

**RESOLUTION NO. 19-**

**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 APPROVING 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)**

**WHEREAS**, pursuant to Government Code Sections 65350 et seq., and Mendocino County Policy No. 5, General Plan Amendment Schedule, this General Plan Amendment, which consists of two sub-items (GP\_2019-0001 and GP\_2019-0002), is the third amendment to the County General Plan in the Calendar Year 2019; and

**WHEREAS**, Christopher Savage, filed an application for a General Plan Amendment (GP\_2019-0001) with the Mendocino County Department of Planning and Building Services ("Department"), reclassifying APN 174-100-02 from Suburban Residential 40,000 square feet minimum parcel size to Remote Residential twenty (20) acre minimum parcel size, located at 12201 Powerhouse Road, Potter Valley (APN 174-100-02), Supervisorial District 1, ("Project A"); and

**WHEREAS**, Donald Lucchesi, filed an application a General Plan Amendment (GP\_2019-0002) with the Department, reclassifying APN 181-050-30 and a portion (3.28± acres) of 181-050-31 from Agricultural (AG40) to Suburban Residential (SR12K), located at 1251 Sanford Ranch Road, Talmage (APNs: 181-050-30 and 181-050-31x), Supervisorial District 1, ("Project B"); and

**WHEREAS**, a Mitigated Negative Declaration was prepared for Project A and noticed and made publicly available for agency and public review on September 26, 2019 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

**WHEREAS**, a Negative Declaration was prepared for Project B and noticed and made publicly available for agency and public review on September 26, 2019 in accordance with 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 October 17, 2019, to solicit public comments on the proposed Mitigated Negative Declaration and Project A, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally and in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and Project A; and

**WHEREAS**, on October 17, 2019, the Planning Commission adopted Resolution making its report and recommendation to the Board of Supervisors on the Mitigated Negative Declaration for the Project A; and

**WHEREAS**, in accordance with applicable provisions of law, the Planning Commission held a public hearing on October 17, 2019, to solicit public comments on the proposed Negative Declaration and the Project B, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally and in writing regarding the Negative Declaration and the Project B. All interested persons were given an opportunity to hear and be heard regarding the Negative Declaration and the Project B; and

**WHEREAS**, on October 17, 2019, the Planning Commission was not able to make a recommendation to the Board of Supervisors regarding Project B or the adoption of a Negative Declaration. There was not a majority of the Planning Commission to recommend approval or denial of Project B. The Planning Commission voted to send Project B to the Board of Supervisors without a recommendation; and

**WHEREAS**, on December 16, 2019 the Board of Supervisors held a duly noticed public hearing on Projects A and B, at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally and in writing regarding Projects A and B; all interested persons were given the opportunity to hear and be heard; and

**NOW, THEREFORE, BE IT RESOLVED**, based upon the evidence in the record before it, that the Board of Supervisors finds and determines that the recitals set forth above are true and correct and incorporated herein by this reference.

**BE IT FURTHER RESOLVED**, based upon the evidence in the record before it, that the Mendocino County Board of Supervisors makes the following determinations and findings for Project A:

1. **General Plan Consistency Findings:** The proposed project includes a general plan land use amendment from Suburban Residential (SR) to Remote Residential (RMR). The site for the proposed project is located within an agriculturally intensive and low density neighborhood within Potter Valley and the proposed general plan amendment to Remote Residential is appropriate for the site with the inclusion of the protections provided in the proposed Contract Rezone. The existing characteristics of the parcel meet the stated intent and established acreage minimums for the proposed land use designation.
2. **Potter Valley Community Planning Area Community:** The project is compliant with the Potter Valley Community Planning Area Community – Specific Goals and Policies related to expansion of economic opportunities and diversification of agricultural operations specified in Policies CP-PV-6 and 7. The proposed project would provide opportunities of business expansions, further diversification of agricultural operations, and maintain the rural character of Potter Valley through limiting housing allowances by changing the zoning and general plan designations.
3. **Environmental Protection:** The environmental impacts identified in the initial study for the project can be adequately mitigated through the features of the project design or the conditions imposed by the Contract Rezone so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration has been adopted.

**BE IT FURTHER RESOLVED**, based upon the evidence in the record before it, that the Mendocino County Board of Supervisors makes the following determinations and findings for Project B:

1. **General Plan Consistency Findings:** The proposed project is for a general plan amendment to result in the parcel being reclassified from Agricultural (AG40) to Suburban Residential (SR-12K). The Project request is to facilitate the future development of the site for residential use. The subject site is located in an area of unincorporated Mendocino County that houses other residential land uses, including

most of the surrounding parcels. The general plan identifies several constraints for agricultural land conversions that provide guidance for the project. As well, the general plan directs all discretionary projects to consider impacts to agricultural activities as a result of land conversions. The proposal has been determined to be consistent with applicable provisions of Mendocino County General Plan and Zoning Code particularly related to conversion of agricultural lands to non-agricultural uses, as further described in Finding 2 (Ukiah Valley Area Plan Consistency).

2. **Ukiah Valley Area Plan (UVAP) Consistency Findings:** Per the UVAP, proposals to convert agricultural lands must meet specific criteria in order to be compliant. The application meets these requirements in that it no expansion of infrastructure is necessary; no net effects on agricultural uses in the vicinity results; encroaching residential uses surround the site; and the subject parcel is located within a largely residential area, including the majority of surrounding parcels under the same ownership.
3. **Environmental Protection Findings:** The environmental impacts identified in the Initial Study for the Project have been deemed to be less than significant and therefore a Negative Declaration has been adopted.

**BE IT FURTHER RESOLVED**, that based upon the evidence in the record before it, the Board of Supervisors approves General Plan Amendment GP\_2019-0001 for Project A; and

**BE IT FURTHER RESOLVED**, that based upon the evidence in the record before it, the Board of Supervisors approves General Plan Amendment GP\_2019-0002 for Project B; and

**BE IT FURTHER RESOLVED**, the Board of Supervisors designates the Clerk of the Board of Supervisors as the custodian of the documents and other materials which constitutes the record of proceedings upon which the Board of Supervisors' decision herein is based. These documents may be found at the Office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Room 1010, Ukiah, CA 95482.

The foregoing Resolution introduced by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this 16th day of December, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:

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

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
CARRE BROWN, Chair  
Mendocino County Board of Supervisors

\_\_\_\_\_  
Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

*APPROVED AS TO FORM:*  
CHRISTIAN M. CURTIS  
Acting County Counsel

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BY: CARMEL J. ANGELO  
Clerk of the Board

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Deputy