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**ZONING ADMINISTRATOR  
STAFF REPORT- MINOR USE PERMIT**

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**SEPTEMBER 13, 2018  
U\_2018-0012**

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**SUMMARY**

**OWNER/APPLICANT:** FEEDLOT HOLDINGS LLC  
930 KNOB HILL RD  
UKIAH, CA 95482

**AGENT:** KAREN MANTELE

**REQUEST:** Use Permit to allow for cannabis manufacturing (Level 1, non-volatile) and distribution.

**LOCATION:** .5± miles north of Ukiah center, on the north side of Feed Lot Ln. (CR 250B), 300± feet west of its intersection with Kuki Ln. (CR 250A), located at 140 Feed Lot Ln., Ukiah (APN: 170-100-41).

**TOTAL ACREAGE:** 0.8± acres

**GENERAL PLAN:** Mixed Use General (MU-2)

**EXISTING ZONING:** Industrial – Limited (I1:6K)

**PROPOSED ZONING:** Commercial – General (C2) per Rezone #R\_2018-0001

**SUPERVISORIAL DISTRICT:** 1

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt; Section 15301, Class I

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** Sam 'Vandy' Vandewater

**BACKGROUND**

**PROJECT DESCRIPTION:** The applicants seek a Minor Use Permit to allow for cannabis manufacturing (Level 1, non-volatile) and distribution. The manufacturing aspect would include extraction of cannabis oils through non-volatile processes, some of which involve the use of non-volatile solvents such as CO<sub>2</sub>. The distribution aspect would include the transportation of cannabis between licensed processors, manufacturers, and retailers. This aspect would additionally include storage and packaging of cannabis and cannabis products. The subject parcel is currently undergoing a rezoning (Rezone R\_2018-0001), changing the zone from Industrial Limited (I1) to Commercial General (C2), thus requiring this use permit for the aforementioned cannabis activities.

**SITE CHARACTERISTICS:** The subject parcel is fully developed with several structures and a paved driveway and access routes with very little vegetation remaining. The existing structures are used as storage units and to host small business-like accessory uses. The parcel is able to connect to the Millview Water District and Ukiah Valley Sanitation District and gains access from Feed Lot Lane.

**RELATED APPLICATIONS:**

**ON SITE:**

- R\_2018-0001: Rezone of subject parcel from Industrial Limited (I1) to Commercial General (C2) to bring zoning into compliance with General Plan and Ukiah Valley Area Plan. At the time of writing of this report, R\_2018-0001 is scheduled to be heard by the Board of Supervisors on September 13, 2018.

- B 66-99: Established existing legal parcel boundaries. This entailed incorporation of a portion of Parcel 170-100-33 into Parcel 170-100-35 to establish Parcel 170-100-41.
- B 88-92: Resulted in changed parcel boundary lines such that Parcel 170-100-26 is combined with Parcel 170-100-25 to establish parcel 170-100-35. The western side of Parcels 170-100-06 and 170-100-25(-35) were established into a new parcel (APN: 170-100-33). The remainder of Parcel 170-100-06 became Parcel 170-100-34.

**NEIGHBORING:**

Parcel 170-120-12:

- U\_2015-0008: Renovations to existing gas station to develop a more contemporary gas station plaza.
- R\_2015-0001: Rezone to bring parcel into conformity from I1 to C2; this also established General Plan consistency.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	Mixed Use General (MU-2)	Industrial Limited (I1)	0.7±	Industrial
<b>EAST</b>	Mixed Use General (MU-2)	Industrial Limited (I1)	0.3±	Industrial
<b>SOUTH</b>	Mixed Use General (MU-2)	Industrial Limited (I1)	0.2±	Residential
<b>WEST</b>	Suburban Residential (SR)	Single-Family Residential (R1)	0.2±, 0.2±, 0.1±	Residential

**PUBLIC SERVICES:**

Access: Feed Lot Lane (CR 250B)  
 Fire District: Ukiah Valley Fire Protection District  
 Water District: Millview Water District  
 Sewer District: Ukiah Sanitation District  
 School District: Ukiah Unified School District

**AGENCY COMMENTS:** On June 25, 2018, 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.

<b>REFERRAL AGENCIES</b>	<b>COMMENT</b>
Department of Transportation	Comments
Environmental Health	No Comment
Building Inspection	No Comment
Assessor	No Response
Air Quality Management District	Comments
Mendocino County Sheriff's Office	No Response
California Highway Patrol	No Comment
Ukiah Valley Fire Protection District	No Response
Russian River Flood Control	No Response
Ukiah City Planning	No Response
Millview Water District	No Response

### KEY ISSUES

**1. General Plan and Zoning Consistency:** The subject parcel is located within the Mixed Use General (MU-2) General Plan Land Use Designation. The Mixed Use General Plan zone,

*“is a new category for future use that would allow two to three story mixed-use development with commercial uses encouraged at street level. Uses are encouraged to be mixed vertically (stacked or linearly) on the site. This classification is intended for the core of Community Planning Areas and along important transportation corridors near City boundaries, provided those areas have water and sewer service (or equivalent). The intent of this classification is to provide for true pedestrian and transit-capable urban development. Preference shall be given to those projects providing affordable housing, consistent with policies of the County’s Housing Element, and infill development.”*

Mendocino County General Plan, pg. 3-72

The Mixed Use General Plan is intended to promote a combination of commercial and residential when possible, though the proposed project does not particularly support these goals. However, the general uses as defined by the General Plan (pg. 3-72) includes light industry as an appropriate use of the designation, which is a major aspect of the proposed project. Furthermore, the property has been underutilized, hosting a limited number of storage units, thus the proposed project does bring a more active form of commercial business to the parcel.

The proposed project is also consistent with the proposed Commercial General (C2) zoning district, as defined by the MCC. Chapter 20.092.005 of the MCC defines Commercial General as a district,

*“intended to create and enhance commercial areas where complete retail sales and services are available and desirable for public service are available and desirable for public and convenience. Typically this district would be applied in the central core of community areas where central area commercial facilities were desired, or at major roadway intersections. Uses in this district are also intended to facilitate live/work convenience through multiple story construction and shared parking arrangements for a range of residential and commercial uses.”*

While the proposed project does not entail any residential aspects, it does allow for a variety of cannabis-related commercial activities to occur on the parcel. This reflects consistency with the zoning district as the intended cannabis operations (manufacturing and distribution) are similar to other uses allowed in the Commercial General zoning district such as custom manufacturing and fleet storage, respectively.

**2. Ukiah Valley Area Plan (UVAP):** The proposed project is located within the Ukiah Valley Area Plan (UVAP) and is thus informed by such goals and policies. Policies that are promoted by the propose project include LU1.2b regarding infill incentives and LU5.3 regarding small business development.

**3. 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 project is in conformity of the General Plan as it provides a more dynamic commercial activity than the previously existing use. Additionally, the intended use of the proposed project is compatible with the General Uses of the Mixed Use General 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 Feed Lot Lane 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 project was determined to be Categorically Exempt under CEQA, 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 project will not create a nuisance.

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

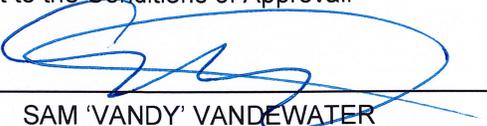
Similarly to the General Plan conformity finding above, compliance with the Mendocino County Code zoning district is discussed in the previous section.

**4. Environmental Protection:** The project 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, be exempt from the provisions of CEQA.

#### RECOMMENDATION

By resolution, the Zoning Administrator grant Use Permit U\_2018-0012 for the Project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval.

8/23/18  
DATE

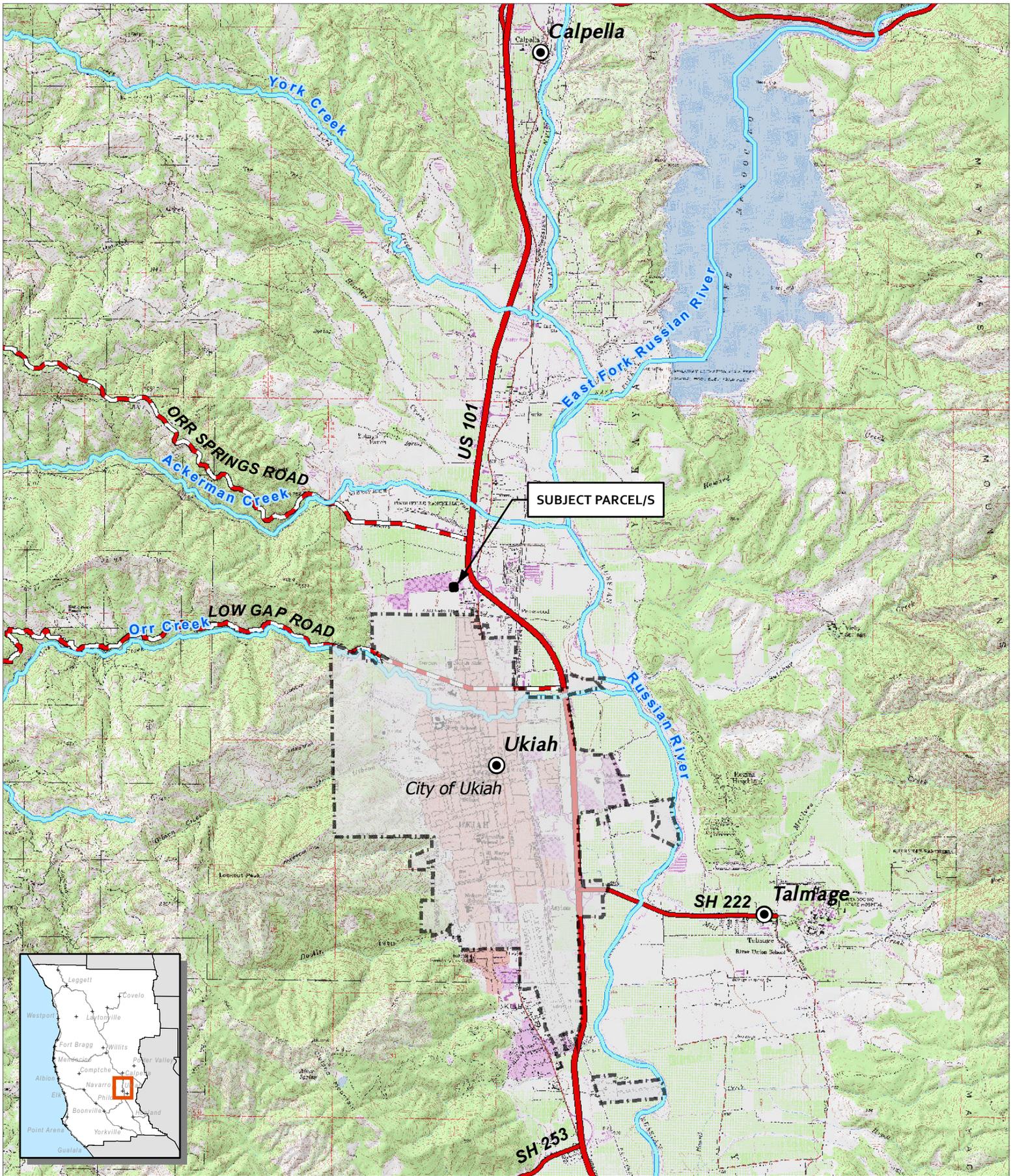
  
SAM 'VANDY' VANDEWATER  
PLANNER II

Appeal Period: 10 Days  
Appeal Fee: \$1,616.00

#### ATTACHMENTS:

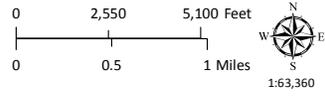
- A. Location Map
- B. Aerial (Far) Map
- C. Aerial (Close) Map
- D. Site Map
- E. Floor Plan
- F. General Plan Map
- G. Adjacent Owner Map
- H. Fire Hazards Map
- I. Stormwater Map
- J. Miscellaneous Map

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



CASE: U 2018-0012  
 OWNER: Feedlot Holdings, LLC  
 APN: 170-100-41  
 APLCT: Feedlot Holdings, LLC  
 AGENT: Karen Mantele  
 ADDRESS: 140 Feedlot Lane, Ukiah

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



**LOCATION MAP**

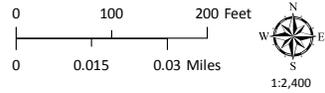
**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.**  
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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- Public Roads
- Private Roads
- Driveways/Unnamed Roads



AERIAL IMAGERY

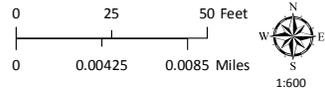
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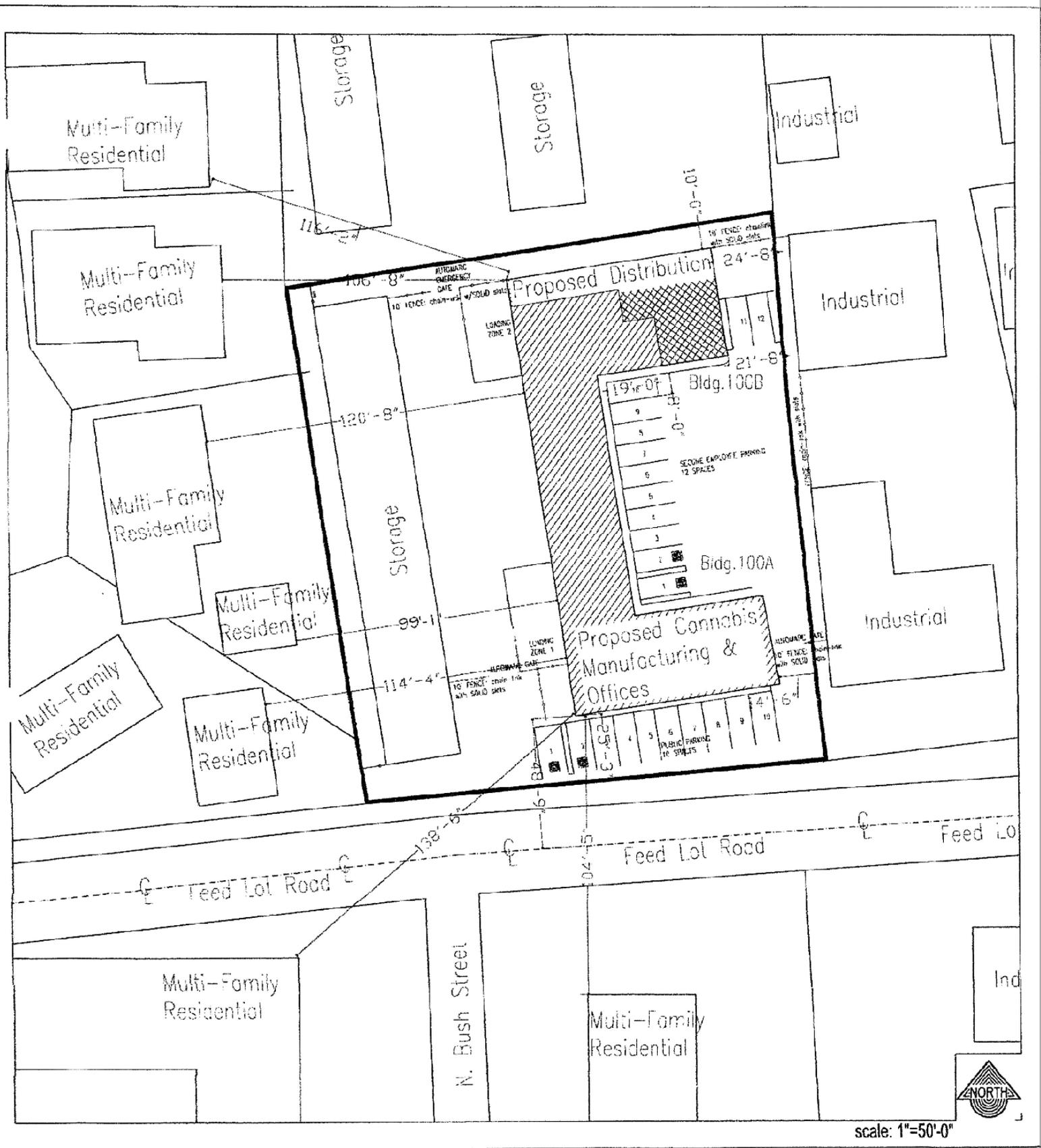
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OWNER: Feedlot Holdings, LLC  
APN: 170-100-41  
APLCT: Feedlot Holdings, LLC  
AGENT: Karen Mantele  
ADDRESS: 140 Feedlot Lane, Ukiah

Public Roads



AERIAL IMAGERY

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scale: 1"=50'-0"

**SITE PLAN**  
 APPLICANT: Feedlot Holdings, LLC (930 Knob Hill Rd - Ukiah, CA 95482 (707-391-3867))

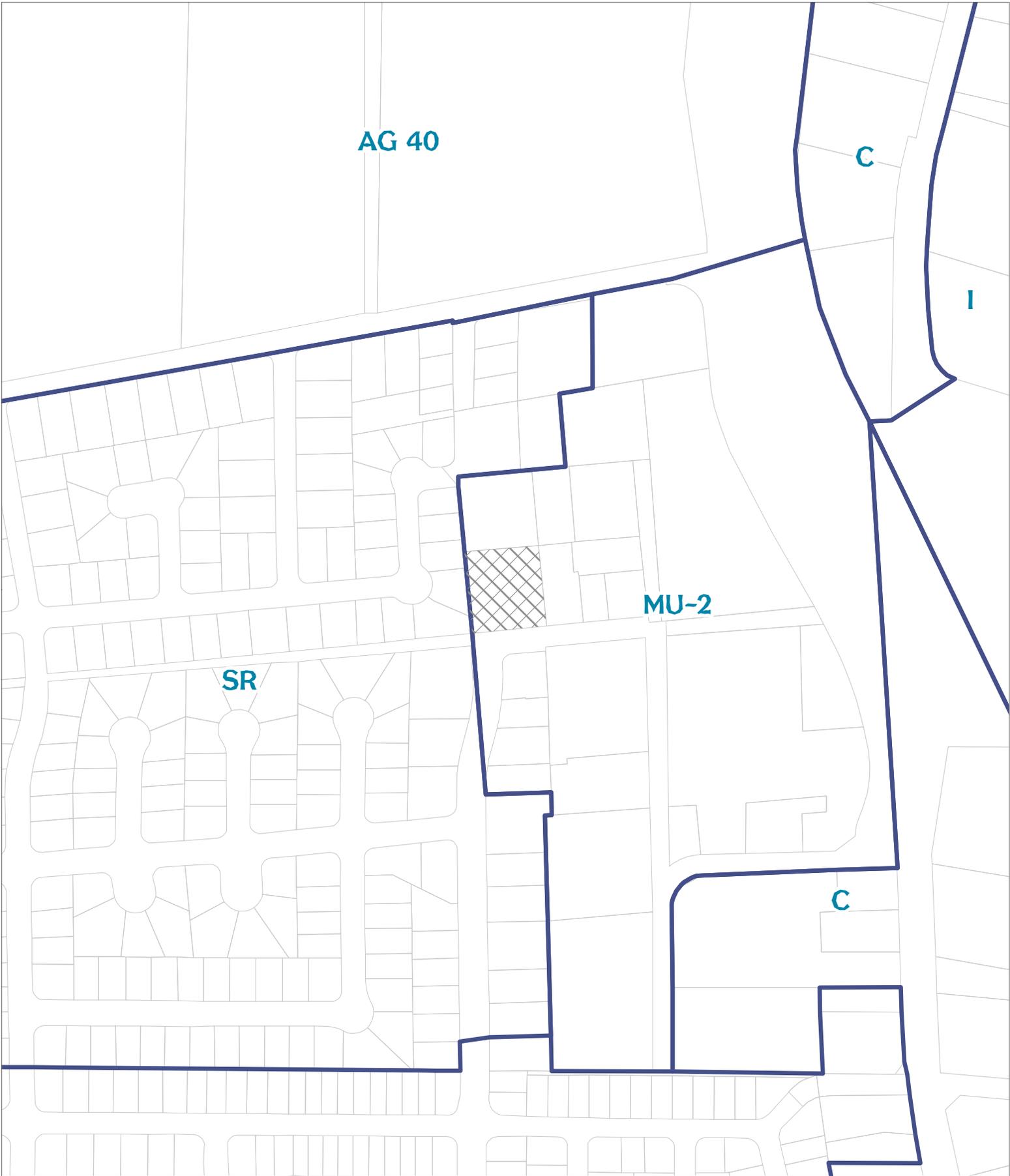
CASE: U 2018-0012  
 OWNER: Feedlot Holdings, LLC  
 APN: 170-100-41  
 APLCT: Feedlot Holdings, LLC  
 AGENT: Karen Mantele  
 ADDRESS: 140 Feed Lot Lane, Ukiah

NO SCALE

SITE PLAN

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APN: 170-100-41  
APLCT: Feedlot Holdings, LLC  
AGENT: Karen Mantele  
ADDRESS: 140 Feed Lot Lane, Ukiah

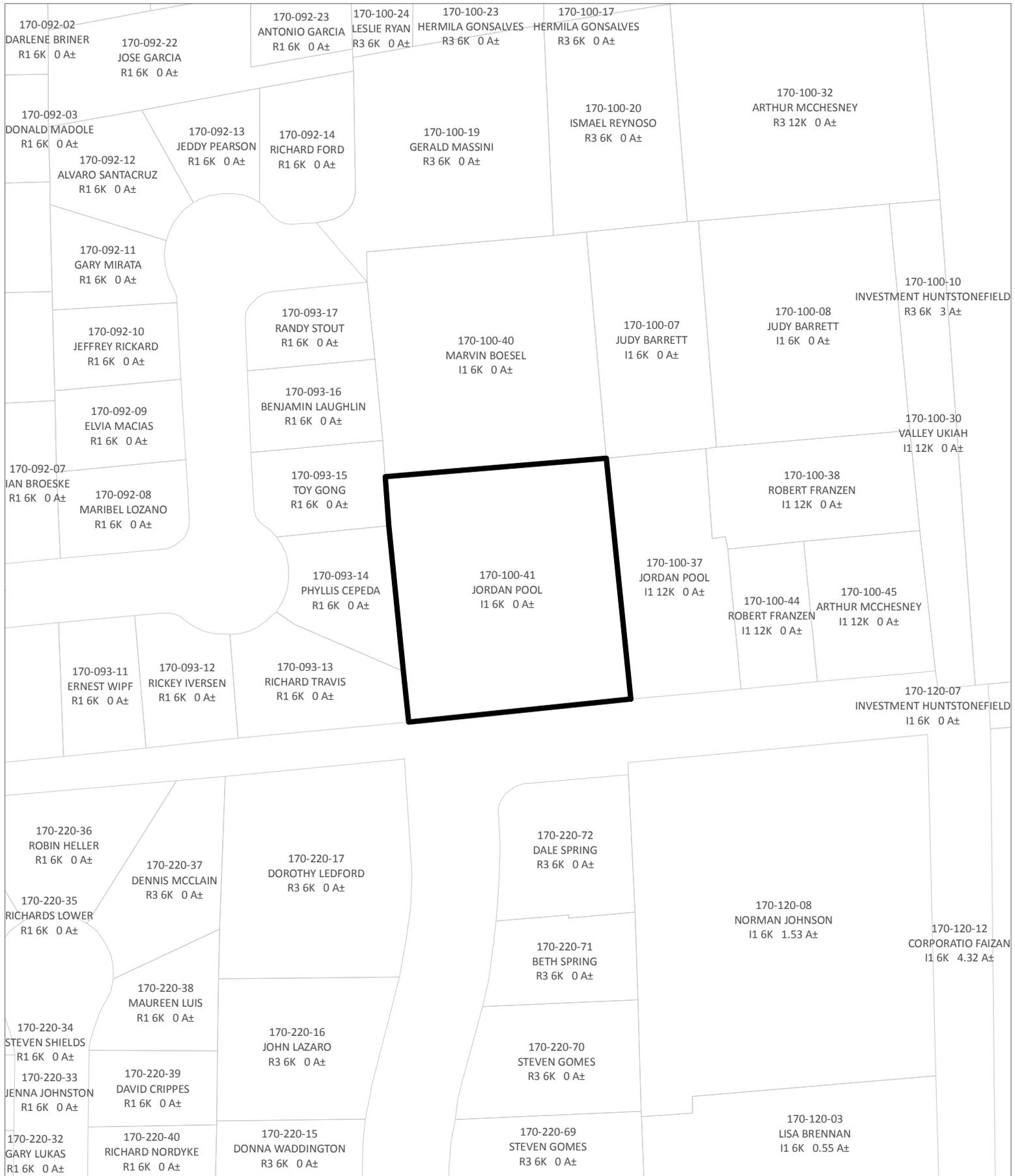
 General Plan Classes

NO SCALE

GENERAL PLAN

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CASE: U 2018-0012

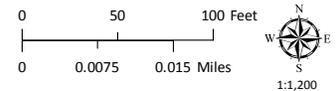
OWNER: **Feedlot Holdings, LLC**

APN: 170-100-41

APLCT: **Feedlot Holdings, LLC**

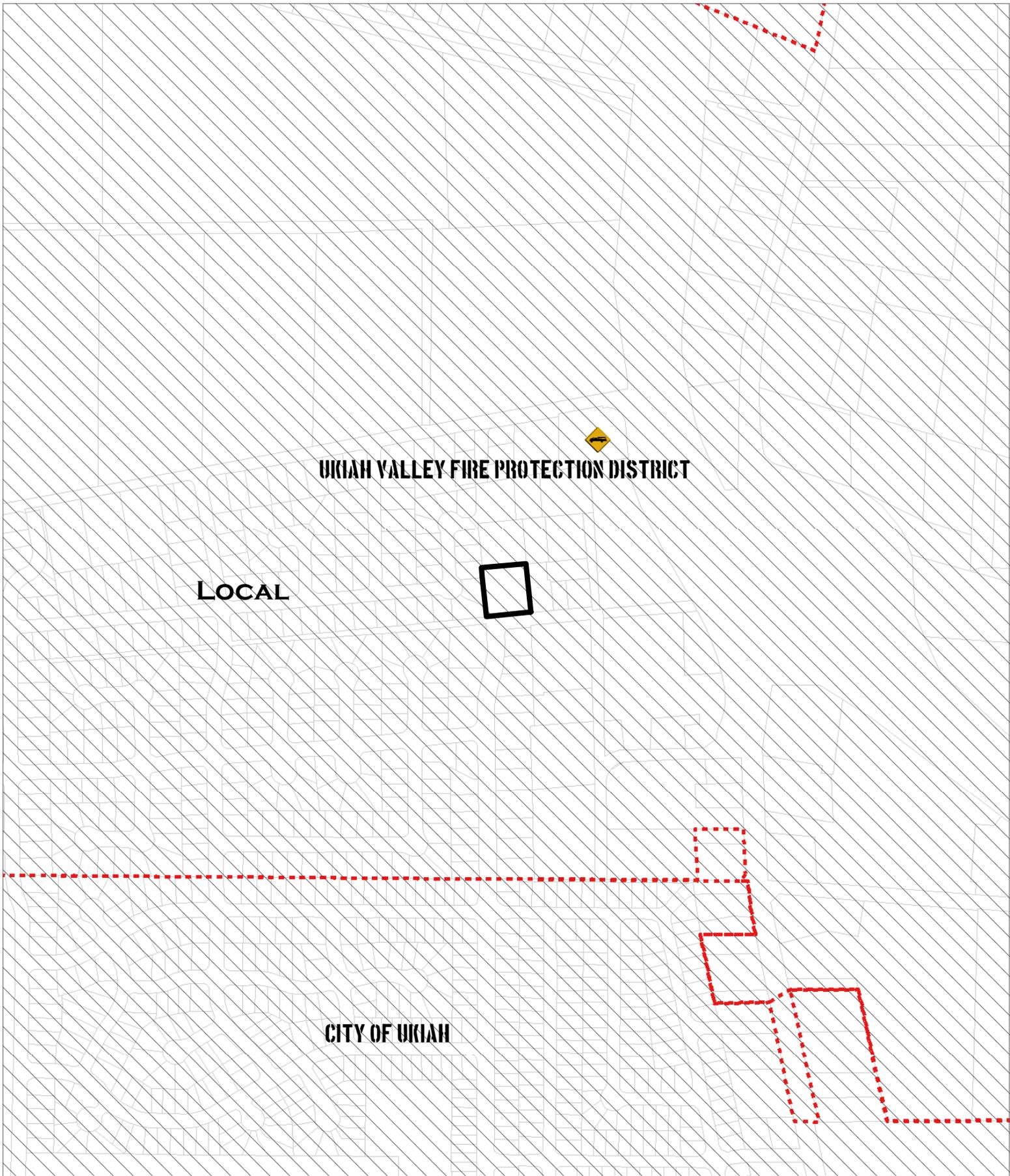
AGENT: **Karen Mantele**

ADDRESS: 140 Feed Lot Lane, Ukiah



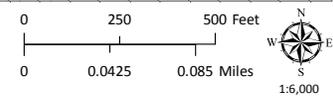
**ADJACENT PARCELS**

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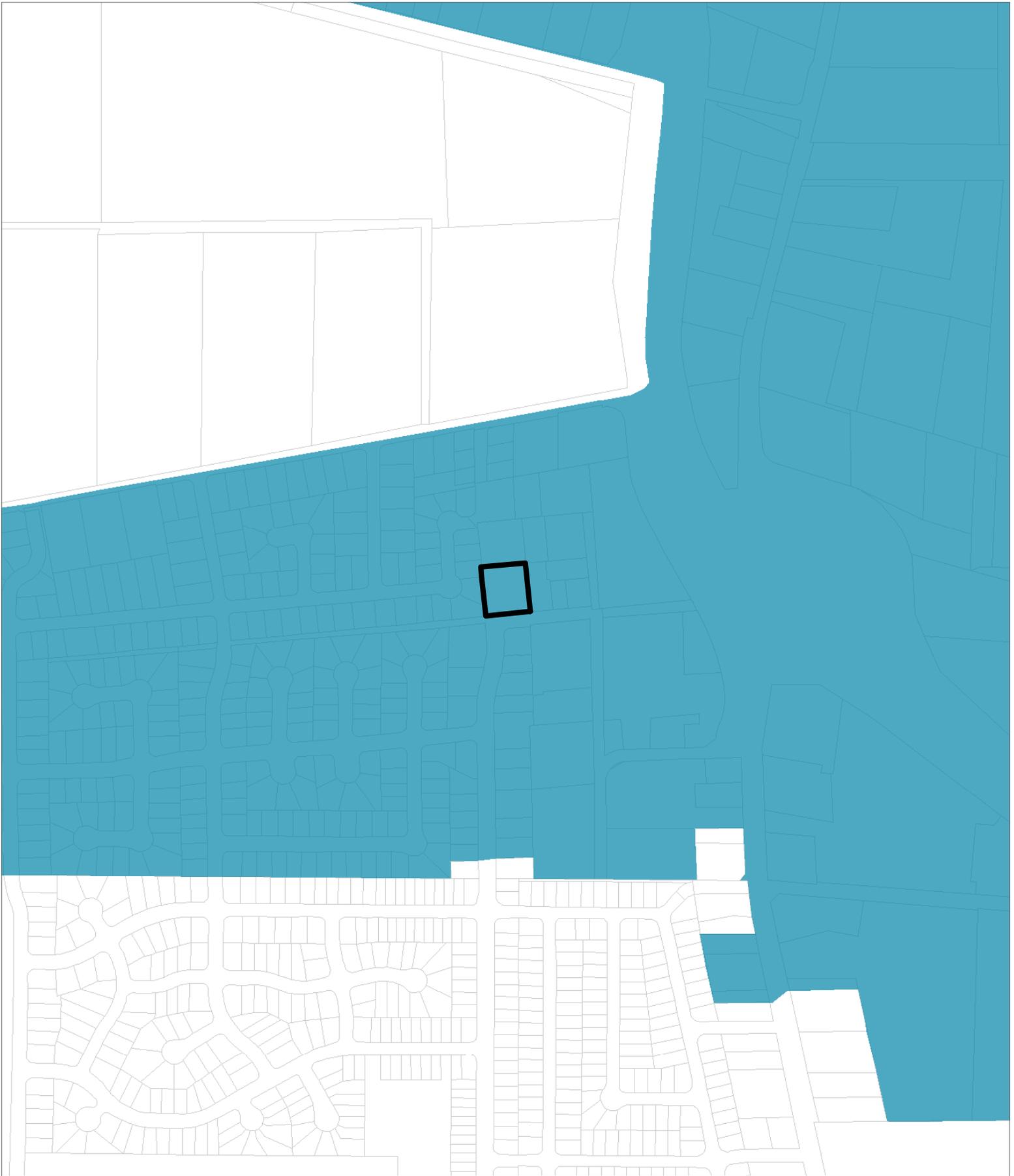
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-  Fire Stations
-  County Fire Districts
-  Local Responsibility Areas



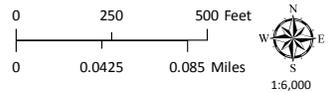
**FIRE RESPONSIBILITY AREAS**

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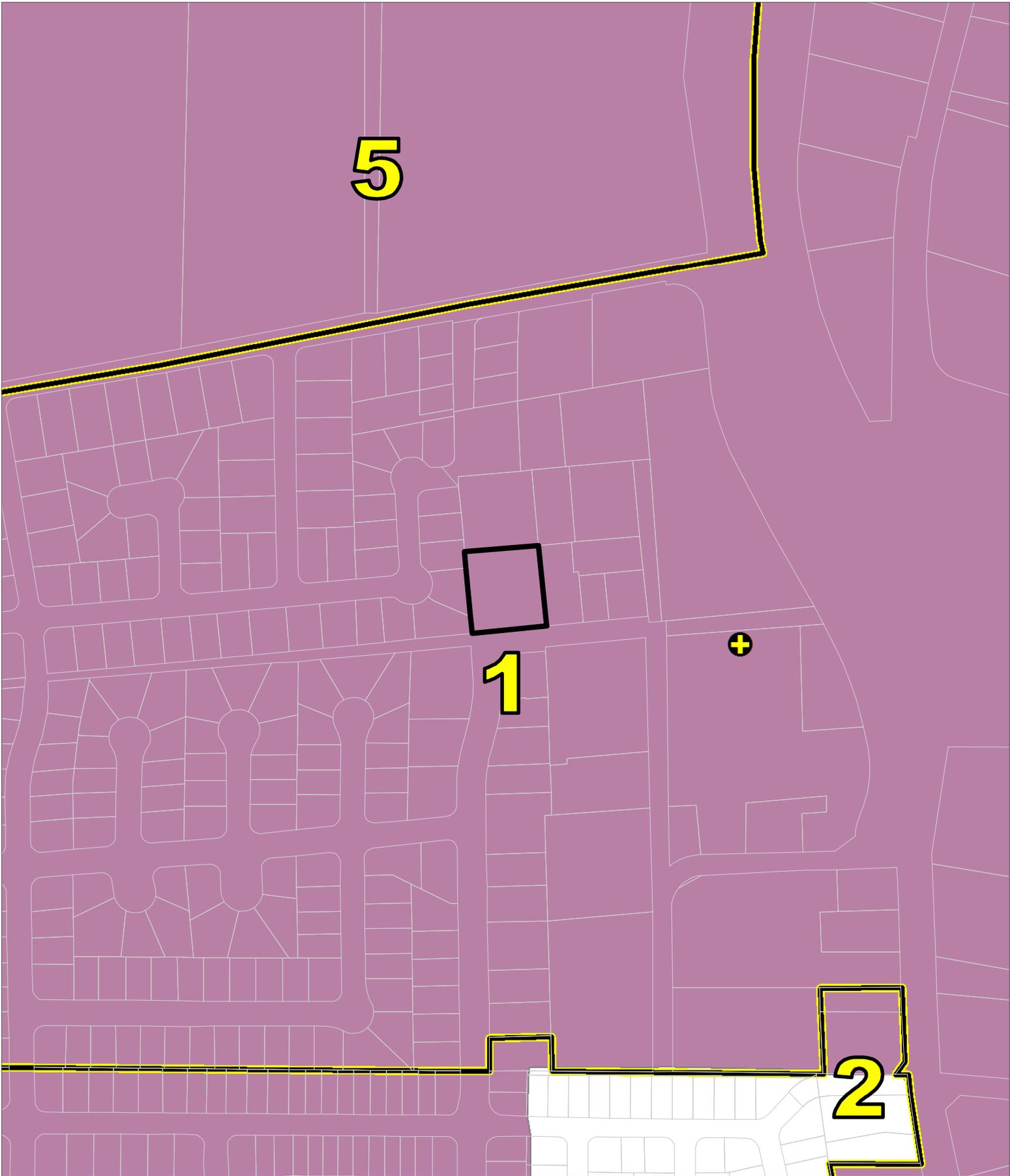
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 Ukiah Stormwater Areas



**STORMWATER PERMITTING ZONES**

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-  UVAP Boundary
-  Supervisorial Districts 2010
-  Existing Wireless Sites

 Ukiah Valley Sanitatic

NO SCALE

MISC

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

County of Mendocino  
Ukiah, California  
September 13, 2018

U\_2018-0012 - FEEDLOT HOLDINGS LLC

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A MINOR USE PERMIT TO ALLOW FOR CANNABIS MANUFACTURING AND DISTRIBUTION.

WHEREAS, the applicant, FEEDLOT HOLDINGS LLC, filed an application for a Use Permit with the Mendocino County Department of Planning and Building Services to allow for cannabis manufacturing and distribution to occur on-site, 1.5± miles north of Ukiah center, on the north side of Feed Lot Ln. (CR 250B), 300± feet west of its intersection with Kuki Ln. (CR 250A), located at 140 Feed Lot Ln., Ukiah (APN: 170-100-41).; General Plan MU-2; Zoning I1:6K; 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 Project was determined to meet the criteria for a CATEGORICAL EXEMPTION from the California Environmental Quality Act (CEQA) under Class 1; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on, September 13, 2018, at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Zoning Administrator regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. **General Plan & Zoning Consistency Findings:** The subject parcel has a General Plan Land Use Designation of Mixed Use General (MU-2) and the Project is consistent with the General Plan definition. Additionally, the subject parcel lies within the Zoning District of Industrial – Limited (I1:6K). However a rezone (R\_2018-0001) will change the zoning district to Commercial – General (C2) to be in compliance with the General Plan and allow the Project to be consistent with the Zoning District per MCC 20.092 and Cannabis Facilities regulation per MCC 20.243.
2. **Ukiah Valley Area Plan:** The Project does not conflict with any policy of the Ukiah Valley Area Plan, and is consistent with Policy LU1.2b and LU5.3.
3. **Use Permit Findings:** The Project satisfies the Use Permit required findings per the Mendocino County Code §20.196.020.
4. **Environmental Protection Findings:** The proposed project has been determined to be Categorically Exempt from a CEQA Initial Study under a Class 1 exemption.

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

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the

Zoning Administrator 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 Zoning Administrator 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:

VICTORIA DAVIS  
Commission Services Supervisor

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BY:

IGNACIO GONZALEZ  
Zoning Administrator

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**EXHIBIT A**

**CONDITIONS OF APPROVAL  
U\_2018-0012 - FEEDLOT HOLDINGS LLC  
SEPTEMBER 13, 2018**

**APPROVED PROJECT DESCRIPTION:** Minor Use Permit to allow for cannabis manufacturing (Level 1, non-volatile) and distribution.

**CONDITIONS OF APPROVAL:**

**Standard Conditions:**

1. The permit shall become effective on the 11<sup>th</sup> day after Zoning 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.
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 obtain any necessary permit(s) required by the Mendocino County Air Quality Management District. A clearance letter from the Air Quality Management District shall be submitted to Department of Planning & Building Services to show compliance with this condition.

## **TRANSPORTATION**

10. The applicant shall submit a clearance letter from the Mendocino County Department of Transportation to the Department of Planning & Building Services for the following conditions (see also R\_2018-0001):
  - a. 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.
  - b. 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.
  - c. 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.
  - d. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.

## **TRIBAL CULTURAL RESOURCES**

11. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code "Discovery" relating to archaeological discoveries have been satisfied.

## **CANNABIS FACILITY**

12. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 6.36 of the Mendocino County Code.
13. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 10A.17 of the Mendocino County Code.
14. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 20.242 of the Mendocino County Code.
15. It shall be the responsibility of the applicant to adhere to all applicable regulations of Section 20.243 of the Mendocino County Code.
16. This permit shall not become effective until the pending rezone (R\_2018-0001) is approved by the Board of Supervisors, conditions of said rezone have been satisfied, and said rezone is recorded.
17. The applicant shall comply with the requirements of the Mendocino County Building Division referral response dated August 7, 2018.