

RESOLUTION NO. 16-110

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING PLANNING AND BUILDING SERVICES TO SUBMIT A LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION TO CERTIFY UPDATES TO TITLE 20, DIVISION II AUTHORIZED UNDER ORDINANCE NO. OA_2015-0003

WHEREAS, the County of Mendocino adopted a Local Coastal Program (LCP) as a Coastal Element of the General Plan on November 5, 1985, which was subsequently certified by the California Coastal Commission on November 20, 1985; and

WHEREAS, the Board of Supervisors adopted Ordinance No. 3953 amending the Inland and Coastal Zoning Codes in part by declaring wireless communication facilities to be conditional uses within all zoning districts; and

WHEREAS, the Board of Supervisors adopted Ordinance Amendment #OA 2014-0003 on August 4, 2015 (Ordinance No. 4341) to modify the Inland Zoning Code and create an alternative permit process for certain wireless communication facilities; and

WHEREAS, the Board of Supervisors adopted *Guidelines for the Development of Wireless Communication Facilities* by resolution on August 4, 2015 (Resolution No. 15-121); and

WHEREAS, the Board of Supervisors directed Planning and Building Services Staff to bring forward similar changes as were adopted Inland to the Coastal Zoning Code; and

WHEREAS, the Planning Commission held a publicly noticed hearing on May 19, 2016, on the proposed Ordinance Amendment and submitted its recommendation to the Board of Supervisors that the Board approve the proposed Amendment to Title 20, Division II of the Mendocino County Code regarding wireless communication facilities; and

WHEREAS, the Board of Supervisors held a publicly noticed hearing on July 12, 2016, on the proposed Ordinance Amendment and has determined that Title 20, Division II should be amended, as recommended by the Planning Commission; and

WHEREAS, the County of Mendocino provided public notice in a general circulation newspaper, at the public hearing location, and to interested parties for the public hearings on the amendment to Title 20, Division II of the Mendocino County Code held by the Planning Commission and the Board of Supervisors; and

WHEREAS, by virtue of the public meetings listed above, all interested persons were given an opportunity to be heard on the proposed updates to Title 20, Division II of the Mendocino County Code; and

WHEREAS, pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA) does not apply to activities and approvals by a local government as necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal Act (Public Resources Code Section 30000 et seq.), and as provided by Section 15265 of the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), the burden of CEQA compliance for local coastal plans is shifted from the County to the California Coastal Commission; and

WHEREAS, on July 12, 2016, the Board of Supervisors adopted Ordinance No. OA 2015-0003, which is attached to this resolution as Exhibit A and is incorporated herein by this reference; and

WHEREAS, the Department of Planning and Building Services prepared the subject resolution because the Coastal Commission cannot accept the County's submitted LCPA without a resolution from the Board authorizing the submittal of the application.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors direct Planning and Building Services staff to submit the amendment to Title 20, Division II of the Mendocino County Code to the California Coastal Commission for certification of the County of Mendocino Local Coastal Program;

BE IT FURTHER RESOLVED, that, pursuant to Public Resources Code Section 21080.9 and CEQA Guidelines Section 15265, environmental review of Title 20, Division II of the Mendocino County Code will be performed as part of the California Coastal Commission's certification of Title 20, Division II of the Mendocino County Code; and

BE IT FURTHER RESOLVED, the County of Mendocino intends that the amendment (attached as Exhibit A) to Title 20, Divisions II of the Mendocino County Code will take effect automatically upon the Commission approval unless the Commission suggests modifications, in which case, the Board of Supervisors will take action to consider adoption of the suggested modifications; and


BE IT FURTHER RESOLVED, that the County agrees to issue coastal development permits subject to the amended Title 20, Division II of the Mendocino County Code and to carry out Title 20, Division II of the Mendocino County Code in a manner fully in conformity with the California Coastal Act of 1976.

The foregoing Resolution introduced by Supervisor Hamburg, seconded by Supervisor McCowen, and carried this 12th day of July, 2016, by the following vote:

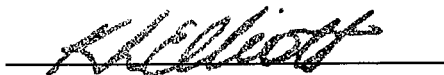
AYES: Supervisors Brown, McCowen, Woodhouse, Gjerde and Hamburg
NOES: None
ABSENT: None

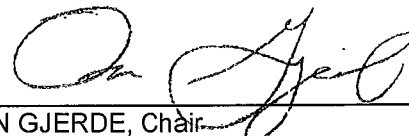
WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

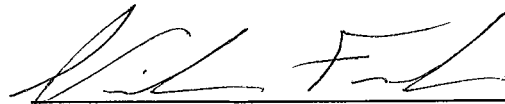
APPROVED AS TO FORM:
KATHARINE L. ELLIOTT
County Counsel




DAN GJERDE, 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