

RESOLUTION NO. 19-143

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING A GENERAL PLAN AMENDMENT (GP_2014-0002) TO RECLASSIFY 8.33± ACRES (PORTION OF APNS: 046-070-26, 046-070-27, 046-070-28) FROM RURAL RESIDENTIAL – 5 ACRE MINIMUM WITH A FLOOD PLAIN COMBINING DISTRICT (RR-5:FP) TO RURAL COMMUNITY WITH A FLOOD PLAIN COMBINING DISTRICT (RC:FP) AND DENYING GENERAL PLAN AMENDMENT (GP_2006-0008) FOR APNS 131-110-04 AND 36, APNS 132-320-06, 07, 24, 26, 27, 42, 43, AND 45 AND FOR PORTIONS OF APNS 132-210-37, 38, 39, 40, AND 41

WHEREAS, pursuant to Government Code Sections 65350 et seq., and Mendocino County Policy No. 5, General Plan Amendment Schedule, this General Plan Amendment, which consists of two sub-items (GP_2014-0002 and GP_2006-0008), is the first amendment to the County General Plan in the Calendar Year 2019; and

WHEREAS, Brian Adkinson, filed an application for a General Plan Amendment (GP_2014-0002) with the Mendocino County Department of Planning and Building Services (“Department”), reclassifying 8.33± acres (portion of APNs: 046-070-26, 046-070-27, 046-070-28) from Rural Residential – 5 acre minimum with a Flood Plain combining district (RR-5:FP) to Rural Community with a Flood Plain combining district (RC:FP), located at 8800 Highway 128, Philo (APNs: 046-070-26, 046-070-27, 046-070-28), Supervisorial District 5, (“Project A”); and

WHEREAS, William & Tona Moores, filed an application for multiple properties for a General Plan Amendment (GP_2006-0008) with the Department, within both the Coastal Zone and Inland Zone, between 3 and 4± miles north of Manchester, consisting of properties on either side of Highway 1, within the general region of the Irish Beach Subdivision on APNs: 131-110-04, 07, 16, 17, and 36, 132-210-37, 38, 39, 40, and 41, and 132-320-06, 07, 24, 26, 27, 42, 43, and 45), Supervisorial District 5, (“Project B”); and

WHEREAS, a Mitigated Negative Declaration was prepared for Project A and noticed and made publicly available for agency and public review on June 27, 2018 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, for Project B, pursuant to California Code of Regulations Section 15265(c), Adoption of Coastal Plans and Programs, the burden of CEQA compliance is shifted from the local agency to the California Coastal Commission. The California Coastal Commission’s program of certifying local coastal programs and long range land use development plans has been certified under Section 21080.5, Public Resources Code, and pursuant to Section 15264 (Timberland Preserves) local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51000 et seq., and pursuant to Public Resources Code section 21080(b)(5), the California Environmental Quality Act (Public Resources Code section 21000 et seq.; “CEQA”) does not apply to projects which a public agency rejects or disapproves; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on July 19, 2018, to solicit public comments on the proposed Mitigated Negative Declaration and Project A, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally and in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and Project A; and

WHEREAS, on July 19, 2018, the Planning Commission adopted Resolution No. PC_2018-0035 making its report and recommendation to the Board of Supervisors on the Mitigated Negative Declaration and Project A.

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on April 6, 2017, at which time the Commission heard and received all relevant testimony and evidence presented orally or in writing regarding Project B and all interested persons were given an opportunity to hear and be heard regarding Project B, and at which time the Commission initially recommended denial of Project B to the Board of Supervisors; and

WHEREAS, the applicant for Project B subsequently worked with Planning and Building Services staff to consider changes to certain aspects of Project B; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on the revised Project B on November 27, 2018, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding Project B. All interested persons were given an opportunity to hear and be heard regarding Project B; and

WHEREAS, on November 27, 2018 the Planning Commission adopted Resolution No. PC 2018-0039, a copy of which was included with the agenda packet for this item, making its report and recommendation to the Board of Supervisors for Project B; and

WHEREAS, on December 18, 2018 the Board of Supervisors was scheduled to hold a duly noticed public hearing on Project B, but at which time the Board of Supervisors continued the project to a date uncertain as requested by the applicant for Project B; and

WHEREAS, on March 19, 2019 the Board of Supervisors held a duly noticed public hearing on Projects A and B, at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally and in writing regarding Projects A and B; all interested persons were given the opportunity to hear and be heard; and

NOW, THEREFORE, BE IT RESOLVED, based upon the evidence in the record before it, that the Board of Supervisors finds and determines that the recitals set forth above are true and correct and incorporated herein by this reference.

BE IT FURTHER RESOLVED, based upon the evidence in the record before it, that the Mendocino County Board of Supervisors makes the following determinations and findings for Project A:

1. **General Plan Consistency Findings:** The proposed project is for a general plan amendment to make the entire parcel one consistent general plan classification. The proposed general plan classification of Rural Community is appropriate for the site. The proposed land use classification for this project, Rural Community, is intended to designate small, unincorporated towns and community centers (including areas in the Community Planning Areas such as the Anderson Valley Community Area) which are logical, planned centers for future growth with the Rural Community classification. The proposed project is consistent with the Anderson Valley Community Area Plan and will help further the achievement of the goals in the Plan.
2. **Environmental Protection Findings:** The environmental impacts identified in the initial study for the project can be adequately mitigated through the features of the project

design or the conditions imposed by the Contract Rezone so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration is adopted.

BE IT FURTHER RESOLVED, based upon the evidence in the record before it, that the Mendocino County Board of Supervisors makes the following determinations and findings for Project B:

1. The proposed Project in the Northwest Area and Southeast Area consisting of APNs 131-110-04 and 36, and 132-210-37, 38, 39, 40, and 41 is inconsistent with and not in conformance with the Mendocino County General Plan Coastal Element policies addressing conversion of Range Lands to non-agricultural uses. The application materials do not provide sufficient evidence consistent with the requirements of Policy 3.2-16 that shows that continued or renewed agricultural use of the parcels is not feasible, that conversion would preserve prime agricultural land, or that conversion would concentrate development consistent with Public Resources Code section 30250 (Mendocino County Coastal Element Policy 3.9-1).
2. The proposed Project in the Northwest Area, Irish Beach Subdivision Area and Southeast Area consisting of APNs 131-110-04 and 36, 132-320-06, 07, 24, 26, 27, 42, 43, and 45 and 132-210-37, 38, 39, 40, and 41 is inconsistent with and not in conformance with the Mendocino County General Plan Coastal Element Policy 3.9-1 regarding the location of new development in or in close proximity to areas able to accommodate it. The request would not concentrate development but would instead disperse development to areas distant from the existing Urban/Rural Boundary while concurrently reducing development potential within the existing Urban/Rural Boundary. Further, the amount and rate of development within the Irish Beach Urban/Rural Boundary does not warrant expansion of the Boundary. Any expansion at this time would be premature and would result in unnecessary conversion of agricultural lands to urban-type development.
3. The proposed Project in the Northwest Area, Irish Beach Subdivision Area and Southeast Area consisting of APNs 131-110-04 and 36, 132-320-06, 07, 24, 26, 27, 42, 43, and 45 and 132-210-37, 38, 39, 40, and 41 is inconsistent with and not in conformance with the Mendocino County General Plan's (MCGP) first Overall Planning Principle (Principle 2-1a), which stresses the importance of conserving Mendocino County's natural resources, farmland, forestland, and open spaces essential to the rural quality of life desired by residents and visitors and finds that planned growth and compact development forms are necessary to conserving environmental resources, farmland and open spaces and directs new commercial and residential growth to cities and community areas where it can be supported by infrastructure and services and environmental impacts minimized. The request directs new commercial and residential growth to areas outside the existing Urban/Rural Boundary and conflicts with the MCGP's principle of using planned growth and compact development areas to conserve environmental resources, farmland and open spaces.

BE IT FURTHER RESOLVED, that based upon the evidence in the record before it, the Board of Supervisors approves General Plan Amendment GP_2014-0002 for Project A; and

BE IT FURTHER RESOLVED, that based upon the evidence in the record before it, the Board of Supervisors denies General Plan Amendment GP_2006-0008 for Project B; and

BE IT FURTHER RESOLVED, the Board of Supervisors designates the Clerk of the Board of Supervisors as the custodian of the documents and other materials which constitutes the record of proceedings upon which the Board of Supervisors' decision herein is based. These documents may be found at the Office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Room 1010, Ukiah, CA 95482.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor McCowen, and carried this 19th day of March, 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:
KATHARINE L. ELLIOTT
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy