

RESOLUTION NO. 17 - ####

**RESOLUTION OF MENDOCINO COUNTY BOARD OF SUPERVISORS
ADOPTING AMENDMENTS TO THE MENDOCINO TOWN LOCAL
COASTAL PROGRAM (CONSISTING OF AMENDMENTS TO THE
MENDOCINO COUNTY GENERAL PLAN COASTAL ELEMENT
CHAPTER 4.13 MENDOCINO TOWN PLAN, MENDOCINO TOWN
LAND USE MAP, MENDOCINO TOWN ZONING CODE, AND
MENDOCINO TOWN ZONING MAP), ACCEPTING CALIFORNIA
COASTAL COMMISSION SUGGESTED MODIFICATIONS TO LCP
AMENDMENT LCP-1-MEN-14-0840-1, AND ADOPTING
AMENDMENTS TO THE MENDOCINO COUNTY GENERAL PLAN
COASTAL ELEMENT (CHAPTER 4.13 MENDOCINO TOWN PLAN)
(GP 2-2013/OA 1-2013).**

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 plan 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 on proposed amendments to the Mendocino Town LCP, the Board of Supervisors on December 9, 2014, and December 8, 2015, adopted amendments to the certified Mendocino Town LCP (the "Mendocino Town 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, on February 28, 2013, March 21, 2013, May 16, 2013, July 11, 2013, August 29, 2013, July 17, 2014, and September 21, 2017 the Planning Commission discussed proposed Mendocino Town LCP amendments; and

WHEREAS, on August 29, 2013, July 17, 2014, and September 21, 2017, Mendocino County Planning Commission recommended that the Board of Supervisors adopt amendments to Mendocino County General Plan *Coastal Element Chapter 4.13 the Mendocino Town Plan* and Mendocino Town Land Use Map, and to Division III of Title 20 of Mendocino County Code and Mendocino Town Zoning Map; 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 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-14-0840-1; 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 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, at its meeting on September 21, 2017, the Mendocino County Planning Commission held a duly noticed public hearing on and considered the Mendocino Town LCP Amendment as modified as suggested by the Coastal Commission and, after holding a public hearing, provided its report and recommendation to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board of Supervisors regarding the Mendocino Town LCP Amendment; and

WHEREAS, the Clerk of the Board of Supervisors has confirmed that all required public notice for availability of, and public hearing on, the Mendocino Town LCP Amendment has been provided.

NOW, THEREFORE, BE IT RESOLVED, that Mendocino County Board of Supervisors acknowledges the August 3, 2017, receipt of California Coastal Commission adopted resolutions; and

BE IT FURTHER RESOLVED, that Mendocino County Board of Supervisors accepts and agrees to the California Coastal Commission suggested modifications to Mendocino Town Amendment LCP-1-MEN-14-0840-1, including California Coastal Commission suggested modifications 17b, 17g, and 29b; and

BE IT FURTHER RESOLVED, that Mendocino County Board of Supervisors find the Mendocino Town 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 Coastal Act and the Mendocino County General Plan; and

BE IT FURTHER RESOLVED, that Mendocino County Board of Supervisors finds the adoption of the Mendocino Town 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; and

BE IT FURTHER RESOLVED, that, based on the recitals and findings set forth in this Resolution, the evidence in the staff memorandum accompanying this Resolution and all other evidence in the administrative record, the Mendocino County Board of Supervisors hereby adopts amendments to the Mendocino County General Plan *Coastal Element Chapter 4.13 Mendocino Town Plan* in the form attached to this resolution as Resolution Exhibit A (General Plan Amendment GP_2013-0002), and incorporated herein by this reference, including California Coastal Commission suggested modifications 17b, 17g, and 29b; and

BE IT FURTHER RESOLVED, that the Mendocino County Board of Supervisors directs the Department of Planning and Building Services to prepare a clean version of the Mendocino County General Plan *Coastal Element Chapter 4.13 Mendocino Town Plan* for distribution to public entities and the general public pursuant to Government Code section 65357.

BE IT FURTHER RESOLVED, that the Mendocino County Board of Supervisors agree to issue coastal development permits subject to the certified Mendocino Town LCP.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this 17th day of October, 2017, by the following roll call vote:

AYES:

NOES:

ABSENT:

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:
KATHARINE L. ELLIOTT,
County Counsel

JOHN McCOWEN 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