

CITY OF OJAI
RESOLUTION NO. 15-13
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OJAI, CALIFORNIA, ADOPTING THE PUBLIC NOTICE
PROCEDURE FOR WIRELESS TELECOMMUNICATIONS
FACILITIES**

WHEREAS, the City Council of the City of Ojai adopted an Ordinance 851 amending Chapter 14 of Title 10 of the Ojai Municipal Code relating to regulation of wireless telecommunications facilities on March 10 2015; and

WHEREAS, Ordinance 851 provides for the approval of special procedures to provide adequate public notice of proposed new or modified telecommunications facilities; and

WHEREAS, Special public notice procedures for new and modified telecommunications facilities are needed because Federal law treats such facilities differently than other development, and in particular establishes defined time limits within which the City must act on applications; and

WHEREAS, the City Council of the City of Ojai desires to provide the maximum amount of transparency possible in the handling of applications for new or modified telecommunications facilities.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI DOES HEREBY
RESOLVE AND ORDER, AS FOLLOWS:**

SECTION 1. The attached "Public Notice Procedure for Wireless Facilities" (Exhibit A) attached hereto and made a part thereof is hereby adopted.

SECTION 2. The City Clerk shall certify to the adoption of the resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 24th day of March, 2015 by the following vote:

AYES: Blatz, Clapp, Haney, Lara, Weirick

NOES: None

ABSENT: None

ABSTAIN: None

CITY OF OJAI, CALIFORNIA


Severo Lara, Mayor

ATTEST:


Rhonda K. Basore

Rhonda K. Basore, City Clerk

APPROVED AS TO FORM:


Scott Howard, Interim City Attorney



City of Ojai Administrative Policy & Procedure

Subject: Public Notice Procedure for Wireless Facilities	Number: 15-02
Approved by: City Council Resolution	Responsible Department: Community Development
Date Issued: March 24, 2015	Dates Revised:

PURPOSE

The purpose of this procedure is to provide public notice of potential new wireless telecommunications facilities or potential modification of existing wireless telecommunications facilities, and to provide ongoing public notice regarding the actions associated with processing applications for such facilities.

POLICY & PROCEDURE

Legal Requirements

The following Municipal Code sections apply to applications for wireless telecommunications facilities:

Section 10-14.040(d) of the Ojai Municipal Code provides as follows:

“Public notice of applications submitted shall be made following procedures proposed by the City Manager and approved by Council, in addition to posting notice of completed applications on the City’s website and at City Hall.”

Section 10-14.060 (i) of the Ojai Municipal Code provides as follows:

“The City will provide public notice of all approved and denied design review permit applications following procedures proposed by the City Manager and approved by Council, in addition to posting notice of approved and denied design review permit applications on the City’s website and at City Hall.”

Section 10.2.2405 of the Ojai Municipal Code provides as follows:

“Upon receipt in proper form of a conditional use permit application and compliance with the City’s CEQA guidelines, a public hearing shall be set and notice of the hearing given in compliance with Article 29 of this chapter”. (Article 29 is attached hereto, and incorporated by reference)

Procedures

The following procedures are established to implement and go beyond the minimum requirements of the Municipal Code and State law in order to keep the public apprised of activities relating to wireless telecommunications facilities.

1. **Posting on City Website and at City Hall**
 - a. The Community Development Director shall post notice of the following activities related to wireless telecommunications facilities on the City Website:
 - i. Site Specific Contact: Any contacts by wireless providers relating to a specific site will be logged and the information posted.
 - ii. Application Submitted:
 - iii. Application Deemed Complete:
 - iv. Proposed Ministerial Action Under Section 6409(a)
 - v. Ministerial Action Under Section 6409 (a)
 - vi. CEQA Document Circulated
 - vii. Conditional Use Permit Hearing Set before Planning Commission
 - viii. Planning Commission Action on a Conditional Use Permit
 - ix. Conditional Use Permit Hearing Set before City Council
 - x. City Council Action on a Conditional Use Permit
 - b. Postings made under this section shall include the address of the property, the name of the applicant, and the date of the activity that triggered the posting. Any hearing dates and/or deadlines for public comment shall be included.
 - c. All activities posted on the website shall also be posted in writing at City Hall.
2. **Posting on Site:** Within five days of receipt of an application for a wireless telecommunication facility the Community Development Director shall cause a sign to be posted prominently on site indicating the nature of the application and the contact number for more information.
3. **Mailed and Published Notice:** The Community Development Director shall mail and publish notice of the following activities related to wireless telecommunications facilities. Mailed notices shall be in accordance with the requirements of Municipal Code Section 10-2.2902. The notice area shall be increased to five hundred (500) feet.
 - a. The Community Development Director shall mail notice of the following activities related to wireless telecommunications facilities on the City Website:
 - i. Proposed Ministerial Action Under Section 6409(a)

- ii. Conditional Use Permit Hearing Set before Planning Commission
- iii. Conditional Use Permit Hearing Set before City Council
- iv. Any other time as required by State or local law.

Attachment:

A- Ojai Municipal Code Article 29. Public Hearings

Ojai Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 10 PLANNING AND ZONING](#)[Chapter 2 ZONING REGULATIONS](#)[LAND USE PERMITS AND ADMINISTRATION](#)**Article 29. Public Hearings****Sec. 10-2.2901. Purpose of article.**

The purpose of this article is to specify procedures for hearings before the Council, Commission, and Director and appeals of any requirement, decision, or determination made by the Commission or Director. (§ 3, Ord. 771, eff. February 13, 2004)

Sec. 10-2.2902. Hearing and notice.

When an amendment, appeal, entitlement, or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with State law (Government Code Sections 65090, 65091, 65094 and 66451.3 and Public Resources Code Sections 21000, et seq.).

(a) Notice of a public hearing shall include:

- (1) The date, time, and place of the hearing, the name of the hearing body, and the telephone number and street address of the Department where an interested person may call or visit to receive additional information;
- (2) A general explanation of the matter to be considered and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing;
- (3) A statement that persons wishing to be heard on the matter may attend and be heard; and
- (4) If a proposed negative declaration or final environmental impact report has been prepared for the project in compliance with the City's environmental review procedures, the notice shall include a statement that the hearing body shall also consider approval of the proposed negative declaration or certification of the final environmental impact report.

(b) Notice of a public hearing required by this article for an amendment, appeal, or entitlement shall be given as follows, as required by State law:

(1) Mailing.

(A) Notice shall be mailed at least ten (10) days before the hearing, through the United States mails with postage prepaid, to:

- (i) The owner(s) of the property being considered or the owner's agent, and the applicant(s);
- (ii) Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
- (iii) All owners of real property as shown on the County's latest equalized assessment roll, and all occupants, within a 300-foot radius of the subject parcel; and
- (iv) Any person who has filed a written request for notice with the Director and has paid the fee established by the City's fee resolution for the notice.

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(B) The 300-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of the neighboring parcels, without reference to structures existing on either parcel(s) in the following manner:

(i) Notification boundaries shall always include all parcels on both sides of interior residential streets; and

(ii) For proposed projects fronting on major arterial streets or highways the 300-foot radius shall not include the width of the adjoining right-of-way but shall be measured entirely from the opposite side of the arterial street or highway.

(2) If the notice is mailed as required above, the notice shall also either be:

(A) Published at least once in a local newspaper of general circulation within the City at least ten (10) days before the hearing; or

(B) Posted at least ten (10) days before the hearing in at least three (3) public places in the City, in compliance with the Department's handout on public hearing requirements.

(c) If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide the alternative notice allowed by State law (Government Code Section 65091(a) (3)).

(d) In addition to the types of notice required by subsections (b) and (c) above, the Director may provide additional notice with content or using a distribution method as the Director or Commission determines is necessary or desirable (e.g., use of a greater radius for notice, on the Internet).

(§ 3, Ord. 771, eff. February 13, 2004)

Sec. 10-2.2903. Neighborhood meeting encouraged.

(a) A neighborhood meeting or publicly-noticed conceptual review is strongly encouraged before the scheduled public hearing to identify potential community impacts and concerns relating to the proposed project.

(b) The appropriate procedures for the neighborhood meeting shall be defined by the Director.

(c) Public notice of the meeting is required, in compliance with this article.

(§ 3, Ord. 771, eff. February 13, 2004)

Sec. 10-2.2904. Director's investigation/written report.

The Director shall investigate all of the pertinent facts relating to the application in order to provide the written information necessary for action in compliance with these Zoning Regulations and the General Plan. The Director shall provide the written report, containing a recommendation and the required findings, to the Commission.

(§ 3, Ord. 771, eff. February 13, 2004)

Sec. 10-2.2905. Hearing procedure.

(a) Hearings shall be held at the date, time, and place for which notice has been given in compliance with this article.

(b) The summary minutes shall be prepared and made part of the permanent case file.

(c) Any hearing may be continued:

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- (1) If a hearing cannot be completed on the scheduled day, the presiding review authority member, before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time and place to which the hearing will be continued.
- (2) Additional notice for the continued hearing shall not be required.
- (3) A continuance requested by the applicant or appellant shall be accompanied by a fee in compliance with the City's fee resolution.

(§ 3, Ord. 771, eff. February 13, 2004)

Sec. 10-2.2906. Notice of decision—Director.

- (a) The Director shall announce and record the decision at the conclusion of the scheduled public hearing, if one is required. The decision shall contain applicable findings and any conditions of approval imposed by the Director. Following the hearing, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown upon the application.
- (b) Included within this mailing shall be a City-prepared letter for the applicant to sign, acknowledging that the applicant is in full concurrence/understanding with the final conditions of approval. The applicant shall return the signed acknowledgment within ten (10) days.
- (c) The decision of the Director shall be final unless appealed to the Commission.

(§ 3, Ord. 771, eff. February 13, 2004)

Sec. 10-2.2907. Notice of decision—Commission.

- (a) The Commission shall announce and record its decision at the conclusion of the scheduled public hearing. The decision shall contain the action of the Commission, including all findings, conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any effects and protect the health, safety, and welfare of the City.
- (b) Following the Commission hearing, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown upon the application.
- (c) Included within this mailing shall be a City-prepared letter for the applicant to sign, acknowledging that the applicant is in full concurrence/understanding with the final conditions of approval. The applicant shall return the signed acknowledgment within ten (10) days.
- (d) The decision of the Commission shall be final unless appealed to the Council.
- (e) The recommendation with findings of the Commission for the following applications shall be transmitted to the Council for final action:
 - (1) Development agreements;
 - (2) General Plan amendments;
 - (3) Specific plans;
 - (4) Tentative tract maps;
 - (5) Zoning Map amendments; and
 - (6) Amendments of these Zoning Regulations.

(§ 3, Ord. 771, eff. February 13, 2004)

Sec. 10-2.2908. Notice of decision—Council.

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- (a) The Council shall announce and record its decision at the conclusion of the scheduled public hearing. The decision shall contain the findings of the Council and any conditions of approval and reporting/monitoring requirements deemed necessary to mitigate any effects and protect the health, safety, and welfare of the City.
- (b) Following the Council hearing, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown upon the application.
- (c) Included within this mailing shall be a City-prepared letter for the applicant to sign, acknowledging that the applicant is in full concurrence/understanding with the final conditions of approval. The applicant shall return the signed acknowledgment within ten (10) days.
- (d) The decision of the Council shall be final, unless subjected to further legal action in compliance with State and Federal law.

(§ 3, Ord. 771, eff. February 13, 2004)

Sec. 10-2.2909. Notice of decision—Transmittal to applicant:

The Department shall mail a copy of the notice of decision and the adopted resolution, with the applicable findings and conditions, to the applicant at the address shown on the application within ten (10) days following the final date of decision.

(§ 3, Ord. 771, eff. February 13, 2004)

Sec. 10-2.2910. Effective date.

The following agreements, amendments, entitlements, permits, and plans shall become effective in compliance with the following, subject to the satisfaction of any applicable conditions:

- (a) Home occupation permits, sign permits, temporary use permits and zoning clearances shall become effective immediately following the final date of approval.
- (b) Design review permits, conditional use permits, minor conditional use permits, minor variances, planned development permits and variances shall become effective on the 16th day following the date the decision is rendered by the applicable review authority.
- (c) General Plan amendments shall become effective immediately following the final date of approval by the Council.
- (d) Development agreements, specific plans (including amendments and repeals), Zoning Map amendments, and amendments of these Zoning Regulations shall become effective on the 30th day following the date the decision is finally rendered by the Council (second reading).

(§ 3, Ord. 771, eff. February 13, 2004)

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