

RESOLUTION NO. 18-157

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING A CATEGORICAL EXEMPTION AND ESTABLISHING AN AGRICULTURAL PRESERVE FOR THE LANDS OF EAGLE CREEK PACIFIC, LLC, AND APPROVING A NEW WILLIAMSON ACT CONTRACT (A_2018-0001)

WHEREAS, the applicant, Eagle Creek Pacific, LLC, filed an application with the Mendocino County Department of Planning and Building Services to establish an 80± acre Agricultural Preserve and Williamson Act contract in the community of Boonville on the north side of State Highway 128, .75± miles west of its intersection with State Highway 253 at 13989 Highway 128 Boonville, and which areas are described in Exhibit "A" (the "Project"); APNs 029-060-15, 16, 029-070-25, 029-080-01, 029-100-11, 029-120-13, 029-620-11; General Plan AG-40 (Agriculture); Zoning AG 40 (Agriculture); Supervisorial District 5; 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 public hearing on, August 2, 2018 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 August 2, 2018, 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 public hearing to consider the applicant's request for said agricultural preserve and contract; and

WHEREAS, said public hearing was duly held on this 16th day of October, 2018, pursuant to proper notice and all evidence was received and the same fully considered; and

WHEREAS, as adopted by the County of Mendocino on October 6, 2015 by Ordinance No. 4345 and amended on March 21, 2017 by Resolution No. 17-041, the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts pursuant to Mendocino County Code section 22.08.010 provides 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. Environmental Findings

This project is categorically exempt from CEQA review per Section 15317 of the CEQA Guidelines (Class 17).

2. Agricultural Preserve Findings

The lands referenced in the Staff Report are currently zoned Agriculture (AG). Per Section 4.2(a) of the Revised Policies and Procedures for Agricultural Preserves and Williamson Act Contracts, only lands zoned Agriculture (AG), Rangeland (RL) or Forestland (FL) are eligible to qualify as Agricultural Preserves. Furthermore, as there is currently no process in place to establish an Agricultural Preserve as a separate and distinct restriction from that of a Williamson Act contract, all lands zoned AG and RL are considered de facto Agricultural Preserves and thus eligible for contract.

3. Williamson Act Findings

The proposed Williamson Act contract is consistent with requirements as specified in the Revised Policies and Procedures with regard to lot size, agricultural use type, accessory development and income threshold.

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, California 95482; and

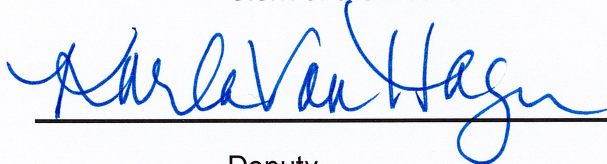
BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors shall transmit a certified copy of this resolution to the County Recorder of the County of Mendocino.

This foregoing Resolution introduced by Supervisor McCowen, seconded by Supervisor Brown, and carried this 16th day of October, 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

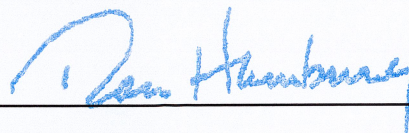


Deputy

APPROVED AS TO FORM:

KATHARINE L. ELLIOTT, County Counsel

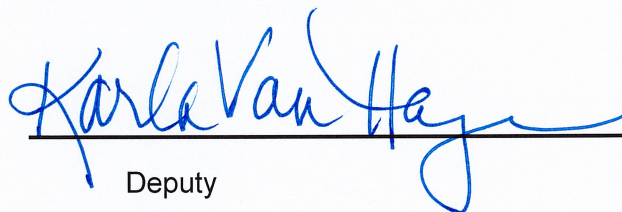




DAN HAMBURG, Chair
Mendocino County Board of Supervisors

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

EXHIBIT A

Parcel One:

That certain parcel of land situated in Sections 1 and 2, Township 13 North, Range 14 West, Mount Diablo Meridian, County of Mendocino, State of California, said parcel being portions of those parcels described in Certificates of Compliance recorded in Book 1831 at Pages 529, 531 and 534 of the Official Records of Mendocino County, more particularly described as follows using as a basis the California Coordinate System, Zone 2 (NAD-83, conv. = -00° 51' 52", combined grid to ground factor=1.000102756):

Beginning at a point on the East line of that parcel described in the Certificate of Compliance recorded in Book 1831 at Page 529, said point bears N 00° 50' 39" E a distance of 81.14 feet from the Southeast corner of said parcel and has coordinates of N 650,327.59m, E 1,882,372.10m; thence S 00° 50' 39" W (Rec.=S 00° 30' W) a distance of 744.11 feet to the Southeast corner of the parcel described in the Certificate of Compliance recorded in Book 1831 at Page 531 of the Official Records of Mendocino County; thence N 89° 04' 42" W a distance of 1344.20 feet (Rec. = N 89° 27' W, 1342.67 feet) to the line common to said Sections 1 and 2; thence along said section line S 01° 17' 00" W (Rec. = S 00° 52' W) a distance of 236.14 feet to the existing centerline of Anderson Creek; thence along the centerline of Anderson Creek N 66° 10' 53" W a distance of 118.98 feet to a point; thence N 73° 25' 23" W a distance of 224.32 feet to a point; thence N 45° 21' 21" W a distance of 113.85 feet to a point; thence N 07° 58' 11" W a distance of 100.98 feet to a point; thence N 41° 51' 18" E a distance of 64.44 feet to a point; thence N 12° 31' 44" W a distance of 73.76 feet to a point; thence N 53° 16' 02" W a distance of 83.60 feet to a point; thence N 63° 26' 06" W a distance of 44.72 feet to a point; thence S 87° 34' 25" W a distance of 118.11 feet to a point; thence N 83° 54' 41" W a distance of 53.65 feet to the intersection of the existing centerline of Anderson Creek and the centerline of Anderson Creek as described in Book 1831 at Page 531 of the Official Records of Mendocino County; thence along said described centerline of Anderson Creek N 68° 04' 45" W (Rec. = N 68° 31' W) a distance of 350.32 feet; thence N 57° 04' 45" W (Rec.= N 57° 31' W) a distance of 79.40 feet to a point; thence leaving said described centerline of Anderson Creek S 41° 59' 20" W distance of 6.06 feet to the existing centerline of Anderson Creek; thence along said existing centerline of Anderson Creek N 20° 33' 22" W a distance of 34.05 feet to a point; thence N 59° 46' 09" W a distance of 160.88 feet to a point; thence N 45° 00' 00" W a distance of 200.82 feet to a point; thence N 22° 26' 15" W a distance of 101.65 feet to a point; thence leaving said existing centerline of Anderson Creek S 89° 07' 00" E a distance of 2758.25 feet to the point of beginning.

APN: 029-060-16, 029-100-11 and 029-120-13

Parcel Two:

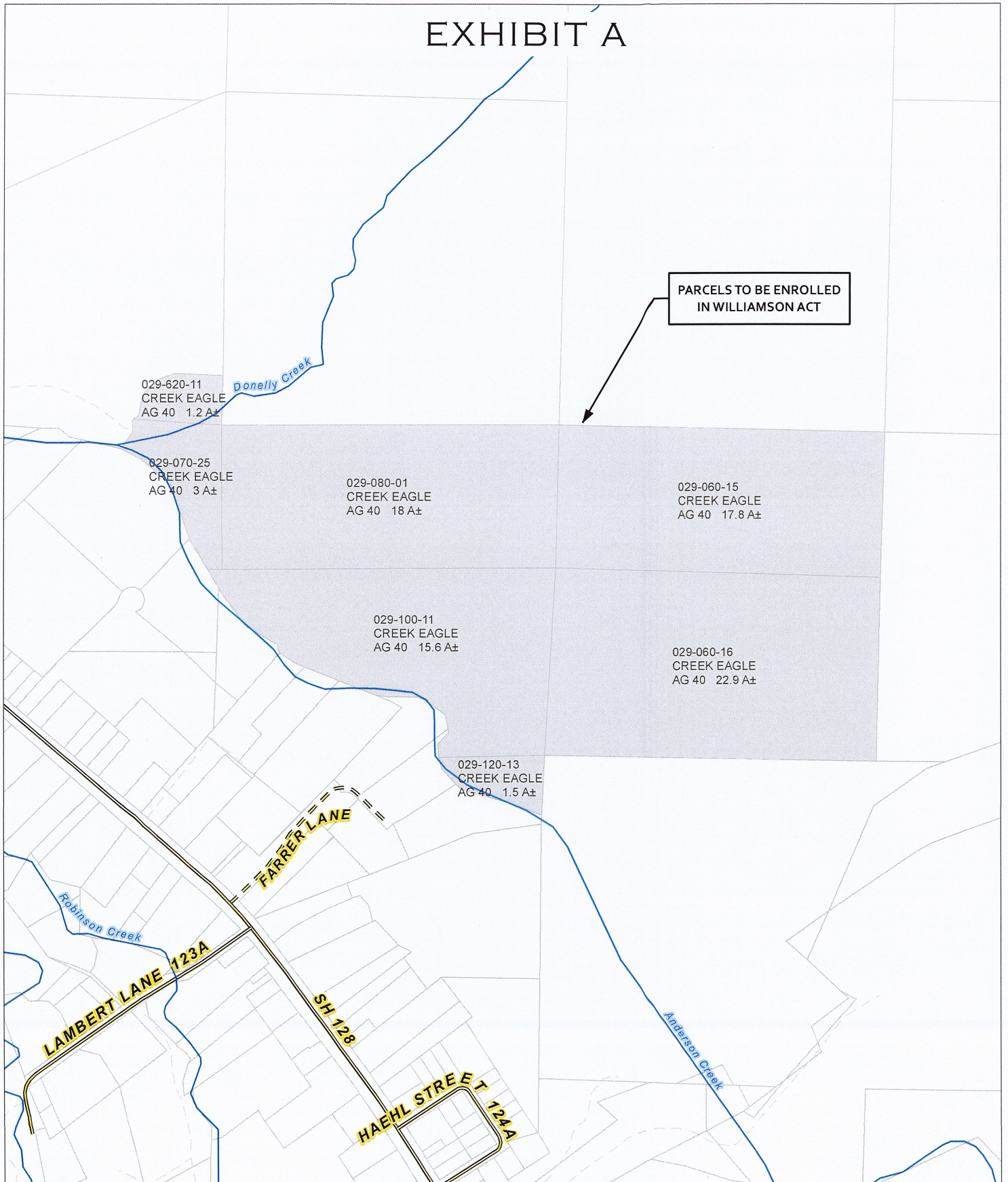
That certain parcel of land situated in Sections 1 and 2, Township 13 North, Range 14 West, Mount Diablo Meridian, County of Mendocino, State of California, said parcel being portions of those parcels described in Certificates of Compliance recorded in Book 1831 at Pages 525, 529 and 534 of the Official Records of Mendocino County, more particularly described as follows using as a basis the California Coordinate System, Zone 2 (NAD-83, conv.= -00° 51' 52", combined grid to ground factor = 1.000102756):

Beginning at the quarter corner common to said Sections 1 and 2, said point having coordinates of N 650,511.37m, E 1,881,968.15m; thence N 89° 07' 49" W a distance of 1337.09 feet (Rec.=S 89° 56' W, 1337.18 feet) to the Southeast corner of the parcel described in Book 1831 at Page 525 of the Official Records of Mendocino County; thence N 01° 04' 11" E (Rec.= N 00° 08' E) a distance of 176.23 feet to a point; thence N 88° 55' 49" W a distance of 195.98 feet to a point; thence S 72° 08' 10" W a distance of 70.45 feet to a point; thence S 39° 12' 04" W a distance of 74.02 feet to a point; thence S 13° 00' 52" W a distance of 67.78 feet to a point; thence S 16° 27' 09" W a distance of 30.27 feet to a point; thence S 46° 01' 25" W a distance of

29.85 feet to a point; thence across a road S 02° 08' 10" W a distance of 40.00 feet to a point on the top of the bank of Anderson Creek; thence S 39° 46' 13" W a distance of 86.91 feet to a point on the existing centerline of Anderson Creek; thence along the existing centerline of Anderson Creek S 64° 47' 56" E a distance of 75.15 feet to a point; thence S 48° 09' 59" E a distance of 166.42 feet to a point; thence S 20° 13' 29" E a distance of 222.73 feet to a point; thence S 22° 26' 15" E a distance of 115.81 feet to a point; thence leaving the existing centerline of Anderson Creek S 89° 07' 00" E a distance of 2758.25 feet to a point on the East line of the parcel described in Book 1831 at Page 529 of the Official Records of Mendocino County, said point bears N 00° 50' 39" E a distance of 81.14 feet from the Southeast corner of said parcel; thence along said East line N 00° 50' 39" E (Rec. = N 00° 30' E) a distance of 582.16 feet to the Northeast corner of said Parcel; thence N 89° 06' 15" W a distance of 1334.03 feet (Rec. = N 89° 33' W, 1334.17 feet) to the point of beginning.

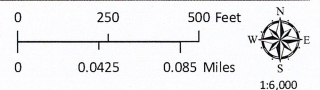
APN: 029-060-15, 029-070-25. 029-080-01 and 029-620-11

EXHIBIT A



CASE: A 2018-0001
OWNER: Eagle Creek Pacific, LLC
APN: 029-060-15, ET AL
APLCT: Erik C. Roget
AGENT:
ADDRESS: 13989 Hwy. 128, Boonville

Named Rivers
Public Roads
Private Roads
Driveways/Unnamed Roads



ASSESSORS PARCELS

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES