

## ORDINANCE NUMBER 4415

### 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  
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:

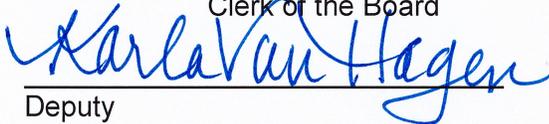
- (a) The rezoning of the subject property is exempt from CEQA pursuant to Section 15183 of the State CEQA Guidelines.
- (b) The subject property is located within the Mixed Use General Plan designation and as such the proposed rezone seeks to bring the zoning district into compliance with the General 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 11<sup>th</sup> day of September, 2018, by the following roll call vote:

AYES: Supervisors Brown, McCowen, Croskey, Gjerde, and Hamburg  
NOES: None  
ABSENT: None

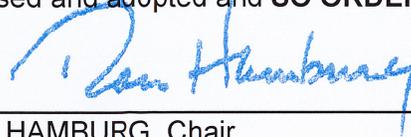
**WHEREUPON**, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

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

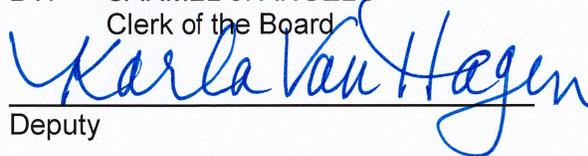
  
\_\_\_\_\_

  
\_\_\_\_\_

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

**CONFORMED COPY**

Copy of Document Recorded on  
09/13/2018 12:54:19 PM  
as 2018-11172  
Mendocino County Clerk-Recorder

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 4415 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 POOL, Owner  
FEED LOT LLC

9/11/18  
\_\_\_\_\_  
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.

\_\_\_\_\_  
\* see attached acknowledgment

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

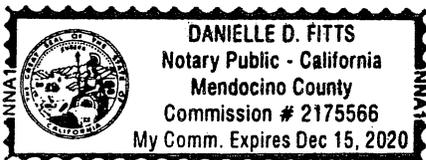
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Mendocino )  
On 9/11/18 before me, Danielle D. Fitts, Notary Public,  
Date Here Insert Name and Title of the Officer  
personally appeared Jordan Pool  
Name(s) of Signer(s)

who 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 acknowledged 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 of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

*[Handwritten Signature]*  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Contract for Compliance Document Date: 9/11/18  
Number of Pages: 3 Signer(s) Other Than Named Above: 0

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_