



# Mendocino County

## Legislation Text

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**File #:** 19-0067, **Version:** 1

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**To:** Board of Supervisors

**From:** Planning and Building Services

**Meeting Date:** January 22, 2019

**Department Contact:** Brent Schultz

**Phone:** 234-6650

**Item Type:** Regular Agenda

**Time Allocated for Item:** 30 mins.

**Agenda Title:**

Discussion and Possible Action Including Adoption of Resolution Authorizing Director of Planning and Building Services to Execute an Agreement for the Purpose of Addressing the Building and Zoning Violations Related to Property Being Subdivided by Minor Subdivision MS 23-2007  
(Sponsor: Planning and Building Services)

**Recommended Action/Motion:**

Adopt Resolution authorizing Director of Planning and Building Services to execute an agreement for the purpose of addressing the building and zoning violations related to property being subdivided by Minor Subdivision MS 23-2007, and authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

On January 8, 2019, the Board considered this item, deferred voting on the matter and provided direction to staff to seek additional information from the Mendocino County Superior Court of California.

**Summary of Request:**

The Department of Planning and Building Services ("PBS") requests authority for the PBS Director to execute an agreement that addresses certain violations on a property subject of Minor Subdivision MS 23-2007. The Planning Commissions conditionally approved MS 23-2007, with special condition #1 requiring that violations on the property be adequately addressed prior to finalizing the subdivision.

The owner of the property is the Interim Receiver, acting as Trustee for the Pinoleville Pomo Trust ("Trust"). The Trust is a private trust. After subdivision finalization, the Trust intends to sell the land to the Pinoleville Pomo Nation ("Tribe"). Because of lack of funding, the Trust has been unable to resolve the violations. However, the Tribe is willing to agree to resolve the violations and enter an agreement that will set aside \$100,000.00 at the time of purchase to fund the abatement work. This \$100,000.00 set-aside depends on the sale of the property, which depends on finalizing the subdivision, which depends on adequately addressing the existing violations. The purpose of the proposed agreement, titled "Agreement to Satisfy Special Condition #1, MS 23-2007," is to create a process enabling the County to find that the existing violations have been adequately addressed.

The proposed agreement provides legal safeguards, court oversight and funding to resolve the existing violations. This agreement is the result of negotiations between County Counsel's office, the Trust and the

Tribe. To preserve the financing for the sale, which is the source of the funding for the abatement work, this agreement must be executed in an expedited and timely manner. For these reasons, PBS requests authority for the Director to make minor changes to this agreement and to sign on behalf of the County when finalized.

The Agreement that is part of this item is the same as it was on Jan, 8 2019, with the exception of the corrected typo in section 1(c)(i); the address now reads "800" instead of "850."

**Alternative Action/Motion:**

Return to staff for alternative handling.

**Supplemental Information Available Online at:** N/A

**Fiscal Impact:**

**Source of Funding:** N/A

**Current F/Y Cost:** N/A

**Budgeted in Current F/Y:** N/A

**Annual Recurring Cost:** N/A

**Supervisory District:** District 5

**Vote Requirement:** Majority

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes ?

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**CEO Liaison:** Steve Dunncliff, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

**Executed By:** Deputy Clerk

**Date:** Date Executed

**Note to Department** Number of Original Agreements

**Returned to Dept:** Choose an item. Original Agreement

**Delivered to Auditor?** Choose an item.

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**Final Status:**Item Status

**Executed Item Number:** item Item Number: