

ORDINANCE NO. 4448

ORDINANCE RESCINDING ORDINANCE NO. 4295, WHICH AMENDED SECTION 20.152.025 (HEIGHT EXCEPTIONS) OF THE MENDOCINO COUNTY CODE

WHEREAS, on April 10, 2012, the Board of Supervisors approved Ordinance Amendment (OA 1-2007), which consisted of four ordinances, including Ordinance No. 4295. Ordinance No. 4295 amended Section 20.152.025 (Height Exceptions) of Chapter 20.152 (General Provisions and Exception Districts) of Division 1 (Inland Mendocino County Zoning Code) of Title 20 of the Mendocino County Code; and

WHEREAS, in *Keep the Code v. County of Mendocino*, Case No. SC UK CVPT 1260196, the Superior Court of Mendocino County ruled on the adequacy of the Final Environmental Impact Report (EIR) for the Harris Quarry Expansion Project (Project). The trial court ruled that the County's rejection of Alternatives 4 and 5 was not supported by substantial evidence. The trial court entered judgment directing the County to set aside and vacate the certification of the EIR, approval of the Project, and approval of permits for the Project. The trial court's judgment was affirmed by the Court of Appeal in *Keep the Code, Inc. v. County of Mendocino* (Nov. 30, 2018, No. A140857) [nonpub. opn].

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1: Ordinance No. 4295 is rescinded.

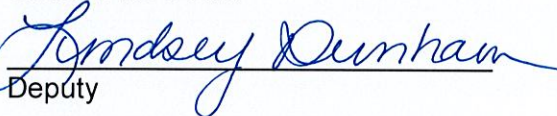
This ordinance shall become effective 30 days from the date of its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this 16th day of December 2019, by the following roll call vote:


AYES:	Supervisors Brown, McCowen and Gjerde
NOES:	Supervisors Haschak and Williams
ABSENT:	None


WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

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





CARRE BROWN, 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