

RESOLUTION NO. 20-118

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING THE 2019-2027 HOUSING ELEMENT AND ADOPTING THE ADDENDUM TO THE GENERAL PLAN EIR RELATED THERETO

WHEREAS, the County of Mendocino desires to amend its General Plan to update the Housing Element as required by State law (Section 65580 – 65589.8 of the California Government Code); and

WHEREAS, the 2019-2027 Housing Element identifies residential sites adequate to accommodate a variety of housing types for all income levels and needs of special population groups defined under State law (Section 65583 of the California Government Code), analyzes governmental constraints to housing maintenance, improvement and development and outlines policies to promote housing opportunities for all persons (the “Project”); and

WHEREAS, pursuant to Government Code Section 65354, the Planning Commission, at their October 17, 2019 meeting, provided its report and recommendation to the Board of Supervisors on the Project; 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.), an Environmental Impact Report was prepared for the 2009 Mendocino County General Plan Update, which determined that the adoption of said General Plan Update may have potentially significant impacts to the environment that can be mitigated to less than significant levels or which cannot be mitigated to less than significant levels and which are thus significant and unavoidable; and

WHEREAS, on August 17, 2009, the County of Mendocino Board of Supervisors adopted Resolution #09-182 certifying the Final Environmental Impact Report (State Clearinghouse No. 2008062074) including a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the 2009 Mendocino County General Plan Update and adopted the updated Mendocino County General Plan; and

WHEREAS, Section 15164 of the CEQA Guidelines provides that an addendum to a previously adopted environmental impact report or mitigated negative declaration 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 or mitigated negative declaration have occurred; and

WHEREAS, the Mendocino County Department of Planning and Building Services has prepared an Addendum to the General Plan Environmental Impact Report related to the proposed Project (“Addendum”), and which determines that none of the conditions described in CEQA Guidelines section 15162 will occur; and

WHEREAS, Government Code Section 65585 provides that a city or county must submit a draft housing element or housing element amendment to the California Department of Housing and Community Development (HCD) prior to the adoption of a housing element or housing element amendment, and that HCD shall review the draft and provide written findings as to whether the draft substantially complies with the requirements of the Housing Element Law; and

WHEREAS, staff submitted the draft 2019-2027 Housing Element update to HCD for

comment on October 18, 2019; and

WHEREAS, HCD issued a letter with written findings regarding the draft 2019-2027 Housing Element update to the County on December 9, 2019, which is attached to the memorandum accompanying this resolution. The letter states that while the draft Housing Element addresses most of the statutory requirements and represents a diligent effort to address the Housing Element Law, certain portions of the Housing Element need additional information, which staff intends to address with HCD as part of HCD's certification review of the Housing Element and staff will return to the Board with a final Housing Element and any other necessary documents; and

WHEREAS, in accordance with the applicable provisions of law, the Mendocino County Board of Supervisors held a public hearing on December 10, 2019, at which time the Mendocino County Board of Supervisors heard and received all relevant testimony and evidence presented orally or in writing regarding the Addendum and the Project. All interested persons were given an opportunity to hear and be heard regarding the Addendum and the Project; and

WHEREAS, on December 10, 2019, the Board of Supervisors adopted Resolution No. 19-399, which adopted the 2019-2027 Housing Element of the Mendocino County General Plan, and directed staff of the Department of Planning and Building Services to make modifications to the 2019-2027 Housing Element to address the written findings of HCD, submit the revised 2019-2027 Housing Element to HCD for its certification review, and bring a final Housing Element back to the Board of Supervisors for readoption, along with any other necessary documents; and

WHEREAS, the Department of Planning and Building Services submitted a revised draft 2019-2027 Housing Element to HCD on April 20, 2020, which contained additional information to address the written findings of HCD's December 9, 2019, letter; and

WHEREAS, HCD provided the County of Mendocino a letter of certification on July 20, 2020, indicating that Mendocino County's 6th Cycle Housing Element, as revised, was in full compliance with State Housing Element Law (Article 10.6 of the Gov. Code) and stating that the revised element addresses the statutory requirements described in HCD's December 9, 2019 review; and

WHEREAS in accordance with the applicable provisions of law, the Mendocino County Board of Supervisors held a public hearing on September 1, 2020, at which time the Mendocino County Board of Supervisors heard and received all relevant testimony and evidence presented orally or in writing regarding the Addendum and the Project. All interested persons were given an opportunity to hear and be heard regarding the Addendum and the Project.

NOW, THEREFORE, BE IT RESOLVED, based on the evidence contained in the record for this matter, by the Mendocino County Board of Supervisors as follows:

1. The foregoing recitals are true and correct and incorporated herein by this reference.
2. The Addendum to the General Plan EIR prepared for the 2019-2027 Housing Element has been completed in compliance with CEQA and the CEQA Guidelines.
3. The Addendum to the General Plan EIR was presented to the Board of Supervisors, which independently reviewed and considered the Addendum and the Board of Supervisors has exercised its independent judgment in making the findings and

determinations set forth herein.

4. Based on the evidence submitted and as demonstrated by the analysis and findings included in the Addendum, none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent environmental impact report have occurred.
5. The 2019-2027 Housing Element is an update of the County's General Plan and was prepared as required by and in accordance with State law (Section 65580 – 65589.8 of the California Government Code).
6. The 2019-2027 Housing Element is consistent with the Land Use Element and other elements of the County's General Plan.

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 to the General Plan EIR prepared for the 2019-2027 Housing Element, attached hereto as Exhibit A and incorporated herein by this reference; and

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 2019-2027 Housing Element of the Mendocino County General Plan, attached hereto as Exhibit B and incorporated herein by this 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; and

BE IT FURTHER RESOLVED, that the Department of Planning and Building Services is authorized to submit the 2019-2027 Housing Element Update to HCD.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Brown, and carried this 1st day of September, 2020, 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

JOHN HASCHAK, 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:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy