

RESOLUTION NO. 19-375

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS GRANTING A USE PERMIT FOR A CANNABIS RETAIL BUSINESS

WHEREAS, the applicant, MENDORICA LLC, filed an application for a Use Permit with the Mendocino County Department of Planning and Building Services to allow for a cannabis retail business, 2± miles north of Ukiah center, on the east side of N. State St. (CR 104), 0.3± miles north of its intersection with Orr Springs Rd. (CR 223). Located at 2397 N. State St., Ukiah (APN: 169-242-08); General Plan I; Zoning C2:12K/NONE; Supervisorial District 1; (the "Project"); and

WHEREAS, the Planning Commission held a public hearing on September 5, 2019, at which time the Planning Commission heard and received 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 the Planning Commission made a recommendation of approval to the Board of Supervisors; and

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on October 22, 2019, at which time the Board of Supervisors 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 Board of Supervisors has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board of Supervisors regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors makes the following findings;

1. **General Plan & Zoning Consistency Findings:** The subject parcel has a General Plan Land Use Designation of Industrial (I) and the Project is consistent with the General Plan definition. Additionally, the subject parcel lies within the Zoning District of Limited Industrial (I1) and the Project is consistent with the Zoning Code per MCC Sections 20.096 and 20.243; 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 Findings:** The proposed project has been determined to be Categorically Exempt from a CEQA Initial Study under a Class 1 exemption.
4. **Ukiah Valley Area Plan Findings:** The Project is consistent with the Ukiah Valley Area Plan and promotes Policy LU1.4a.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the Project 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 Project reflects the independent judgment and analysis of the Board of Supervisors.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

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

The foregoing Resolution introduced by Supervisor McCowen, seconded by Supervisor Williams, and carried this 22 day of October, 2019, by the following vote:

AYES: Supervisors Brown, McCowen, Haschak, Gjerde and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

CARRE BROWN, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
Acting County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

EXHIBIT A

CONDITIONS OF APPROVAL R_2019-0005/U_2019-0008 September 5, 2019

APPROVED PROJECT DESCRIPTION: Rezone and Use Permit to rezone the subject parcel from General Commercial (C2) to Limited Industrial (I1) and allow for cannabis retail.

CONDITIONS OF APPROVAL:

****All of the below conditions are predicated on the successful rezoning of the property as approved by the Board of Supervisors.**

STANDARD CONDITIONS:

1. The permit shall become effective on the 11th day after Planning Commission Administrator approval and shall expire and become null and void at the expiration of two years after the effective date 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 Administrator.
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 permits from the Building Inspection Division of the Department of Planning and Building Services for all construction, structural modifications, establishment of signs and compliance with handicapped accessibility for the facility if required.
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, or the 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.

AESTHETICS:

8. The cannabis facility shall avoid or minimize odor and light impact on residential uses.

AIR QUALITY:

9. The applicant shall comply with those conditions in the ***Mendocino County Air Quality Management District*** response dated June 28, 2019 (Attachment O).

CANNABIS:

10. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 6.36 of the Mendocino County Code.
11. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 10A.17 of the Mendocino County Code.
12. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 20.242 of the Mendocino County Code.
13. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 20.243 of the Mendocino County Code.

HYDROLOGY AND WATER QUALITY:

14. The applicant shall obtain all necessary permits and ensure all operations, including structures, adhere to the requirements of the Mendocino County Department of Environmental Health.

TRANSPORTATION:

15. Applicant shall construct curb, gutter, and sidewalk along North State Street (CR 104), in accordance with Mendocino County Road and Development Standards No. A40A and A40B. The sidewalk shall be seven (7) feet wide and ADA compliant.
16. An urban driveway approach shall be constructed onto North State Street (CR 104), in accordance with Mendocino County Road and Development Standards No. A50, or as modified by applicant and approved by Department of Transportation staff during field review.
17. Mendocino County Department of Transportation shall review and approve onsite parking plan if any parking spaces are proposed on the west side of the building to assess possible conflict with County right-of-way.
18. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.