

RESOLUTION NO. 16-145

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING A CATEGORICAL EXEMPTION AND ESTABLISHING AN AGRICULTURAL PRESERVE FOR THE LANDS OF PEÑA, AND APPROVING A NEW WILLIAMSON ACT CONTRACT (A_2016-0002)

WHEREAS, the applicant, Francisco E. Peña, filed an application with the Mendocino County Department of Planning and Building Services to establish a 200± acre Agricultural Preserve and Williamson Act contract, approximately 5.5 miles west of Willits on Highway 20 (SH20), and 0.5 miles north, and which areas are described in Exhibit "A". Located at 4400 W. HWY 20, Willits. APN 038-110-73; General Plan RL-Rangeland: 160; Zoning RL-Rangeland: 160; Supervisorial District 3; (the "Project"); and

WHEREAS, a Categorical Exemption was prepared for the Project and noticed and made available for agency and public review on October 7, 2016, 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, November 3, 2016, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project

WHEREAS, at the Planning Commission hearing on November 3, 2016, all interested persons were given an opportunity to hear and 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 public hearing to consider the Owner's request for said agricultural preserve and contract; and

WHEREAS, said public hearing was duly held on this 6th day of December, 2016, 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 that no property shall be incorporated into an agricultural preserve unless the Board of Supervisors finds that the property meets the eligibility qualifications established by the such Policies and Procedures; 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 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 RL-Rangeland and with applicable goals and policies of the General Plan.

- b. The Project is consistent with the property's zoning district of RL-Rangeland and is in conformance with Mendocino County Code Chapter 20.060.

2. Environmental Finding

The Project is categorically exempt from CEQA review per Section 15317 of the CEQA guidelines (Class 17).

3. 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.

4. Williamson Act Findings

a. The Project meets the size requirement for non-prime agricultural land as stated in Government Code Sections 51222 and 51230.

b. The Project is consistent with the principles of compatibility set forth in GOV Section 51238.1(a), of the Williamson Act; and

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 document 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 County of Mendocino Planning and Building Services, 860 North Bush Street, 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.

This foregoing Resolution introduced by Supervisor Brown, seconded by Supervisor Hamburg, and carried this 6th day of December, 2016 by the following vote:

AYES: Supervisors Brown, McCowen, Gjerde, and Hamburg
NOES: None
ABSENT: Supervisor Woodhouse

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


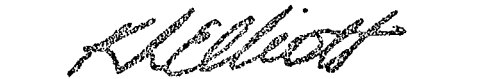
ATTEST: CARMEL J. ANGELO

Clerk of the Board



Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel


DAN GJERDE, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board


Deputy

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