

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING SECTION 21.04.030 OF THE MENDOCINO COUNTY CODE AND APPROVING A 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. ("Landowner") and Guillon, Inc. ("Applicant") 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" ("Project").
- (d) An Addendum to the Garden's Gate Project EIR ("EIR Addendum") and an Amended Mitigation Monitoring & Reporting Program ("Amended MMRP") were prepared for the Project and adopted by the Board of Supervisors on \_\_\_\_\_, 2023 by Resolution No. \_\_\_\_\_. Based upon substantial evidence demonstrated by the analysis included in the 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 Project would not result in any substantial changes from what was previously analyzed in the Garden's Gate Project EIR 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 Garden's Gate Project EIR and development in the region has occurred at a slower pace than anticipated in the Garden's Gate Project EIR. Based on the environmental baseline identified in the Garden's Gate Project EIR, the physical changes to the project site and vicinity that have occurred are consistent with the analysis of the Garden's Gate Project EIR and the cumulative projects considered in the Garden's Gate Project EIR. There have been no substantial changes in the circumstances of the Project as considered in the certified Garden's Gate Project EIR.

- iii. The Project's consistency with the environmental resource analysis in the Garden's Gate Project EIR is summarized in Section 6 of the EIR Addendum. As discussed, the Project would not result in any new significant effects not discussed in the Garden's Gate Project EIR.
  - iv. Based on the analysis presented in the EIR Addendum, no supplemental environmental review is required for the Project in accordance with Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164.
  - v. To the extent that new or modified mitigations are identified in the EIR Addendum and the technical studies prepared in support of the Addendum, the Applicant has agreed to incorporate the mitigations into the Project and the modifications are incorporated into the Amended MMRP.
- (e) The Project, as approved by the Board of Supervisors on \_\_\_\_\_, 2023 by Resolution No. \_\_\_ 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 171 units of housing, including 39 units that are age-restricted for senior citizens, and 132 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.
- (f) The Restated Development Agreement for the Bella Vista Subdivision Project will provide Mendocino County with tangible benefits including 13 units of affordable housing, 39 units of senior citizen housing, and 119 units of market rate housing and associated amenities and site improvements.

Section 2. Approval and Execution. The Board of Supervisors hereby approves the 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 21.04.030. Section 21.04.030 is hereby added to the Mendocino County Code as follows:

**Sec. 21.04.030 – 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) Rancho Yokayo, LP subsequently acquired the Garden's Gate Project site and 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 Garden's Gate Development Agreement (DEV\_2020-0001).
- (C) 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.

- (D) The Restated Development Agreement for the Bella Vista Subdivision Project was approved by the Board of Supervisors on \_\_\_\_\_, 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 have been duly completed.
- (E) 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.
- (F) The Board has determined that the Restated Development Agreement is consistent with the General Plan for the County of Mendocino.
- (G) The Restated Development Agreement for the Bella Vista Subdivision Project is approved.
- (H) The Restated Development Agreement for the Bella Vista Subdivision Project, as approved on \_\_\_\_\_, 2023, 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 Restated Development Agreement.
- (I) 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 11<sup>th</sup> day of April, 2023, by the following vote:

AYES:  
 NOES:  
 ABSENT:

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

ATTEST: DARCIE ANTLE  
 Clerk of the Board

\_\_\_\_\_  
 GLENN MCGOURTY, 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: DARCIE ANTLE  
 Clerk of the Board

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 Deputy

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 Deputy