

## **RESOLUTION NO. 18-041**

### **RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RESCINDING RESOLUTION NUMBERS 15-054 AND 15-087 RELATED TO CERTAIN PROPERTY LOCATED NEAR LONGVALE (APN 036-190-26)**

WHEREAS, on March 17, 2015, the Board of Supervisors adopted Resolution No. 15-054, determining that resumption of asphalt production on certain property on Highway 162 east of the community of Longvale (Assessor's Parcel Number 036-190-26; the "Site") was not a new or changed use pursuant to Mendocino County Code section 20.188.025 requiring additional development review; and

WHEREAS, on April 24, 2015, an unincorporated association named the Friends of Outlet Creek filed a petition for writ of mandate in the Superior Court for the County of Mendocino, Case No. SCUK-CVPT 15-65618 ("Friends of Outlet Creek v. County of Mendocino"), alleging, in part, that the Board's approval of Resolution No. 15-054 failed to comply with the California Environmental Quality Act; and

WHEREAS, on June 16, 2015, the Board of Supervisors adopted Resolution No. 15-087, rescinding its approval of Resolution No. 15-054, and additionally stating that the rescission of Resolution No. 15-054 in no way impairs the land use entitlements of the Site as they existed prior to March 17, 2015; and

WHEREAS, the matter of Friends of Outlet Creek v. County of Mendocino has been appealed to the First District Court of Appeals (Case No. A14749), and several other legal actions between the Friends of Outlet Creek, the Mendocino County Air Quality Management District, Grist Creek Aggregates, LLC, and other persons and entities remain pending; and

WHEREAS, the Friends of Outlet Creek, the County of Mendocino and other parties subject to related legal actions have entered into a Settlement Agreement, which has an effective date of February 6, 2018, for the purpose of resolving the outstanding disputes in a manner that forgoes the expenses, burdens and time commitment of trials or any further proceedings in the related legal actions; and

WHEREAS, pursuant to paragraph 8 of the Settlement Agreement, the Board of Supervisors is to take all necessary actions to rescind Resolution Nos. 15-054 and 15-087.

NOW, THEREFORE, BE IT RESOLVED that, to comply with the Settlement Agreement, the Board of Supervisors hereby rescinds Resolution No. 15-087, and, to the extent that the rescission of Resolution No. 15-087 makes Resolution No. 15-054 effective, the Board of Supervisors hereby rescinds Resolution No. 15-054, and finds that the aforementioned resolutions are of no legal or precedential effect on the rights of Grist Creek Aggregates, LLC, or any other party to operate an asphalt or concrete plant at the Site.

The foregoing Resolution introduced by Supervisor Brown, seconded by Supervisor Gjerde, and carried this 27<sup>th</sup> day of March, 2018, by the following vote:

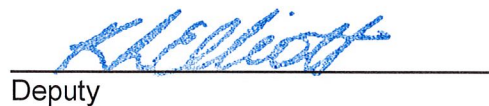
AYES: Supervisors Brown, McCowen, Croskey, Gjerde and Hamburg  
NOES: None  
ABSENT: None

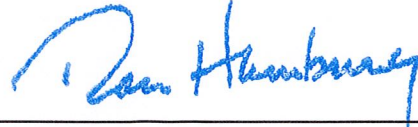
WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

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

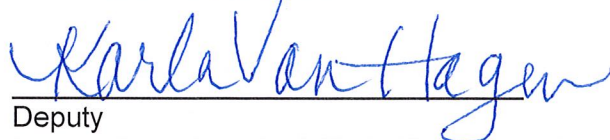
  
Deputy



DAN HAMBURG, 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