

RESOLUTION NO. 15 - _____

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS
ADOPTING GUIDELINES FOR THE DEVELOPMENT OF WIRELESS
COMMUNICATIONS FACILITIES**

WHEREAS, the purpose and intent of this resolution is to provide a uniform and comprehensive set of guidelines for the development, operation, and maintenance of wireless communications facilities consistent with applicable federal regulations. The guidelines are designed to protect and promote public health, safety, community welfare, zoning integrity and the aesthetic quality of the county, and to minimize the adverse impacts of wireless communications facilities, in conformity with goals and policies of the General Plan, while providing for the communications needs of residents, business, visitors and government within Mendocino County. It is the intent that these guidelines be followed to the greatest extent possible, recognizing that exceptions may be warranted by circumstances unique to specific applications; and

WHEREAS, the increasing number of wireless communications facilities has significant potential for beneficial and detrimental impacts within Mendocino County. Wireless communications facilities are a vital link in the local emergency response network and in the general communications needs of residents, businesses, visitors and government within Mendocino County. Structures associated with wireless communications facilities, including antennas, antenna towers, lighting, equipment shelters, generators, fences and access roads can interfere with views, natural vegetation, quiet seclusion, scenic values and rural quality of life. The cumulative effect of numerous facilities being developed by competing communication services providers can create unnecessary visual impacts through the development of separate redundant facilities; and

WHEREAS, wireless communications facilities shall be sited and designed to minimize adverse impacts on communities, neighborhoods, vistas, and natural resources to protect public health, safety and welfare; and

WHEREAS, guidelines for wireless communications facilities permit applications are needed to ensure consistent evaluation and uniform application of standards which are in compliance with the Telecommunications Act of 1996, which states that the County "...shall not unreasonably discriminate among providers of functionally equivalent services..." Further the Act states "nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless facilities."; and

WHEREAS, the Act limits local authority in considering potential health impacts that may result from such installations, Mendocino County will construe this "limitation" as a warranty, made by the Federal government and backed by its full faith and credit, to the citizens of Mendocino County, that they have undertaken abundant, rigorous and independent investigation and testing, and can make this assurance of the health and safety of this technology now and in the years to come. Further, we construe that by reserving authority in health and safety matters to itself, the Federal government also assures all legal and financial responsibility arising from potential health and safety impacts, now and in the years to come. Finally, since local authorities are limited from local oversight of health concerns, we construe that the citizens of Mendocino County, its businesses, jurisdictions and governments shall be held entirely whole and harmless of any liabilities arising from health and safety concerns now and in the years to come; and

WHEREAS, the adoption of these guidelines is exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 8 exemption consisting of an action taken to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment.

NOW, THEREFORE, BE IT RESOLVED that the guidelines attached in Exhibit A are adopted to guide the evaluation of applications for, and the development, operation, and maintenance of wireless communications facilities.

This foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

CARRE BROWN, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
DOUGLAS L. LOSAK, Interim County Counsel

Deputy

BY:

Deputy