

ORDINANCE NO. 4454

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF ASSESSOR'S PARCEL NUMBER 147-140-07, REAL PROPERTY IN MENDOCINO COUNTY

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

Section 1: The Board of Supervisors of the County of Mendocino (the "Board") finds and determines, based on the evidence in the record, that:

- A. The zoning change has undergone environmental review pursuant to the California Environmental Quality Act ("CEQA"). The County completed a Draft EIR in December of 2007 ("2007 DEIR") and prepared a Revised Draft EIR in May of 2011 ("2011 RDEIR"). The County released a Final EIR in February of 2012 ("2012 FEIR"), which was certified in April of 2012.
- B. On March 22, 2012, the Mendocino County Planning Commission recommended to the Board approval of the Rezone (R 4-2011).
- C. The County was directed to set aside and vacate certification of the EIR and Project approvals pursuant to litigation in *Keep the Code v. County of Mendocino*, Case No. SC UK CVPT 1260196, affirmed by the Court of Appeal in *Keep the Code, Inc. v. County of Mendocino* (Nov. 30, 2018, No. A140857) [nonpub. opn].
- D. To address the trial court's directive and following further review and analysis, the County released a Revised Draft EIR in August of 2019 ("2019 RDEIR").
- E. The County released a Final EIR on December 6, 2019 ("2019 FEIR").
- F. On December 16, 2019, the Board conducted a duly noticed public hearing and received and considered evidence concerning the zoning change, 2019 RDEIR and 2019 FEIR (collectively "2019 Revised EIR").
- G. By Resolution adopted as part of the same agenda item as this Ordinance, the Board certified the 2019 Revised EIR, adopted CEQA Findings of Fact and a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program.
- H. The zoning change is consistent with, and implement, policies of the County of Mendocino's General Plan.
- I. The zoning change will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.
- J. The property (as shown on attached **Exhibit A**) is physically suitable for the uses authorized by the Rangeland with a Mineral Processing Combining District (RL:MP) zoning classification.

Section 2: Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as

described below.

Said zoning change encompasses a portion of the property described by Assessor's Parcel Number 147-140-07 which is reclassified Rangeland (RL) to Rangeland with a Mineral Processing Combining District (RL:MP) as shown on attached **Exhibit A**.

Section 3: This ordinance supersedes Ordinance no. 4296, which was rescinded.

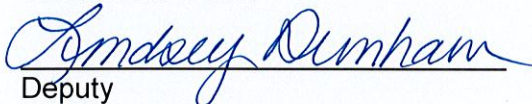
This ordinance shall become effective 30 days from the date of its adoption.

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

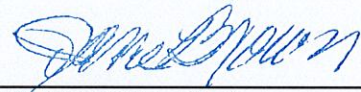
WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

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

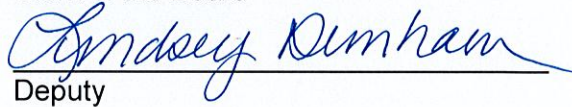
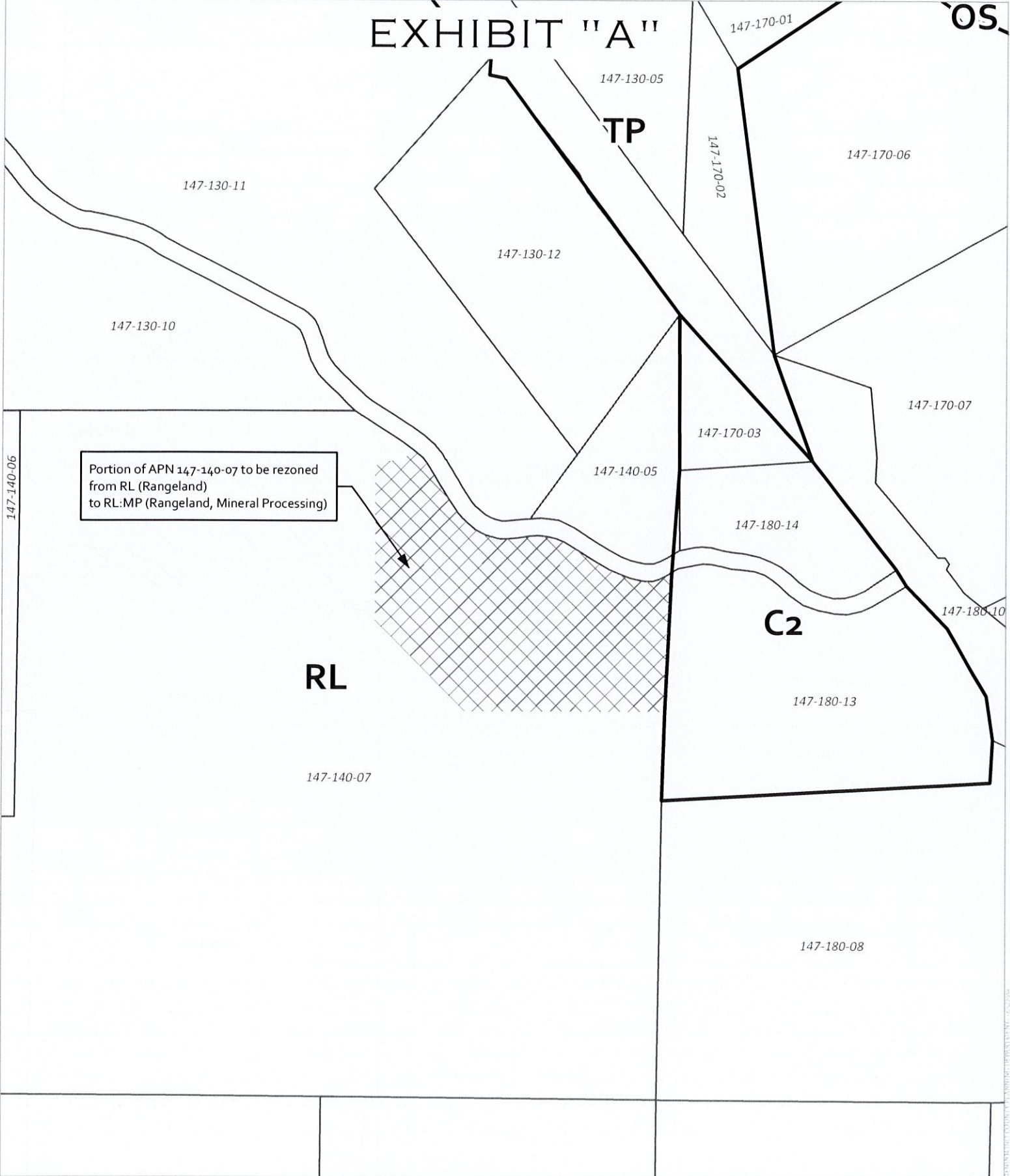




Deputy

EXHIBIT "A"



CASE: UR 19-83(05)
 OWNER: DUTRA, Frank & Judy
 APN: 147-140-07x
 APLCT: Frank Dutra
 AGENT:
 ADDRESS: 16831 Black Bart Drive, Willits

-  REZONE FROM: R-L (Rangeland)
TO: R-L:MP (Rangeland with Mineral Processing combining district)
-  Zoning Districts
-  Assessors Parcels

