

## RESOLUTION NO. 19-142

### **RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE GENERAL PLAN AMENDMENT AND REZONE (GP\_2014-0002/R\_2014-0003) OF THE PROPERTY LOCATED AT 8800 HIGHWAY 128, PHILO (APNS: 046-070-26, 046-070-27, & 046-070-28)**

WHEREAS, the applicant, Brian Adkinson, filed an application for a General Plan Amendment and Rezoning 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) and changing the zoning of 12.01± acres (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) and Rural Community with a Flood Plain combining district (RC:FP) to General Commercial – with a Contract Rezone and Flood Plain combining district (C-2:CR[FP]), located at 8800 Highway 128, Philo (APNs: 046-070-26, 046-070-27, 046-070-28), (the “Project”); and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project 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, 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 the Project, 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 the Project; 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 for the Project

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on March 19, 2019, to solicit public comments on the proposed Mitigated Negative Declaration and the Project, at which time the Board of Supervisors 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 the Project; and

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

1. The recitals set forth in the above resolution are true and correct and incorporated herein by this reference.
2. The Mitigated Negative Declaration for the Project was prepared pursuant to CEQA and the State and County CEQA Guidelines.
3. The Board of Supervisors hereby certifies that the Mitigated Negative Declaration has been completed, reviewed and considered, together with the comments received during the

public review process, in compliance with CEQA and the State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board of Supervisors.

4. The Board of Supervisors hereby finds and determines, on the basis of the whole record before it, that there is no substantial evidence in the record that there is any significant environmental impact that might arguably be anticipated to occur as a result of the Project that cannot be adequately mitigated to less than significant levels with the adoption of Mitigation Measures; therefore a Mitigated Negative Declaration is adopted.

5. The Board of Supervisors hereby adopts the Mitigated Negative Declaration attached to this resolution as Exhibit A and incorporated herein by this reference.

6. 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 Office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Room 1010, Ukiah, CA 95482.

7. The Board of Supervisors hereby directs the Department of Planning and Building Services to file a notice of determination following the adoption of the Project in accordance with CEQA and the CEQA Guidelines.

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

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CARRE BROWN, Chair  
Mendocino County Board of Supervisors

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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

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Deputy