

ORDINANCE NO. 4556

AN ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING SECTION 21.04.040 OF THE MENDOCINO COUNTY CODE AND APPROVING A SECOND RESTATED DEVELOPMENT AGREEMENT FOR THE BELLA VISTA SUBDIVISION PROJECT LOCATED AT 3000 SOUTH STATE STREET NEAR UKIAH

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1. Findings. Based on the information provided in the memorandum accompanying this ordinance and evidence in the record, the Board of Supervisors makes the following findings:

- (a) On October 6, 2009, the Mendocino County Board of Supervisors adopted Resolution No. 09-230 certifying the Garden's Gate Subdivision Final Environmental Impact Report (State Clearinghouse No. 2007052006; "Garden's Gate Project EIR") which analyzed the environmental impacts of a 197-lot residential project located approximately one mile south of the Ukiah City limits ("Garden's Gate Project"), and adopted a Mitigation Monitoring and Reporting Program ("MMRP"), and a Statement of Overriding Considerations. On October 6, 2009, the Board of Supervisors also approved a Vesting Tentative Subdivision Map for the Garden's Gate Project (S_3-2005).
- (b) On October 20, 2009, the Board of Supervisors adopted Ordinance No. 4229 approving the Garden's Gate Development Agreement, and on July 13, 2010, the Board of Supervisors adopted Ordinance No. 4264 approving the First Amendment to the Garden's Gate Development Agreement. The Development Agreement vests the project entitlements for the Garden's Gate Project for a period of 15 years, a term that remains valid until August 27, 2025.
- (c) On July 23, 2020, Rancho Yokayo, L.P. and Guillon, Inc. filed an application with the County of Mendocino requesting: (a) a subdivision modification (S_2020-0001) to change the layout of the Garden's Gate Project, to reduce the number of lots, to modify the incentives and concessions that were granted under State Density Bonus Laws, to modify the Inclusionary Housing Plan and to modify the Phasing Plan; and (b) an amendment to the Garden's Gate Development Agreement (DEV_2020-0001), collectively the "Bella Vista Subdivision Project".
- (d) On April 11, 2023, the Mendocino County Board of Supervisors also adopted Resolution No. 23-075, approving an Amended Vesting Tentative Subdivision Map (S_2020-0001) subject to conditions of approval and an amended mitigation monitoring and report program, a density bonus and reductions in development standards per State Density Bonus Law, modified design guidelines and preliminary landscape site plan and planting plan, an Administrative Permit (AP_2022-0034) and an Inclusionary Housing Plan; and
- (e) On April 11, 2023, the Mendocino County Board of Supervisors adopted Ordinance No. 4520 approving the Bella Vista Restated Development Agreement including an Inclusionary Housing Agreement; and
- (f) On January 23, 2025, Rancho Yokayo, L.P. ("Owner") and Guillon, Inc. ("Applicant") filed an application with the County requesting a subdivision modification (S_2020-0001) to change the layout of the subdivision, to reduce the number of lots, to modify the incentives and concessions that were granted under State Density Bonus Laws, to modify the Inclusionary Housing Plan and to modify the Phasing Plan and an application to amend the Restated Development Agreement (DEV_2020-0001), collectively the "Second Modified Project"; and

- (g) A Second Addendum to the Garden's Gate Project EIR ("Second EIR Addendum") and an Amended Mitigation Monitoring & Reporting Program ("Amended MMRP") were prepared for the Second Modified Project and adopted by the Board of Supervisors on February 3, 2026 by Resolution No. 26-020. Based upon substantial evidence demonstrated by the analysis included in the Second EIR Addendum, none of the conditions described in Sections 15162 or 15163 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR or negative declaration have occurred, specifically:
- i. The proposed modifications to the approved Vesting Tentative Map would not result in any substantial changes from what was previously analyzed in the Garden's Gate Final EIR (FEIR) and would not involve new significant impacts or result in a substantial increase in the severity of previously identified significant impacts. The proposal, therefore, does not constitute a substantial change in the project.
 - ii. No substantial changes have occurred in the site vicinity. Surrounding land uses have not changed from those evaluated in the FEIR and development in the region has occurred at a slower pace than anticipated in the FEIR. Based on the environmental baseline identified in the FEIR, the physical changes to the project site and vicinity that have occurred are consistent with the analysis of the FEIR and the cumulative projects considered in the FEIR. There have been no substantial changes in the circumstances of the project as considered in the certified FEIR.
 - iii. The Second Modified Project's consistency with the environmental resource analysis in the FEIR is summarized in Section 6 of the Second EIR Addendum. As discussed, the Second Modified Project would not result in any new significant effects not discussed in the FEIR.
 - iv. Based on the analysis presented in the Second Addendum to the Garden's Gate EIR, no supplemental environmental review is required for the Second Modified Project in accordance with Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164.
 - v. To the extent that modified mitigations are identified in the Second EIR Addendum, the Applicant has agreed to incorporate the mitigations into the Second Modified Project and the modifications are incorporated into the Amended MMRP
- (h) The Second Modified Project, as approved by the Board of Supervisors on February 3, 2026 by Resolution No. 26-021 is consistent with the Mendocino County General Plan, the Ukiah Valley Area Plan, and the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP). The Project would provide a total of 166 units of housing, including 42 units that are age-restricted for senior citizens, and 124 units that are not age-restricted. A total of ten percent (10%) of the units in the non-age-restricted portion of the project would be restricted for sale to qualifying moderate-income households, thereby addressing Mendocino County General Plan Housing Element policies and Ukiah Valley Area Plan policies encouraging a range of housing types and densities to meet the diverse needs of County residents.
- (i) The Second Restated Development Agreement for the Bella Vista Subdivision Project will provide Mendocino County with tangible benefits including 13 units of affordable housing, 42 units of senior citizen housing, and 124 units of market rate housing and associated amenities and site improvements.

Section 2. Approval and Execution. The Board of Supervisors hereby approves the Second Restated Development Agreement for the Bella Vista Subdivision Project, substantially in the form attached hereto as Exhibit 1 and incorporated herein by reference, subject to such minor and clarifying changes consistent with the terms thereof as may be approved by County Counsel prior to execution hereof and inputting information regarding document numbers and adoption and approval dates. The Board of Supervisors further authorizes the Chair of the Board of Supervisors to execute the document and the Chief Executive Officer to take all necessary actions to implement the Agreement on behalf of the County.

Section 3. Mendocino County Code Section 21.04.040. Section 21.04.040 is hereby added to the Mendocino County Code as follows:

Sec. 21.04.040 – Second Restated Development Agreement for the Bella Vista Subdivision Project.

- (A) The County of Mendocino and Ukiah Land, LLC entered into a Development Agreement for the Garden's Gate Project in accordance with the procedures provided by the State Legislature in Government Code Sections 65864 through 65869.5 authorizing adoption of development agreements. The subject development agreement was approved by the Board of Supervisors on October 6, 2009, at the request of (Garden's Gate) Ukiah Land, LLC. Proper notices, hearings and other proceedings required by the Government Code for approval of the Development Agreement have been duly completed. The subject agreement was modified on April 27, 2010.
- (B) The County of Mendocino and Rancho Yokayo, LP entered into a Restated Development Agreement for the Bella Vista Subdivision Project in accordance with the procedures provided by the State Legislature in Government Code Sections 65864 through 65869.5 authorizing adoption of development agreements. The subject development agreement was approved by the Board of Supervisors on April 11, 2023, at the request of Rancho Yokayo, LP. Proper notices, hearings and other proceedings required by the Government Code for approval of the Restated Development Agreement were duly completed.
- (C) Rancho Yokayo, LP subsequently filed applications with the County of Mendocino requesting a subdivision modification (S_2020-0001), modifications to the incentives and concessions that were granted under State Density Bonus Law, modification of the Inclusionary Housing Plan, modification of the Phasing Plan; and an amendment to the Restated Development Agreement (DEV_2020-0001).
- (D) The County of Mendocino and Rancho Yokayo, LP, desire to take advantage of the procedures provided by the State Legislature in Government Code Section 65868 authorizing amendments to development agreements.
- (E) The Second Restated Development Agreement for the Bella Vista Subdivision Project was approved by the Board of Supervisors on February 3, 2026, at the request of Rancho Yokayo, LP. Proper notices, hearings and other proceedings required by the Government Code for approval of the Second Restated Development Agreement have been duly completed.
- (F) The Board has determined that the procedures completed in connection with the approval of the Restated Development Agreement meet the requirements provided in the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) appropriate to this Agreement.
- (G) The Board has determined that the Second Restated Development Agreement is consistent with the General Plan for the County of Mendocino.
- (H) The Second Restated Development Agreement for the Bella Vista Subdivision Project is approved.
- (I) The Second Restated Development Agreement for the Bella Vista Subdivision Project, as approved on February 3, 2026, has been properly executed and acknowledged. It is ordered recorded by the Mendocino County Recorder within ten (10) days following the County entering into the Second Restated Development Agreement.
- (J) Nothing in this section shall modify the provisions of Section 21.04.020 as it pertains to Tract 261 (Unit One) of the Garden's Gate Subdivision.

Section 4. Severability. If any section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared unconstitutional, unlawful or otherwise invalid.

Section 5. Effective Date; Publication. This Ordinance shall take effect thirty (30) days after its adoption. This Ordinance, or a summary thereof, shall be published consistent with applicable law.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 3rd day of February, 2026, by the following vote:

AYES: Supervisors Cline, Mulheren, Haschak, Norvell, and Williams
NOES: None
ABSENT: None

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

ATTEST: DARCIE ANTLE
Clerk of the Board

BERNIE NORVELL, 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
Interim County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy