

Resolution Number PC_2019-0015

County of Mendocino
Ukiah, California

September 5, 2019

R_2019-0005/U_2019-0008 – MENDORICA LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS ADOPT EXEMPTIONS FROM CEQA AND GRANT A REZONE FROM GENERAL COMMERCIAL (C2) TO LIMITED INDUSTRIAL (I1) AND A MINOR USE PERMIT FOR CANNABIS RETAIL

WHEREAS, the applicant, MENDORICA LLC, filed an application for a rezone and minor use permit with the Mendocino County Department of Planning and Building Services to rezone the subject parcel from General Commercial (C2) to Limited Industrial (I1) and allow for cannabis retail, located 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; Supervisorial District 1; (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 use permit was determined to meet the criteria for a categorical exemption from the California Environmental Quality Act (CEQA) under Class 1; and

WHEREAS, the rezone is exempt from review under the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines pursuant to Article 12, Section 15183 governing Special Situations and Projects Consistent with a General Plan; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, September 5, 2019, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the exemptions and the Project. All interested persons were given an opportunity to hear and be heard regarding the exemptions and the Project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends the Board of Supervisors make the following findings based on the evidence in the record;

1. **General Plan and Zoning Findings:** The proposed project is located within the Industrial General Plan Land Use Designation and both aspects of the project are consistent with this classification. The rezone is necessary for the consistency between the General Plan Designation and the zoning district and the use permit is consistent with the proposed zoning district of Limited Industrial (I1).
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 is exempt from review under CEQA pursuant to Article 12, Section 15183 for the rezone and a Class 1 categorical exemption from CEQA pursuant to Section 15301.
4. **Ukiah Valley Area Plan:** The proposed project is consistent with the Ukiah Valley Area Plan and promotes Policy LU 1.4a.

BE IT FURTHER RESOLVED that the Planning Commission recommends the Board of Supervisors adopt the exemptions which have been completed, reviewed, and considered, together with the comments received during the public review processes and the evidence in the record in compliance with CEQA and State and County CEQA Guidelines, and finds that the exemptions reflect the independent judgement and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends the Board of Supervisors approve the requested (1) Rezone and (2) Minor Use Permit as described in the staff report and attachments subject to the Conditions of Approval 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 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 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
Director

MARILYN OGLE, Chair
Mendocino County Planning Commission

EXHIBIT A: CONDITIONS OF APPROVAL
EXHIBIT B: REZONE EXHIBIT MAP

EXHIBIT A

CONDITIONS OF APPROVAL

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 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.
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. A 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 b 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.