

**CARRE BROWN**  
1st District  
Supervisor

**JOHN MCCOWEN**  
2nd District  
Supervisor

**JOHN HASCHAK**  
3rd District  
Supervisor  
Vice-Chair

**DAN GJERDE**  
4th District  
Supervisor

**TED WILLIAMS**  
5th District  
Supervisor  
Chair



**CARMEL J. ANGELO**  
Chief Executive Officer/  
Clerk of the Board

**CHRISTIAN M. CURTIS**  
Acting County Counsel

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## **MENDOCINO COUNTY BOARD OF SUPERVISORS**

### **ACTION MINUTES –December 16, 2019**

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF MENDOCINO - STATE OF CALIFORNIA  
FAIR STATEMENT OF PROCEEDINGS  
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)**

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#### **AGENDA ITEM NO. 1 – OPEN SESSION (PLEDGE OF ALLEGIANCE AND ROLL CALL 9:02 A.M.)**

**Present:** Supervisor Carre Brown, Supervisor John McCowen, Supervisor John Haschak, Supervisor Dan Gjerde, and Supervisor Ted Williams. Chair Brown presiding.

**Staff Present:** Ms. Carmel J. Angelo, Chief Executive Officer; Mr. Christian M. Curtis, Acting County Counsel; and Ms. Lindsey Dunham, Deputy Clerk of the Board.

**The Pledge of Allegiance was led by:** Ms. Margie Handley.

#### **AGENDA ITEM NO. 3 – PUBLIC EXPRESSION**

**Presenter/s:** Mr. John Sakowicz; Ms. Barbara Moed; Ms. Katie Ford; and Ms. Maureen Mulheren.



**5A) NOTICED PUBLIC HEARING – DISCUSSION AND POSSIBLE ACTION INCLUDING (1) RESCISSION OF 2012 APPROVALS INCLUDING EIR CERTIFICATION, ORDINANCE AMENDMENTS, REZONING AND PROJECT APPROVALS FOR THE HARRIS QUARRY EXPANSION PROJECT; AND (2) ADOPTION OF RESOLUTION CERTIFYING THE 2019 REVISED EIR; ADOPTION OF ORDINANCES FOR ORDINANCE AMENDMENT (OA 1-2007); ADOPTION OF ORDINANCE FOR REZONE (R 4-2011); AND ADOPTION OF RESOLUTION APPROVING USE PERMIT AND RECLAMATION PLAN RENEWAL (UR 19-83/2005) FOR THE HARRIS QUARRY EXPANSION PROJECT - SPONSOR: PLANNING AND BUILDING SERVICES AND COUNTY COUNSEL**

**Presenter/s:** Ms. Julia Acker Krog, Chief Planner, Planning and Building; Ms. Tina Thomas, Attorney, Thomas Law Group; Mr. Matthew Kiedrowski, Deputy County Counsel; and Ms. Tina Wallis, Counsel.

**Public Comment:** Ms. Cynthia Raiser Jeavons; Ms. Ruth Van Antwerp; Ms. Stacey Rohrbaugh; Ms. Rosamond Crowder; Mr. Tom Buske; Ms. Lynne Buske; Mr. Chris Wilkes; Ms. Ann Kelly; Ms. Lucy Kramer; Mr. Howard F. Wilkins III; Mr. Ross Liberty; Ms. Margie Handley; Mr. Richard Selzer; Ms. Crystal Howard; Mr. Rick Piffero; Mr. Richie Dutra; Mr. David Lowe; Mr. Rob McAsey; Mr. James Rosaldo; Ms. Janae Stephens; Mr. Steve Hellman; Mr. Keith Woods; Ms. Kayla Cabradilla; Ms. Sonja Lewis; Ms. Dori Kramer; Ms. Ellen Drell; Mr. Timothy Ward; Mr. John Sakowicz; Mr. Bud Garman; Mr. Hal Wagenet; Mr. Christopher Neary; Mr. Cody Bartholomew; Mr. Dimitri Brown; Mr. Ernie Wipf; Mr. Bruce Burton, Mr. Ed Mitchell; Mr. Paul Riley; and Mr. Bill Hay.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors (1) adopts Resolution rescinding the Final Environmental Impact Report and Ordinance Amendment (OA 1-2007) and Rezone (R 4-2011); (2) adopts Ordinance rescinding Ordinance No. 4292, which amended Section 20.040.010 (Combining Districts) of the Mendocino County Code; (3) adopts Ordinance rescinding Ordinance No. 4293, which amended Section 20.036.010 (Mining and Processing) of the Mendocino County Code; (4) adopts Ordinance rescinding Ordinance No. 4294, which added Chapter 20.134 ("MP" Mineral Processing Combining District) within Division I (Inland Mendocino County Zoning Code) of Title 20 of the Mendocino County Code; (5) adopts Ordinance rescinding Ordinance No. 4295, which amended Section 20.152.025 (Height Exceptions) of the Mendocino County Code; (6) adopts Ordinance rescinding Ordinance No. 4296, which related to the Harris Quarry Project and changed the zoning of real property in Mendocino County; (7) adopts Resolution rescinding approval of the Harris Quarry Use Permit and Reclamation Plan Renewal (UR 19 83/2005); (8) adopts Resolution certifying the Revised Final Environmental Impact Report, adopting the CEQA Findings of Fact and Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program for Ordinance Amendment (OA 1-2007), Rezone (R 4-2011) and for the Harris Quarry Expansion Project Use Permit and Reclamation Plan Renewal (UR 19-83/2005); (9) adopts Ordinance amending Section 20.040.010 (Combining Districts) of Chapter 20.040 (Establishment of Districts) of Division I (Inland Mendocino County Zoning Code) of Title 20 of the Mendocino County Code; (10) adopts Ordinance amending Section 20.036.010 (Mining and Processing) of Chapter 20.036 (Extractive Use Types) of Division I (Inland Mendocino County Zoning Code) of Title 20 of the Mendocino County Code; (11) adopts Ordinance establishing Chapter 20.134 (MP Mineral Processing Combining Districts) within Division I (Inland Mendocino County Zoning Code) of Title 20 of the Mendocino County Code; (12) adopts Ordinance amending Section 20.152.25 (Height Exceptions) of Chapter 20.152 (General Provisions and Exceptions Districts) of Division I (Inland Mendocino County Zoning Code) of Title 20 of the Mendocino County Code; (13) adopts Ordinance changing the zoning of a portion of Assessor's Parcel Number 147-140-07, real property in Mendocino County; (14) adopts Resolution approving the Harris Quarry Use Permit and Reclamation Plan Renewal (UR 19-83/2005); and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 3 – Supervisor Brown, Supervisor McCowen, and Supervisor Gjerde

No: 2 – Supervisor Haschak and Supervisor Williams

Absent: 0 – None

Enactment Nos: Ordinance 4445; Ordinance 4446; Ordinance 4447; Ordinance 4448; Ordinance 4449; Ordinance 4450; Ordinance 4451; Ordinance 4452; Ordinance 4453; Ordinance 4454; Resolution 19-400; Resolution 19- 401; Resolution 19-402; and Resolution 19-403



ORDINANCE 4445

ORDINANCE RESCINDING ORDINANCE NO. 4292, WHICH AMENDED SECTION 20.040.010 (COMBINING DISTRICTS) OF THE MENDOCINO COUNTY CODE

ORDINANCE 4446

ORDINANCE RESCINDING ORDINANCE NO. 4293, WHICH AMENDED SECTION 20.036.010 (MINING AND PROCESSING) OF THE MENDOCINO COUNTY CODE

ORDINANCE 4447

ORDINANCE RESCINDING ORDINANCE NO. 4294, WHICH ADDED CHAPTER 20.134 (“MP” MINERAL PROCESSING COMBINING DISTRICT) WITHIN DIVISION I (INLAND MENDOCINO COUNTY ZONING CODE) OF TITLE 20 OF THE MENDOCINO COUNTY CODE

ORDINANCE 4448

ORDINANCE RESCINDING ORDINANCE NO. 4295, WHICH AMENDED SECTION 20.152.025 (HEIGHT EXCEPTIONS) OF THE MENDOCINO COUNTY CODE

ORDINANCE 4449

ORDINANCE RESCINDING ORDINANCE NO. 4296, WHICH RELATED TO THE HARRIS QUARRY PROJECT AND CHANGED THE ZONING OF REAL PROPERTY IN MENDOCINO COUNTY

ORDINANCE 4450

ORDINANCE AMENDING SECTION 20.040.010 (COMBINING DISTRICTS) OF CHAPTER 20.040 (ESTABLISHMENT OF DISTRICTS) OF DIVISION I (INLAND MENDOCINO COUNTY ZONING CODE) OF TITLE 20 OF THE MENDOCINO COUNTY CODE

ORDINANCE 4451

ORDINANCE AMENDING SECTION 20.036.010 (MINING AND PROCESSING) OF CHAPTER 20.036 (EXTRACTIVE USE TYPES) OF DIVISION 1 (INLAND MENDOCINO COUNTY ZONING CODE) OF TITLE 20 OF THE MENDOCINO COUNTY CODE

ORDINANCE 4452

ORDINANCE ESTABLISHING CHAPTER 20.134 (MP- MINERAL PROCESSING COMBINING DISTRICTS) WITHIN DIVISION I (INLAND MENDOCINO COUNTY ZONING CODE) OF TITLE 20 OF THE MENDOCINO COUNTY CODE

ORDINANCE 4453

ORDINANCE AMENDING SECTION 20.152.025 (HEIGHT EXCEPTIONS) OF CHAPTER 20.152 (GENERAL PROVISIONS AND EXCEPTION DISTRICTS) OF DIVISION I (INLAND MENDOCINO COUNTY ZONING CODE) OF TITLE 20 OF THE MENDOCINO COUNTY CODE

ORDINANCE 4454

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF ASSESSOR'S PARCEL NUMBER 147-140-07, REAL PROPERTY IN MENDOCINO COUNTY

RESOLUTION 19-400

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RESCINDING ADOPTION OF RESOLUTION NO. 12-065, WHICH CERTIFIED THE FINAL ENVIRONMENTAL IMPACT REPORT FOR ORDINANCE AMENDMENT (OA 1-2007), REZONE (R 4-2011), AND THE USE PERMIT AND RECLAMATION PLAN FOR THE HARRIS QUARRY EXPANSION PROJECT

RESOLUTION 19-401

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RESCINDING APPROVAL OF THE HARRIS QUARRY USE PERMIT AND RECLAMATION PLAN RENEWAL (UR 19-83/2005)

RESOLUTION 19-402

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS CERTIFYING THE REVISED FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR ORDINANCE AMENDMENT (OA 1-2007), REZONE (R 4-2011), AND FOR THE HARRIS QUARRY EXPANSION PROJECT USE PERMIT AND RECLAMATION PLAN RENEWAL (UR 19-83/2005)

RESOLUTION 19-403

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING THE HARRIS QUARRY USE PERMIT AND RECLAMATION PLAN RENEWAL (UR 19-83/2005)

*BOARD RECESS: 10:53 A.M. – 11:05 A.M.*

*LUNCH RECESS: 12:24 P.M.*

*RECONVENED IN OPEN SESSION: 1:33 P.M.*



**5B) NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION ON GENERAL PLAN AMENDMENT INCLUDING THE FOLLOWING SUB ITEMS: (1) ADOPTION OF RESOLUTION ADOPTING GENERAL PLAN AMENDMENT AND ADOPTION OF ORDINANCE ADOPTING REZONING WITH A CONTRACT REZONE (GP\_2019-0001/R\_2019-0002 - SAVAGE), LOCATED AT 12201 POWERHOUSE ROAD, POTTER VALLEY (APN 174-100-02) AND ADOPTION OF RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION RELATED THERETO AND (2) ADOPTION OF RESOLUTION ADOPTING GENERAL PLAN AMENDMENT AND ADOPTION OF ORDINANCE ADOPTING REZONING (GP\_2019-0002/R\_2019-0003 - LUCCHESI) LOCATED AT 1051 SANFORD RANCH ROAD, UKIAH (APN 181-050-30 AND 181-050-31) AND ADOPTION OF RESOLUTION ADOPTING A NEGATIVE DECLARATION RELATED THERETO - SPONSOR: PLANNING AND BUILDING SERVICES**

**Presenter/s:** Mr. Jesse Davis, Senior Planner, Planning and Building Services; Julia Acker Krog, Chief Planner, Planning and Building Services; and Ms. Susan Summerford, Planner III, Planning and Building Services.

**Public Comment:** Mr. Michael Owen; Mr. John Mayfield; Ms. Susan Era; Ms. Sharon Wedegartener; Ms. Mary Ann Villwock; Ms. Denise Hatt; Mr. Alan Nicholson; Ms. Erin Simmons; Mr. Pete Bushby; Mr. Vincent Bartolomei; Mr. Sage Sangiacomo; Mr. Frank McGarvey; Ms. Mary Rodin; and Mr. Craig Schlatter.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors adopts Resolution adopting a Mitigated Negative Declaration for a General Plan Amendment and Rezoning (GP\_2019-0001/R\_2019-0002 - Savage), located at 12201 Powerhouse Road, Potter Valley (APN 174-100-02); and authorizes Chair to sign same; adopts Resolution, as modified at the Board of Supervisors Hearing, approving a General Plan Amendment GP\_2019-001 – Savage and denying GP\_2019-0002 – Lucchesi; and authorizes Chair to sign same; adopts Ordinance changing the zoning of APN 174-100-02 from Suburban Residential 40,000 square foot minimum parcel size to Upland Residential twenty (20) acre minimum parcel size with a Contract Rezone combining district; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 5 – Supervisor Brown, Supervisor McCowen, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

Enactment Nos: Ordinance 4455; Resolution 19-404; and Resolution 19-405

#### ORDINANCE 4455

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY

#### RESOLUTION 19-404

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE GENERAL PLAN AMENDMENT AND REZONE (GP\_2019-0001/R\_2019-0002) OF THE PROPERTY LOCATED AT 12201 POWERHOUSE ROAD, POTTER VALLEY (APN 174-100-02)

#### RESOLUTION 19-405

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING A GENERAL PLAN AMENDMENT (GP\_2019-0001) TO RECLASSIFY APN 174-100-02 FROM SUBURBAN RESIDENTIAL(SR40K) TO REMOTE RESIDENTIAL(RMR20) AND DENYING A GENERAL PLAN AMENDMENT (GP\_2019-0002) TO RECLASSIFY APNS 181-050-30 AND A PORTION OF 181-050-31 FROM AGRICULTURAL (AG40) TO SUBURBAN RESIDENTIAL (SR12K)

**BOARD RECESS:** 3:39 P.M. – 3:54 P.M.



**6A) DISCUSSION AND POSSIBLE ACTION REGARDING IMPLEMENTATION OF MEASURE V, “DECLARING INTENTIONALLY KILLED AND LEFT STANDING TREES A PUBLIC NUISANCE” - SPONSOR: SUPERVISOR HASCHAK**

**Presenter/s:** Supervisor Haschak; and Mr. Brent Schultz, Director, Planning and Building Services.

**Public Comment:** Ms. Lee McClellan; Ms. Terry d'Selkie; Ms. Naomi Wagner; Ms. Beth Bosk; Ms. Margaret Koster; Ms. Madge Strong; Ms. Rosamund Crowder; Mr. Bill Heil; Mr. John Andersen; Ms. Raquel Sepulveda; and Ms. Maria Gilardin.

**Board Action:** Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors directs Code Enforcement to investigate and document first complaint and return to the Board of Supervisors within 30 days for reporting; and appoints an ad hoc consisting of Supervisors Williams and Haschak to work with stakeholders, including community members, industry and affected landowners to review alternatives to current method and mitigations. The motion carried by the following vote:

Aye: 4 – Supervisor Brown, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 1 – Supervisor McCowen

Absent: 0 – None

*THE BOARD OF SUPERVISORS JOINTLY CONVENED AS THE MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT IN CONSIDERATION OF AGENDA ITEM 7(a)*

**7A) DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF LIST OF APPLICANTS FOR AB-923 MOTOR VEHICLE PROGRAM FUNDS FOR THE REPLACEMENT OF SCHOOL BUSES; APPROVAL OF THE TRANSFER OF FUNDS FROM THE DISTRICT'S AB-923 MOTOR VEHICLE PROGRAM FUND BALANCE TO INCREASE APPROPRIATIONS FOR BUDGET UNIT 0327 EXPENSE ACCOUNTS, LINE ITEM 86-3136, MOTOR VEHICLE PROGRAM GRANTS BY \$485,806; AUTHORIZATION FOR THE AIR QUALITY MANAGEMENT DISTRICT TO EXPEND FUNDS FROM THE DISTRICT'S AB-923 MOTOR VEHICLE PROGRAM FUND FOR SCHOOL BUS REPLACEMENT ON APPROVED APPLICANTS, AND AUTHORIZATION FOR THE AIR POLLUTION CONTROL OFFICER TO ENTER INTO AN AGREEMENT WITH EACH OF THE APPROVED APPLICANTS FOR THE AWARD OF AB-923 FUNDS - SPONSOR: AIR QUALITY MANAGEMENT DISTRICT**

**Presenter/s:** Ms. Barbara Moed, Director, Air Quality Management District.

**Public Comment:** None.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors approves the list of applicants for AB-923 Motor Vehicle Program funds for the replacement of school buses; approves the transfer of funds from the Districts AB-923 Motor Vehicle Program Fund balance to increase appropriations for Budget Unit 0327 expense accounts, line item 86-3136, Motor Vehicle Program grants by \$485,806; authorizes the Air Quality Management District to expend funds from the District's AB-923 Motor Vehicle Program Fund for school bus replacement on approved applicants; and authorize the Air Pollution Control Officer to enter into an Agreement with each of the approved applicants for the award of AB-923 funds. The motion carried by the following vote:

Aye: 5 – Supervisor Brown, Supervisor McCowen, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

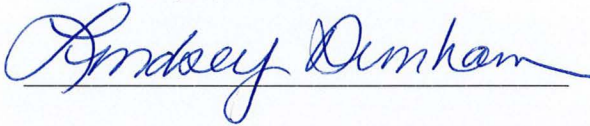
Absent: 0 – None



THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 4:32 P.M.

Attest: LINDSEY DUNHAM  
Deputy Clerk of the Board

  
CARRE BROWN, Chair



**NOTICE: PUBLISHED MINUTES OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETINGS**

- Effective March 1, 2009, Board of Supervisors minutes will be produced in “action only” format. As an alternative service, public access to recorded Board proceedings will be available on the Board of Supervisors’ website in indexed audio format
- LIVE WEB STREAMING OF BOARD MEETINGS is now available via the County’s YouTube Channel. If technical assistance is needed, please contact The Mendocino County Executive Office at (707) 463-4441.
- Minutes are considered draft until adopted/approved by the Board of Supervisors
- The Board of Supervisors’ action minutes are also posted on the County of Mendocino website at: [www.mendocinocounty.org/government/board-of-supervisors](http://www.mendocinocounty.org/government/board-of-supervisors)
- To request an official record of a meeting of the Mendocino County Board of Supervisors, please contact the Executive Office at (707) 463-4441
- Please reference the departmental website to obtain additional resource information for the Board of Supervisors and Clerk of the Board: [www.mendocinocounty.org/government/board-of-supervisors](http://www.mendocinocounty.org/government/board-of-supervisors)

*Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors*