

RESOLUTION NO. 7-2016

RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, RECOMMENDATION ON THE COUNTY INITIATED TEXT AMENDMENT OF THE COUNTY ORDINANCE THAT WOULD ADD CHAPTER 88-24 AND REVISE SECTIONS 26-2.2102 AND 82-2.010 OF THE COUNTY ORDINANCE TO INCLUDE PROCEDURES, CONDITIONS, AND REQUIREMENTS FOR ESTABLISHING AND LOCATING WIRELESS TELECOMMUNICATION FACILITIES WITHIN UNINCORPORATED AREAS OF CONTRA COSTA COUNTY (County File: ZT13-0001)

WHEREAS, the Board of Supervisors adopted the Contra Costa County Telecommunications Policy in July 1998 to provide guidance on processing wireless telecommunication facilities within the County in a manner consistent with the 1996 federal Telecommunications Act; and

WHEREAS, on Tuesday, October 25, 2011, the Board of Supervisors authorized the Department of Conservation and Development to conduct a study of the 1998 Telecommunications Policy and the current federal and state laws as a basis for creating a new Wireless Telecommunication Facilities Ordinance; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, the Department of Conservation and Development prepared a Notice of Public Review and Intent to Adopt a Proposed Negative Declaration for the project (Draft ND) which was posted and circulated for comment on March 12, 2013, which indicated that the project would not result in any significant environmental impacts; and

WHEREAS, during the 30-day public review period for the Draft ND that started on March 12, 2013 and ended on April 11, 2013, a total of four correspondence were received commenting on the Draft ND, and one additional comment letter was received on January 5, 2015 after the end of the public review period; and

WHEREAS, a Final Negative Declaration (Final ND), dated July 2, 2015, was prepared that provided responses to the comments received on the Draft ND during the public review period and text revisions of the Draft ND, and which do not result in substantive changes to the Draft ND and do not change the findings of the Draft ND; and

WHEREAS, after notice having been lawfully given, a public hearing on the proposed ordinance was scheduled before the County Planning Commission on Tuesday, July 21, 2015, where all persons interested therein might appear and be heard; and

WHEREAS, a total of five letters were received by the County Planning Commission, including one letter received on July 17, 2015 and four letters received on the day of the public hearing on July 21, 2015, and due to the lateness of the comments received, the County Planning Commission continued the public hearing; and

WHEREAS, a revised Final Negative Declaration (Final ND), dated December 8, 2015, was prepared that included changes resulting from changes to the proposed Ordinance that were made in response to some of the comments included in the July 21, 2015 comment letters, and which do not result in substantive changes to the Draft ND and do not change the findings of the Draft ND; and

WHEREAS, a report and recommendation on the proposed ordinance was presented to the County Planning Commission on Tuesday, December 15, 2015; and

WHEREAS, on Tuesday, December 15, 2015, the County Planning Commission opened the public hearing on the proposed ordinance and heard testimony from two members of the public; and

WHEREAS, a total of three letters were received by the County Planning Commission, including two letters on December 14, 2015 and one letter on December 15, 2016; and

WHEREAS, the County Planning Commission continued its consideration of the proposed ordinance to February 9, 2016 in order to provide the Department of Conservation and Development time to consider the oral and written comments received and to discuss the comments with the commenters; and

WHEREAS, on Tuesday, February 9, 2016, the Department of Conservation and Development presented a report to the County Planning Commission on changes that had been made to the proposed Ordinance based on consideration of the comments received and discussion with the commenters, and the County Planning Commission heard additional testimony from two members of the public; and

WHEREAS, on Tuesday, February 9, 2016 the County Planning Commission having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter closed the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the County Planning Commission:

1. FINDS that the Negative Declaration, California State Clearinghouse Number #2013032035, consisting of the Draft ND and Final ND, is adequate and complete, has been prepared in compliance with the California Environmental Quality Act and the State and County CEQA Guidelines, and reflects the County's independent judgement and analysis, and recommends that the Board certify the Negative Declaration; and
2. FINDS that the proposed zoning text amendments (County File: ZT13-0001) to add Chapter 88-24 to the County Ordinance Code and revise County Ordinance Code Sections 26-2.2102 and 82-2.010, to establish the Wireless Telecommunication Facilities Ordinance as described on the December 15, 2015 and February 9, 2016 staff reports and recommendations to the County Planning Commission, are consistent with the General Plan of Contra Costa County; and
3. RECOMMENDS to the Board of Supervisors approval of the ordinance to add Chapter 88-24 to the County Ordinance Code and revise County Ordinance Code Sections 26-2.2102 and 82-2.010, to establish the Wireless Telecommunication Facilities Ordinance that will include procedures, conditions, and requirements for establishing and locating wireless telecommunication facilities within unincorporated areas of Contra Costa County.

This Resolution was approved upon motion of the County Planning Commission on Tuesday, February 9, 2016 by the following vote:

AYES: Wright, Stewart, Terrell, Swenson, and Steele (Vice Chair)

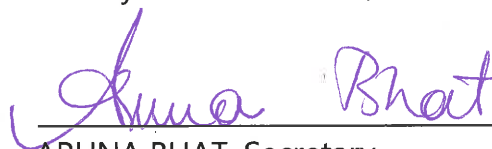
NOES: None

ABSENT: Snyder and Clark

ABSTAIN: None

DON SNYDER
Chairman of the County Planning Commission
County of Contra Costa, State of California

ATTEST:



ARUNA BHAT, Secretary
County Planning Commission
County of Contra Costa
State of California