

County of Mendocino
Ukiah, California
September 21, 2017

GP_2013-0002 and OA_2013-0001

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING PROPOSED AMENDMENT TO THE MENDOCINO TOWN LOCAL COASTAL PLAN CONSISTING OF AMENDMENTS TO THE MENDOCINO COUNTY GENERAL PLAN COASTAL ELEMENT CHAPTER 4.13 MENDOCINO TOWN PLAN, MENDOCINO TOWN ZONING CODE, MENDOCINO TOWN LAND USE MAP, and MENDOCINO TOWN ZONING MAP.

WHEREAS, the Coastal Commission in 1990 approved the geographic segmentation of the Mendocino Town, as described and mapped to define and illustrate specified boundaries, for local coastal purposes pursuant to Public Resources Code section 30511(c); and

WHEREAS, the Coastal Commission approved the Mendocino Town LCP Land Use Plan in 1992, certified the complete Mendocino Town Local Coastal Program (LCP) in 1996, and has subsequently certified amendments to them in 2000, 2003, and 2015; and

WHEREAS, the Mendocino Town LCP consists of a Land Use Plan, which is Mendocino County General Plan *Coastal Element Chapter 4.13 the Mendocino Town Plan* and Mendocino Town Land Use Map, and an Implementation Program, which is Division III of Title 20 of Mendocino County Code and Mendocino Town Zoning Map; and

WHEREAS, following multiple community meetings and meetings of the Planning Commission and the Board of Supervisors of proposed amendments to the Mendocino Town Plan LCP, the Board of Supervisors on December 9, 2014, and December 15, 2015, adopted amendments to the certified Mendocino Town LCP (the "Mendocino Town Plan LCP Amendment") for Coastal Act purposes only and authorized their transmittal to the California Coastal Commission for certification review pursuant to the Coastal Act; and

WHEREAS, the Mendocino Town Plan LCP Amendment consists of revisions to (1) the Mendocino County General Plan *Coastal Element Chapter 4.13 the Mendocino Town Plan* and the Mendocino Town Land Use Map, which are attached to this resolution as Exhibit A and incorporated herein by this reference, and (2) Division III of Title 20 of the Mendocino County Code and the Mendocino Town Zoning Map, which are attached to this resolution as Exhibit B and incorporated herein by this reference; and

WHEREAS, on June 8, 2017, in Arcata, California, the California Coastal Commission, by a series of unanimous votes adopted Coastal Commission Resolutions B and D, certifying the Mendocino Town Plan LCP Amendment (LCP-1-MEN-14-0840-1), if it is modified by the County of Mendocino as suggested by the Coastal Commission; and

WHEREAS, on August 3, 2017, the Mendocino County Department of Planning and Building Services received notification of the California Coastal Commission's June action on the Mendocino Town LCP Amendment LCP-1-MEN-0840-1; and

WHEREAS, pursuant to Government Code sections 65350 *et seq.* and 65850 *et seq.*, the Planning Commission is to provide its report and recommendation to the Board of Supervisors regarding amendments to the General Plan and Zoning Ordinance, and if any substantial modification proposed by

the Board of Supervisors was not previously considered by the Planning Commission during its hearings, the changes are to be referred to the Planning Commission; and

WHEREAS, the California Coastal Commission took action to certify the Mendocino Town Plan LCP Amendment so long as the Amendment was modified as suggested by the Coastal Commission, which changes are reviewed in the staff memorandum accompanying this resolution, and which had not been previously considered by the Planning Commission; and

WHEREAS, pursuant to CEQA Guidelines sections 15250, 15251(f) and 15265, the preparation, approval and certification of a local coastal program (such as the Mendocino Town Plan LCP Amendment) is exempt from the requirements for preparation of an environmental impact report because the Coastal Commission's review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the EIR process required by CEQA in sections 21080.5 and 21080.9 of the Public Resources Code; and

WHEREAS, the Secretary to the Planning Commission has confirmed that all required public notice for availability of, and public hearing on, the Mendocino Town Plan LCP Amendment has been provided; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on September 21, 2017, to solicit public comments on the proposed Mendocino Town Plan LCP Amendments (GP_2013-0002 and OA_2013-0001), at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the proposed amendments. All interested persons were given an opportunity to hear and be heard; 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 Mendocino Town Plan LCP Amendment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on the evidence in the record before it, makes the following report and recommendation to the Mendocino County Board of Supervisors regarding the Mendocino Town Plan LCP Amendment (General Plan Amendment GP_2013-0002 and Ordinance Amendment OA-2013-0001), as modified as suggested by the California Coastal Commission and attached to this resolution as Exhibit A (General Plan Amendment GP_2013-0002) and Exhibit B (Ordinance Amendment OA-2013-0001):

1. The Planning Commission recommends that the Board of Supervisors find the adoption of the Mendocino Town Plan LCP Amendment (General Plan Amendment GP_2013-0002 and Ordinance Amendment OA-2013-0001), as modified as suggested by the California Coastal Commission, consistent with the General Plan.

2. The Planning Commission recommends that the Board of Supervisors consider the adoption of the Mendocino Town Plan LCP Amendment (General Plan Amendment GP_2013-0002 and Ordinance Amendment OA-2013-0001), as modified as suggested by the California Coastal Commission, exempt from the requirements for preparation of an environmental impact report because the Coastal Commission's review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the EIR process required by CEQA in sections 21080.5 and 21080.9 of the Public Resources Code.

3. The Planning Commission recommends that the Board of Supervisors adopt the Mendocino Town Plan LCP Amendment (General Plan Amendment GP_2013-0002 and Ordinance Amendment OA-2013-0001), as modified as suggested by the California Coastal Commission, and requests that the Board of Supervisors review the following issues:

- A. That the phrase "braided California Coastal Trail segments," as used on page 4.13-9 of the strikethrough version of the Coastal Element and other pages in the Mendocino Town Plan LCP Amendment, be better defined.
- B. That Action S-2.1 on page 4.13-102 of the strikethrough version of the Coastal Element be reviewed to determine if the word "not" needs to be inserted in clause (b) for that clause to read as follows:
"(b) that well production of groundwater will (1) **not** deplete the ground water table of contiguous or surrounding uses, and (2) **not** have a significant direct or cumulative adverse effect on coastal resources."
- C. That, on page 253 of the of the strikethrough version of the Mendocino Town Zoning Code, the references to the California Department of Fish and Game in paragraph (B) be changed to the California Department of Fish and Wildlife.

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

ATTEST: VICTORIA DAVIS
Commission Services Supervisor

By: *Victoria Davis*

BY: IGNACIO GONZALEZ
Interim Director

Ignacio Gonzalez

MADELIN HOLTKAMP, Chair
Mendocino County Planning Commission

Madelin Holtkamp

