

RESOLUTION NO. 23-174

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE CLERK OF THE BOARD TO SERVE A NOTICE OF PARTIAL NONRENEWAL OF EIGHTY (80±) ACRES OF THE AGRICULTURAL PRESERVE CONTRACT ESTABLISHED BY RESOLUTION NO. 71-500; APN 150-110-05

WHEREAS, the applicant, Weger Interests LTD, filed an application with the Clerk of the Board for authorization to serve a notice of partial nonrenewal of eighty (80±) acres of the Agricultural Preserve contract established by Resolution No. 71-500 (the "Project"), located 10± miles northwest of Ukiah, 1± mile south of Orr Springs Road (CR 233), 11± miles west of its intersection with U.S. Route 101 (US 101), with no site address listed; (eastern 80 acres of APN: 150-110-05); General Plan Rangeland (RL); Zoning Rangeland (R-L); Supervisorial District 5; and

WHEREAS, the County Department of Planning and Building Services has received said application, reviewed the application for compliance with the Williamson Act and the County Policies and Procedures for Agricultural Preserves and Williamson Act Contracts, scheduled the application for consideration by the Board of Supervisors, and transmitted a report and recommendation to the board; and

WHEREAS, the Project has been determined to be exempt from the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines per 14 CCR §15061(B)(3); and

WHEREAS, Mendocino County has adopted section 10.3(B) of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts pursuant to Mendocino County Code section 22.08.010, which establishes the procedure by which a landowner may apply for authorization to serve a notice of partial nonrenewal; 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 Project.

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

1. General Plan and Zoning Consistency Findings

- a. The Project is consistent with the property's General Plan land use designation of Rangeland (RL) and with applicable goals and policies of the General Plan. The nonrenewal is requested in order for the applicant to transfer the property to the California Department of Parks and Recreation for incorporation into Montgomery Woods State Natural Reserve, which is consistent with the General Use of "conservation" outlined in General Plan Policy DE-17. The goal of transferring the property into the Reserve is also supported by General Plan Policy DE-171, RM-27, and RM-131.
- b. The Project is consistent with the property's zoning district of Rangeland (R-L) and is in conformance with Mendocino County Code Chapter 20.060. Nonrenewal and eventual transfer of the property to the California Department of Parks and Recreation would most closely resemble the Community Recreation use type as defined in Mendocino County Code Section 20.020.030. Community Recreation is permitted in the R-L district.

2. Environmental Finding

The Project is exempt from CEQA review per 14 CCR Section 15061(B)(3), known as the common sense exemption. The project would involve nonrenewal of a portion of an existing Williamson Act contract to facilitate the transfer of land to the California Department of Parks and Recreation for inclusion in Montgomery Woods State Natural Reserve. The land is

therefore expected to be preserved in its natural state and will not have an adverse effect on the environment. If the transfer were not to occur, the property would remain limited to those permitted uses outlined in Mendocino County Code Section 20.060.010. Regardless of the Williamson Act contract, Planning & Building Services exercises only ministerial authority over the establishment of these permitted uses, which is not subject to CEQA. Environmental impacts related to these land uses were previously addressed when the Rangeland zoning district was applied to the property.

3. Williamson Act and Agricultural Preserve Finding

As discussed in the associated Staff Report, the balance of contracted land not subject to nonrenewal continues to satisfy the eligibility requirement criteria set forth in Section 5.3 of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts. 60± acres of the associated lot would remain within the existing Contract.

BE IT FURTHER RESOLVED that the Board authorizes the Clerk of the Board to serve the requested notice of partial nonrenewal in accordance with Section 10.3(B) of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts.

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitutes 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, Ukiah, CA 95482; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors shall transmit a certified copy of this resolution to the County Recorder of the County of Mendocino.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Mulheren, and carried this 31st day of October, 2023, 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

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

Deputy