



Mendocino County

Legislation Text

File #: 21-0877, Version: 1

To: Board of Supervisors

From: County Counsel and Planning and Building Services

Meeting Date: August 17, 2021

Department Contact: Christian Curtis

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Department Contact: Nash Gonzalez

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Item Type: Consent Agenda

Time Allocated for Item: n/a

Agenda Title:

Approval of Agreement with the City of Ukiah For Shared Exercise of Land Use and California Building Code Authority on Mendocino County Assessor's Parcel Number 178-210-01

Recommended Action/Motion:

Approve Agreement with the City of Ukiah for shared exercise of land use and California building code authority on Mendocino County Assessor's Parcel Number 178-210-01; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

None.

Summary of Request:

The proposed agreement would establish that the County of Mendocino and the City of Ukiah ("City") would jointly exercise land use and California Building Code authority over certain property owned by the City of Ukiah and leased to the Ukiah Rifle and Pistol Club ("Gun Club Property"), which is part of a larger parcel owned by the City of Ukiah, ("the Vichy Springs Road Property"). The Attorney General of the State of California in Opinion No. 14-403, issued on December 6, 2018, has determined that the County does exercise Land Use Authority over the City's use of the Vichy Springs Road Property and that the exemption from County Land Use Authority is not conditional on the City applying its own building and zoning ordinances to its extraterritorial property. However, the City must ensure that any buildings on the property comply with state law, including the California Building Standards Code. The Land Use Opinion further concludes that if the City leases extraterritorial property to a private party, the freedom from the county's building and zoning ordinances available to the City may be extended to the lessee only if the lessee's use of the property serves a primarily public, rather than private, purpose. Under the proposed agreement, the County shall exercise land use jurisdiction over the Gun Club's use of the Gun Club Property and the City rather than the County shall continue to assure that any improvements constructed on the Gun Club Property comply with applicable building codes. This agreement does not require a decision as to whether the Gun Club's use of the Vichy Springs Property pursuant to the Gun Club Lease serves a primarily public purpose.

Alternative Action/Motion:

Do not approve the Agreement and provide direction to staff.

How Does This Item Support the General Plan? n/a

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: n/a

Fiscal Details:

source of funding: n/a

current f/y cost: n/a

annual recurring cost: n/a

budget clarification: n/a

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Atlas Pearson, Deputy Clerk I

Date: August 17, 2021

Final Status: Approved

Executed Item Type: Interim Agreement

Number: *21-154

Note to Department Number of Original Agreements

Returned to Dept: 0 Original Agreement Delivered to Auditor?

No

