

## **RESOLUTION 11-112**

### **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT ON THE UKIAH VALLEY AREA PLAN, AND ASSOCIATED LAND USE MAP CHANGES, MAKING FINDINGS OF FACT RELATING TO THE FEASIBILITY OF MITIGATION MEASURES AND PROJECT ALTERNATIVES, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM.**

**WHEREAS**, the County of Mendocino initiated the preparation of the Ukiah Valley Area Plan in 1998 that consisted of conducting numerous community outreach meetings and public meetings by the Planning Commission, and the Board of Supervisors; and

**WHEREAS**, the County determined that preparation of the Ukiah Valley Area Plan (also referred to herein as "Project") was a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq.) and that an Environmental Impact Report (EIR) be prepared to evaluate the potential environmental effects of the project; and

**WHEREAS**, a Notice of Preparation was released for public and agency review and comment on July 2, 2007 and a public scoping meeting to receive comments on topics and issues which should be evaluated in the Draft EIR was held by the County on December 5, 2007; and

**WHEREAS**, the County distributed a Notice of Availability for the Ukiah Valley Area Plan Draft EIR on February 4, 2011, which started a forty-five (45) public review period, ending on March 24, 2011; and

**WHEREAS**, the Draft EIR was also submitted to the State Clearinghouse for state agency review; and

**WHEREAS**, the County held a public meetings on February 17, March 3, 15, and 17, 2011 to receive public comments and testimony on the Ukiah Valley Area Plan Draft EIR and those comments were received and considered in the Final EIR; and

**WHEREAS**, the Planning Commission considered the Ukiah Valley Area Plan and associated Land Use Map changes on March 17 and 24, 2011, and April 21, 2011, and recommended certification of the EIR and adoption of the Ukiah Valley Area Plan to the Board of Supervisors; and

**WHEREAS**, the Board of Supervisors on May 17, 2011, June 14, 2011, and June 21, 2011, conducted a public hearing on the Ukiah Valley Area Plan and Land Use Map changes as required by State law; and

**WHEREAS**, the Board of Supervisors reviewed all evidence presented both orally and in writing and intends to make certain findings in compliance with CEQA, which are more fully set forth below in Exhibit A, attached hereto and incorporated in its entirety by this reference.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Mendocino as follows:

1. Certification of the Final EIR

A. The Board of Supervisors hereby certifies that the Final EIR has been completed in compliance with the requirements of the California Environmental Quality Act.

B. The Board of Supervisors hereby certifies that the Final EIR was presented to the Board of Supervisors and that the Board of Supervisors reviewed and considered the information contained in the Final EIR prior to taking action on the Project.

C. The Board of Supervisors hereby certifies that the Final EIR reflects the independent judgment and analysis of the Board of Supervisors.

## 2. Findings on Impacts

The Board of Supervisors finds:

A. The Final EIR identifies potentially significant impacts that can be mitigated to less-than-significant levels. The Board of Supervisors makes the findings with respect to significant impacts as set forth in Exhibit A, attached hereto and incorporated herein by reference.

B. The Final EIR identifies potentially significant impacts that cannot be mitigated to less-than-significant level and are thus considered significant and unavoidable. The Board of Supervisors makes the findings with respect to these significant and unavoidable impacts as set forth in Exhibit A.

## 3. Findings on Alternatives

Four (4) project alternatives ("No Project," "Land Use Alternative A," "Land Use Alternative B," and "Land Use Alternative C – Policy Only") were evaluated by the County during project development and in the EIR. As set forth in Exhibit A, these alternatives result in more severe environmental effects, do not meet the basic project objectives, or do not provide any substantial environmental benefits as compared to the proposed Ukiah Valley Area Plan. The Board of Supervisors hereby finds that the proposed Ukiah Valley Area Plan, as mitigated by adoption of mitigation measures identified in the EIR, can be feasibly implemented and serves the best interests of the County.

## 4. Statement of Overriding Considerations

Because the adoption of all feasible mitigation measures will not substantially lessen or avoid all significant adverse environmental effects caused by the project, the Board of Supervisors adopts a Statement Of Overriding Considerations concerning the project's unavoidable significant impact to explain why the Ukiah Valley Area Plan's benefits override and outweigh its unavoidable impacts on the environment as set forth in Exhibit A.

## 5. Adoption of the Mitigation Monitoring and Reporting Program

A. The Board of Supervisors hereby finds that the proposed mitigation measures described in the Final EIR and Findings are feasible, and therefore will become binding upon the County. The Mitigation Monitoring and Reporting Program is included as Exhibit B and will involve incorporation of the mitigation measures into the Ukiah Valley Area Plan.

B. The Board of Supervisors hereby adopts the Mitigation Monitoring and Reporting Program, as set forth in Exhibit B, attached hereto and incorporated herein by reference.

6. Other Findings

A. The Board of Supervisors finds that issues raised during the public comment period and written comment letters submitted after the close of the public review period of the Draft EIR do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

B. Since completion of the Final EIR, the Board of Supervisors has modified the Ukiah Valley Area Plan. As set forth in Exhibit A, attached hereto and incorporated herein by reference, these modifications to the Ukiah Valley Area Plan would not result in any new significant environmental impacts, a substantial increase in the severity of an environmental impact or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

The foregoing Resolution introduced by Supervisor Hamburg, seconded by Supervisor McCowen, and carried this 2<sup>nd</sup> day of August, 2011, by the following vote:

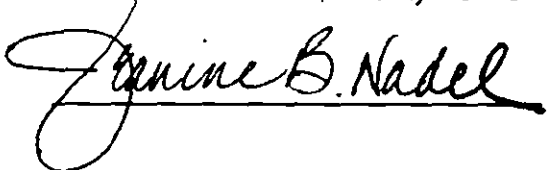
AYES: Supervisors McCowen, Smith, and Hamburg  
NOES: Supervisors Brown and Pinches  
ABSENT: None

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

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

APPROVED AS TO FORM:  
JEANINE B. NADEL, County Counsel






KENDALL SMITH, Chair  
Mendocino County Board of Supervisors

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

BY: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

# EXHIBIT A

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## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

UKIAH VALLEY AREA PLAN EIR

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# EXHIBIT B

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## MITIGATION MONITORING AND REPORTING PROGRAM

FOR THE

## UKIAH VALLEY AREA PLAN

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