

**RESOLUTION NO. 23-192**

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ESTABLISHING AN AGRICULTURAL PRESERVE AND WILLIAMSON ACT CONTRACT FOR THE LANDS OF PAUL SOUSA (APN's: 108-120-17, -11, 108-150-06, 103-180-08, & 108-181-01), (A\_2023-0001)**

WHEREAS, the applicant, PAUL SOUSA, filed an application with the Mendocino County Department of Planning and Building Services to establish an Agricultural Preserve over 250± acres and establish a Williamson Act contract over said land in the Willits area, 2.5± miles northeast of Willits city center, on the southside of Canyon Road (CR 308), 500± feet south of its intersection with East Side Road (CR 304), located at 23701 East Side Road, Willits; APN's: 108-120-17, -11, 108-150-06, 103-180-08, & 108-181-01, and which areas are described in Exhibit "A" (the "Project"); General Plan Agricultural (AG); Zoning Agricultural (AG) and Rangeland (RL); Supervisorial District 3; and

WHEREAS, the Project has been determined to be Categorically Exempt from 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 noticed public hearing on, November 16, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project; and

WHEREAS, at the Planning Commission hearing on November 16, 2023, all interested persons were given an opportunity to be heard regarding the Project, and the Planning Commission did hear and make its recommendation to the Board of Supervisors on the Project; and

WHEREAS, the Board of Supervisors upon receipt of the Planning Commission's report did schedule a noticed public hearing to consider the applicant's request for said agricultural preserve and contract; and

WHEREAS, said public hearing was duly held on the 5<sup>th</sup> day of December 2023, pursuant to proper notice and all evidence was received and the same fully considered; and

WHEREAS, Mendocino County has adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts pursuant to Mendocino County Code section 22.08.010, which provide that no property shall be incorporated into an agricultural preserve and no application for a new Williamson Act contract shall be approved by the Board of Supervisors unless certain requirements are met; 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. **GENERAL PLAN:** The Project is consistent with the property's General Plan land use designation of Agricultural (AG) and with applicable goals and policies of the General Plan.

- b. **ZONING:** The Project is consistent with the property's zoning district of Agricultural (AG) and Rangeland (RL) and is in conformance with Mendocino County Code Chapters 20.052 and 20.060.
- 2. **ENVIRONMENTAL FINDING:** The Project is categorically exempt from CEQA review per 14 CCR Section 15317 (Class 17 *Open Space Contracts or Easements*).
- 3. **WILLIAMSON ACT AND AGRICULTURAL PRESERVE FINDING:** The Project satisfies the eligibility requirement criteria set forth in Section 5.2 of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts.

BE IT FURTHER RESOLVED that the lands described in Exhibit "A", attached hereto and incorporated herein by this reference, be entered into a new preserve and contract, in a form approved by the Mendocino County Counsel, and that the owner shall cause to be recorded with the County Recorder's Office a map, written legal description and contract for the preserve in accordance with the established procedures of the County Recorder's Office; and

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 Haschak, seconded by Supervisor Mulheren, and carried this 5<sup>th</sup> day of December, 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

  
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 GLENN MCGOURTY, 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:  
 CHRISTIAN M. CURTIS  
 County Counsel

BY: DARCIE ANTLE  
 Clerk of the Board

  
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 Deputy

**EXHIBIT "A"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Mendocino STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

COMMENCING AT THE CORNER OF SECTIONS NINE (9), TEN (10), FIFTEEN (15) AND SIXTEEN (16) AND RUNNING THENCE WEST, ALONG THE SECTION LINE 20 CHAINS, MORE OR LESS TO THE COUNTY ROAD; THENCE NORTH ALONG THE COUNTY ROAD 18.10 CHAINS; THENCE NORTH 88-1/2° EAST, IN A STRAIGHT LINE 40 CHAINS, MORE OR LESS, TO THE EASTERN LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 10; THENCE SOUTH ALONG SAID LINE 18.80 CHAINS, MORE OR LESS, TO THE SECTION LINE BETWEEN SECTORS 10 AND 15; THENCE WESTERLY, ALONG SAID SECTION LINE, 20 CHAINS, MORE OR LESS, TO THE PLACE OF BEGINNING, ALL BEING IN TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) WEST, MOUNT DIABLO BASE AND MERIDIAN.

APN: 108-120-11 AND 108-150-06

PARCEL TWO:

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION NINE (9); ALSO THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION NINE (9), LYING SOUTH OF THE CENTER OF BERRY CREEK; ALL IN TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) WEST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DEED TO THE COUNTY OF MENDOCINO RECORDED APRIL 3, 1981 IN BOOK 1299 OF OFFICIAL RECORDS, PAGE 318, MENDOCINO COUNTY RECORDS.

APN: 108-120-17

PARCEL THREE:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15 AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, ALL IN TOWNSHIP 18 NORTH, RANGE 13 WEST, MOUNT DIABLO BASE AND MERIDIAN.

APN: 103-180-08 AND 108-181-01

**APN: 108-120-11-0, 108-150-06, 108-120-17, 103-180-08, 108-181-01**