



**COUNTY OF MENDOCINO**

**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482

120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR

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pbs@mendocinocounty.org

[www.mendocinocounty.org/pbs](http://www.mendocinocounty.org/pbs)

August 13, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, September 5, 2019, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

**CASE#:** R\_2019-0005/U\_2019-0008

**DATE FILED:** 5/10/2019

**OWNER/APPLICANT:** MENDORICA LLC

**AGENT:** NICK CASTON

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

**ENVIRONMENTAL DETERMINATION:** Exempt per CCR 15183 and Categorically Exempt

**LOCATION:** 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)

**SUPERVISORIAL DISTRICT:** 1

**STAFF PLANNER:** SAM VANDEWATER

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at [www.mendocinocounty.org/pbs](http://www.mendocinocounty.org/pbs).

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, 95482, no later than September 4, 2019. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Planning Commission's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services



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**August 13, 2019**

**TO: Ukiah Daily Journal**  
**FROM: James F. Feenan, Commission Services Supervisor**  
**SUBJECT: Publication of Legal Notice.**

**Please publish the following notice one time on August 18, 2019 in the Legal Notices Section of the Ukiah Daily Journal.**

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**LOCATION:** 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)

**SUPERVISORIAL DISTRICT:** 1

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BRENT SCHULTZ, Director of Planning and Building Services



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**PLANNING COMMISSION  
STAFF REPORT- REZONE & USE PERMIT**

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**SEPTEMBER 5, 2019  
R\_2019-0005/U\_2019-0008**

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**SUMMARY**

**OWNER/APPLICANT:** MENDORICA LLC  
1206 4TH ST  
SANTA ROSA, CA 95404

**AGENT:** NICK CASTON  
3655 CLEVELAND AVE  
SANTA ROSA, CA 95403

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

**LOCATION:** 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).

**TOTAL ACREAGE:** 0.5± Acres

**GENERAL PLAN:** Industrial (I)

**ZONING:** General Commercial (C2:12K)

**SUPERVISORIAL DISTRICT:** 1<sup>st</sup> District (Brown)

**ENVIRONMENTAL DETERMINATION:** Exempt per CCR 15183 and Categorically Exempt per Section 15301, Class 1

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** SAM VANDY VANDEWATER

**BACKGROUND**

**PROJECT DESCRIPTION:** Rezone and Use Permit to rezone the subject parcel from General Commercial (C2) to Limited Industrial (I1) and allow for cannabis retail. The rezone will bring consistency between the existing General Plan Land Use Designation of the parcel and the zoning code.

**SITE CHARACTERISTICS:** The subject parcel is accessed by North State Street and is located in the Ukiah Valley Fire Protection District. For utilities, the parcel is within the Ukiah Valley Water District and Sanitation District and is provided electricity by PG&E. One permitted structure currently exists on the parcel, formally use as a mortuary, and little vegetation remains except on the eastern periphery.

**RELATED APPLICATIONS:** The subject parcel was created by major division **MD 76-73**.

**PUBLIC SERVICES:**

Access: North State Street (CR 104)  
Fire District: Ukiah Valley Fire Protection District  
Water District: Millview Water District  
Sewer District: Ukiah Valley Sanitation District  
School District: Ukiah Unified School District

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES (ACRES)	USES
<b>NORTH</b>	Commercial (C)	Limited Commercial (C1)	1.3±	Commercial
<b>EAST</b>	Industrial (I)	General Industrial (I2)	20.5±	Commercial
<b>SOUTH</b>	Industrial (I)	General Industrial (I2)	20.5±	Commercial
<b>WEST</b>	Commercial (C)	General Commercial (C2)	1.4±	Commercial

**AGENCY COMMENTS:** On June 14, 2019, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	Comment
Environmental Health	Comment
Building Inspection	Comment
Assessor	No Comment
Tax Collector	No Response
Air Quality Management District	Comment
California Highway Patrol	No Comment
Mendocino County Sheriff's Office	No Response
Millview Water District	No Response
Ukiah Valley Fire Protection District	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

**KEY ISSUES**

- 1. General Plan and Zoning Consistency:** The subject parcel has a General Plan Land Use Designation of Industrial (I) as defined by Chapter 3: Development Element of the Mendocino County General Plan. The Industrial classification is intended,

*"to be applied to lands suited for major industrial uses, where necessary services such as transportation systems and utilities exist or can be efficiently provided, where disruption of proximate uses will be least, and where the potential for environmental disruption is minimal or can be adequately controlled. This classification is intended to protect these lands from the pressures of development and preserve them for future use as designated."*

The project is consistent with the General Plan designation as it is located within the developed corridor of North State Street. The subject parcel is also served by North State Street, a publically maintained road, further showing the parcel's consistency with the Industrial General Plan designation. Due to the size of the parcel, major industrial uses may be difficult to establish, but the proposed use permit for cannabis retail could be complemented by additional industrial cannabis operations, such as distribution, testing, processing, and manufacturing. The potential for industrial cannabis cultivations exists as well.

The proposed project includes the rezone of the parcel from the current General Commercial (C2) zoning district to the Limited Industrial (I1) zoning district. The purpose of the rezone is to establish consistency between the Industrial General Plan Land Use Designation and the zoning district. Upon the adoption of the Ukiah Valley Area Plan, the General Plan Land Use Designation of number of parcels was changed to encourage specific types of spatial development and land use. The subject parcel was included in this

change, thus making this rezone a necessary action to begin such development. In addition to bringing the zoning into compliance, the proposed rezone would be a prerequisite for the use permit.

The proposed zoning district for the subject parcel would be Limited Industrial (I1), which is intended,

*“to create and preserve areas where manufacturing and industrial uses which evidence no or very low nuisance characteristics may locate. Nonindustrial uses which support or are adjuncts to industrial uses and are compatible with such uses are permitted within the zone particularly administrative, sales and service uses.”*

With regards to the use permit, the rezone would make the proposed project consistent with both the General Plan and the zoning district. The intended use as a cannabis retail location would be still be consistent in the Limited Industrial zoning district, despite being less industrial than other uses. However, industrial cannabis uses may also be permitted, such as cannabis distribution, processing, and manufacturing, thus increasing the potential development of the parcel. Being enclosed by major transit route (North State Street), as well as other industrial zoned parcels, helps to ensure the nuisance aspects of any future operations are managed and do no impact surrounding residential and commercial areas.

**2. Use Permit Findings:** The proposed use permit is required to meet the use permit findings set forth in the Mendocino County Code (MCC Section 20.196.020). Below is the discussion of each finding and how the use permit appropriately meets those requirements.

A. *That the establishment, maintenance or operation of a use or building applied for is in conformity with the General Plan;*

As shown in the previous section, the proposed rezone and use permit are in conformity of the General Plan, with the approval of the rezone being a prerequisite for the use permit. The intended business permitted by the use permit is compatible with the General Uses of the Industrial Land Use Designation.

B. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;*

The proposed project is already connected to the Millview Water District and Ukiah Valley Sanitation District. Additionally, the project gains access from North State Street and is located within Ukiah Stormwater Area, ensuring appropriate drainage.

C. *That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;*

The proposed rezone is exempt by California Code of Regulations Section 15183 and the proposed use permit was determined to be categorically exempt. However, the proposed use of a cannabis retail business is less intensive than other permitted industrial uses, thus the project will not be a detriment to the wellbeing of surrounding neighbors or the environment. Conditions of Approval are recommended to ensure the use permit aspects of the project will not create a nuisance.

D. *That such use preserves the integrity of the zoning district.*

Similarly to the General Plan conformity finding above, compliance with the Mendocino County Code zoning district is discussed in the previous section. The rezone from General Commercial (C2) to Limited Industrial (I1) and the subsequent use permit requirement ensures the integrity.

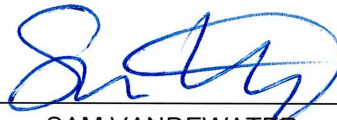
- 3. Environmental Protection:** The rezone is exempt from CEQA pursuant to Section 15183 as due to special circumstances and the change in zoning being consistent with the General Plan. The use permit is categorically exempt from the provisions of CEQA, pursuant to Section 15301, Class 1 of Article 19 of the California Environmental Quality Act Guidelines. The Class 1 exemption applies to "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." The proposed project meets the criteria of Section 15301 and has been determined to not have a significant effect on the environment and, therefore, is exempt from the provisions of CEQA.
- 4. Ukiah Valley Area Plan:** The proposed project is subject to the Ukiah Valley Area Plan and has been found to be consistent with the policies of the Plan. In particular, Policy LU 1.4a Land Use Planning encourages increasing land use density and capacity. The project supports this policy by providing more opportunity for industrial cannabis development along the retail proposed by the use permit.

**RECOMMENDATION**

By resolution, the Planning Commission recommends that the Board of Supervisors grant the rezone and approve the use permit for the Project, as proposed by the applicant, based on the facts and evidence contained in the record and subject to the conditions of approval.

8/7/19

DATE



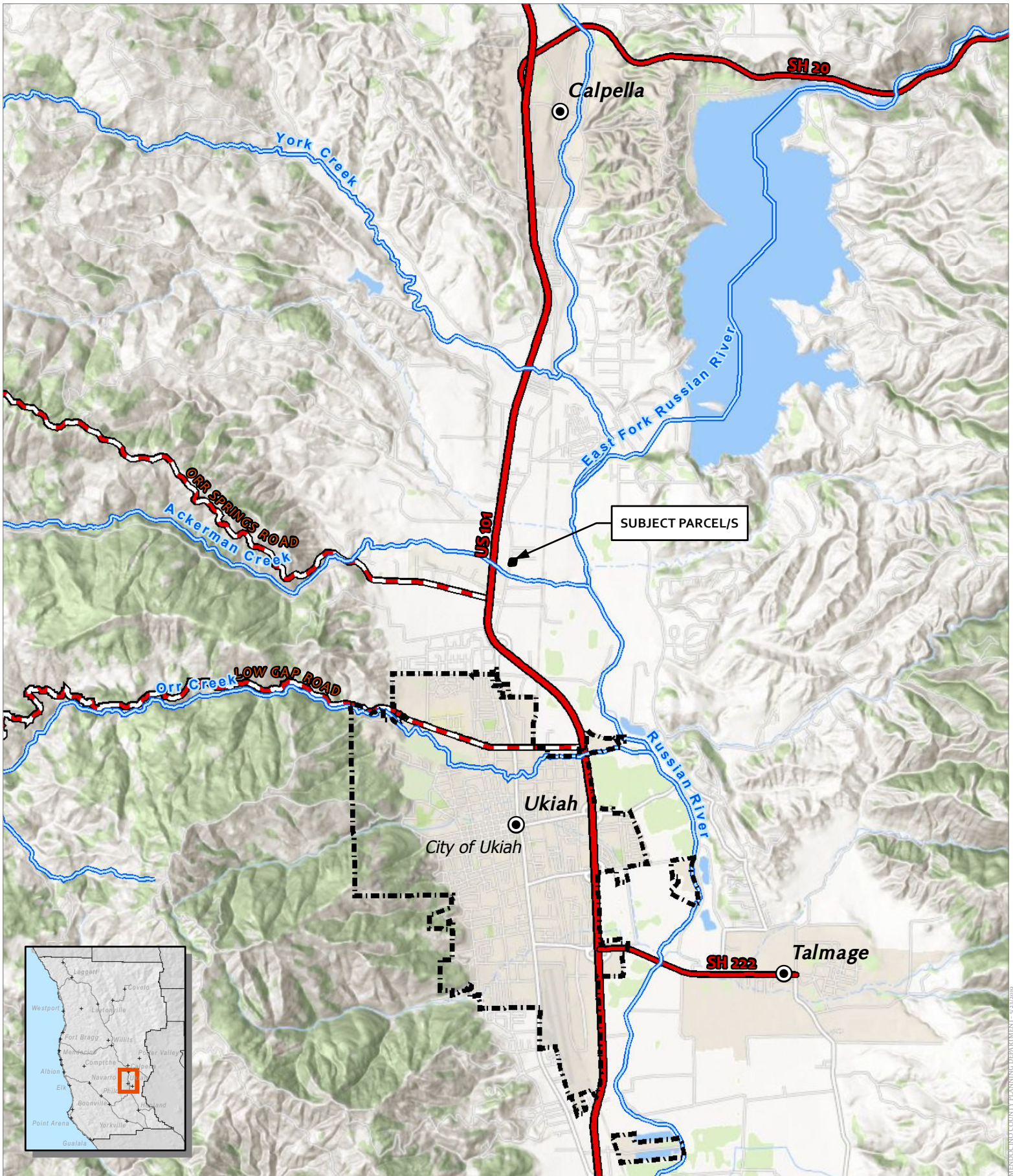
SAM VANDEWATER  
PLANNER II

**ATTACHMENTS:**

- A. Location Map
- B. Aerial Map
- C. Rezone Exhibit Map
- D. Site Map
- E. Floor Plans
- F. Elevations
- G. Zoning Map
- H. General Plan Map
- I. Adjacent Owner Map
- J. Fire Hazards Map
- K. Dam Inundation Map
- L. Stormwater Map
- M. Water District Map
- N. Miscellaneous Map

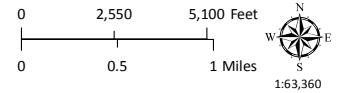
**RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):**





CASE: R 2019-0005 / U 2019-0008  
 OWNER: Mendocino, LLC  
 APN: 169-242-08-01  
 APLCT: Mendocino, LLC  
 AGENT: Nick Caston  
 ADDRESS: 2397 N. State Street, Ukiah

- Major Towns & Places
- City Limits
- Major Rivers
- Highways
- Major Roads



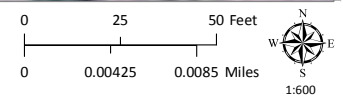
LOCATION MAP  
 ATTACHMENT A





CASE: R 2019-0005 / U 2019-0008  
OWNER: Mendorica, LLC  
APN: 169-242-08-01  
APLCT: Mendorica, LLC  
AGENT: Nick Caston  
ADDRESS: 2397 N. State Street, Ukiah


- Public Roads
- Private Roads
- Driveways/Unnamed Roads





# EXHIBIT "A"

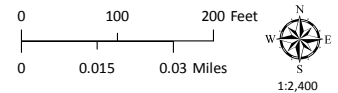


CASE: R 2019-0005 / U 2019-0008  
OWNER: Mendorica, LLC  
APN: 169-242-08-01  
APLCT: Mendorica, LLC  
AGENT: Nick Caston  
ADDRESS: 2397 N. State Street, Ukiah

 REZONE FROM: C-2 (General Commercial)  
TO: I-2 (General Industrial)

 Zoning Districts

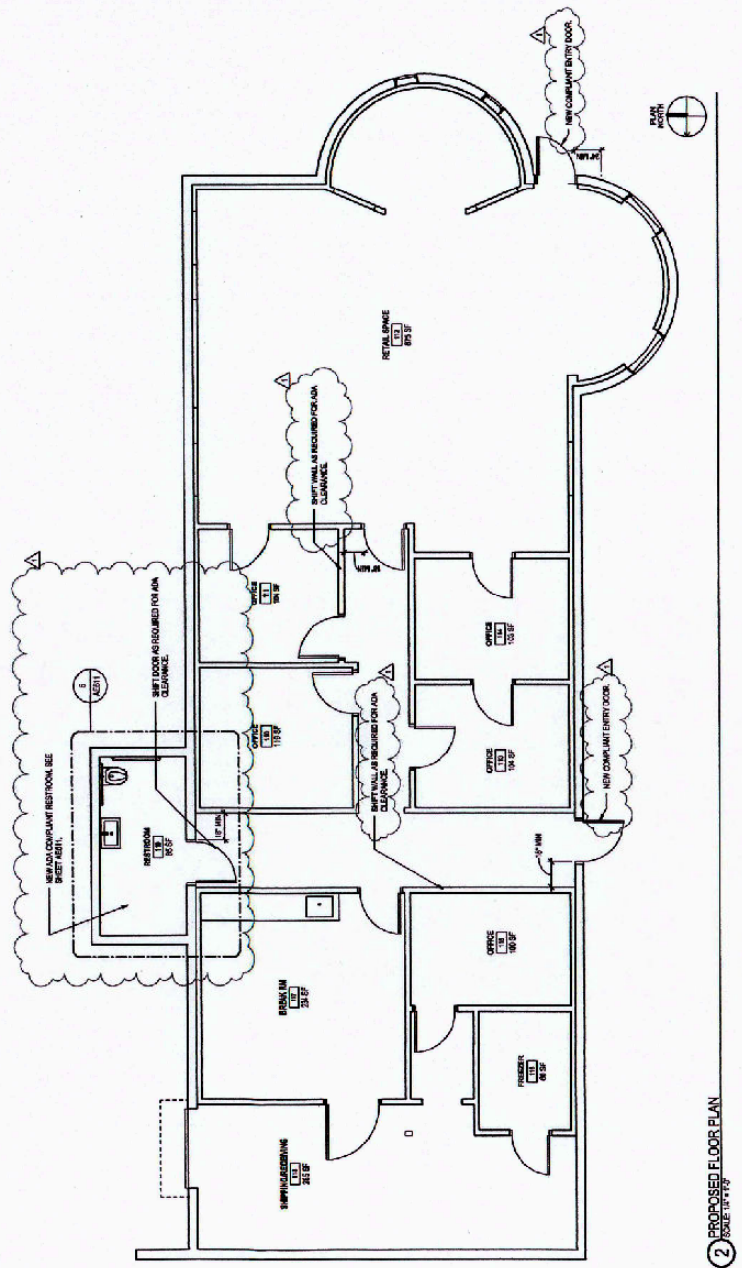
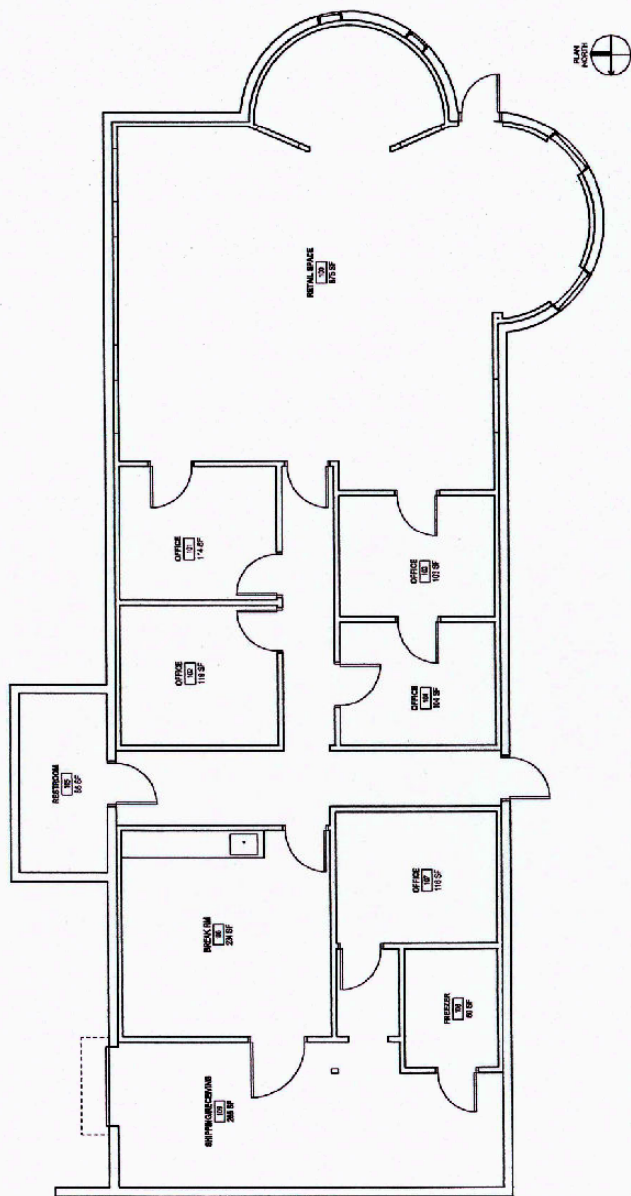
 Public Roads



REZONE EXHIBIT  
ATTACHMENT C

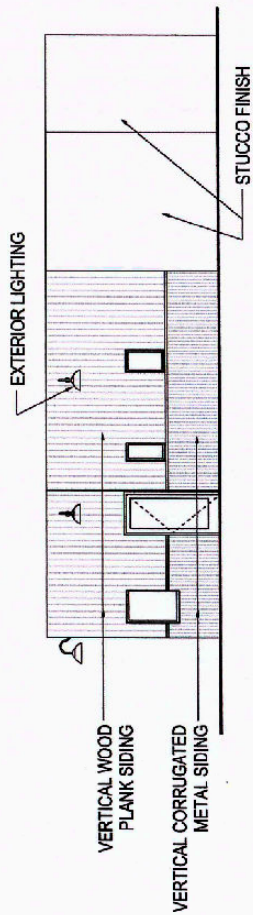




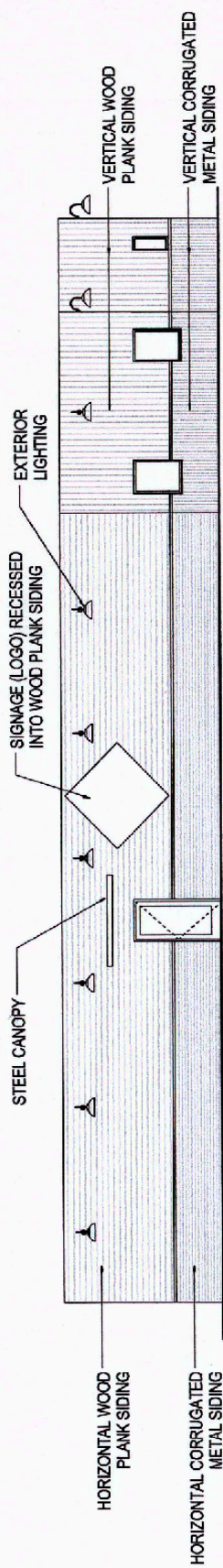




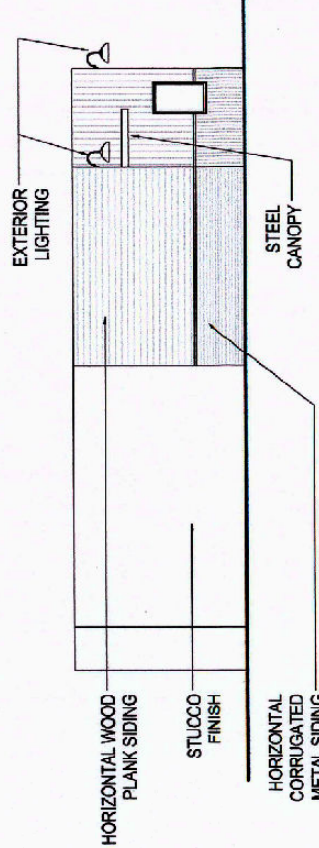
ALL NEW EXTERIOR  
LIGHTING TO COMPLY WITH  
THE ENERGY CODE  
MANDATORY LIGHTING  
MEASURE.



① EAST ELEVATION  
SCALE 1/4" = 1'-0"



② SOUTH ELEVATION  
SCALE 1/4" = 1'-0"



③ WEST ELEVATION  
SCALE 1/4" = 1'-0"



CASE: R 2019-0005 / U 2019-0008  
OWNER: Mendorica, LLC  
APN: 169-242-08-01  
APLCT: Mendorica, LLC  
AGENT: Nick Caston  
ADDRESS: 2397 N. State Street, Ukiah

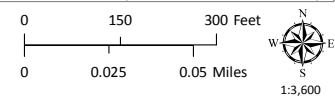
NO SCALE

ELEVATIONS  
ATTACHMENT F



CASE: R 2019-0005 / U 2019-0008  
OWNER: Mendorica, LLC  
APN: 169-242-08-01  
APLCT: Mendorica, LLC  
AGENT: Nick Caston  
ADDRESS: 2397 N. State Street, Ukiah


 Zoning Districts  
 Public Roads

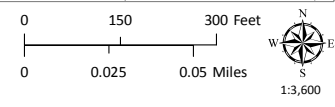


ZONING DISPLAY MAP  
ATTACHMENT G



CASE: R 2019-0005 / U 2019-0008  
OWNER: Mendorica, LLC  
APN: 169-242-08-01  
APLCT: Mendorica, LLC  
AGENT: Nick Caston  
ADDRESS: 2397 N. State Street, Ukiah

 General Plan Classes







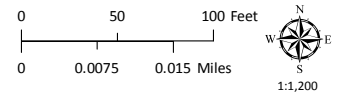
GENERAL PLAN CLASSIFICATIONS  
ATTACHMENT H

MENDOCINO COUNTY PLANNING DEPARTMENT - 9/3/2019



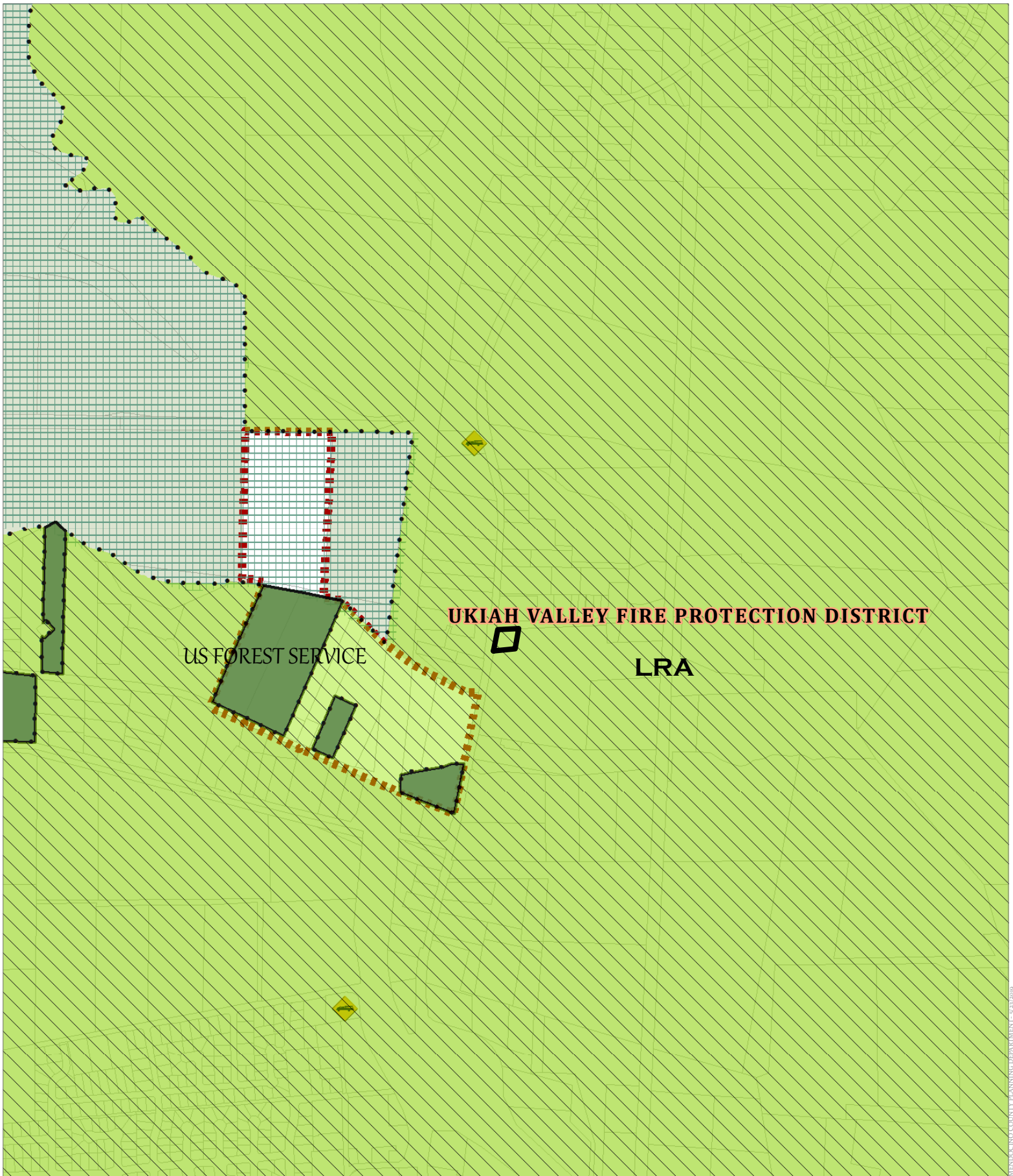
CASE: R 2019-0005 / U 2019-0008  
 OWNER: **Mendorica, LLC**  
 APN: **169-242-08-01**  
 APLCT: **Mendorica, LLC**  
 AGENT: **Nick Caston**  
 ADDRESS: **2397 N. State Street, Ukiah**

-  Named Rivers
-  Driveways/Unnamed Roads
-  Public Roads
-  Private Roads







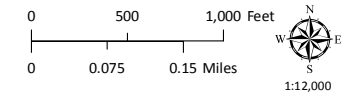
ADJACENT PARCELS  
 ATTACHMENT I



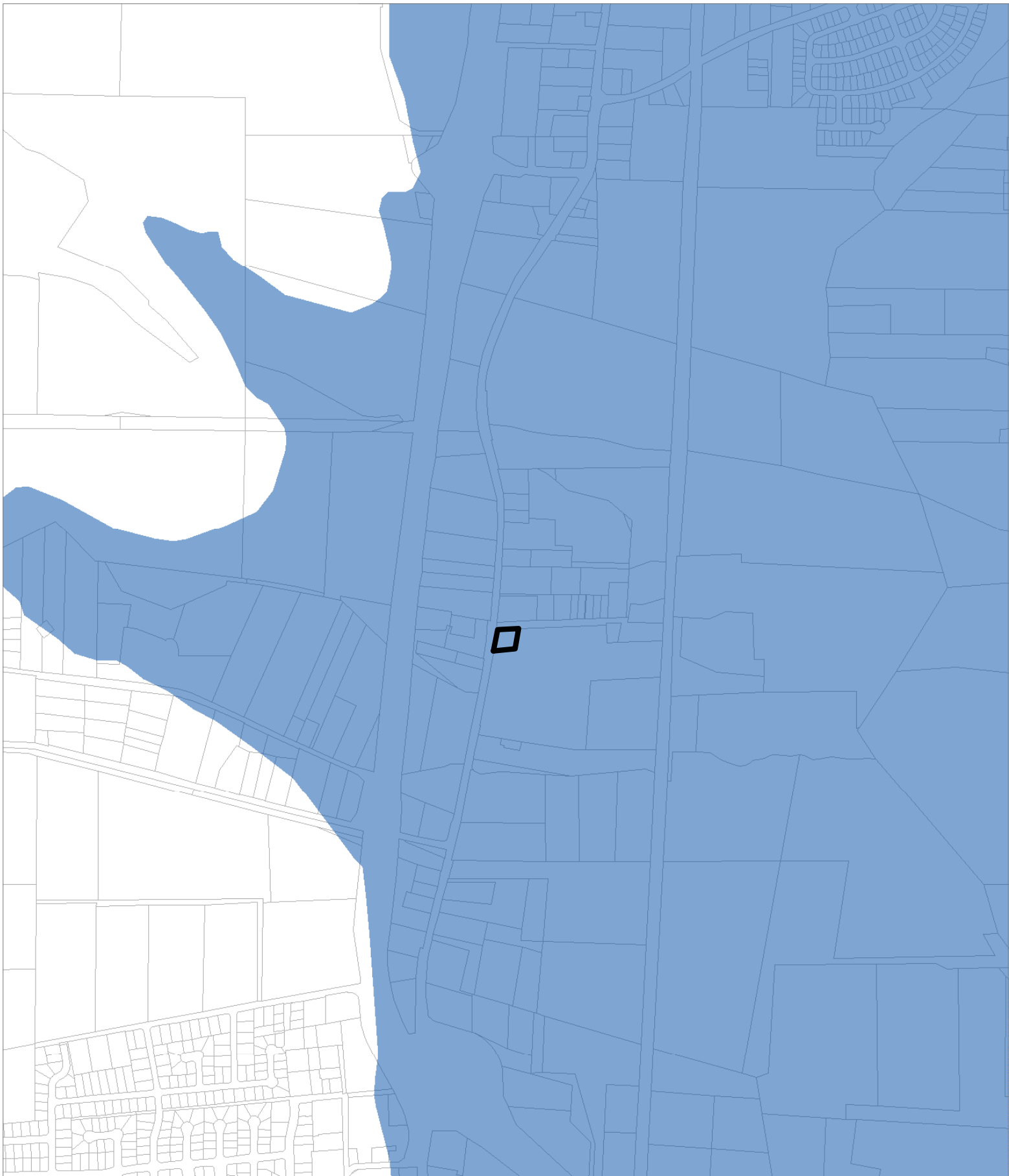


CASE: R 2019-0005 / U 2019-0008  
 OWNER: Mendorica, LLC  
 APN: 169-242-08-01  
 APLCT: Mendorica, LLC  
 AGENT: Nick Caston  
 ADDRESS: 2397 N. State Street, Ukiah

-  Local Responsibility Areas
-  Fire Stations
-  County Fire Districts
-  Moderate Fire Hazard




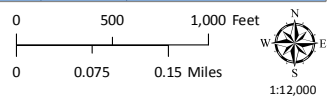
FIRE RESPONSIBILITY AREAS  
 ATTACHMENT J



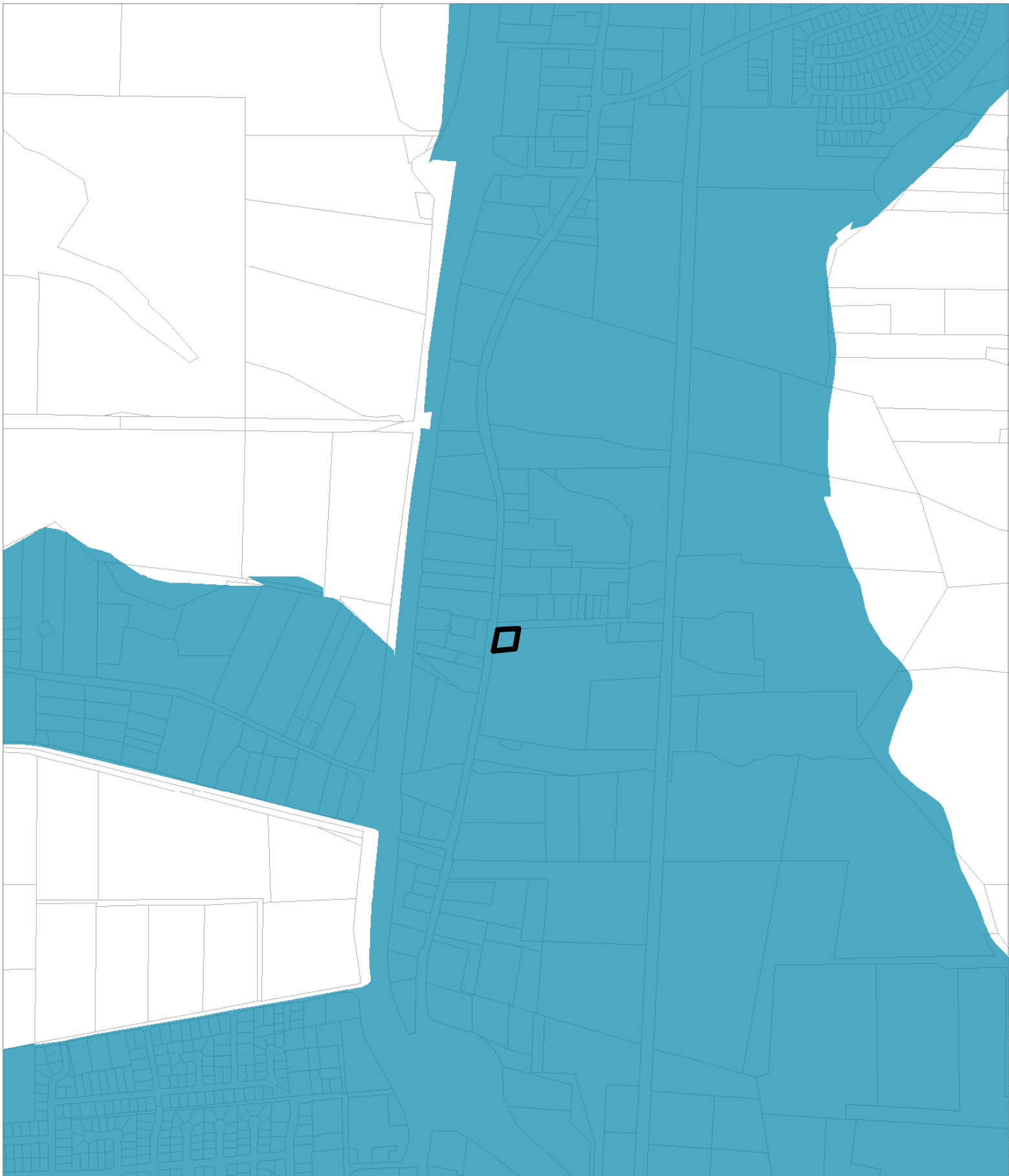
MENDOCINO COUNTY PLANNING DEPARTMENT - 9/23/2019

CASE: R 2019-0005 / U 2019-0008  
OWNER: Mendorica, LLC  
APN: 169-242-08-01  
APLCT: Mendorica, LLC  
AGENT: Nick Caston  
ADDRESS: 2397 N. State Street, Ukiah

 Estimated Inundation Zones



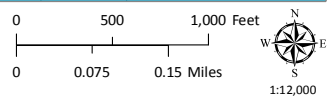
INUNDATION ZONES  
ATTACHMENT K

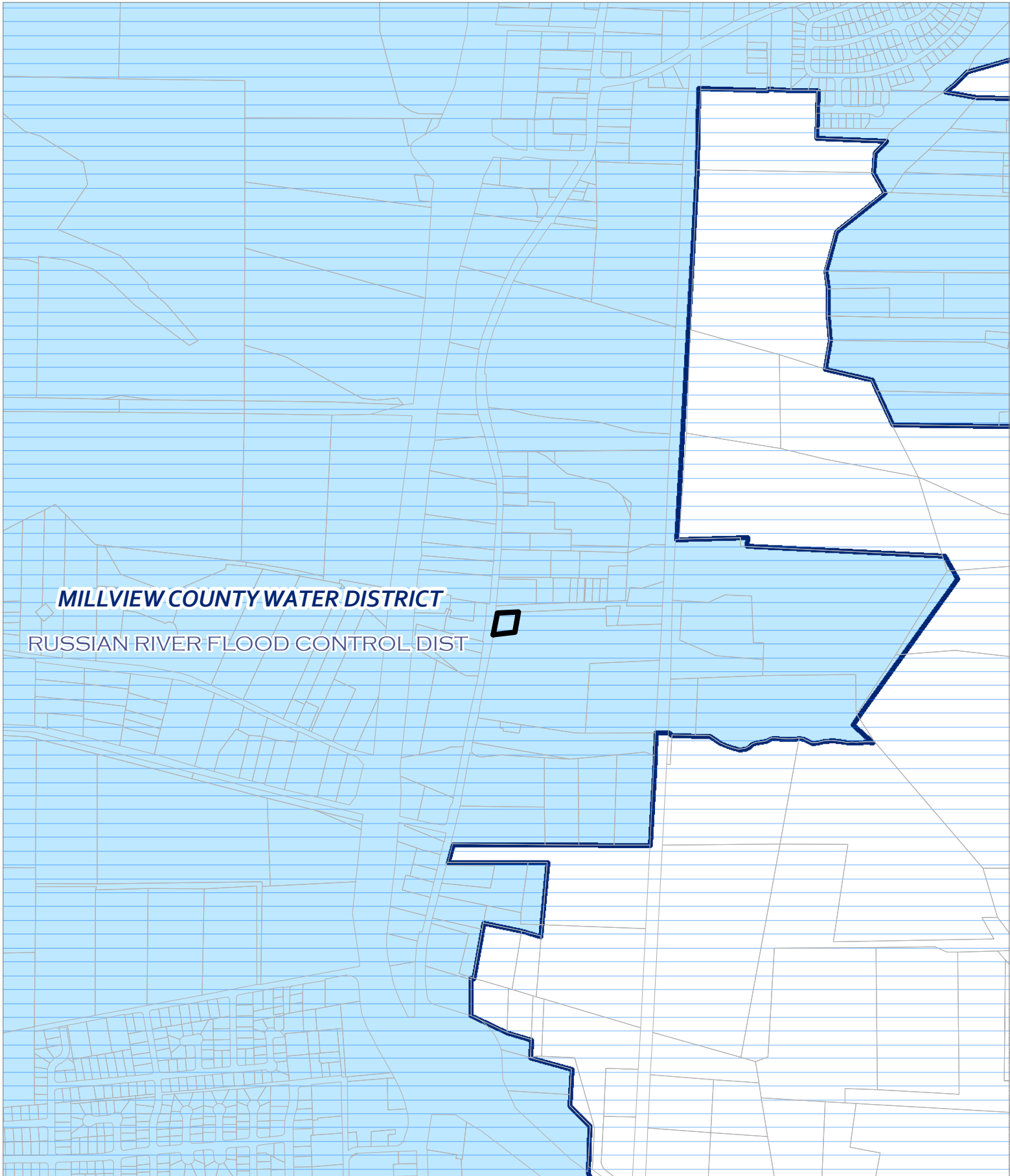


MENDOCINO COUNTY PLANNING DEPARTMENT - 9/23/2019

CASE: R 2019-0005 / U 2019-0008  
OWNER: Mendorica, LLC  
APN: 169-242-08-01  
APLCT: Mendorica, LLC  
AGENT: Nick Caston  
ADDRESS: 2397 N. State Street, Ukiah

 Ukiah Stormwater Areas





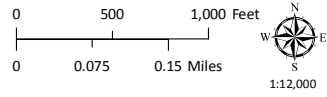


**MILLVIEW COUNTY WATER DISTRICT**

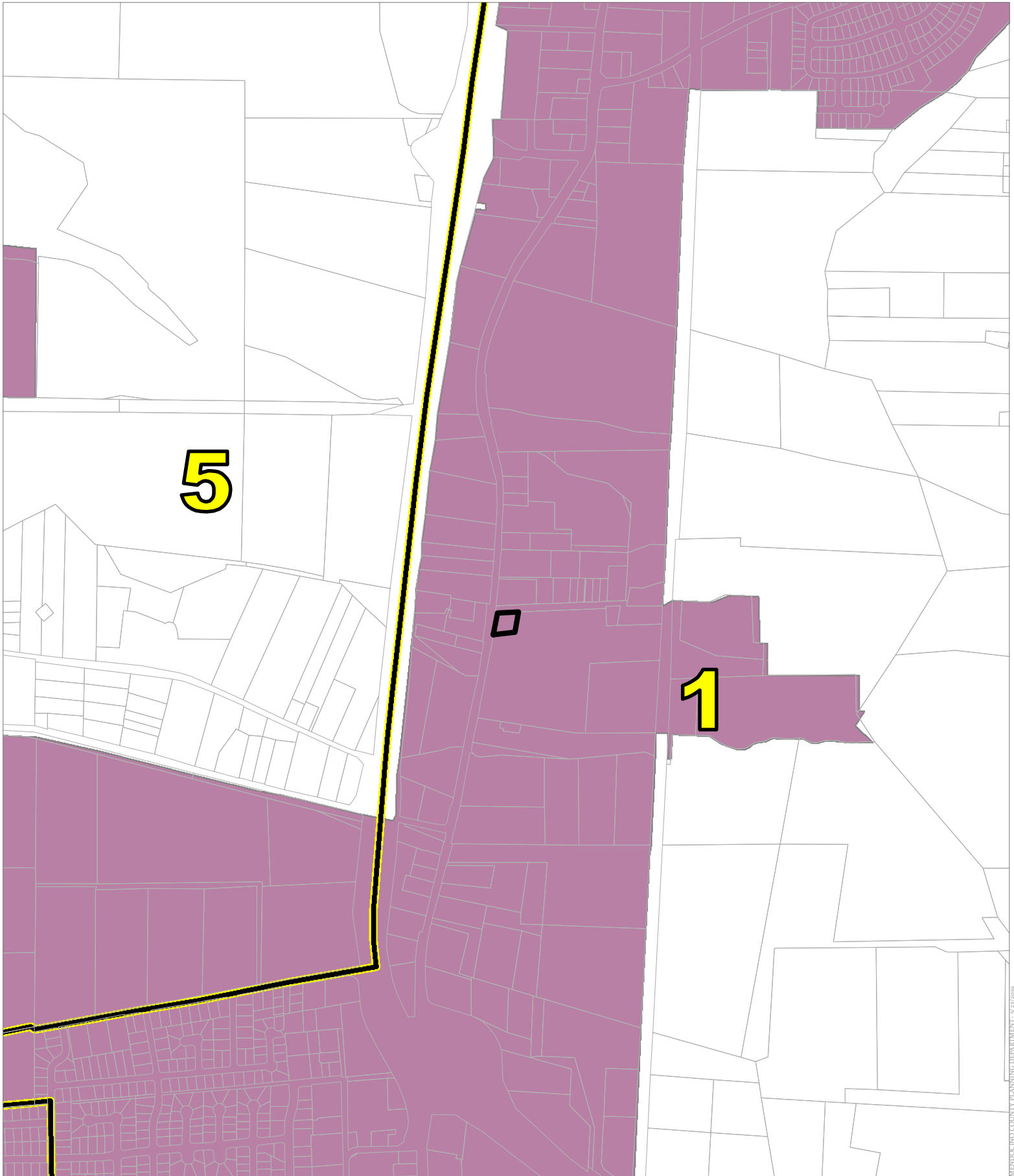
**RUSSIAN RIVER FLOOD CONTROL DIST**

CASE: R 2019-0005 / U 2019-0008  
OWNER: Mendorica, LLC  
APN: 169-242-08-01  
APLCT: Mendorica, LLC  
AGENT: Nick Caston  
ADDRESS: 2397 N. State Street, Ukiah




-  Russian River Flood District
-  County Water Districts

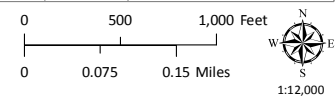






CASE: R 2019-0005 / U 2019-0008  
OWNER: Mendorica, LLC  
APN: 169-242-08-01  
APLCT: Mendorica, LLC  
AGENT: Nick Caston  
ADDRESS: 2397 N. State Street, Ukiah

-  UVAP Boundary
-  Supervisorial Districts 2010
-  Ukiah Valley Sanitation Dist.



MISC

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

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 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 F. FEENAN  
Commission Services Supervisor

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

BY: BRENT SCHULTZ  
Director

MARILYN OGLE, Chair  
Mendocino County Planning Commission

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

## 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 11<sup>th</sup> 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. 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.



# EXHIBIT "A"

AG 40

US 101

I1

C1

ELLIS DRIVE

OLIVE AVENUE




NORTH STATE STREET

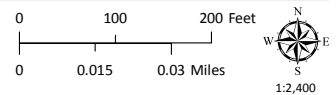
C2

I2

APN 169-242-08 to be rezoned from  
C2 (General Commercial) to I2 (General Industrial)

CASE: R 2019-0005 / U 2019-0008  
OWNER: Mendorica, LLC  
APN: 169-242-08-01  
APLCT: Mendorica, LLC  
AGENT: Nick Caston  
ADDRESS: 2397 N. State Street, Ukiah

 REZONE FROM: C-2 (General Commercial)  
TO: I-2 (General Industrial)  
 Zoning Districts  
 Public Roads



REZONE EXHIBIT