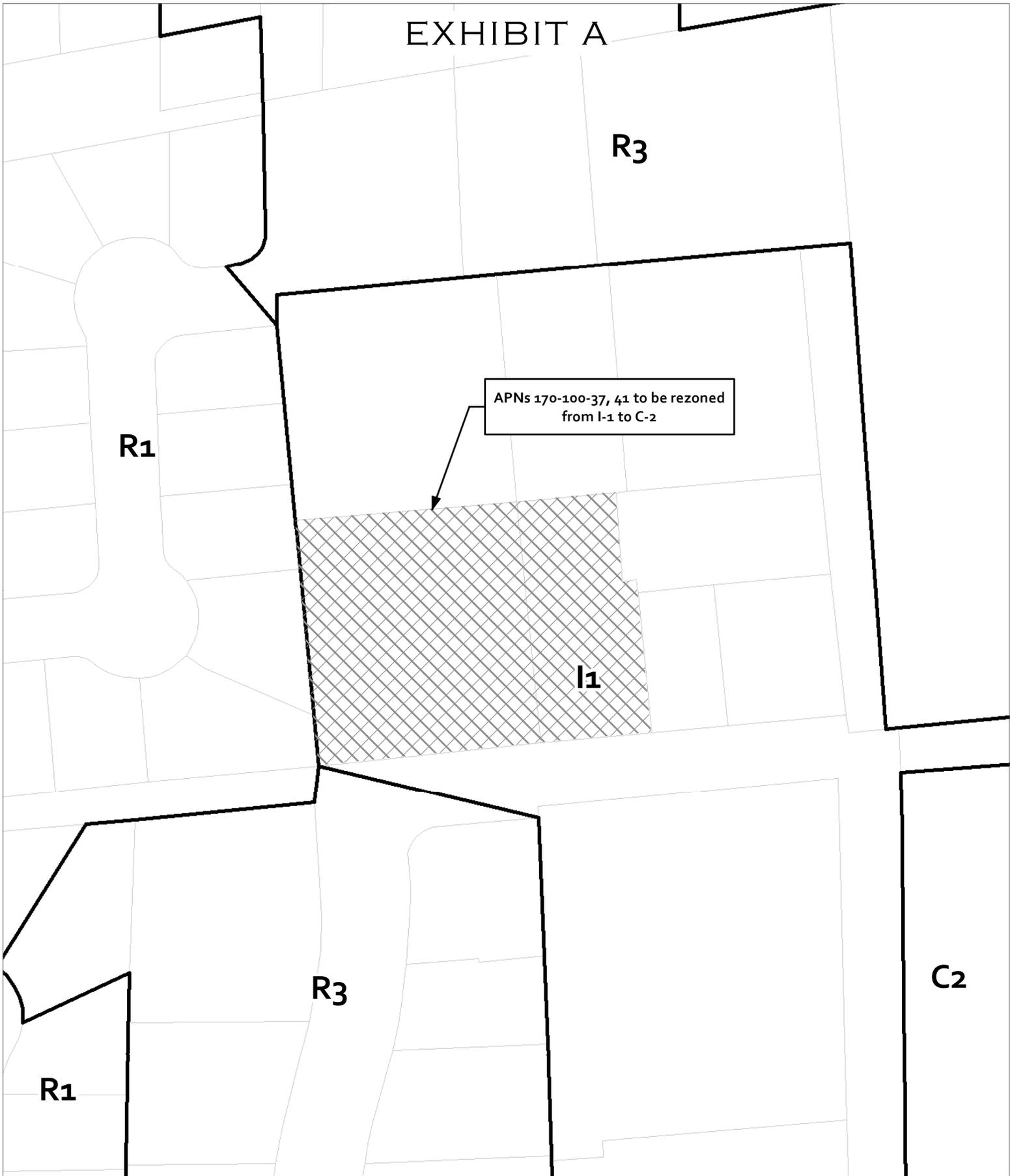
DAN HAMBURG, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board

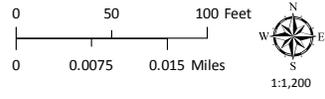
Deputy

EXHIBIT A



CASE: R 2018-0001
OWNER: Feedlot Holdings, LLC
APN: 170-100-37
APLCT: Jordan Pool
AGENT: Karen Mantele
ADDRESS: 120 Fee Lot Lane, Ukiah

 REZONE FROM: I-1 (Limited Industrial)
TO: C-2 (General Commercial)
 Zoning Districts



REZONE EXHIBIT

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

Exhibit B

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:
County of Mendocino County
Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

CONTRACT FOR COMPLIANCE WITH REZONING CONDITIONS (Section 27281.5 of the Government Code)

IN CONSIDERATION OF the adoption by the Board of Supervisors of an ordinance amending Title 20 of the Mendocino County Code so as to add Ordinance Number _____ and thereby rezone Assessor's Parcel Numbers 170-100-37 and 170-100-41 as follows:

Assessor's Parcel Numbers 170-100-37 and 170-100-41 are reclassified from Industrial – Limited (I1) to Commercial – General with a combining district of Contract Rezone (C2:CR), shown in Exhibit A attached hereto and incorporated herein by this reference.

Assessor's Parcel Numbers 170-100-37 and 170-100-41, as shown in Exhibit A, are contiguous parcels which are consistent with the Ukiah Valley Area Plan.

Assessor's Parcel Numbers 170-100-37 and 170-100-41 (the "subject properties") are more particularly described in Exhibit B, attached hereto and incorporated herein by this reference.

Feed Lot LLC hereby warrants that it is the owner of the foregoing property, and Agree and Promise to comply with the following conditions pursuant to Section 27281.5 of the California Government Code and Section 20.212 of the Mendocino County Code.

CONDITIONS

The conditions listed below must be fulfilled at the earliest of the following, which are hereinafter referred to as the "Project": (1) prior to the issuance of a business license located on the subject properties, (2) in conjunction with any building permits needed to construct or reconstruct any building on the subject properties and prior to the issuance of any certificate of occupancy, or (3) in conjunction with any discretionary action applied for on the subject properties.

- 1) All Projects shall be consistent with the Ukiah Valley Area Plan (UVAP) including but not limited to the general intent, guidelines, uses, and standards associated with the Mixed Use General (UVAP, Appendix I, Page 12-3).
- 2) Curb, gutter, and minimum 5 foot wide sidewalks shall be constructed along the project's frontage to Feed Lot Lane (CR 250B) in accordance with Mendocino County Road and Development Standards No. A40A, Type "A", or as modified by applicant's engineer and approved by Department of Transportation staff. All pedestrian facilities shall comply with State and Federal accessibility requirements.
- 3) New urban road driveway approaches shall be constructed onto Feed Lot Lane (CR 250B) at each proposed access point to the County Road, per County of Mendocino Road and Development Standard No. A50, or as modified by applicant's engineer and approved by Department of Transportation staff.
- 4) Road improvements shall be constructed in accordance with improvement plans prepared by a Civil Engineer and approved by the Mendocino County Department of Transportation. Current improvement plan checking and inspection fees apply.

- 5) Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.

IT IS AGREED that the forgoing agreement and promise shall constitute a deed restriction and shall run with the land and constitute an equitable servitude and restrictive covenant. In the event of non-compliance with the aforesaid conditions, consent is hereby given that the aforesaid property may be rezoned in compliance with Government Code Section 65853, et seq., and shall be subject to other action authorized by the Mendocino County Code.

IT IS FURTHER AGREED that this contract shall be binding upon the successors and assigns of the owners of land known as Assessor Parcel Numbers 170-100-37 and 170-100-41 more particularly shown in the attached Exhibit A and described in the attached Exhibit B and shall be effective only after it is signed by the owners and verified by the County of Mendocino.

JORDAN POOLE, Owner
FEED LOT LLC

DATE

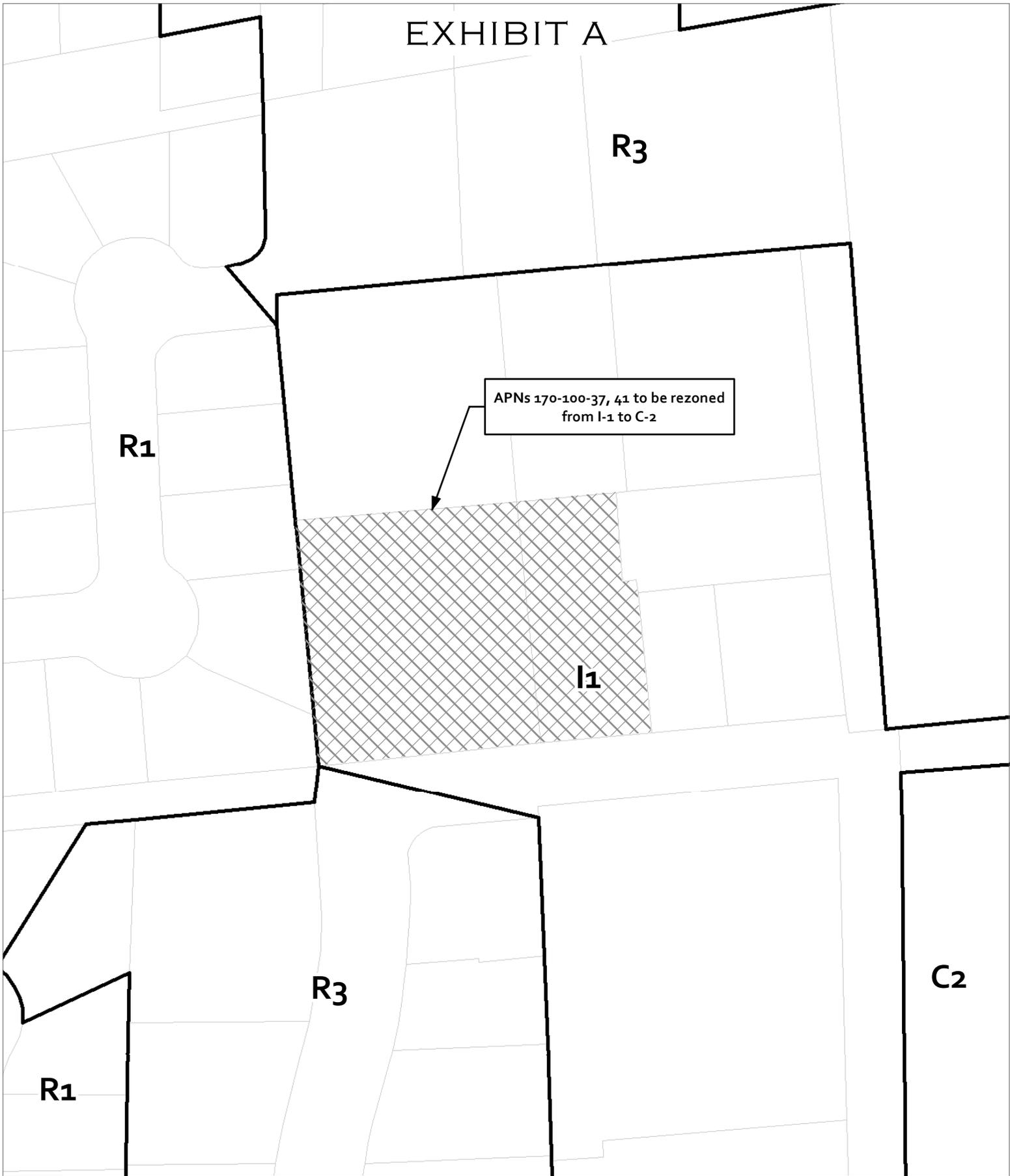
ACKNOWLEDGEMENT

STATE OF CALIFORNIA
County of Mendocino

On the _____ day of _____, 2018, before me, the undersigned a Notary Public, in and for said State, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/ are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

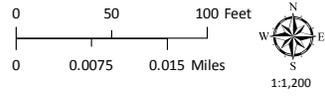
EXHIBIT A



APNs 170-100-37, 41 to be rezoned from I-1 to C-2

CASE: R 2018-0001
OWNER: Feedlot Holdings, LLC
APN: 170-100-37
APLCT: Jordan Pool
AGENT: Karen Mantele
ADDRESS: 120 Fee Lot Lane, Ukiah

 REZONE FROM: I-1 (Limited Industrial)
TO: C-2 (General Commercial)
 Zoning Districts



REZONE EXHIBIT

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

EXHIBIT B

All that certain real property situated in the County of Mendocino, State of California, more particularly described as follows:

TRACT ONE:

Parcel 2 as numbered and designated on that certain Parcel Map of Minor Subdivision 14-96 filed for record December 24, 1997 in Map Case 2, Drawer 64, Pages 93 and 94, Mendocino County Records.

170-100-37

TRACT TWO:

A non-exclusive easement as an appurtenance to Tract One above for access and public utilities over that portion of Parcels 1, 3 and 4 on Parcel Map of Minor Subdivision 14-96 filed for record December 24, 1997 in Map Case 2, Drawer 64, Pages 93 and 94, Mendocino County Records lying within the area designated "20' wide access and PUE" as shown on said map.

TRACT THREE:

Parcel 1 as numbered and designated on that certain Parcel Map of Minor Subdivision 14-96 filed for record December 24, 1997 in Map Case 2, Drawer 64, Pages 93 and 94, Mendocino County Records.

TOGETHER WITH all that portion of the following described property that lies Southerly of a line which begins at a 1/2" iron pipe tagged L.S. 7173 at the Northwest corner of Parcel 1 as shown on the Parcel Map for Minor Subdivision 14-96 filed in Map Case 2, Drawer 64, Page 94, Mendocino County Records, and runs South 83° 56' 57" West, 60.00 feet to a 3/4" iron pipe as noted on said Parcel Map:

BEGINNING at the Southwest corner of the parcel of land conveyed to McGraw et ux, in Book 772, Official Records, Page 238, Mendocino County Records; thence North 84° 03' East along the South line thereof a distance of 60.00 ft.; thence, parallel with the West line of said parcel, North 5° 57' West a distance of 207.40 ft. more or less to a point on the South line of that parcel of land conveyed to McGraw et ux, in Book 940, Official Records, Page 273, Mendocino County Records; thence, parallel with the West line of said parcel, North 5° 57' West a distance of 180.00 ft. more or less to a point on the North line of said parcel; thence South 84° 03' West, along said North line a distance of 60.00 ft.; thence South 5° 57' East along the West line of said McGraw parcels a distance of 387.40 ft. more or less to the Point of Beginning.

Excepting therefrom that portion described in the deed from Lee McGraw, et ux to James L. Cagle, et al recorded August 27, 1980 in Book 1271, Official Records, Page 406, Mendocino County Records.

APN: 170-100-41

TRACT FOUR:

A non-exclusive easement as an appurtenance to Tract Three above for access and public utilities over that portion of Parcel 2 on Parcel Map of Minor Subdivision 14-96 filed for record December 24, 1997 in Map Case 2, Drawer 64, Pages 93 and 94, Mendocino County Records lying within the area designated "20' wide access and PUE" as shown on said map.