ORDINANCE NO._____

ORDINANCE AMENDING DIVISION III OF TITLE 20 OF MENDOCINO COUNTY CODE (OA 2013-0001)

WHEREAS, the California 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 and an Implementation Program, which is Division III of Title 20 of Mendocino County Code, which is known and cited as the "Mendocino Town Zoning Code," and the Mendocino Town Zoning Map; and

WHEREAS, on June 8, 2017, in Arcata, California, the Coastal Commission, by a series of unanimous votes adopted Coastal Commission Resolution D, certifying the Mendocino Town LCP Implementation Program Amendment, 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, Mendocino County General Plan Coastal Element Policy 4.13-2 provides that the plan be revised, if necessary, to preserve town character consistent with Policy 4.13-1; and

WHEREAS, Mendocino County General Plan Coastal Element Policy 4.13-8 provides that Mendocino County Code *Chapter 20.760 Historical Preservation District*, as amended, shall be made a part of the implementing ordinances of the Mendocino Town Plan and the Mendocino Historical Review Board shall continue to exercise those charges as specified by the ordinance; and

WHEREAS, on September 21, 2017, the Planning Commission conducted a duly noticed public hearing on OA 2013-0001, which consists of amendments to Division III of Title 20 of Mendocino County Code and Mendocino Town Zoning Map, and made its report and recommendation to the Board of Supervisors; and

WHEREAS, on October 17, 2017, the Board of Supervisors conducted a duly-noticed public hearing on the ordinance amendment OA 2013-0001; and

WHEREAS, the Clerk of the Board of Supervisors has confirmed that all required public notice for availability of, and public hearing on Ordinance Amendment OA 2013-0001 has been provided.

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

Section 1. CEQA. The 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.

Section 2. Ordinance Code and Zoning Map Amendment. The Board of Supervisors hereby adopts amendments to Division III of Title 20 of the Mendocino County Code (Ordinance Amendment OA 2013-0001) and amendments to the Mendocino Town Zoning Map, in the form attached as Ordinance Exhibit A to this ordinance and incorporated herein by this reference, which amendments include changes reflecting Coastal Commission suggested modifications to Division III, specifically including suggested modification 29b. The Board of Supervisors hereby directs that a clean version of Ordinance Exhibit A be prepared and codified as Division III of Title 20 of the Mendocino County Code.

Section 3. Coastal Commission Matters.

(A) The Board of Supervisors hereby agree to issue coastal development permits subject to the approved Mendocino Town Local Coastal Program.

(B) The Board of Supervisors request, pursuant to Title 14, California Code of Regulations, section 13544, that the California Coastal Commission Executive Director to determine whether the County's actions in adopting the Mendocino Town LCP Amendment are adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Coastal Commission.

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