

RESOLUTION NO. 18-165

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 AMENDMENTS TO TITLE 20, DIVISION II AND THE ADDITION OF CHAPTER 22.17 (FLOODPLAIN ORDINANCE) TO THE LOCAL COASTAL PROGRAM

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 Amendment OA_2017-0002 on June 6, 2017 (Ordinance 4385) to amend and repeal the Floodplain Combining District Ordinance within Chapter 20.120 (Inland) of Division I of Title 20 and Chapter 20.420 (Coastal) of Division II of Title 20 of the Mendocino County Code and replaced with Chapter 22.17 combining both coastal and inland ordinance into one ordinance; and

WHEREAS, the Planning Commission held a publicly noticed hearing on March 15, 2018, on proposed Ordinance Amendment OA_2018-0002 and submitted its recommendations to the Board of Supervisors that the Board approve OA_2018-0002, an amendment to the Local Coastal Program consisting of amendments to Title 20, Division II and the addition of Chapter 22.17; and

WHEREAS, the Board of Supervisors held a publicly noticed hearing on November 6, 2018, on the proposed Ordinance Amendment and determined that the Local Coastal Program 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 held by the Planning Commission and Board of Supervisors on the amendment to the Local Coastal Program consisting of amendments to Title 20, Division II and the addition of Chapter 22.17; and

WHEREAS, by virtue of the public meetings listed above, all interested persons were given an opportunity to be heard on the proposed amendment to the Local Coastal Program; 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 November 11, 2018, the Board of Supervisors adopted Ordinance OA_2018-0002, 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 California Coastal Commission cannot accept the County's submitted Local Coastal Program Amendment (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 LCPA consisting of amendments to Title 20, Division II and the addition of Chapter 22.17 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 and Chapter 22.17 of the Mendocino County Code will be performed as part of the certification of Title 20, Division II and Chapter 22.17 of the Mendocino County Code; and

BE IT FURTHER RESOLVED, the County of Mendocino intends that the amendment (attached as Exhibit A) to the Local Coastal Program consisting of amendments to Title 20, Division II and the addition of Chapter 22.17 to 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 amendments to Title 20, Division II and the addition of Chapter 22.17 and to carry out Title 20, Division II and Chapter 22.17 in a manner fully in conformity with the California Coastal Act of 1976.

The foregoing Resolution introduced by Supervisor McCowen, seconded by Supervisor Brown, and carried this 6th day of November, 2018, by the following vote:

AYES	Supervisors Brown, McCowen, and Croskey
NOES	Supervisor Gjerde
ABSENT	Supervisor Hamburg

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

GEORGEANNE CROSKEY, 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.

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy