

Resolution Number PC_2024-____

County of Mendocino
Ukiah, California

JULY 25, 2024

OA_2023-0001

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, PROVIDING A REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING THE PROPOSED ADOPTION OF AMENDMENTS TO DIVISION I OF TITLE 20 OF THE INLAND ZONING CODE AND THE ADDENDUM TO THE GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT AND THE UKIAH VALLEY AREA PLAN FINAL ENVIRONMENTAL IMPACT REPORT RELATED THERETO

WHEREAS, on August 17, 2009, the Mendocino County Board of Supervisors adopted Resolution No. 09-182, certifying the Final Environmental Impact Report for the Mendocino County General Plan (State Clearinghouse No. 2008062074) (the "General Plan EIR"), which analyzed the environmental impacts of the adoption of the County's General Plan, and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, on August 2, 2011, the Mendocino County Board of Supervisors adopted Resolution No. 11-112, certifying the Final Environmental Impact Report on the Ukiah Valley Area Plan (the "UVAP EIR"), which analyzed the environmental impacts of the adoption of the Ukiah Valley Area Plan (the "UVAP") and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, the County may adopt ordinances that regulate the use of land pursuant to Government Code Section 65850; and

WHEREAS, in 2023, the Mendocino County Department of Planning and Building Services (the "Department") initiated a process to revise and update the Inland Zoning Code of the County, found in Division I of Title 20 of the Mendocino County Code, which was originally adopted in 1987; and

WHEREAS, the Department is proposing a comprehensive update of the Inland Zoning Code, with changes including the repeal of certain unused zoning districts, amendment of chapters to reorganize and make the Inland Zoning Code more user-friendly, making provisions consistent with State law surrounding day care facilities, assisted living residential care facilities, employee housing, low barrier navigation centers, supporting housing and transitional housing, adding new chapters including provisions related to movable tiny homes, eliminate the existing inclusionary housing ordinance; and

WHEREAS, the Chapters of the Inland Zoning Code proposed for amendment are attached to this resolution as Exhibit A and incorporated herein by this reference (the "Inland Zoning Code Update"), which show the changes to the various chapters in redline and strike-through, or indicate that chapters are new or being repealed; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; "CEQA") and the CEQA Guidelines (Title 14, California

Code of Regulations Section 15000 *et seq.*), the Department undertook a review of the Inland Zoning Code Update; and

WHEREAS, Section 15164 of the CEQA Guidelines provides that an addendum to a previously certified EIR may be prepared if only minor technical changes or additions to the project are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent environmental impact report have occurred; and

WHEREAS, an Addendum to the General Plan EIR and the UVAP EIR, attached to this resolution as Exhibit B and incorporated herein by this reference (the "Addendum"), has been prepared to evaluate whether the proposed Inland Zoning Code Update would have a significant effect on the environment beyond that which was evaluated in the General Plan EIR and the UVAP EIR; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on July 25, 2024, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Inland Zoning Code Update and the Addendum and all interested persons were given an opportunity to hear and be heard regarding the Inland Zoning Code Update and the Addendum; and

WHEREAS, the Planning Commission considered all of the information presented to it including the Staff Memorandum and public testimony presented in writing and at the public hearing; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Inland Zoning Code Update.

NOW, THEREFORE BE IT RESOLVED that the Mendocino County Planning Commission, based upon evidence in the record and oral and written testimony presented at public hearings, and all information contained in the record of proceedings related to the Inland Zoning Code Update, makes the following findings and recommendations:

1. The above recitals are true and correct, and incorporated herein by this reference.
2. The proposed changes of the Inland Zoning Code Update are consistent with the General Plan and the UVAP. The County's zoning ordinance must be consistent with the General Plan pursuant to Government Code Section 65860, which in the case of Mendocino County requires conformance with the Ukiah Valley Area Plan for the Ukiah area and the General Plan for the remainder of the Inland portion of the County. Pursuant to Government Code Section 65860, a zoning ordinance is consistent with a general plan if the County has adopted a plan and the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses and programs specified in the plan. None of the zoning district chapters being repealed affect the conformity with either the General Plan or UVAP, and the addition of the Mixed Use North State and Mixed Use Brush Street zoning district chapters creates additional conformance with the UVAP. The repeal of Chapter 20.238 and its inclusionary housing provisions is consistent with the Housing Element of the General Plan as removing an impediment to the development of housing within the County.
3. The Addendum reflects the County's independent judgement as to the environmental consequences of development pursuant to the General Plan and UVAP and the Inland Zoning Code Update. The Addendum was prepared and reviewed in compliance with CEQA and the CEQA Guidelines.

4. Based on the evidence submitted and as demonstrated by the analysis of included in the General Plan EIR, UVAP EIR and the Addendum, none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental environmental impact report have occurred, specifically:
 - a. The proposed changes of the Inland Zoning Code Update would not result in any substantial changes from what was previously analyzed in the General Plan EIR and UVAP EIR and would not involve new significant impacts or result in a substantial increase in the severity of previously identified significant impacts. The Inland Zoning Code Update, therefore, does not constitute a substantial change in the project.
 - b. No substantial changes have occurred with respect to the circumstances under which the project was undertaken. While the General Plan was adopted in 2009 and the UVAP was adopted in 2011, there have been no significant changes in land uses or zoning in the County since that time. The project location and setting as described in the General Plan EIR and UVAP EIR are essentially unchanged. While legal development has occurred consistent with the General Plan and UVAP, the amount of development has not been of a level to be considered a substantial change. No substantial changes have occurred within the County since the certification of the General Plan EIR or the UVAP EIR. Development in the region has occurred at a slower pace than anticipated in both EIRs. Based on the environmental baseline identified in each EIR, the physical changes in the County that have occurred are consistent with the analyses of each EIR and the cumulative projects considered in each EIR. There have been no substantial changes in the circumstances of the County as considered in the EIRs.
 - c. The consistency of the proposed amendments of the Inland Zoning Code Update with the analysis of the General Plan EIR and UVAP EIR is presented in the Addendum. As discussed in that document, the Inland Zoning Code Update will not result in any new significant effects not discussed in the General Plan EIR or UVAP EIR.
 - d. Based on the analysis presented in the Addendum, no supplemental environmental review is required for the Inland Zoning Code Update in accordance with Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164.
5. The Board of Supervisors adopt the Addendum to the General Plan EIR and UVAP EIR for the Inland Zoning Code Update.
6. That the Board of Supervisors find that the adoption of an ordinance adopting the Inland Zoning Code Update is consistent with the General Plan.
7. That the Board of Supervisors adopt an ordinance making the changes shown in the Inland Zoning Code Update, as shown in the attached Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other materials which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Department of Planning and Building Services, 860 N. Bush Street, Ukiah, CA 95482.

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

ATTEST: JIM FEENAN
Commission Services Supervisor

By: _____

BY: JULIA KROG
Director

CLIFFORD PAULIN, Chair
Mendocino County Planning Commission
