

RESOLUTION NO. 24-136

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING THE ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORTS FOR THE MENDOCINO COUNTY GENERAL PLAN AND THE UKIAH VALLEY AREA PLAN FOR THE INLAND ZONING CODE UPDATE

WHEREAS, on August 17, 2009, the Mendocino County Board of Supervisors adopted Resolution No. 09-182, certifying the Final Environmental Impact Report for the Mendocino County General Plan (State Clearinghouse No. 2008062074) (the "General Plan EIR"), which analyzed the environmental impacts of the adoption of the County's General Plan, and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, on August 2, 2011, the Mendocino County Board of Supervisors adopted Resolution No. 11-112, certifying the Final Environmental Impact Report on the Ukiah Valley Area Plan (the "UVAP EIR"), which analyzed the environmental impacts of the adoption of the Ukiah Valley Area Plan (the "UVAP") and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, the County may adopt ordinances that regulate the use of land pursuant to Government Code Section 65850; and

WHEREAS, in 2023, the Mendocino County Department of Planning and Building Services (the "Department") initiated a process to revise and update the Inland Zoning Code of the County, found in Division I of Title 20 of the Mendocino County Code, which was originally adopted in 1987; and

WHEREAS, the Department is proposing a comprehensive update of the Inland Zoning Code, with changes including the repeal of certain unused zoning districts, amendment of chapters to reorganize and make the Inland Zoning Code more user-friendly, making provisions consistent with State law surrounding day care facilities, accessory dwelling units and junior accessory dwelling units, assisted living residential care facilities, employee housing, low barrier navigation centers, supportive housing and transitional housing, adding new chapters including provisions related to movable tiny homes, and eliminate the existing inclusionary housing ordinance; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; "CEQA") and the CEQA Guidelines (Title 14, California Code of Regulations Section 15000 *et seq.*), the Department undertook a review of the Inland Zoning Code Update; and

WHEREAS, Section 15164 of the CEQA Guidelines provides that an addendum to a previously certified EIR may be prepared if only minor technical changes or additions to the project are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent environmental impact report have occurred; and

WHEREAS, an Addendum to the General Plan EIR and the UVAP EIR, attached to this resolution as Exhibit A and incorporated herein by this reference (the "Addendum"), has been prepared to evaluate whether the proposed Inland Zoning Code Update would have a significant effect on the environment beyond that which was evaluated in the General Plan EIR and the UVAP EIR; 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

Addendum; and

WHEREAS, in accordance with the applicable provisions of law, the Board of Supervisors held a public hearing on September 10, 2024, at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally or in writing regarding the Addendum. All interested persons were given an opportunity to hear and be heard regarding the Addendum.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors makes the following findings, based on the evidence in the record before it:

1. The foregoing recitals are true and correct and incorporated herein by this reference.
2. The Board of Supervisors has independently reviewed, analyzed and considered the previously certified EIRs, the EIR Addendum, the staff report and all attachments thereto, as well as all written documentation and public comments thereto.
3. The Addendum reflects the County's independent judgement as to the environmental consequences of development pursuant to the General Plan and UVAP and the Inland Zoning Code Update. The Addendum was prepared and reviewed in compliance with CEQA and the CEQA Guidelines.
4. The Board of Supervisors affirms the findings for certification of the General Plan EIR as made in Resolution No. 09-182 approved on August 17, 2009 and Ukiah Valley Area Plan EIR as made in Resolution No. 11-112 approved on August 2, 2011.
5. Based on the evidence submitted and as demonstrated by the analysis of included in the General Plan EIR, UVAP EIR and the Addendum, none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental environmental impact report have occurred, specifically:
 - a. The proposed changes of the Inland Zoning Code Update would not result in any substantial changes from what was previously analyzed in the General Plan EIR and UVAP EIR and would not involve new significant impacts or result in a substantial increase in the severity of previously identified significant impacts. The Inland Zoning Code Update, therefore, does not constitute a substantial change in the project.
 - b. No substantial changes have occurred with respect to the circumstances under which the project was undertaken. While the General Plan was adopted in 2009 and the UVAP was adopted in 2011, there have been no significant changes in land uses or zoning in the County since that time. The project location and setting as described in the General Plan EIR and UVAP EIR are essentially unchanged. While legal development has occurred consistent with the General Plan and UVAP, the amount of development has not been of a level to be considered a substantial change. No substantial changes have occurred within the County since the certification of the General Plan EIR or the UVAP EIR. Development in the region has occurred at a slower pace than anticipated in both EIRs. Based on the environmental baseline identified in each EIR, the physical changes in the County that have occurred are consistent with the analyses of each EIR and the cumulative projects considered in each EIR. There have been no substantial changes in the circumstances of the County as considered in the EIRs.

- c. The consistency of the proposed amendments of the Inland Zoning Code Update with the analysis of the General Plan EIR and UVAP EIR is presented in the Addendum. As discussed in that document, the Inland Zoning Code Update will not result in any new significant effects not discussed in the General Plan EIR or UVAP EIR.
- d. Based on the analysis presented in the Addendum, no supplemental environmental review is required for the Inland Zoning Code Update in accordance with Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164.

BE IT FURTHER RESOLVED, based on the findings set forth in this Resolution and the evidence contained in the record for this matter, that the Mendocino County Board of Supervisors hereby adopts the Addendum, attached hereto as Exhibit A and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the Mendocino County Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 501 Low Gap Road, Room 1010, Ukiah, California 95482.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Haschak, and carried this 10th day of September, 2024, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde and Williams
 NOES: None
 ABSENT: None

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

ATTEST: DARCIE ANTLE
 Clerk of the Board

 MAUREEN MULHEREN, 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:
 CHARLOTTE E. SCOTT
 County Counsel

BY: DARCIE ANTLE
 Clerk of the Board

 Deputy