

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260



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Staff: Jo Ginsberg  
Staff Report: March 1, 1996  
Meeting of: March 14, 1996

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director  
Tom Crandall, Deputy Director  
Steven F. Scholl, District Director  
Jo Ginsberg, North Coast Planner

SUBJECT: MENDOCINO COUNTY LCP AMENDMENT No. 1-95 (Major): (Public Hearing and Possible Action at the California Coastal Commission meeting of March 14, 1996.)

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SYNOPSISAMENDMENT DESCRIPTION:

The proposed amendment to the Mendocino County LCP, effectively certified in September 1992, affects six separate geographic areas, all located north of the Navarro River, known collectively as the 1995-A North of Navarro Watershed Group.

The changes proposed by Amendment No. 1-95 are as follows:

1. SITE ONE (GP 12-89/R 24-91, CREASEY, etc al). APN 123-380-08, 126-020-01. Change the Coastal Plan land use classification and rezone 70.14 acres south of Albion from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum (RR-10 and RR:L:10). (See Exhibit Nos. 1-6.)
2. SITE TWO (GP 5-89/R 1-95, PEIRCE/COMER). APN 017-220-44 and 45. Change the Coastal Plan land use classification of 96 acres south of Fort Bragg from Forest Lands-160 acre minimum (FL) to Rural Residential-5 acre minimum: Planned Development (RR-5:PD). Rezone from Forest Lands (FL) to Rural Residential-5 acre minimum: Planned Development (RR:L:5:PD). (See Exhibit Nos. 7-11.)

3. SITE THREE (GP 29-88/R 22-91, TAYLOR). APN 069-161-10. Change the Coastal Plan land use classification and rezone a 2.16-acre parcel located north of Fort Bragg and south of Cleone from Rural Residential-5 acre minimum, 2 acre minimum variable (RR-5 [RR-2]) to Rural Residential-5 acre minimum, 2 acre minimum variable, \*1C (RR-5 [RR-2] \*1C) which would allow up to a 10-unit inn or a 4-unit B&B by conditional use permit. (See Exhibit Nos. 12-23.)
4. SITE FOUR (GP 4-90/R 21-91, FEAREY/WILSON). APN 121-020-21. Change the Coastal Plan land use classification and rezone 7.5 acres south of Little River from Remote Residential-20 acre minimum, 10-unit inn and accessory uses (RMR-20 \*1, \*4) to Remote Residential-20 acre minimum, conditional 20-unit inn, motel, or hotel and accessory uses (RMR-20 \*2C, \*4). (See Exhibit Nos. 24-28.)
5. SITE FIVE (GP 5-90/R 30-91, WELLS/HEALEY). APN 123-040-06 and 07. Correct the Coastal Plan LUP Map and rezone to transfer the Albion River Inn Visitor Serving Facility (VSF) designation (\*2) to the correct parcel. (See Exhibit Nos. 29-32.)
6. SITE SIX (GP 14-95/R 16-95, KRUZIC). APN 17-310-43 and 58. Change the Coastal Plan land use classification of 2.1 acres located south of Fort Bragg from Rural Residential-5 acre minimum, Rural Residential-1 acre minimum variable (RR-5 [RR-1]) to Rural Residential-5 acre minimum, Rural Residential-2 acre minimum variable (RR-5 [RR-2]) to facilitate a boundary line adjustment with an adjoining two-acre parcel to the east owned by the applicant. Rezone from Rural Residential-5 acre minimum, Rural Residential-1 acre minimum variable (RR:L-5 [RR]) to Rural Residential-5 acre minimum, Rural Residential-2 acre minimum variable (RR:L-5 [RR:L-2]). (See Exhibit Nos. 33-37.)

#### SUMMARY OF STAFF RECOMMENDATION

Mendocino County's coastal zone is a varied and scenic area containing many valuable and fragile resources that need protection. In 1985 when the Coastal Commission reviewed the LUP submitted by the County, the Commission was very concerned with the potential large-scale development permitted by the proposed densities. The Commission scaled back the County-proposed densities by more than half, finding that the fragile coastal resources of the Mendocino County could not support such intense development. Of particular concern to the Commission was the issue of Highway One road capacity. Section 30254 of the Coastal Act states that it is the intent of the Legislature that Highway One remain a scenic two-lane road in rural areas such as Mendocino County (excluding the Fort Bragg area). As such, the Commission found it necessary

to reduce the number of potential new parcels permitted under the plan originally submitted by the County from 3,400 to approximately 1,500.

The Commission recognized that in the future, a greater or smaller number of potential new parcels might be more appropriate, given that changes might occur that would affect highway capacity, such as new road improvements, or that development might proceed at a faster or slower pace than anticipated. To provide for an orderly process to adjust the number of potential parcels allowed under the LCP to reflect conditions as they change over time, the Commission approved Policy 3.9-4 of the LUP that required a future review of the Land Use Plan. This policy states that following approval of each 500 additional housing units in the coastal zone, or every five years, whichever comes first, the LUP shall be thoroughly reviewed to determine whether Highway One capacity used by non-resident travel and visitor accommodations is in scale with demand or should be increased or decreased; whether the plan assumptions about the percentage of possible development likely to occur are consistent with experience and whether the allowable build-out limits should be increased or decreased; and whether any significant adverse cumulative impacts on coastal resources are apparent.

In response to this policy, in 1994 the County hired a traffic consulting firm to do a Highway One traffic study that projected traffic conditions for certain target years (the County chose 2020 as the target year to be examined) for key intersections and the different segments of highway One under build-out of the existing LCP, and studied roadway improvements that could increase capacity.

While the State Route 1 Corridor Study and County staff's subsequent analysis provided some of the key information called for by Policy 3.9-4 of the LUP, staff does not believe that all of the information contemplated by and necessary to satisfy the mandates of the policy has been provided. While the traffic information that was generated can be used for planning purposes to determine how much traffic additional growth would generate, information that addresses the goals of the LUP to determine when and where more development would be appropriate, given the limited capacity of Highway One, has not been provided. In addition, consistent with Coastal Act Section 30254, increases in residential density should not be approved if they preclude other, higher priority uses, such as visitor-serving facilities. If there is only a certain amount of limited capacity that can be provided for all development, then the type of uses that should be allowed to increase density should be explored and evaluated, rather than just approving those density increases that are proposed first.

Staff also believes that the County has failed to look at the cumulative effect of numerous future plan change proposals that allow increases in residential density that would be encouraged by approval of these amendments.

Rather, the County has looked at the current set of amendments in isolation as if they were a coastal permit application whose impacts could be individually mitigated. However, a single property owner cannot shoulder the burden of paying for a highway improvement, and infrastructure improvements are not mitigation measures that can be imposed on individual property owners without an overall study that identifies a method for assessing a property owner's fair share of the infrastructure mitigation.

The Commission has before it today two LCP Amendments that include a total of six requests for increases in density, four of which involve density increases for residential uses. Another Amendment request currently being processed by the County has three additional such requests. The overall picture, when taking into account the projected population growth for Mendocino County, indicates a trend of greater and greater demand for residential density increases that would have far-reaching effects on Mendocino's coastal resources, particularly its very limited Highway One capacity. With this in mind, and in view of existing traffic conditions on Highway One even though most of the LUP capacity allowed for in the approved LUP has not yet been built out, the Commission must determine if and when to allow more potential density for non-priority uses under the Coastal Act.

Therefore, staff recommends that those proposed LCP changes that include increases in residential density (Sites One and Two) not be approved due to concerns with highway capacity.

In addition, Site Two should not be approved because it contains significant environmentally sensitive habitat that would be adversely affected by the development the LCP change would allow in a manner inconsistent with Coastal Act Sections 30240 and 30231. Digger Creek, a perennial stream, crosses the northern of the two subject parcels on Site Two, and supports a well-developed riparian community. In addition, the botanist has indicated that there are rare and endangered pygmy cypress trees on the site, and that the site may contain two additional rare and endangered plant species.

Were the parcel to be subdivided, a road would need to be improved to serve the new parcels, requiring culverting and widening that would have significant adverse impacts on Digger Creek and surrounding buffer and habitat area. Furthermore, the presence of rare and endangered pygmy cypress trees and sensitive riparian habitat severely limits the potential to create any additional parcels without degrading environmentally sensitive habitat.

In addition, Site Two contains timber resources that have been classified as timber site class IV for Douglas fir, which qualifies as a coastal commercial timberland. Since the amendment for Site Two requests redesignating to residential use property that is suitable for timber production, the amendment is inconsistent with Coastal Act Policy 30243, which states that the long-term productivity of timberlands shall be protected.

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Staff recommends that upon completion of the public hearing, the Commission deny Sites One and Two of this LCP Amendment as submitted, and deny Site Three as submitted but approve it with Suggested Modifications, based on the findings that those portions of this amendment, as submitted, are not consistent with the policies of Chapter 3 of the Coastal Act. Staff further recommends that upon the completion of the public hearing, the Commission approve Sites Four, Five, and Six of this LCP amendment, based on the findings that those portions of this amendment are consistent with the policies of Chapter 3 of the Coastal Act.

The motion and resolution for denial for the Land Use Plan portion of the amendment for Sites One and Two can be found on Page 9. The motion and resolution for denial of the Implementation Program portion of the amendment for Sites One and Two can be found on Page 10.

The County did not specifically request in its resolutions transmitting the LCP Amendment request that the Commission suggest modifications for any portions of the LCP Amendment that the Commission does not certify. Staff recommends denial of Sites One and Two and does not recommend suggested modifications because staff is unable to formulate suggested modifications that would adequately address the Highway One capacity issue. Staff's view is that no amendments that increase density for residential uses should be certified until a study is performed on how best to allocate the remaining capacity of Highway One among competing land uses and locations to assure that priority uses will be accommodated and to ensure that adequate mitigation for the cumulative impacts on highway capacity will be provided on an equitable basis by individual property owners.

The motions and resolutions for denial for the Land Use portion of the amendment as submitted for Site Three, and for approval if modified can be found on Pages 9 and 10 respectively. The motions and resolutions for denial for the Implementation Program portion of the amendment as submitted for Site Three, and for approval if modified, can be found on Pages 10 and 11.

The motion and resolution for approval for the Land Use Plan portion of the amendment for Sites Four, Five, and Six can be found on Page 12. The motion and resolution for approval of the Implementation Program portion of the amendment for Sites Four, Five, and Six can be found on Page 13.

ADDITIONAL INFORMATION

For additional information about the proposed amendment, please contact Jo Ginsberg at the North Coast Area office at the above address, (415) 904-5260. Please mail correspondence to the Commission to the same address.

ANALYSIS CRITERIA:

To approve the amendment to the Land Use Plan portion of the Mendocino County Local Coastal Program, the Commission must find that the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act. To approve the amendment to the Implementation Program portion of the LCP, the Commission must find that the Implementation Program, as amended, is consistent with and adequate to carry out the amended Land Use Plan.

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I. MOTIONS AND RESOLUTIONS

A. STAFF RECOMMENDATION ON LUP AMENDMENT FOR SITES ONE, TWO, AND THREE, AS SUBMITTED:

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion I:

MOTION I: DENIAL OF THE LAND USE PLAN PORTION OF AMENDMENT NO. 1-95, AS SUBMITTED, FOR SITES ONE, TWO, AND THREE

"I hereby move that the Commission certify Amendment No. 1-95 to the Land Use Plan portion of the Mendocino County Local Coastal Program as submitted by the County for Sites One, Two, and Three."

Staff recommends a NO vote. An affirmative vote by a majority of the appointed members of the Commission is required to pass the motion.

RESOLUTION I:

The Commission hereby denies certification for Sites One, Two, and Three of Amendment 1-95 (identified as GP 12-89, Creasey, etc al; GP 5-89, Peirce/Comer; and GP 29-88, Taylor) to the Land Use Plan portion of the Mendocino County Local Coastal Program for the specific reasons discussed below in the findings on the grounds that, as submitted, they do not meet the requirements of and are not in conformity with Chapter 3 of the Coastal Act.

B. STAFF RECOMMENDATION ON LUP AMENDMENT FOR SITE THREE, IF MODIFIED AS SUGGESTED:

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion II:

MOTION II: APPROVAL OF LAND USE PLAN PORTION OF AMENDMENT NO. 1-95 FOR SITE THREE, IF MODIFIED AS SUGGESTED

"I hereby move that the Commission certify Amendment No. 1-95 to the Land Use Plan portion of the Mendocino County Local Coastal Program for Site Three, if modified as suggested."

Staff recommends a YES vote. An affirmative vote by a majority of the appointed members of the Commission is required to pass the motion.

RESOLUTION II:

The Commission hereby certifies Site Three of Amendment 1-95 (identified as GP 29-88, Taylor) to the Land Use Plan portion of the Mendocino County Local Coastal Program for the specific reasons discussed below in the findings on the grounds that, as modified, it meets the requirements of and is in conformity with Chapter 3 of the Coastal Act.

SUGGESTED MODIFICATION FOR SITE THREE:

Certification of the amendment to the Land Use Plan for Site Three is subject to the following modification:

1. SUGGESTED MODIFICATION #1:

A note shall be placed on the Land Use Plan map that any visitor serving accommodations developed on the subject parcel shall not be visible from major visitor destinations or particularly scenic areas within MacKerricher State Park, including but not limited to the Lake Cleone picnic area and nature trail, and the haul road.

C. STAFF RECOMMENDATION ON IMPLEMENTATION PROGRAM AMENDMENT FOR SITES ONE, TWO, AND THREE AS SUBMITTED:

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion III:

MOTION III: DENIAL OF THE IMPLEMENTATION PROGRAM PORTION OF AMENDMENT NO. 1-95 AS SUBMITTED FOR SITES ONE, TWO, AND THREE

"I hereby move that the Commission reject the Implementation Program for Amendment No. 1-95 to the Mendocino County Local Coastal Program as submitted by the County for Sites One, Two, and Three."

Staff recommends a YES vote, and the adoption of the following resolution and findings. This motion requires a majority of the Commissioners present to pass.

RESOLUTION III:

The Commission hereby rejects the amendment to the Implementation Program of the County of Mendocino for Sites One, Two, and Three (identified as R 24-91, Creasey, etc al; R 1-95, Peirce/Comer; and R 22-91, Taylor) of Amendment No. 1-95 based on the findings set forth below on the grounds that the zoning ordinance, zoning map, and other implementing materials do not conform with and are not adequate to carry out the provisions of the Land Use Plan.

D. STAFF RECOMMENDATION ON IMPLEMENTATION PROGRAM AMENDMENT FOR SITE THREE,  
IF MODIFIED AS SUGGESTED:

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion IV:

MOTION IV: APPROVAL OF IMPLEMENTATION PLAN PORTION OF AMENDMENT NO.  
1-95, IF MODIFIED AS SUGGESTED FOR SITE THREE:

I hereby move that the Commission reject the Implementation Program Portion of Amendment No. 1-95 for Site Three, if modified as suggested."

Staff recommends a NO vote, which would result in the adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION IV:

The Commission hereby approves certification of the Zoning and Implementation Portion of Mendocino County LCP Amendment No. 1-95 for Site Three, if modified as suggested, for the reasons discussed in the findings below on the grounds that, as modified, the zoning ordinance, zoning map, and other implementing materials conform with and are adequate to carry out the provisions of the Land Use Plan as certified. There are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts, within the meaning of CEQA, that the approval of the Zoning and Implementation Program if modified would have on the environment.

SUGGESTED MODIFICATIONS FOR SITE THREE:

Certification of the amendment to the Implementation Program Amendment for Site Three are subject to the following modifications:

2. SUGGESTED MODIFICATION #2:

Section 20.440.005, "Limitation on Uses," shall be amended to include the following subsection:

- (H) Areas adjacent to parks and recreation areas. New development adjacent to parks and recreation areas shall not be visible from major visitor destinations or particularly scenic areas of nearby parks and recreation areas.

3. SUGGESTED MODIFICATION #3:

The new zoning designation for the subject parcel shall be RR-5[RR-2] \*1C(H) which would allow a conditional 10-unit inn or 4-unit bed and breakfast inn with the combining district overlay of (H) - restrictions on visibility from parks and recreation areas.

4. SUGGESTED MODIFICATION #4:

A note shall be placed on the Zoning Map that any visitor serving accommodations developed on the subject parcel shall not be visible from major visitor destinations or particularly scenic areas within MacKerricher State Park, including but not limited to the Lake Cleone picnic area and nature trail, and the haul road.

E. STAFF RECOMMENDATION ON LUP AMENDMENT FOR SITES FOUR, FIVE, AND SIX AS SUBMITTED

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion V:

MOTION V: APPROVAL OF THE LAND USE PLAN PORTION OF AMENDMENT NO. 1-95 for SITES FOUR, FIVE, AND SIX AS SUBMITTED

"I hereby move that the Commission certify Amendment No. 1-95 to the Land Use Plan portion of the Mendocino County Local Coastal Program as submitted by the County for Sites Four, Five, and Six."

Staff recommends a YES vote. An affirmative vote by a majority of the appointed members of the Commission is required to pass the motion.

RESOLUTION V:

The Commission hereby certifies Sites Four, Five, and Six of Amendment 1-95 (identified as GP 4-90, Fearey/Wilson; GP 5-90, Wells/Healy; and GP 14-95, Kruzic) to the Land Use Plan portion of the Mendocino County Local Coastal Program for the specific reasons discussed below in the findings on the grounds that, as submitted, they meet the requirements of and are in conformity with Chapter 3 of the Coastal Act.

F. STAFF RECOMMENDATION ON IMPLEMENTATION PROGRAM AMENDMENT FOR SITES FOUR, FIVE AND SIX AS SUBMITTED:

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion VI:

MOTION VI: APPROVAL OF THE IMPLEMENTATION PROGRAM PORTION OF AMENDMENT  
NO. 1-95 AS SUBMITTED FOR SITES FOUR, FIVE, AND SIX

"I hereby move that the Commission reject the Implementation Program for Amendment No. 1-95 to the Mendocino County Local Coastal Program as submitted by the County for Sites Four, Five, and Six."

Staff recommends a NO vote, and the adoption of the following resolution and findings. This motion requires a majority of the Commissioners present to pass.

RESOLUTION VI:

The Commission hereby approves certification of the Zoning and Implementation Portion of Mendocino County LCP Amendment 1-95 as submitted for Sites Four, Five, and Six (identified as R 21-91, Fearey/Wilson; R 30-91, Wells/Healy; and R 16-95, Kruzic) based on the findings set forth below on the grounds that the zoning ordinance, zoning map, and other implementing materials conform with and are adequate to carry out the provisions of the Land Use Plan as certified. There are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts, within the meaning of CEQA, that the approval of the Zoning and Implementation Program would have on the environment.

II. SITE AND PROJECT DESCRIPTIONS FOR PROPOSED LCP AMENDMENT SITES:

A. Site One (GP 12-89/R 24-91, Creasey, etc al).

The proposal requests to change the Coastal Land Use Plan classification and rezone 70.14 acres comprising one parcel and a portion of a second parcel located south of Albion from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum (RR-10 and RR:L:10).

The proposal originally before the Mendocino County Board of Supervisors in October of 1995 was to reclassify and rezone 90.14 acres, comprising two separate legal parcels, including 20 acres in the southeast portion of the site that are very steeply sloped. On October 23, 1995 the County approved reclassification and rezoning of only 70.14 acres, determining that the southeast 20 acres should remain Remote Residential-20 acre minimum based on development constraints on these 20 acres such as steepness of slope and the highly scenic designation.

The project site is located approximately two miles south of Albion, on the Navarro Headland, upland of Highway One and accessed from Navarro Ridge Road. The southwest portion of the site is steeply sloped. There is a small watercourse in the northwest corner of the site, and a large population of the

rare and endangered plant swamp harebell (Campanula californica) growing in the marshy area associated with the watercourse. The southern portion of the site is within a designated "Highly Scenic Area."

B. Site Two (GP 5-89/R 1-95, Peirce/Comer).

The proposal is to reclassify the Coastal Plan land use designation and rezone 93 acres comprising two parcels from Forest Land (FL) to Rural Residential-5 acre minimum, Planned Development (RR-5:PD and RR:L:5:PD). The site is located approximately two miles south of Fort Bragg, east of Highway One.

The original application to the County in 1995 was to reclassify and rezone the subject property from Forest Land to Rural Residential-5. On October 23, 1995 the County approved the project, adding the Planned Development designation to allow the future subdivision design to average density over the property, thereby addressing the following issues: Maintenance of a 10-acre minimum lot size adjacent to Timberland Production (TP) lands to the southeast; protection of botanical resources including riparian habitat areas; avoidance of areas with soils less suitable for septic systems; and facilitation of a more efficient road pattern.

The Mendocino County Board of Supervisors' resolution states that it is the Board's intent that potential impacts to Digger Creek, which supports numerous biological resources and the local economy as represented by the Mendocino Coast Botanical Gardens and Fort Bragg Trout Farm, shall be mitigated at the development stage through the Planned Development designation and subdivision design. The Board further stated their intent that future subdivision and use permit design maintain a minimum parcel size of 10 acres together with a residential setback of at least 200 feet from adjacent lands designated Timber Preserve Zone.

The project site, consisting of 93 acres comprising two parcels, is located approximately two miles south of Fort Bragg, 1/2-mile east of Highway One, near Boice Lane. Digger Creek, a perennial stream, runs through the northern of the two subject parcels, and supports considerable riparian habitat, constituting an Environmentally Sensitive Habitat Area (ESHA). In addition, rare and endangered pygmy cypress trees grow on both of the subject parcels.

C. Site Three (GP 29-88/R 22-91, Taylor).

The subject property is 2.16 acres and contains a one-story single-family residence. The proposal is to reclassify the Coastal Plan land use designation and rezone from Rural Residential-5 acre minimum, two acre minimum variable (RR-5 [RR-2]) to Rural Residential-5 acre minimum, two acre minimum variable, \*1C (RR-5 [RR-2] \*1C) to allow a conditional 10-unit inn or 4-unit bed and breakfast inn.

According to the County, the applicants intend to develop a visitor serving accommodation by phased development, first establishing three or four units in the existing house (a second story would be added to the existing structure). The remaining units would be detached from the main structure.

The project site is located on the west side of Highway One just south of Cleone, on the north side of Quail Lane in a quiet, rural residential area. The site is relatively flat, and contains some riparian habitat in the northern third of the property, where there is a drainage and watercourses. In addition, the site may support some rare Point Reyes horkelia (Horkelia marinensis).

The subject parcel is in an area designated in the County's LUP as "Highly Scenic" and is visible from several locations in nearby MacKerricher State Park.

D. Site Four (GP 4-90/R 21-91, Fearey/Wilson).

The subject property is 7.5 acres and contains an existing twelve-unit inn. The proposal is to change the Coastal Plan land use classification and rezone from Remote Residential-20 acre minimum, 10-unit inn and accessory uses (RMR-20, \*1, \*4) to Remote Residential-20 acre minimum, conditional 20-unit inn, motel, or hotel and accessory uses (RMR-20, \*2C, \*4).

The applicants intend to add eight additional units to the existing 12-unit inn. The inn currently consists of five separate cottages and seven rooms in two separate structures. Additionally, the property is developed with two single-family residences, a 48-seat restaurant (not currently operating), a tank house, and a garden house. The majority of the site development has taken place near the center of the property.

The project site is located on the east side of Highway One about a half-mile south of Little River, immediately north of Schoolhouse Creek. The site slopes moderately west to Highway One, and contains riparian habitat adjacent to Schoolhouse Creek at the southerly property line. The site may support the rare and endangered swamp harebell (Campanula californica).

The subject parcel, although east of Highway One, is in an area designated in the County's LUP as "Highly Scenic." The existing structures, which are set back from the highway and are screened by trees and other vegetation, are barely visible from Highway One.

E. Site Five (GP 5-90/R 30-91, Wells/Healy).

The County requests that the adopted land use and zoning maps be amended by relocating the "\*2" map symbol from APN 123-040-07 to APN 123-040-06 to

reflect the correct location of the existing Albion River Inn, thereby correcting a recognized mapping error.

The General Plan Amendment submitted by the applicants to the County also included a second component, requesting that the land use classification and zoning be changed from Remote Residential-20 acre minimum; motel, inn, or hotel, maximum 20 units (RMR-20, \*2) to Remote Residential-20 acre minimum, resort as conditional use (RMR-20, \*5C). This change would have allowed up to nine new inn units, pursuant to zoning code density limitations of three units per acre.

On October 23, 1995 the County denied this portion of the General Plan Amendment request, based on numerous concerns about site development constraints, such as the need to protect existing riparian habitat, a limited area for sewage disposal, the need for blufftop setbacks for structures and leach fields, a concern about geologic hazards, a need for building setbacks from property lines and other structures, the presence of archaeological resources that must be protected, and the fact that the site is located west of Highway One in a designated "Highly Scenic Area." The County Board of Supervisors concluded that the site had reached a scale of development where further development would exceed the capacity of the site to accommodate additional development without causing a general degradation of the site's environmental quality.

As a result, the proposed LCP Amendment for Site Five contains only the approved component consisting of a request to transfer the Albion River Visitor Serving Facility (VSF) designation (\*2) to the correct parcel.

The subject site is nine acres in size, and contains 20 existing inn units, a restaurant, detached office and supply building, storage barn, parking lot, water storage tank, combination guest lounge/conference area/storage/laundry facility, well, septic system, and substantial landscaped area.

F. Site Six (GP 14-95/R 26-95, Kruzic).

Mendocino County requests to change the Coastal Plan land use classification of 2.1 acres from Rural Residential-5 acre minimum, Rural Residential-1 acre minimum variable (RR-5 [RR-1]) to Rural Residential-5 acre minimum, Rural Residential-2 acre minimum variable (RR-5 [RR-2]) and rezone from Rural Residential-5 acre minimum, Rural Residential-1 acre minimum variable (RR:L-5 [RR]) to Rural Residential-5 acre minimum, Rural Residential-2 acre minimum variable (RR:L-5 [RR:L-2]) to facilitate a boundary line adjustment with a two-acre parcel immediately to the east owned by the same property owner.

Several previous minor subdivisions and a previous LCP Amendment for the site were approved, resulting in the current two-parcel configuration classified as



Rural Residential-5 acre minimum parcel size, one-acre minimum with proof of water. The property owner wants to reclassify and rezone the two legal parcels of 1 and 1.1 acres (APN 17-310-43 and 58) to Rural Residential-5 acre minimum, two-acre minimum variable to allow consideration of a boundary line adjustment between APN 17-310-58 and his two-acre parcel (APN 17-310-60) immediately to the east, currently classified RR-5 [RR-2]. A boundary line adjustment cannot be approved under the existing classifications because APN 17-310-58 and 60 both conform to the minimum parcel size of their respective land use classifications, while the boundary line adjustment would create a parcel which does not conform to the minimum parcel size of the RR-5 [RR-2] classification. The requested change from RR-5 [RR-1] to RR-5 [RR-2] would result in two one-acre parcels which now conform to the one-acre minimum parcel size designation being smaller than and therefore non-conforming with the new two-acre minimum parcel size designation. However, this change would eliminate the existing island of "growth-inducing" RR-1 classified land which is now surrounded by RR-2 classified lands.

This request is a revision of an original application to the County proposing to reclassify the two-acre parcel to the east (APN 17-310-60) from RR-5 [RR-2] to RR-5 [RR-1] to allow consideration of a boundary line adjustment with APN 17-310-58; however, the original proposal would have potentially permitted the division of 17-310-60 into two one-acre parcels, thereby creating potential impacts. The revised application to the County in 1995 was the result of discussions between County staff and the applicant to identify other alternatives which would decrease impacts and accomplish the landowner's objective. No increase in land use density or intensity, or additional road construction would occur as a result of the proposed land use change or a subsequent coastal development boundary line adjustment.

The property consists of two one-acre parcels each containing one dwelling. The site is located on Boice Lane, 2.5 miles south of Fort Bragg, east of Highway One. The site is relatively flat, and contains no environmentally sensitive habitat areas.

### III. ADDITIONAL FINDINGS APPLICABLE TO ALL SITES:

#### A. Highway One Capacity/Traffic Impacts.

Four of the six changes to the County's LCP proposed by this amendment will result in increases in density, two of residential uses, and two of visitor serving uses.

The Commission denies the LCP Amendment for Sites One and Two, as submitted, in large part due to concerns over how such amendments affect the traffic carrying capacity of Highway One. State Highway One is one of California's most valuable scenic resources and provides the principal means for

Californians to access the coast. Highway One along the Mendocino coast experiences a steady stream of tourist traffic all year long, with traffic peaks between April and October. State Highway One has also been designated a Pacific Coast Bicentennial Route, and is very popular with touring cyclists. As noted in the 1990 DKS Associates State Route 1 Capacity and Development Study, Mendocino Coast residents find themselves competing with vacationers for the limited capacity of State Route 1. Due to the highway's scenic qualities, heavy use by recreational vehicles as well as logging trucks, and limited passing opportunities along much of its length, Highway One's traffic carrying capacity is less than that of other two-lane roads.

Coastal Act Section 30254 states that it is the intent of the Legislature that State Highway One in rural areas of the coastal zone remain a scenic two-lane road, and that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. Section 30250(a) of the Coastal Act also requires that new development not have significant adverse effects, either individually or cumulatively, on coastal resources.

Because the only north-south arterial in coastal Mendocino County is Highway One, the requirements of Section 30254 are a limiting factor on the potential for new development in Mendocino County. In addition, Section 30254 requires that high priority uses of the coast not be precluded by other, lower-priority uses when highway capacity is limited.

While curves can be straightened, gulches bridged, and shoulders widened, the basic configuration of the highway will remain much the same due to topography, existing lot patterns, and the priorities of Caltrans to improve the state's highway system in other areas. To assess the limited Highway One capacity, a study was prepared for the Commission in 1979 as a tool for coastal planning in Marin, Sonoma, and Mendocino counties (Highway 1 Capacity Study). The study offered some possibilities for increasing capacity and describes alternative absolute minimum levels of service. Because highway capacity is an important determinative for the LUP, the Commission's highway study was re-evaluated by the LUP consultant and alternative assumptions were tested.

The Highway One Capacity Study described then-current use of different segments of Highway One in terms of levels of service categories. Such categories are commonly used in traffic engineering studies to provide a measure of traffic congestion, and typically range from Level of Service A (best conditions) to Level of Service F (worst condition). The 1979 Highway One Capacity Study determined that only the leg of Highway One between Highway

128 and Mallo Pass Creek was at Service Level D (unstable flow; low freedom to maneuver; unsatisfactory conditions for most drivers) during peak hours of use in 1979; all other legs were at Level E. Service Level E (difficult speed selection and passing; low comfort) is the calculated capacity of the highway. At Level F (forced flow), volume is lower. Along the Mendocino coast, peak hour can be expected to occur between noon and 5 p.m. on summer Sundays.

Highway capacity was recognized by the Commission as a constraint that limits new development, as new development generates more traffic that uses more capacity and a lack of available capacity results in over-crowded highways for long periods of time. Prior to certification of the County's LCP, the Commission denied numerous applications for land divisions, based partially on highway capacity constraints, and also denied several Land Use Plan amendments partially based on highway capacity constraints (e.g., 1-86, Tregoning; 3-87, Moores; and 2-90, Long). The Commission has also denied certification of several LUPs throughout the State because of limited highway capacity (City of Monterey, Skyline Segment; Malibu; and Marina del Rey/Ballona), as these LUPs did not reserve available capacity for priority uses and did not provide adequate measures to mitigate the adverse cumulative impacts of new development.

The Commission also initially denied Mendocino County's LUP, based in part on highway constraints. The County started its public hearings on the LUP with a consultant-prepared plan and accompanying maps and a document containing comments from the advisory committees and Commission staff. The draft plan was designed to allow new development in locations and densities that at build-out would have resulted in no segment of Highway One being more than 20 percent over capacity at Service Level E at certain peak hours. The plan, as submitted, would have allowed Highway One traffic to exceed capacity on Saturday and Sundays afternoons and on weekdays during the summer months of July and August.

The County used various criteria to establish the density and intensity of uses for the LUP. The County considered a variety of incomes, lifestyles, and location preferences, and each community's desired amount and rate of growth, as well as provision for a maximum variety of housing opportunities. However, the Commission found that however important those criteria were, they did not reflect the requirements of the Coastal Act to concentrate development into areas which are developed or areas able to accommodate it, to minimize adverse impacts on coastal resources, and to give priority to designated uses.

The plan as it was submitted did not provide for mechanisms to resolve issues such as limited Highway One capacity, the failure to reserve remaining capacity for high priority uses, and the lack of mitigation requirements for development that would adversely affect the remaining highway capacity. These

issued had been discussed and resolved by the Commission in previously handled LUPs, where the Commission consistently found that Section 30254 of the Coastal Act requires Highway One to remain a scenic two-lane road, which has a limited capacity, and that coastal-dependent land uses, commercial and public recreation, and visitor-serving land uses shall be not precluded by other development.

When it eventually certified the Mendocino County Land Use Plan with Suggested Modifications, the Commission found that too much build-out of the Mendocino coast would severely impact the recreational experience of Highway One and its availability for access to other recreational destination points. The LUP as originally submitted would have allowed for 3,400 new residential parcels to be created potentially. The Commission found 121 geographic areas that were not in conformance with Section 30250 of the Coastal Act. The County reviewed these areas, and agreed to a proposed modification that would result in a redesignation of the identified non-conforming areas, thus reducing the total number of new residential parcels which potentially could be created by approximately 1,500. In other words, the Commission reduced by more than half the number of potential new parcels that could be created under the certified LUP, based on its conclusion that, given the information available at that time, approximately 1,500 new parcels was the maximum number of new parcels Highway One could accommodate while remaining a scenic, two-lane road.

The Commission recognized that in the future, a greater or smaller number of potential new parcels might be more appropriate, given that changes might occur that would affect highway capacity, such as new road improvements, or that development might proceed at a faster or slower pace than anticipated. To provide for an orderly process to adjust the number of potential parcels allowed under the LCP to reflect conditions as they change over time, the Commission approved Policy 3.9-4 of the LUP that required a future review of the Land Use Plan.

Policy 3.9-4 of the County's LUP states that:

Following approval of each 500 additional housing units in the coastal zone, or every 5 years, whichever comes first, the Land Use Plan shall be thoroughly reviewed to determine:

Whether the Highway 1 capacity used by non-resident travel and visitor accommodations is in scale with demand or should be increased or decreased.

Whether the plan assumptions about the percentage of possible development likely to occur are consistent with experience and whether the allowable build-out limits should be increased or decreased.

Whether any significant adverse cumulative effects on coastal resources are apparent.

In response to this policy, in 1994 the County hired a transportation consultant firm to do a study (titled the State Route 1 Corridor Study) that would determine the impact to Highway One traffic carrying capacity from the build-out of the Coastal Element of the General Plan. The focus of the study was to project future traffic volumes which would be generated by potential development allowed by the Coastal Element in the coastal zone and by potential development from growth areas outside of the coastal zone that affect traffic conditions on Highway One. The traffic impact on the level of service (LOS) of study intersections and segments on Highway One based on incremental build-out scenarios was then determined (LOS A through E was considered acceptable in most locations; LOS F was considered unacceptable). The study also identified roadway improvement options available for increasing capacity on Highway One and other roadways that affect the Highway One corridor.

Using the information in the study, County staff evaluated the traffic impacts of the proposed LCP changes based on a "75/50" scenario (existing development plus development on 75% of existing vacant parcels plus development on 50% of potential new parcels plus 75% of commercial, industrial, and visitor-serving facility build-out potential by the year 2020), which they believe represents the maximum feasible build-out based on past and projected development patterns. Thus, for example, in the case of each part of the subject LCP Amendment, County staff first noted what the projected Levels of Service during peak times would be in the year 2020 for the relevant road segments and intersections under the existing LCP using the 75/50 build-out scenario, then determined what additional traffic would be generated by the density increase proposed by the LCP Amendment, and, finally, determined what roadway improvements, if any, would be necessary to keep the Levels of Service within acceptable parameters (up to and including LOS E) if the density increases of the amendment were approved.

While the State Route 1 Corridor Study and County staff's subsequent analysis provided some of the key information called for by Policy 3.9-4 of the LUP, not all information contemplated by and necessary to satisfy the mandates of the policy has been provided. While the traffic information that was generated can be used for planning purposes to determine how much traffic additional growth would generate, information that addresses the goals of the LUP to determine when and where more development would be appropriate given the limited highway capacity has not been provided. In addition, consistent with Coastal Act Section 30254, increases in residential density should not be approved if they preclude other, higher priority uses, such as visitor-serving facilities. If there is only a certain amount of limited capacity that can be provided for all development, then the type of uses that should be allowed to increase density should be explored and evaluated. Rather, it appears that the County is reviewing the proposed LCP changes as if they were permit applications, generally assuming that the use is appropriate and merely

determining how best to mitigate the impacts, and just approving those density increases that are proposed first. Furthermore, the need for greater density, when so many vacant parcels remain undeveloped, has not been thus far demonstrated. Until a planning study is performed that provides the thorough review of the LUP called for by Policy 3.9-4 to demonstrate the appropriate amount of density increases that should be allowed and where such increases should take place without overtaxing Highway One's limited capacity, the Commission finds that it must deny proposals for increases in residential density.

The Commission notes that a property owner does not have an absolute right to change Land Use Plan and Zoning designations to accommodate uses or developments that are not allowed by current designations for his or her property. While a property owner may have certain development-based expectations when he or she purchases a property to develop uses currently allowed by an LUP and Zoning, no such expectations are recognized for developing uses not allowed by the LUP and Zoning.

The Commission further notes that in some cases, density increases are proposed where infrastructure improvements that would require funding from more than one developer would be necessary to achieve acceptable highway levels of service. Neither the Commission nor the County has any way of knowing if these improvements will take place, when they will take place, and who will pay for them. The Commission finds that it would be appropriate for the LCP amendment request to contain, as part of the proposal, a plan describing how these improvements will be effectuated and how developers can contribute their fair share. Without some plan as to how these improvements will be effectuated, it is not appropriate to approve increases in density that will result in unacceptable levels of service without such improvements.

As opposed to situations where necessary mitigation measures can reasonably be expected to be carried out by individual property owners, such as landscape screening to protect visual resources, or establishing buffer areas to protect riparian habitat, a single property owner cannot bear the burden of major highway or infrastructure improvements at the time a specific development proposal is made. Therefore, the Commission does not agree with the County that the time to consider how to finance necessary infrastructure improvements is at the development stage, since the Commission has no assurance that such improvements necessary to offset increased burdens on highway capacity from increases in density could be undertaken. The Commission thus finds proposed LCP changes that will result in increases in residential density on a first-come, first-served basis inconsistent with Coastal Act Sections 30254 and 30250(a), as they do not ensure that highway capacity will be reserved for higher priority coastal land uses, or that an acceptable road service level can be maintained.

In addition, when looked at in isolation, it may not appear that approving any particular proposal for a density increase will have much impact, when the potential for only a few new parcels is created by each such proposal. However, consistent with Section 30250(a) of the Coastal Act, the cumulative impact of numerous LCP Amendments allowing increases in residential density on highway capacity and other coastal resources must also be addressed. Looking at each new project in isolation fails to take into account the devastating effect numerous projects would have if approved in this fashion. The Commission has before it today two LCP Amendments containing a total of six proposals that seek to increase density. These changes could increase the number of new residential lots by as many as 40, increasing the number of lots per site by a minimum of 100% and by as much as 1600%. In addition, the County is currently processing a General Plan Amendment that contains three proposals for density increases, which will be submitted shortly to the Commission as an LCP Amendment request.

For a number of years, the County did not submit LCP Amendments that included requests for increases in density because the County was having traffic information generated. The two LCP Amendments before the Commission today represent the first LCP Amendments submitted to the Commission since completion of the Highway One traffic study, and Commission approval of these amendments would certainly encourage more such amendments in the future.

The DKS State Route 1 Study indicates a steady increase in traffic volumes north of State Route 128, particularly in the Albion, Mendocino, and Fort Bragg areas. The projected dramatic population increase for Mendocino County between 1990 and 2020 (68%) is indicative of future accelerated development pressures and demand for additional land division and housing. To approve unwarranted increases in residential density, particularly in the area north of Highway 128, without reserving highway capacity for high priority uses, would compromise the requirement in the Coastal Act that Highway One must remain a scenic two-lane road in rural areas.

Regarding the proposal for Site One (Creasey, etc al), in 1990 Caltrans indicated that State Route 1 at the project location operates at Level of Service E, and is expected to further degenerate to F by the year 2010. The State Route 1 Corridor Study projected Level of Service E by the year 2020. The Commission finds that even if Level of Service E is maintained by the year 2020, the proposed residential density increase is unwarranted and unjustified.

As discussed above, Highway One has very limited remaining traffic capacity, and that which is remaining should be allotted according to a plan that does not preclude high priority uses such as visitor serving or coastal dependent uses, rather than simply approving increases in residential density on a first-come, first-served basis. If the proposed LCP Amendment for Site One were approved, an additional five parcels could be created, an increase of

250%. The Commission therefore finds that the proposed LUP Amendment for Site One is inconsistent with and inadequate to carry out Coastal Act Sections 30254 and 30250(a), and that the proposed Implementation Program Amendment for Site One is inconsistent with and inadequate to carry out the Land Use Plan.

Regarding the proposal for Site Two (Peirce/Comer), the State Route 1 Corridor Study indicates that under the 75/50 development scenario, one intersection and two road segments affected by the proposed project will be at Level of Service F (considered unacceptable) by the year 2020. The study suggests that installation of a traffic signal at the affected intersection would improve the projected level of service by the year 2020 from F to C. The study also suggests that installation of left turn lanes to allow passing would improve one of the affected road segments from road level of service F to E, and that construction of two additional lanes at the other road segment would improve road level of service from F to A.

If the proposed LCP Amendment were approved, as many as 17 new parcels could be created, an increase of 850%. When looked at in conjunction with the other proposed residential increases in density, plus all existing certified development potential, the potential for significant cumulative impacts on Highway One's carrying capacity is enormous.

Furthermore, as noted above, the Commission cannot reasonably expect one property owner to shoulder the burden of paying for a highway improvement such as a traffic signal or construction of a new lane, so it is unreasonable to assume that the infrastructure improvements necessary to achieve an acceptable level of road service will automatically take place should this LCP amendment be approved. In other words, infrastructure improvements are not mitigation measures the County can readily impose on individual property owners, such as requiring landscape screening to mitigate for impacts to visual resources, or requiring a buffer area to protect sensitive habitat. Without a traffic study that identifies a method to assessing individual property owner's fair share of infrastructure mitigation, the Commission has no way of knowing how, if, or when necessary infrastructure improvements will be funded, and cannot assume that they will occur to mitigate for the additional traffic impacts caused by the proposed LCP Amendment.

Thus, the Commission finds that the proposed LUP Amendment for Site Two is inconsistent with and inadequate to carry out Coastal Act Sections 30254 and 30250(a), and that the proposed Implementation Program Amendment for Site Two is inconsistent with and inadequate to carry out the Land Use Plan.

In the case of Site Three (Taylor), the new use proposed is for Visitor Serving Accommodations, a high priority use under the Coastal Act. The County has indicated that the road segment affected by the proposed project is projected to remain at Level of Service (LOS) E through the year 2020 under



the 75/50 development scenario. No new roadway or infrastructure improvements will be necessary to keep the LOS at an acceptable level. The Commission therefore finds that because the proposed use is for a high priority use under the Coastal Act and is within a segment of Highway One where traffic congestion is not expected to worsen appreciably through the year 2020, the proposed LUP Amendment for Site Three is consistent with and adequate to carry out Coastal Act Sections 30254 and 30250(a), and that the proposed Implementation Program Amendment for Site Three is consistent with and adequate to carry out the Land Use Plan.

In the case of Site Four (Fearey/Wilson), the new use proposed is for expansion of an existing Visitor Serving Accommodation, a high priority use under the Coastal Act. The County has indicated that the road segment affected by the proposed project is presently operating under Level of Service D and is expected to degrade to Level of Service E by the year 2020 under the 75/50 development scenario. No new roadway or infrastructure improvements will be necessary to keep the LOS at an acceptable level. The Commission therefore finds that the proposed LUP Amendment for Site Four is consistent with and adequate to carry out Coastal Act Sections 30254 and 30250(a), and that the proposed Implementation Program Amendment for Site Four is consistent with and adequate to carry out the Land Use Plan.

In the cases of Sites Five (Wells/Healy) and Six (Kruzic), the proposed changes will not result in any impacts to highway capacity as the subject parcels are already developed to their maximum capacity. The Commission therefore finds that the proposed LUP Amendments for Sites Five and Six are consistent with and adequate to carry out Coastal Act Sections 30254 and 30250(a), and that the proposed Implementation Program Amendments for Sites Five and Six are consistent with and adequate to carry out the Land Use Plan.

B. New Development.

Section 30250(a) of the Coastal Act requires that new development be located in or near existing developed areas able to accommodate it and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to concentrate development to minimize adverse impacts on coastal resources.

Regarding Site One (Creasey), the existing residence on the site is currently served by an on-site septic system and well. Any future land division or other development would require proof of water and demonstration on each new lot of a proposed future land division that an adequate site for sewage disposal exists. County staff notes that construction of leach fields on the southern portion of the site, which contains slopes exceeding 30% may be difficult, thereby possibly rendering much of the southern project site as unsuitable for leach fields and therefore unsuitable for development.

However, the property owner has demonstrated a conceptual configuration that would allow a one-acre building envelope on a ten-acre parcel in the southern portion of the site outside of the steeply sloped area where it may be suitable to provide for a septic system. At such time as a land division or other development is proposed, the property owner would have to demonstrate septic capability.

The Commission thus finds that with regards to the capacity of the site to provide water and sewage to serve the development that would be allowed by the proposed LCP Amendment, the proposed LUP Amendment for Site One is consistent with and adequate to carry out Coastal Act Policy 30250(a), and that the proposed Implementation Program Amendment for Site One is consistent with and adequate to carry out the LUP.

In the case of Site Two (Peirce/Comer), the Mendocino County Department of Environmental Health indicates that water availability appears feasible for future development and no water testing is required at this stage. At such time as land division or residential development is proposed, proof of water will be required.

The Soil Survey done for the site indicates septic system limitations due to hardpan, poor filtration, and seasonally saturated soils; mound systems may be a solution where conditions are unsatisfactory. Additional septic testing will be necessary at such time of land division or residential development.

Therefore, with regards to the capacity of the site to provide water and sewage to serve the development that would be allowed by the LCP Amendment, the Commission finds that the proposed LUP Amendment for Site Two is consistent with and adequate to carry out Coastal Act Policy 30250(a), and that the proposed Implementation Program Amendment for Site Two is consistent with and adequate to carry out the LUP.

In the case of Site Three (Taylor), the Mendocino County Department of Environmental Health has indicated that any inn project proposed on the site, should the LCP Amendment be approved, may require wet weather testing and/or a hydrologic study to ensure compliance with adopted standards regarding sewage disposal and water supply, depending on the number of units proposed. In other words, it has not yet been determined if the site has adequate water or septic capacity to support a full ten-unit inn. However, the site currently has adequate water and septic capacity to support the existing residence, and thus it is reasonable to assume that at least one or more visitor serving accommodations could be adequately served on the site. Water testing will be done before an inn can be approved, and the results of a hydrologic study may require a "cap" on the number of inn units that could be developed. The particular new LUP and zoning designation proposed is the designation allowing the fewest units of any designation in the LCP.

Therefore, except as identified in the visual policy section below, the Commission finds that the proposed LUP Amendment for Site Three as submitted, which would enable a coastal permit to be issued for up to 10 inn units, is consistent with and adequate to carry out Coastal Act Policy 30250(a), and that the proposed Implementation Program Amendment for Site Three as submitted is consistent with and adequate to carry out the LUP.

In the case of Site Four (Fearey/Wilson), the site contains an existing 12-unit inn, which is a legal, non-conforming use (10 units are allowed under the present LUP designation), and is served by an existing private on-site sewer system and private well and surface water systems.

The Mendocino County Department of Environmental Health indicates that an expansion of the existing inn, as would be allowed should the LCP Amendment be approved, might require wet weather testing and hydrologic study to ensure compliance with adopted standards regarding sewage disposal and water supply. An inn expansion may or may not require a hydrologic study depending upon the proposed number of additional units, and the results of such a study might provide a "cap" on the number of inn units that could be developed. The Health Department also indicates that water quality problems may result from a failure of the on-site sewer disposal system, which might become significant, depending on the ultimate build-out of the site.

In other words, it has not yet been determined if the site has adequate water or septic capacity to support a 20-unit inn, but it currently has adequate water and septic capacity to support the existing 12-unit inn, and testing will be done before additional units will be allowed. If the testing shows that no more additional units can be accommodated, redesignating the site as proposed is still appropriate to legitimize the extra two units that exceed the current designation. Therefore, the Commission finds that the proposed LUP Amendment for Site Four as submitted, which will allow up to 20 inn units, is consistent with and adequate to carry out Coastal Act Policy 30250(a), and that the proposed Implementation Program Amendment for Site Four as submitted is consistent with and adequate to carry out the provisions of the LUP.

In the cases of Sites Five and Six (Wells/Healy and Kruzic), the subject parcels are already developed to the maximum capacity, therefore no impacts to coastal resources will occur as no additional site development is allowable. Existing individual wells and septic systems are utilized to serve the existing development. As discussed above, the proposal for Site Five is to correct a mapping error, and will not affect density or allow any additional development. Regarding Site Six (Kruzic), the proposed amendment would make it possible to approve a boundary line adjustment with an adjacent parcel. However, this boundary line adjustment would not increase the overall density of the area and will not lead to an increase in the number of parcels. The Commission therefore finds that the proposed LUP Amendments for Sites Five and

Six are consistent with and adequate to carry out the Coastal Act Policy 30250(a), and that the proposed Implementation Program Amendments for Sites Five and Six are consistent with and adequate to carry out the provisions of the Land Use Plan.

C. Visual Resources.

Coastal Act Section 30251 states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. New development in highly scenic areas shall be subordinate to the character of its setting. Section 30250 requires that development be sited and designed to avoid individual and cumulative impacts on coastal resources. LUP Policies 3.5-3, 3.5-4, 3.5-6, and 3.5-9 limit development within "Highly Scenic" areas. Such restrictions include limiting development to one-story unless no adverse impact would occur; requiring that new development should be subordinate to its setting and sited at the toe of a slope rather than on a ridge; avoidance of large open areas on terraces; screening with tree plantings which do not obscure views; locating development outside the highly scenic area where feasible; and location of roads and driveways to minimize visual disturbance.

In the case of Site One (Creasey), the subject site is located east of Highway One on the Navarro Headland. The southern portion of the site, however, is within an area designated in the County's LUP as "Highly Scenic," encompassing the steep hillside rising approximately 500 feet above the Navarro River estuary. The southerly slopes of the site are visible from Highway 1 and Highway 128, and from Navarro Beach Road. Building envelopes for new parcels would need to be located outside the "Highly Scenic Area" to be consistent with the County's LCP policies regarding protection of visual resources, and Sections 30250 and 30251 of the Coastal Act.

The property owner has proposed a lot configuration for a 10-acre parcel to be created from the southwestern portion of the property wherein a building envelope outside the highly scenic area is possible (see Exhibit No. 5). However, it appears that this building envelope, while not in the designated "Highly Scenic Area," is still on the ridge top where development would be very visible from public viewing areas and would disrupt an otherwise very dramatic and scenic viewshed. While there is residential development along Navarro Ridge Road to the east of the subject property, any development on the ridge of the southerly portion of the subject site would be a distance from the developed portion of the area, and would not be compatible with the character of the immediate surrounding area, which is devoid of other development. The Commission therefore finds that this proposed project is inconsistent with

Coastal Act Policies 30250 and 30251, which requires that new development protect views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of surrounding areas, and with LUP Policy 3.5-4, which prohibits development that projects above the ridge line.

The Commission therefore finds that the proposed LUP Amendment for Site One is inconsistent with and inadequate to carry out Coastal Act Sections 30250 and 30251, and that the Implementation Program Amendment for Site One is inconsistent with and inadequate to carry out the provisions of the Land Use Plan.

In the case of Site Three (Taylor), which is located adjacent to and visible from MacKerricher State Park, a major visitor destination, Coastal Act Policy 30240(b) is also relevant. This policy states that development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The subject site is located on the west side of Highway One in an area designated in the County's LUP as "Highly Scenic," wherein new development shall be subordinate to the character of its setting. The existing one-story residence and portions of the site are prominently visible from a number of areas within MacKerricher State Park, including the popular picnic and parking area at Lake Cleone, the nature trail around Lake Cleone, and the adjacent (now public) Haul Road and beach area. No other nearby development (except part of another residence near the Taylor site) is currently visible from the park. The view looking across Lake Cleone toward the site is one of the most prominent and scenic in the park, providing a peaceful, "wilderness" impression. In fact, as State Parks personnel points out (see attached letter in Exhibit No. 21), the primary attractions to MacKerricher State Park are the diverse and sensitive natural ecosystems, the beauty of the coastline, and the popular camping and day use facilities, with Lake Cleone being a focal point of many activities. Annual public visitation is over 700,000 people, who come to enjoy the heretofore essentially unspoiled natural landscape of the park.

According to State Parks personnel, sometime within the last year someone (not from State Parks) illegally removed a substantial number of trees from State Parks property that were previously partially screening the existing residence from public views from the park. State Parks has indicated that trees have been replanted which eventually will screen the existing structure again. However, even when the new trees are fully grown, depending on the manner in which new development is built, developing a second-story inn addition to the existing residence and constructing additional detached inn units in certain locations could once again make development on the site prominently visible from the State Park and significantly degrade public views, both during

daylight hours and after dark, when night lighting at the site could compromise the character of the otherwise natural and undeveloped area that is a major visitor destination.

Several neighbors have written letters indicating their concerns regarding adverse impacts of the proposed project on visual resources and on the character of the neighborhood (see Exhibit Nos. 17-23). State Parks has also indicated its extreme concern with this proposed project (see Exhibit No. 21).

While it is true that the County will have the opportunity to review and condition a coastal permit application for development of an inn, and that the future inn would have to be consistent with existing LCP policies regarding protection of visible resources, the County's LCP does not have a policy that requires development in areas adjacent to parks and recreation areas to be sited and designed to prevent impacts which would significantly degrade such areas.

Because the proposed LCP change would allow development of an inn without regard to its effects on the visual resources of MacKerricher State Park, and the visual character of the neighborhood, the Commission finds that the proposed LUP Amendment for Site Three as submitted is not consistent with and inadequate to carry out Coastal Act Policies 30251 and 30240(b), and that the proposed Implementation Program Amendment for Site Three is not consistent with and inadequate to carry out the Land Use Plan.

The Commission notes that there are portions of the site where development could be accommodated that would not impair the State Park viewshed. If sensitively designed, development in such areas could also be made to be visually compatible with the surrounding residential neighborhood. Therefore, the Commission offers the following suggested modifications which, if incorporated into the LCP, would make the proposed inn use consistent with the Coastal Act.

1. SUGGESTED MODIFICATION #1:

A note shall be placed on the Land Use Plan map that any visitor serving accommodations developed on the subject parcel shall not be visible from major visitor destinations or particularly scenic areas within MacKerricher State Park, including but not limited to the Lake Cleone picnic area and nature trail and the haul road.

2. SUGGESTED MODIFICATION #2:

Section 20.440.005, "Limitation on Uses," shall be amended to include the following subsection:

- (H) Areas adjacent to parks and recreation areas. New development adjacent to parks and recreation areas shall not be visible from major visitor destinations or particularly scenic areas of nearby parks and recreation areas.

3. SUGGESTED MODIFICATION #3:

The new zoning designation for the subject parcel shall be RR-5[RR-2] \*1C(H) which would allow a conditional 10-unit inn or 4-unit bed and breakfast inn with the combining district overlay of (H) - restrictions on visibility from parks and recreation areas.

4. SUGGESTED MODIFICATION #4:

A note shall be placed on the Zoning Map that any visitor serving accommodations developed on the subject parcel shall not be visible from major visitor destinations or particularly scenic areas within MacKerricher State Park, including but not limited to the Lake Cleone picnic area and nature trail and the haul road.

Suggested Modifications 1 and 4 require a note to be placed on the Land Use Plan and Zoning maps respectively, stating that any visitor serving accommodations developed on the subject site may not be visible from popular visitor destinations within the adjacent State Park. Suggested Modification No. 2 requires that the Zoning Code be amended to add a new subsection to Section 20.440.005, "Limitation on Uses," to apply to areas adjacent to parks and recreation areas. If this combining zone overlay is attached to a zoning designation for a site, development on the site may not be visible from major visitor destinations or very scenic areas within a park or recreation area. Suggested Modification No. 3 requires a new zoning designation for the site that includes this new combining zone overlay, RR-5[RR-2] \*1C(H) to allow a conditional 10-unit inn or 4-unit bed and breakfast inn with the combining district overlay of (H) - restrictions on visibility from parks and recreation areas.

These modifications will ensure that any future visitor serving accommodations developed on the subject site will not be visible from major visitor destinations or highly scenic portions of the State Park (or any other park or recreation area). To achieve this requirement, the property owner must site and design any permitted visitor serving accommodation in such a manner as to be invisible from major visitor areas in the adjacent park. To achieve this,

various measures could be employed, such as limiting all structures on the site to one-story, planting and maintaining trees and other landscaping to screen all structures, etc.

The Commission therefore finds that the proposed LUP Amendment for Site Three if modified as suggested is consistent with and adequate to carry out the provisions of Coastal Act Policies 30251 and 30240(b), and that the proposed Implementation Program for Site Three if modified as suggested is consistent with and adequate to carry out the provisions of the Land Use Plan.

Regarding the proposal for Site Four (Fearey/Wilson), the subject site, although located east of Highway One, is in a designated "Highly Scenic" area deemed to have exceptional scenic qualities necessitating special consideration with respect to aesthetics. The existing structures on the site are sited back from the highway and are barely, if at all, visible from Highway One. There appears to be ample room on the site to develop additional inn units that would not be visible from Highway One.

The Commission therefore finds that the proposed LUP Amendment for Site Four is consistent with and adequate to carry out Coastal Act Sections 30251, and that the proposed Implementation Program Amendment for Site Four is consistent with and adequate to carry out the provisions of the Land Use Plan.

In the case of Site Two (Peirce/Comer), the subject property is located east of and not visible from Highway One; therefore the proposed LUP Amendment for Site Two would not affect visual resources and is consistent with and adequate to carry out Coastal Act Section 30251, and the proposed Implementation Program Amendment for Site Two is consistent with and adequate to carry out the provisions of the Land Use Plan.

Regarding Sites Five and Six, the subject properties are developed to the maximum allowable density; therefore the proposed LUP Amendments for Sites Five and Six would not affect visual resources and are consistent with and adequate to carry out Coastal Act Section 30251, and the proposed Implementation Program Amendments for Sites Five and Six are consistent with and adequate to carry out the provisions of the Land Use Plan.

**D. Environmentally Sensitive Habitat Areas.**

Coastal Act Section 30240 states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values. Section 30231 states that the quality of coastal streams shall be maintained, that natural vegetation buffer areas that protect riparian habitats should be maintained, and that alteration of natural streams shall be minimized.



In the case of Site One (Creasey, etc al), a botanical survey of the subject site has found a large thriving population of swamp harebell (Campanula californica), a rare and endangered plant species, well distributed throughout the marshy area association with the north-flowing intermittent watercourse in the northwest corner of the site adjacent to Navarro Ridge Road. At the time any land division were proposed, such land division and/or future residential development would be restricted by the policies of the certified LCP that protect sensitive habitat and require buffer areas.

Since environmentally sensitive habitat will not be adversely affected, the Commission finds that the proposed LUP Amendment for Site One is consistent with and adequate to carry out Sections 30231 and 30240 of the Coastal Act; furthermore, the proposed Implementation Program Amendment for Site One is consistent with and adequate to carry out the Land Use Plan.

In the case of Site Two (Peirce/Comer), Digger Creek, a perennial stream, crosses the northern of the two subject parcels, and supports a well-developed riparian community. The botanist who surveyed the site indicated that two rare and endangered plant species, the swamp harebell and the coast lily, might possibly be located within the impenetrable riparian community on the site. In addition, rare and endangered pygmy cypress trees grow on both parcels (see Exhibit No. 10). A seasonal "dead" pond in the southeast quadrant does not support any wetland vegetation.

A number of letters were sent to the County objecting to the proposed amendment due to potential impacts to Digger Creek, including a letter from the Mendocino Coast Botanical Gardens Board of Directors. According to this letter, Digger Creek, which crosses the subject property, runs the length of the Gardens and supports trout, river otters, leopard newts, and extensive native riparian habitat. Digger Creek is an unusual creek in that it is only about four miles in length, surfacing about two miles above the subject property and running due west to the Gardens and then into the sea. The creek runs year round, one of the few on the coast. As a result, the Commission finds that the extreme sensitivity of Digger Creek and its habitat would require a buffer area.

At present, there is an undeveloped dirt road that crosses Digger Creek (see Exhibit No. 10), providing limited access to the northern portion of the northern parcel. Were the parcel to be subdivided, the road would need to be improved to serve the new parcels, requiring culverting and widening that would have significant adverse impacts on Digger Creek and its habitat, inconsistent with Coastal Act Policies 30240 and 30231. LUP Policy 3.1-10 limits development within ESHA's to only those uses which are dependent on the riparian resources, and requires the protection of riparian corridors from significant disruption. Policy 3.1-7 requires establishment of a buffer area adjacent to all Environmentally Sensitive Habitat Areas, and prohibits new

land division that would create new parcels entirely within a riparian buffer area. Were the proposal potentially allowing five-acre parcels approved, it would be necessary to adversely affect sensitive habitat to create these parcels, inconsistent with both the Coastal Act and the LCP. In fact, the presence of rare and endangered pygmy cypress trees and sensitive riparian habitat severely limits the potential to create any additional parcels without degrading environmentally sensitive habitat.

The Commission thus finds that since environmentally sensitive habitat would be adversely affected, the proposed LUP Amendment for Site Two is inconsistent with and adequate to carry out Sections 30231 and 30240 of the Coastal Act; furthermore, the proposed Implementation Program Amendment for Site Two is inconsistent with and inadequate to carry out the Land Use Plan.

In the case of Site Three (Taylor), there is a drainage, watercourses, and riparian habitat on the subject site, located in the northern portion of the site. In addition, the site may support the rare Point Reyes horkelia (Horkelia marinensis). The existing structure is located in the southern portion of the site. Any visitor serving accommodation developed on the site would need to be located outside of any sensitive habitat, and there appears to be some area near the existing residence where such development could take place; another option is for inn units to be placed within the existing structure. Since environmentally sensitive habitat will not be adversely affected, the Commission finds that the proposed LUP Amendment for Site Three, which will allow up to ten inn units, is consistent with and adequate to carry out Sections 30231 and 30240 of the Coastal Act; furthermore, the proposed Implementation Program Amendment for Site Three is consistent with and adequate to carry out the Land Use Plan.

Regarding the proposal for Site Four (Fearey/Wilson), the southerly property boundary of the subject site is adjacent to Schoolhouse Creek, and there is riparian habitat on the subject parcel. In addition, the riparian area may support specimens of the rare and endangered swamp harebell (Campanula californica).

The existing structures are located well away from the sensitive habitat areas on the site. Any new visitor serving accommodations developed on the site would need to be similarly located outside of any sensitive habitat, and there appears to be ample room on the 7.5-acre parcel where such development could take place.

Future development of inn units would need to be consistent with LCP policies protecting environmentally sensitive habitat areas, such as Policy 3.1-10, which provides for the protection of riparian areas designated as ESHA's, and Policy 3.1-7, which establishes criteria for applying buffers for the protection of identified ESHA's.

Since environmentally sensitive habitat will not be adversely affected, the Commission finds that the proposed LUP Amendment for Site Four, which will allow up to eight new inn units, is consistent with and adequate to carry out Sections 30231 and 30240 of the Coastal Act; furthermore, the proposed Implementation Program Amendment for Site Four is consistent with and adequate to carry out the provisions of the Land Use Plan.

In the case of Site Five, since the proposed change is only to move the Visitor Serving designation (\*2) from the incorrect parcel to the correct one, and the site is developed to the maximum possible density, the proposal would have no adverse impacts on environmentally sensitive habitat. Therefore, the Commission finds that the proposed LUP Amendment for Site Five is consistent with Sections 30231 and 30240 of the Coastal Act; furthermore, the proposed Implementation Program Amendment for Site Five is consistent with and adequate to carry out the provisions of the Land Use Plan.

In the case of Site Six (Kruzic), biological resources identified on the Department of Fish and Game Natural Diversity Database include the rare and endangered swamp harebell, pink sand verbena, and coast lily. However, as the site is developed to its maximum development potential, there can be no further residential development and therefore no impacts to any sensitive habitat that might exist on the site. The Commission therefore finds that the LUP Amendment for Site Six is consistent with and adequate to carry out Coastal Act Policy 30240, and the Implementation Program Amendment for Site Six is consistent with and adequate to carry out the provisions of the Land Use Plan.

#### E. Visitor Serving Facilities.

Section 30213 of the Coastal Act states that lower cost visitor shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30222 states that the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30254 states that where existing or planned public works facilities can accommodate only a limited amount of new development, visitor-serving land uses shall not be precluded by other development.

Two of the LCP proposals concern visitor serving accommodations. The proposal for Site Three (Taylor) would allow up to a ten-unit inn or four-unit Bed and Breakfast facility on the subject site, a high priority coastal land use under

the Coastal Act which would provide public recreational opportunities, as the site is located near a State Park and beach areas. The Commission thus finds that the proposed LUP Amendment for Site Three is consistent with and adequate to carry out the Coastal Act Sections 30213, 30222, and 30254, and that the Implementation Program Amendment for Site Three is consistent with and adequate to carry out the provisions of the Land Use Plan.

In the case of Site Four (Fearey/Wilson), the proposal would allow up to an additional eight visitor-serving inn units to the existing 12 inn units on the subject site, constituting a high priority coastal land use which would provide public recreational opportunities, as the site is located near several beach and recreational areas. The Commission thus finds that the proposed LUP Amendment for Site Four is consistent with and adequate to carry out the Coastal Act Sections 30213, 30222, and 30254, and that the Implementation Program Amendment for Site Four is consistent with and adequate to carry out the provisions of the Land Use Plan.

F. Timber Resources.

Coastal Act Section 30243 states that the long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands into units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

Only one site supports timber resources. Regarding the proposal for Site Two (Peirce/Comer), the northern portion of the site is timber site class IV for Douglas fir, which qualifies as a coastal commercial timberland (defined as coastal or redwood forests on sites rated IV or better). The southern site falls below the threshold, with timber site class V. Therefore, approximately 40 acres meets the criteria for commercial timberland, based on soil type.

Policy 3.3-9 of the County LUP states that residential uses and subdivisions adjacent to commercial timberlands identified as TPZ shall be limited to a ten-acre minimum. When the parcel subject to development is designated Planned Development (PD) or Clustering (CL), residential development shall be maintained 200 feet from timberland parcels and average density shall not exceed one dwelling unit per 10 acres.

The property located east of the south half of Site Two is classified Forestland and zoned Timberland Production (TPZ). The Commission finds it inappropriate to redesignate to residential use property that is suitable for timber production, and that it is inconsistent with Policy 3.3-9 of the LUP to allow parcels less than 10 acres in size to be located adjacent to an area zoned TPZ.

The Commission thus finds that the proposed LUP Amendment for Site Two is inconsistent with and inadequate to carry out Section 30243 of the Coastal Act; furthermore, the proposed Implementation Program Amendment for Site Two is inconsistent with and inadequate to carry out the policies of the Land Use Plan.

Since there are no timber resources present on Sites One, Three, Four, Five, and Six, the Commission finds that the proposed LUP Amendments for Sites One, Three, Four, Five, and Six are consistent with and adequate to carry out Coastal Act Policy 30242, and that the proposed Implementation Program Amendments for Sites One, Three, Four, Five, and Six are consistent with and adequate to carry out the policies of the Land Use Plan.

G. CEQA:

Pursuant to SB 1873, which amended the California Environmental Quality Act, the Coastal Commission is the lead agency in terms of meeting California Environmental Quality Act (CEQA) requirements for local coastal programs. In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed in the findings above, Sites One, Two, and Three of the amendment request as submitted are inconsistent with the California Coastal Act and will result in significant environmental effects within the meaning of the California Environmental Quality Act. Site Three, if modified as suggested, is consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act. Sites Four, Five, and Six of the amendment request as submitted are consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

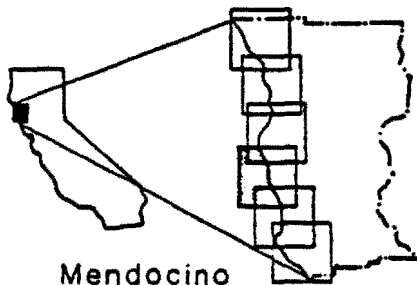
EXHIBIT NO. 1

APPLICATION NO.  
MENDOCINO CO. LCP

AMENDMENT 1-95 (MAJOR)  
SITE ONE (Creasey)



Location Map  
California Coastal Commission



Mendocino

APPROXIMATE  
LOCATION

LOCATION MAP

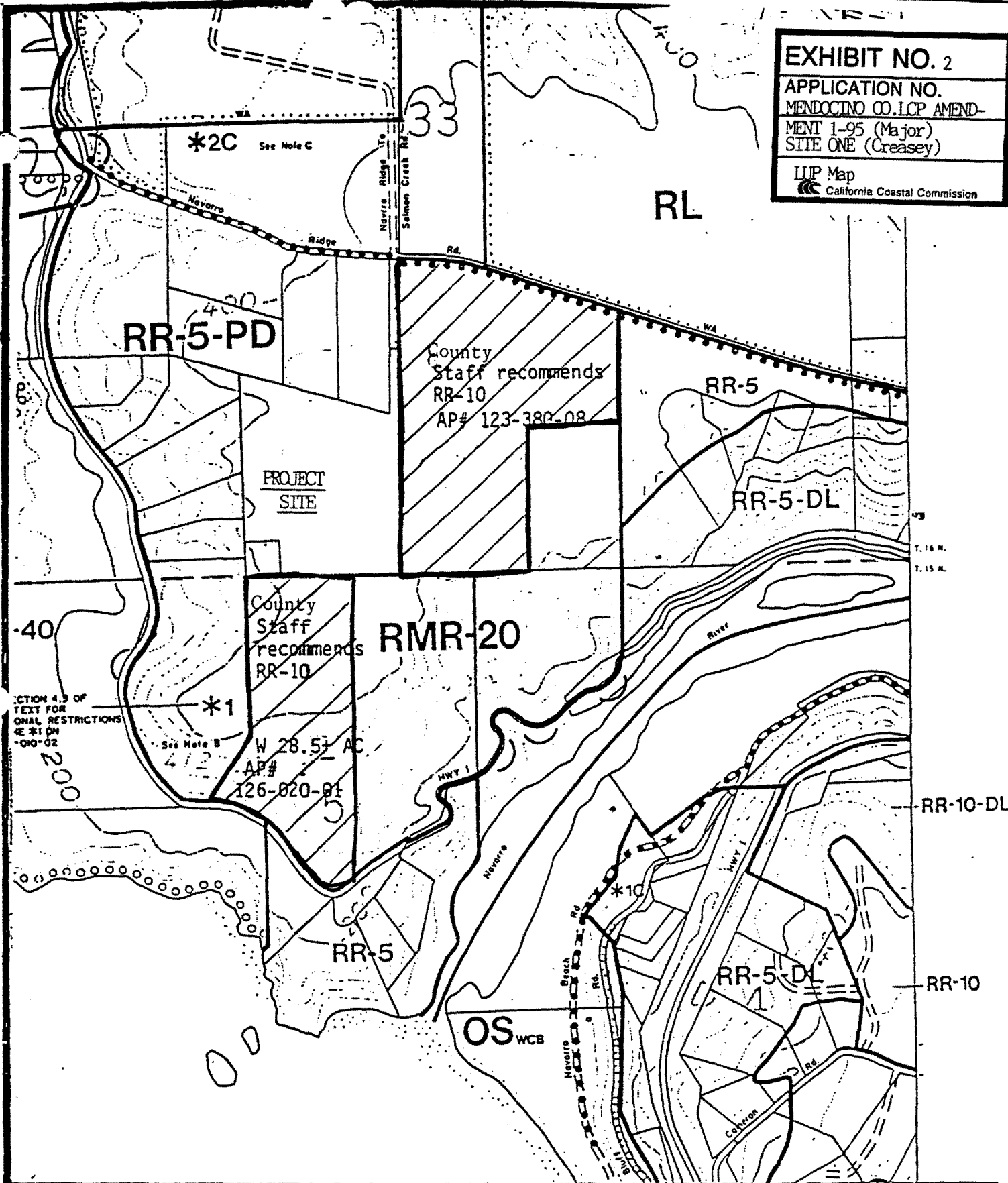
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# EXHIBIT NO. 2

APPLICATION NO.  
MENDOCINO CO. LCP AMEND-  
MENT 1-95 (Major)  
SITE ONE (Creasey)

LUP Map  
California Coastal Commission



CASE NUMBER:  
GP 12-89/R 24-91

OWNER:  
Creasey et al.

AGENT:

A/P NUMBER:  
123-330-08, 126-020-01

Coastal Land Use Map

SCALE:  
1" = 900'

↑  
NORTH


 RMR-20 to RR-10

EXHIBIT A

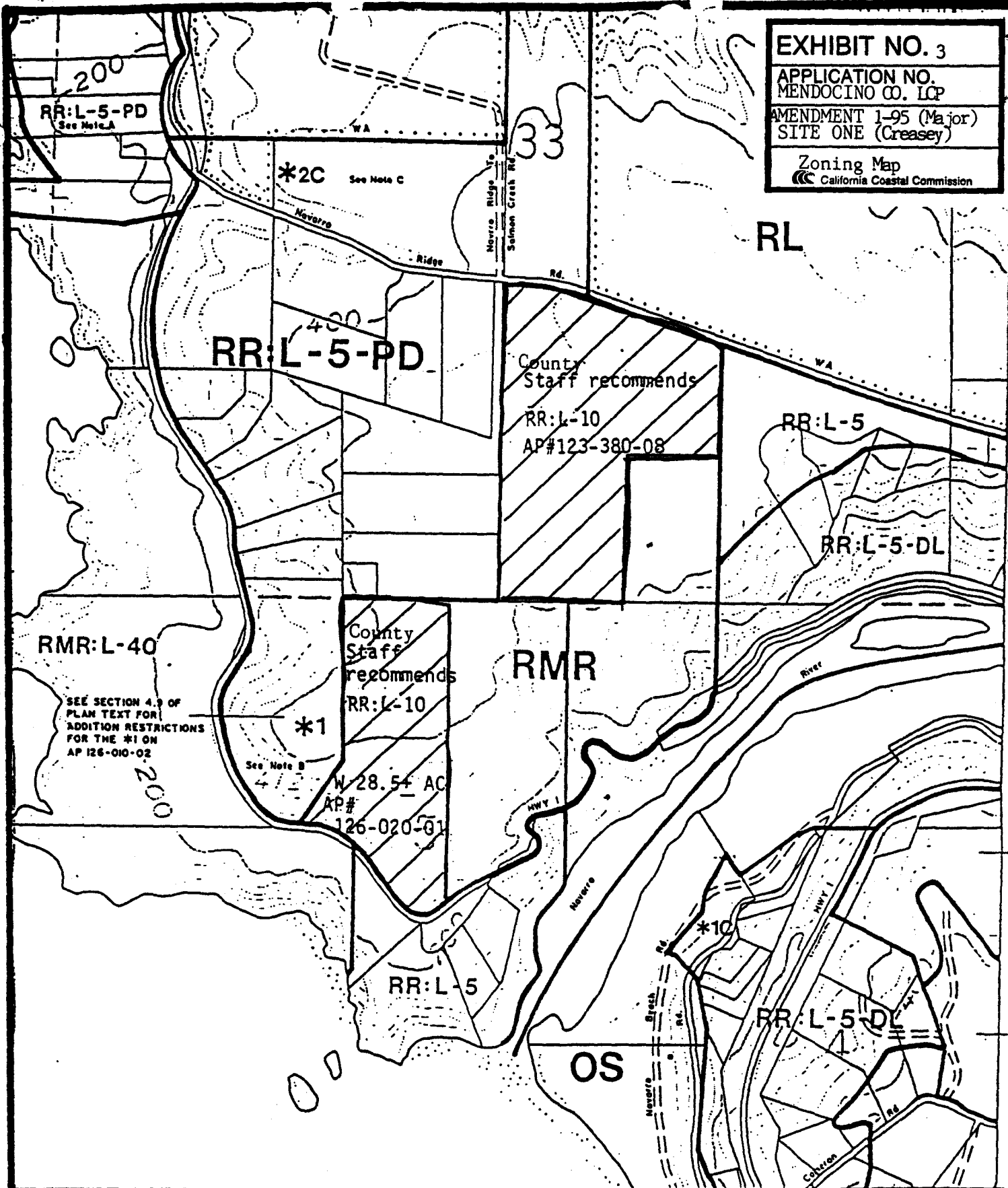
B-

EXHIBIT NO. 3

APPLICATION NO.  
MENDOCINO CO. LCP

AMENDMENT 1-95 (Major)  
SITE ONE (Creasey)

Zoning Map  
California Coastal Commission



CASE NUMBER:  
GP 12-89/R 24-91

OWNER:  
Creasey

AGENT:

A/P NUMBER:  
123-380-08, 126-020-01

Coastal Zoning Map

SCALE:  
1" = 900'



NORTH


 RMR to RR:L-10

EXHIBIT B

B-



EXHIBIT NO.

4

APPLICATION NO.

MENDOCINO CO. LCP

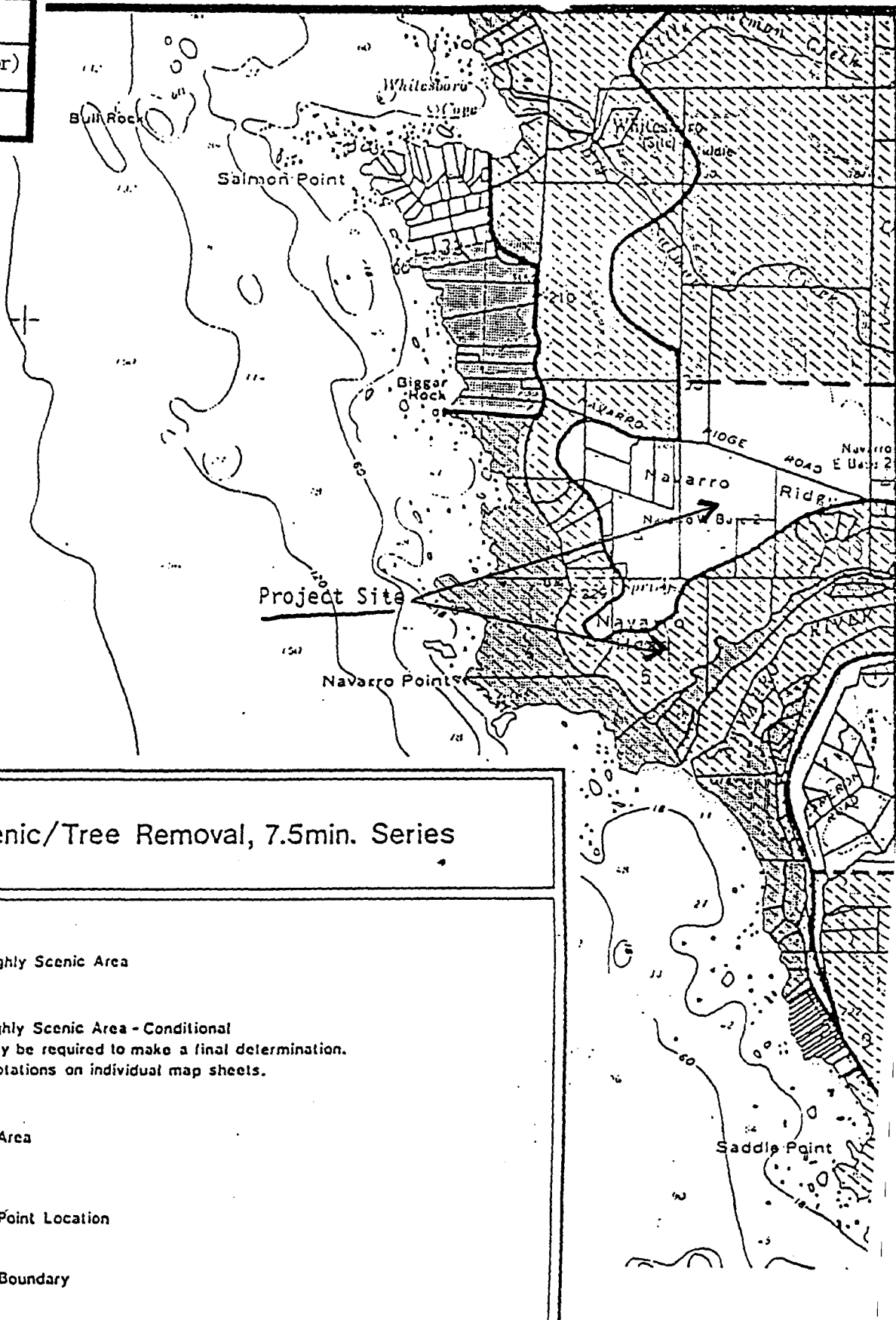
AMENDMENT 1-95 (Major)

SITE ONE (Creasey)

Highly Scenic Area

California Coastal Commission

FC-16



CASE NUMBER:

GP 12-89/R 24-91

OWNER:

CREASEY ET AL

AGENT:

A/P NUMBER:

123-380-08 & 126-020-01

HIGHLY SCENIC AREA

SCALE:

1" = 2000'



NORT

Site View

access?

1876  
200  
2618  
375  
2445

630'

10.02 Acres

920'

95'

1.2 Acr.

20.0 Acres

200'

18.48 Acres

22  
8-23-95

Site view by CH

There appears to be ample room to develop a residence in this area and be out of the highly scenic area

EXHIBIT NO. 5

APPLICATION NO.

MENDOCINO CO. ICP

AMENDMENT 1-95 (Major)

SITE ONE (Creasey)

Building Envelope

California Coastal Commission

C-144.1

EXHIBIT NO. 6
APPLICATION NO. MENDOCINO CO. LCP
AMENDMENT 1-95 (Major) SITE ONE (Creasey)
Resolution California Coastal Commission

RESOLUTION NO. 95-207

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF MENDOCINO OF INTENT TO AMEND THE LOCAL COASTAL  
PROGRAM FOR MENDOCINO COUNTY  
(GP 12-89/R 24-91 - CREASEY)

WHEREAS, the County of Mendocino has adopted a Local Coastal  
Program, and

WHEREAS, the Local Coastal Program has been certified by the  
California Coastal Commission, and

WHEREAS, an application has been submitted to the County requesting  
amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held a public hearing on  
the requested amendment and submitted its recommendation to the Board of  
Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the  
requested amendment and has determined that the Local Coastal Program should  
be amended,

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of the Board  
of Supervisors of the County of Mendocino that #GP 12-89/#R 24-91 be adopted  
amending the Local Coastal Program as shown on attached Exhibits A and B.

BE IT FURTHER RESOLVED, that Planning and Building Services staff is  
directed to include the amendment proposed herein in the next submittal to be  
made to the California Coastal Commission for certification, and

BE IT FURTHER RESOLVED, that the amendment shall not become  
effective until after the Board of Supervisors of the County of Mendocino  
acknowledges receipt of the Coastal Commission's action, formally adopts the  
proposed amendment and accepts any modification suggested by the Coastal  
Commission, and

BE IT FURTHER RESOLVED, that the local coastal program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED, that in the event that the California Coastal Commission denies certification of the amendment proposed to be adopted in this resolution, this resolution shall become inoperative and will be immediately repealed without further action by the Board of Supervisors insofar as this resolution pertains to such amendment for which certification is denied. This resolution shall remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 23rd day of October, 1995, by the following vote:

AYES: Supervisors McMichael, Pinches, Sugawara  
NOES: Supervisors Henry, Peterson  
ABSENT: None

WHEREUPON, the Chairman declared said Resolution passed and adopted and SO ORDERED.

ATTEST: JOYCE A. BEARD  
Clerk of said Board

By Kristin Vortatter  
Deputy

GP 12-89/R 24-91 - CREASEY

Seiji Sugawara  
Chairman of said Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

JOYCE A. BEARD  
Clerk of the Board

By: Kristin Vortatter  
DEPUTY

EXHIBIT NO. 6
APPLICATION NO.
MENDOCINO CO. LCP
AMENDMENT 1-95 (Major)
SITE ONE (Creasey)
Resolution
California Coastal Commission

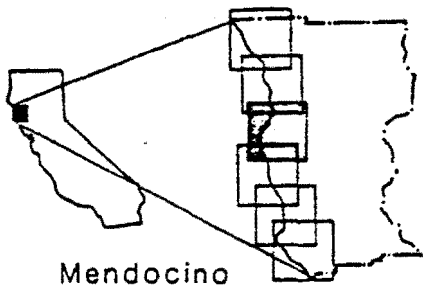


EXHIBIT NO. 7

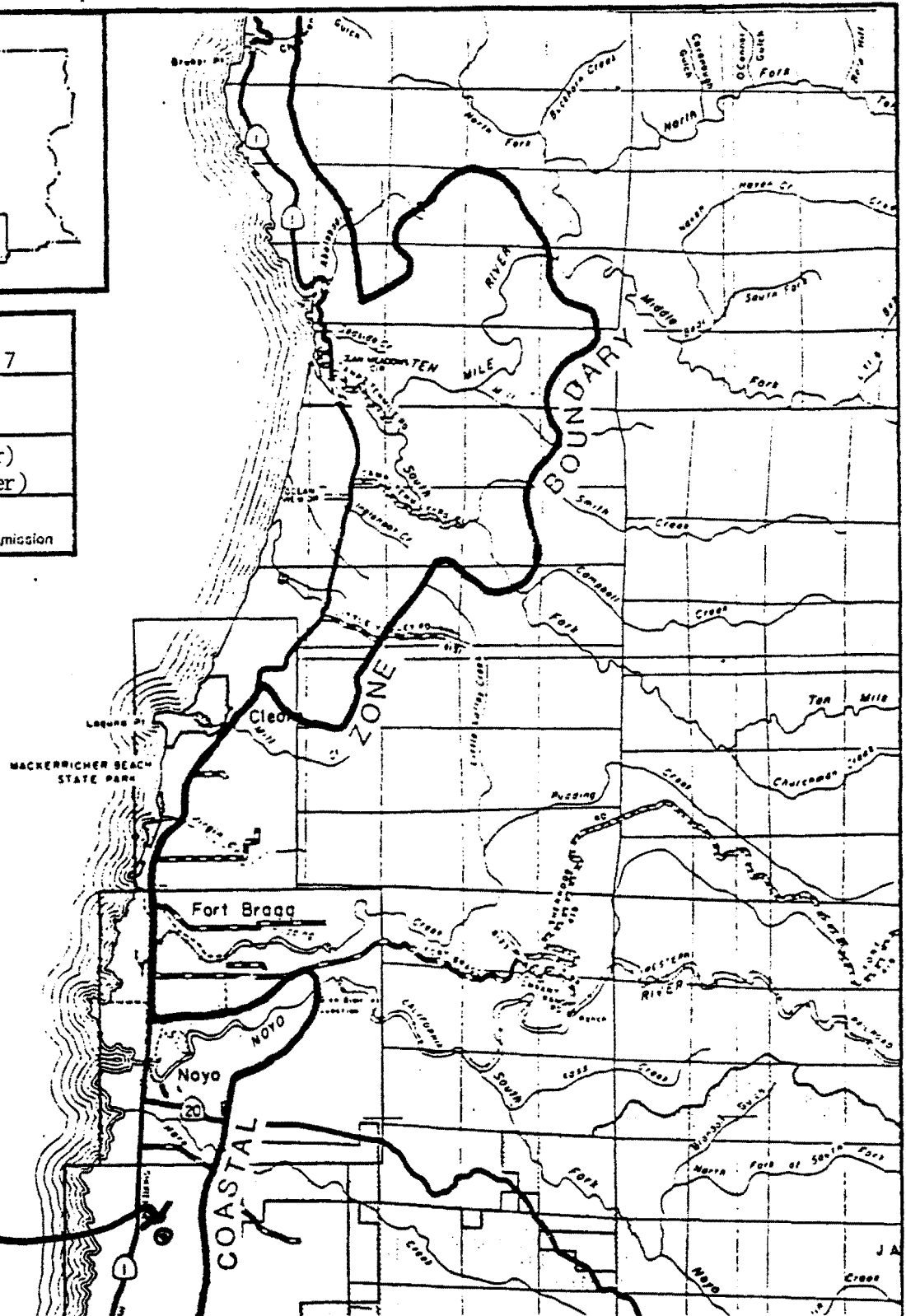
APPLICATION NO.  
MENDOCINO CO. LCP

AMENDMENT 1-95 (Major)  
SITE TWO (Peirce/Coner)



Location Map  
California Coastal Commission

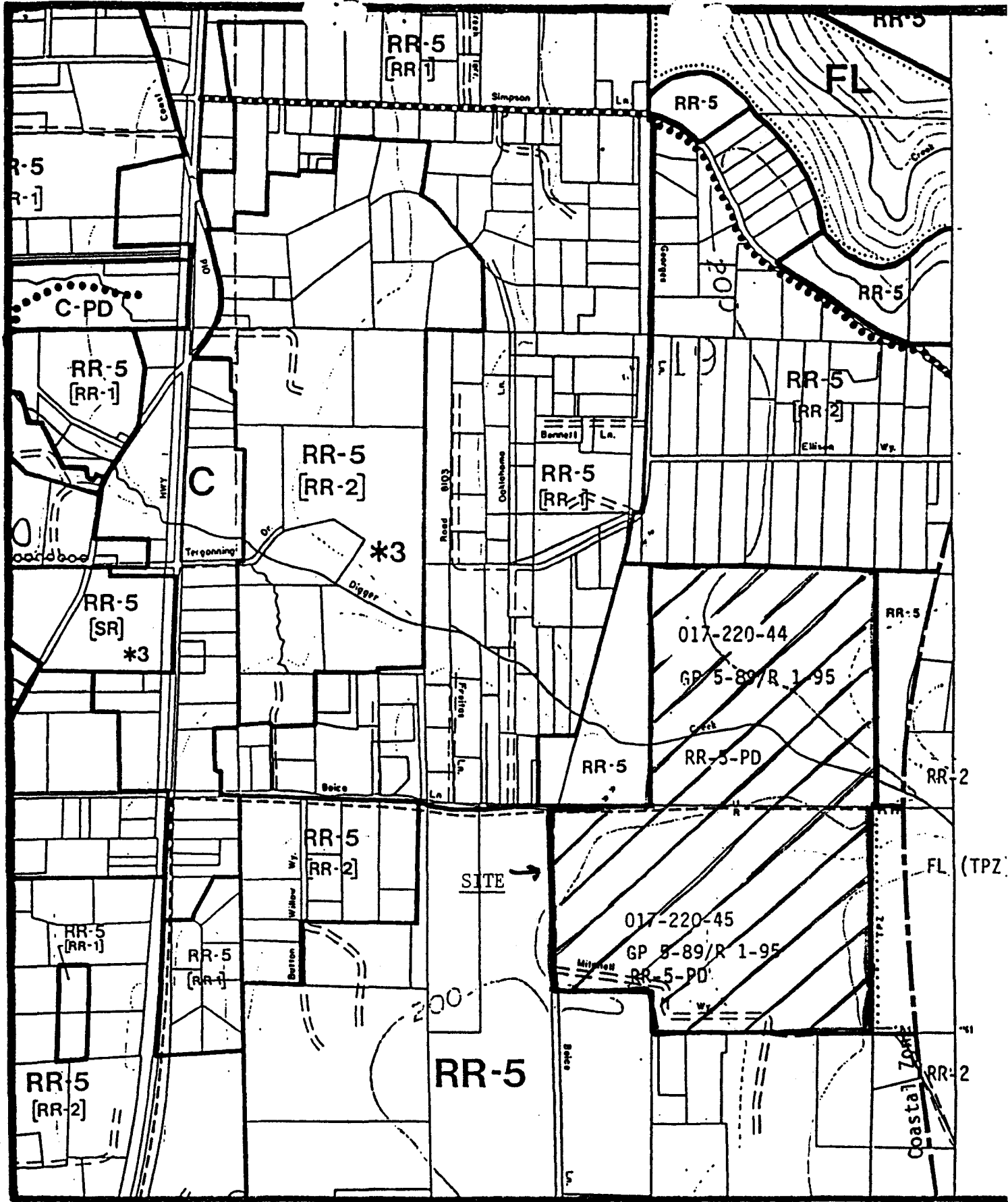
APPROXIMATE  
LOCATION



California Coastal Commission

LOCATION MAP





**EXHIBIT NO.** 8  
**APPLICATION NO.**  
 MENDOCINO CO. LCP  
 AMENDMENT 1-95 (Major)  
 SITE TWO (Peirce/Comer)

LUP Map  
 California Coastal Commission

**OWNER:**  
 Peirce/Comer

**AGENT:**  
 O'Rourke

COASTAL LAND USE MAP

**SCALE:**  
 1" = 750'




 FL to RR-5-PD

EXHIBIT A C-2



<b>EXHIBIT NO.</b> 10
<b>APPLICATION NO.</b>
MENDOCINO CO. LCP
AMENDMENT 1-95 (Major)
SITE TWO (Peirce/Comer)
ESHA California Coastal Commission

GP 589 Peirce

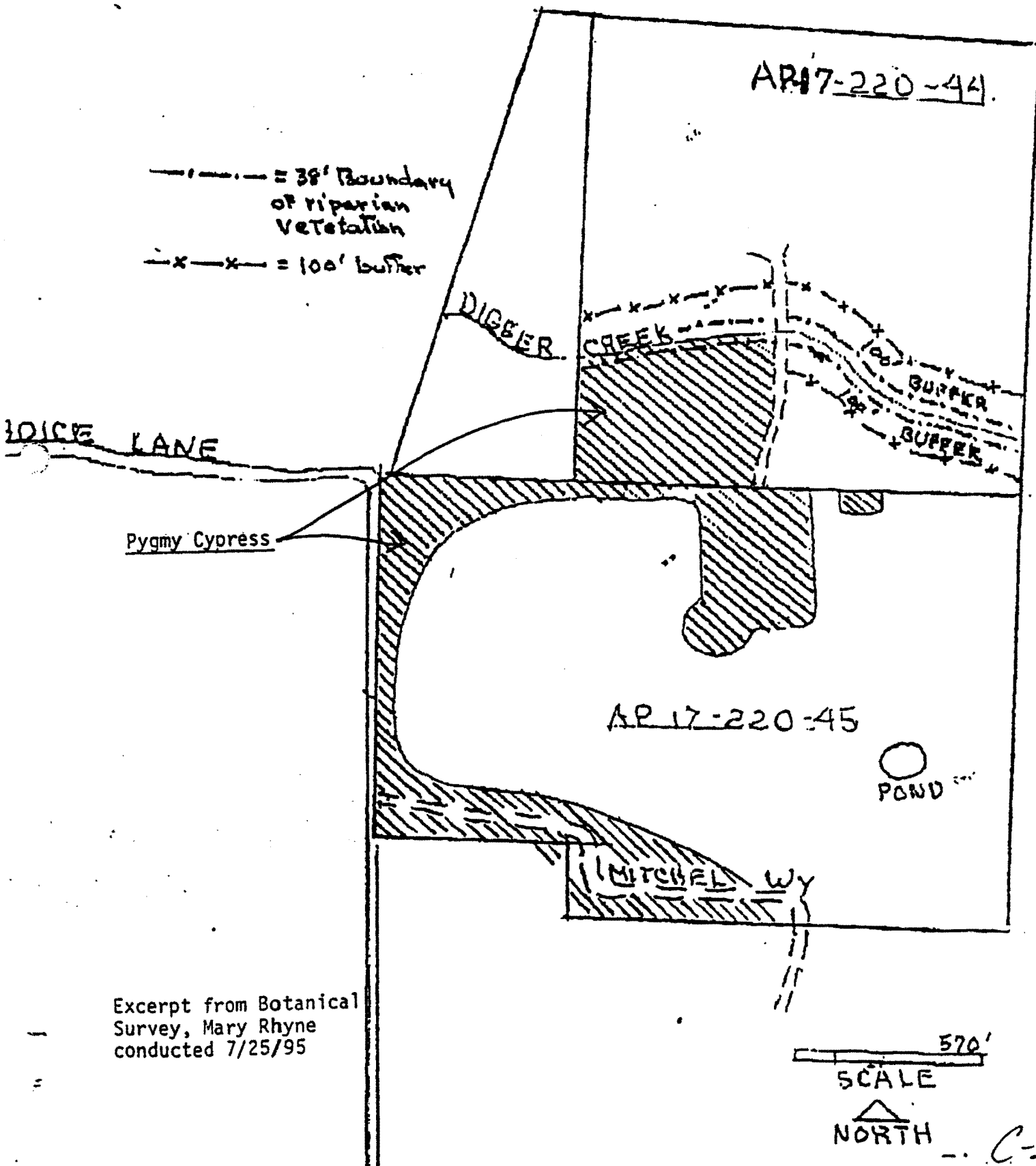




EXHIBIT NO. 11
APPLICATION NO.
MENDOCINO CO. LCP
AMENDMENT 1-95 (Major)
SITE TWO (Peirce/Comer)
Resolution
California Coastal Commission

RESOLUTION NO. 95-208

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF MENDOCINO OF INTENT TO AMEND THE LOCAL COASTAL  
PROGRAM FOR MENDOCINO COUNTY  
(GP 5-89/R 1-95 - PEIRCE/COMER)

WHEREAS, the County of Mendocino has adopted a Local Coastal Program, and

WHEREAS, the Local Coastal Program has been certified by the California Coastal Commission, and

WHEREAS, an application has been submitted to the County requesting amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held a public hearing on the requested amendment and submitted its recommendation to the Board of Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment and has determined that the Local Coastal Program should be amended,

WHEREAS, it is the intent of the Board of Supervisors that potential impacts to Digger Creek, which supports numerous biological resources and the local economy as represented by the Mendocino Coast Botanical Gardens and Fort Bragg Trout Farm, shall be mitigated at the development stage through the Planned Development designation and subdivision design. For example, future property use may be restricted through the subdivision or use permit, as appropriate, as follows:

(1) A conservation easement may be granted to an appropriate nonprofit organization for the protection of Digger Creek in perpetuity.

(2) Diversion and use of water from Digger Creek for beneficial uses on the subject property may not be increased above present use.

(3) The Environmentally Sensitive Habitat Area buffer set forth in the Coastal Element may encompass a minimum 200 feet on each side of the banks of the creek.

(4) Subdivision design shall severely restrict the number of parcels (i.e., ownerships) adjacent to Digger Creek.

WHEREAS, furthermore, it is the intent of the Board of Supervisors that, notwithstanding the designation of the property to RR-5-PD, future subdivision and use permit design maintain a minimum parcel size of 10 acres together with a residential setback of at least 200 feet from adjacent lands designated Timberland Preserve Zone.

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of the Board of Supervisors of the County of Mendocino that #GP 5-89/#R 1-95 be adopted amending the Local Coastal Program as shown on attached Exhibits A and B.

BE IT FURTHER RESOLVED, that Planning and Building Services staff is directed to include the amendment proposed herein in the next submittal to be made to the California Coastal Commission for certification, and

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino acknowledges receipt of the Coastal Commission's action, formally adopts the proposed amendment and accepts any modification suggested by the Coastal Commission, and

BE IT FURTHER RESOLVED, that the local coastal program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED, that in the event that the California Coastal Commission denies certification of the amendment proposed to be adopted in this resolution, this resolution shall become inoperative and will be immediately repealed without further action by the Board of Supervisors insofar as this resolution pertains to such amendment for which certification is denied. This resolution shall remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

The foregoing Resolution was introduced by Supervisor Pinches, seconded by Supervisor McMichael and carried this 23rd day of October, 1995 by the following roll call vote:

AYES: Supervisors McMichael, Pinches, Peterson, Sugawara  
NOES: None  
ABSENT: None  
ABSTAIN: Supervisor Henry

WHEREUPON, the Chairman declared said Resolution passed and adopted and SO ORDERED.

Seiji Sugawara  
Chairman of said Board of Supervisors

ATTEST: JOYCE A. BEARD  
Clerk of said Board

By Kristin Van Ratten  
Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

JOYCE A. BEARD  
Clerk of the Board  
By: Kristin Van Ratten  
DEPUTY

GP 5-89/R 1-95 - PEIRCE/COMER

EXHIBIT NO. 11
APPLICATION NO.
MENDOCINO CO. LCP
AMENDMENT 1-95 (Major)
SITE TWO (Peirce/Comer)
Resolution
California Coastal Commission



MAC KERRICHER

STATE PARK

OS

DPR

\*3

Water

MILL CREEK DRIVE

PARKING LOT

Cleone

Cleone  
RM 67

OS

DPR

[RR-2]

RR-5

\*3C

[RR-1]

RR-5

[SR]

RR-5

OSOM LANE

SITE

120

[RR-2]

RR-5

RR-5

[RR-1]

EXHIBIT NO. 13

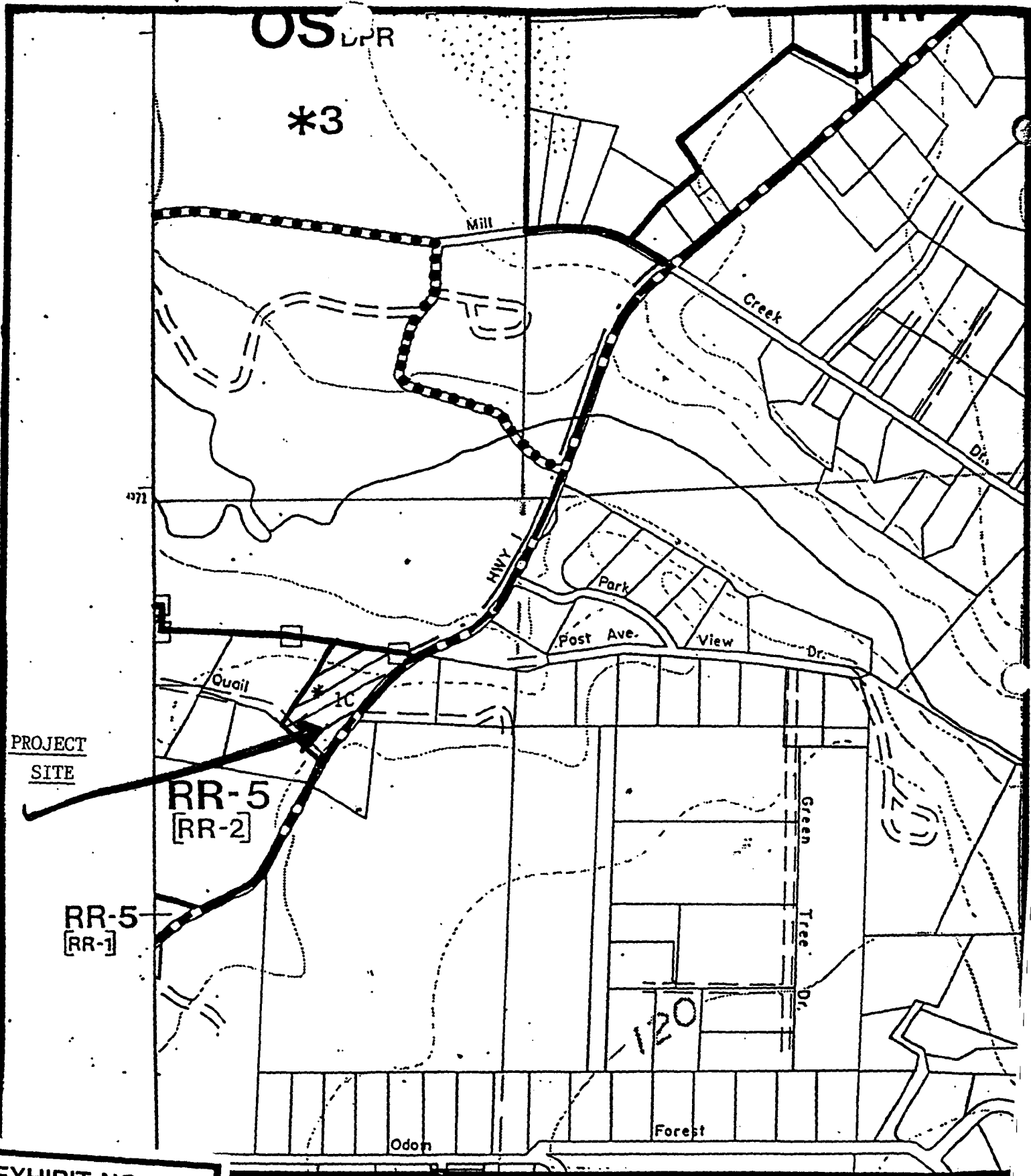
APPLICATION NO.  
MENDOCINO CO. LCP

AMENDMENT 1-95 (Major)  
SITE THREE (Taylor)

Vicinity Map


California Coastal Commission

A-17



**EXHIBIT NO.** 14  
**APPLICATION NO.**  
 MENDOCINO CO. LCP  
 AMENDMENT 1-95 (Major)  
 SITE THREE (Taylor)

LUP Map  
 California Coastal Commission

91	OWNER: TAYLOR	Map as proposed to be amended.
1-10	EXHIBIT A	Land Use
		 NORTH

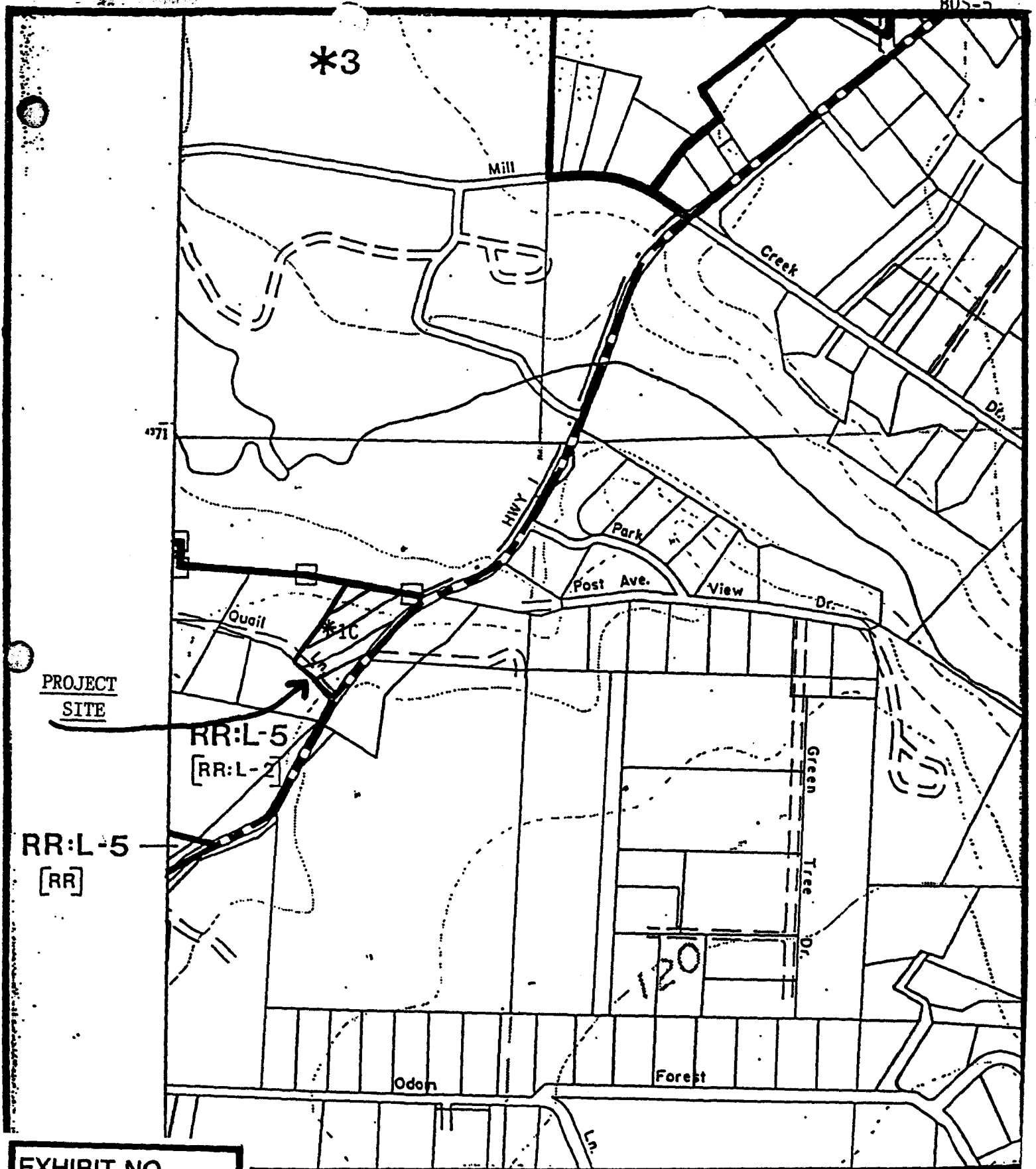


EXHIBIT NO. 15

APPLICATION NO.  
MENDOCINO CO. LCP

AMENDMENT 1-95 (Major)  
SITE THREE (Taylor)

Zoning Map  
California Coastal Commission


1	OWNER: TAYLOR	Map as proposed to be amended.	
-10	EXHIBIT B	Zoning	 NORTH

EXHIBIT NO. 16
APPLICATION NO. MENDOCINO CO. LCP
AMENDMENT 1-95 (Major) SITE THREE (Taylor)
Resolution California Coastal Commission

RESOLUTION NO. 95-209

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF MENDOCINO OF INTENT TO AMEND THE LOCAL COASTAL  
PROGRAM FOR MENDOCINO COUNTY  
(GP 29-88/R 22-91 - TAYLOR)

WHEREAS, the County of Mendocino has adopted a Local Coastal Program, and

WHEREAS, the Local Coastal Program has been certified by the California Coastal Commission, and

WHEREAS, an application has been submitted to the County requesting amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held a public hearing on the requested amendment and submitted its recommendation to the Board of Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment and has determined that the Local Coastal Program should be amended,

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of the Board of Supervisors of the County of Mendocino that #GP 29-88/#R 22-91 be adopted amending the Local Coastal Program as shown on attached Exhibits A and B.

BE IT FURTHER RESOLVED, that Planning and Building Services staff is directed to include the amendment proposed herein in the next submittal to be made to the California Coastal Commission for certification, and

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino acknowledges receipt of the Coastal Commission's action, formally adopts the proposed amendment and accepts any modification suggested by the Coastal Commission, and

BE IT FURTHER RESOLVED, that the local coastal program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED, that in the event that the California Coastal Commission denies certification of the amendment proposed to be adopted in this resolution, this resolution shall become inoperative and will be immediately repealed without further action by the Board of Supervisors insofar as this resolution pertains to such amendment for which certification is denied. This resolution shall remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 23rd day of October, 1995, by the following vote:

AYES: Supervisors Pinches, Henry, Peterson, Sugawara  
NOES: Supervisor McMichael  
ABSENT: None

WHEREUPON, the Chairman declared said Resolution passed and adopted and SO ORDERED.

ATTEST: JOYCE A. BEARD  
Clerk of said Board

By Kristin VanPatten  
Deputy

GP 29-88/R 22-91 - TAYLOR

Seiji Sugawara  
Chairman of said Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

JOYCE A. BEARD  
Clerk of the Board  
By: Kristin VanPatten  
DEPUTY

EXHIBIT NO. 16
APPLICATION NO.
MENDOCINO CO. LCP
AMENDMENT 1-95 (Major)
SITE THREE (Taylor)
Resolution
California Coastal Commission



Jan. 19, 1996

Ms Jo Hinsberg  
California Coastal Commission  
43 Fremont Street Suite 2000  
San Francisco, Ca. 94105-2219

EXHIBIT NO. 17
APPLICATION NO. MENDOCINO CO. LCP
AMENDMENT 1-95 (Major) SITE THREE (Taylor)
Correspondence California Coastal Commission

Re. H.P 29-88/R2291  
Henry & Helen Taylor

Dear Ms. Hinsberg:

As a resident of Quail Lane since 1978, (I have only recently sold my home there after my husband's death,) I am writing to strongly urge that you deny the request to amend the Coastal Plan land use classification to rezone 23802 Quail Lane from rural residential to commercial to allow the construction of an inn.

The property is situated in a highly scenic area bordering on MacKerricher State Park and is highly visible from Lake Cleone. It lies close, if not adjacent to a riparian area and to Mill Creek and a commercial structure at this site cannot help but impact adversely on both plant and animal life.

I am further concerned about the impact of this venture on the Quail Lane neighbors. The water and septic difficulties for even its current residents have been very real over the years.

The quiet peaceful nature of this lovely coastal rural residential lane will be profoundly affected by the introduction of an inn with its accompanying noise and traffic.

Please do not allow commercial development except in zones designated for commercial use. We must not allow the lovely coastal area between Fort Bragg & Cleone to be destroyed.

Sincerely,

Janet Walls

P.S. Please keep my name confidential

EXHIBIT NO. 17

APPLICATION NO.  
MENDOCINO CO. LCP

AMENDMENT 1-95 (Major)  
SITE THREE (Taylor)

Correspondence  
California Coastal Commission

1-20-96

Ms. Jo Ginsberg  
California Coastal Commission  
45 Fremont Street Suite 2000  
San Fransico, Ca. 94105-2219

JAN 25 1996  
SUSPENSION  
COASTAL COMMISSION

John & Wendy Daniels  
23811 Quail Ln.  
Fort Bragg, Ca. 95437

Dear Ms. Ginsberg:

We are writing with concern of the possibilities that a ten unit Bed & Breakfast facility could be built and operated at the head of Quail Ln. This facility would cause considerable impact on the water resources and the sensitive condition of coastal vegetation. Also, sewage disposal from a property bordering a state park with a natural lake already in jeopardy from other sources of contamination make this site a high risk project. MacKerricher park is unique in it's nature (with surrounding views of trees and ocean) to have a two story-multi unit B&B clearly visible through illegal downed trees would be a travesty.

When the County Supervisors approved the rezoning we were in attendance. Three of the Five supervisors showed concern about a rezoning. Only after an impassioned speech from Supervisor Henry did four of the five vote to support the rezoning. During the "open" remarks session we were told we were not allowed to make any more rebuttals to Henrys comments. Also, of the five Supervisors only Liz Henry had so much as vague idea of the site. Even Supervisor Peterson, who lives on the coast and has visited MacKerricher Park, didn't know there is a lake in the park. And, Fifth District Supervisor John Pinches stated that our petition against the project, with 98 signatures, was unimportant because he "used to run a store and people would sign a petition just because it was sitting on the counter." What the supervisors refused to understand was that we went door to door in the area and stood in the parking lot at MacKerricher to get signatures. Also, the Supervisors saw no reason to even support an Environmental Impact Report. This is absurd in respect to the delicate nature of this area.

The Taylors are wealthy business people from the Bay Area and had originally bought this house as an investment and weekend get away. Now that property values have dropped in the area they are seeking to change their property to commercially zoned. Why? Well I contest it's not to retire to run a B&B as they have stated. We have been in the hospitality business for close to 25 years and you don't retire to run a B&B or a restaurant. You retire from them! No one retires to work 365 days a year! The Taylors want to establish a B&B with hopes of a two or three year track record of profitability so they can increase the value of their property then sell it.

We are not opposed to growth in this area. Quite the contrary, we are local business owners and rely on tourism. We own two businesses in the area, D'Aurelio's Italian Restaurant and Massage & Skin Care by Wendy. We love to see new hotels or motels or someone expanding their lodging facility. But this is not the site for such a project. This is a rural residential, barely noticeable, small country lane bordering a state park and should be kept that way. We cannot think of any other hotel, motel, or B&B that that heads a small lane especially one near a State park. We sincerely hope you will agree with us and reject any aspect of this project.

Sincerely,

  
John & Wendy Daniels

EXHIBIT NO. 18  
APPLICATION NO.  
MENDOCINO CO. LCP  
AMENDMENT 1-95 (Major)  
SITE THREE (Taylor)

Correspondence

California Coastal Commission

11 Feb 1996

Ms. Jo Ginsberg  
Coastal Planner  
California Coastal Commission  
45 Fremont Street - Suite 2000  
San Francisco, CA 94105

RECEIVED  
FEB 20 1996  
CALIFORNIA  
COASTAL COMMISSION

Re: Taylor Rezone  
GP29-88/R22-91

Dear Ms. Ginsberg:

Enclosed please find copies of our letters to the Mendocino County Planning Commission and County Board of Supervisors opposing the above application for a change in the Coastal Plan Land Use Classification to permit conditional use for a 10-unit inn or bed and breakfast facility at the head of Quail Lane.


Our objections are based on the issue that the Local Coastal Plan elements 3.5-3 and 3.5-4 protecting "highly scenic sites" west of Highway One were not complied with by the Planning Commission or the Board of Supervisors. The existing structures are highly visible from MacKerricker State Park and additional structures and second story additions will be more intrusive. Coastal Plan Element 3.1-10 for protection of riparian areas - 1/3 of the site is designated riparian - hydrological pressure on the riparian area, proof of water supply (Coastal Element Policy 3.8-()) and traffic impacts (Coastal Element Policy 3.8-1) were not properly addressed by the Board of Supervisors. The character of this site, adjoining MacKerricker State Park, Lake Cleone and Mill Creek is highly sensitive to development and none of the above cited Coastal Plan requirements were properly evaluated. A careful environmental impact study related to the cited items must be required before this proposed development is approved. We request a new hearing under section 20.544.020 (B)(1) of the Mendocino County Code, Coastal Zone, and other applicable provisions of law.

We are also enclosing an item regarding the general concern of the effects of unchecked pumping of groundwater especially in coastal areas. Residents of Quail Lane are concerned about the added drain on modest existing water supply from the demands of a commercial establishment.

With thanks,

Sincerely

*Patricia Jones*  
*Herde Graboske*

EXHIBIT NO. 19
APPLICATION NO. MENDOCINO CO. LCP
AMENDMENT 1-95 (Major) SITE THREE (Taylor)
Correspondence
 California Coastal Commission

2-15-96

Ms. Jo Ginsberg  
California Coastal Commission  
45 Fremont Street Suite 2000  
San Francisco, Ca. 94105-2219

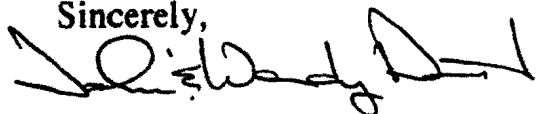
RECEIVED  
FEB 21 1996  
CALIFORNIA  
COASTAL COMMISSION

John & Wendy Daniels  
23811 Quail Ln.  
Fort Bragg, Ca. 95437

Dear Ms. Ginsberg:

We're sorry it took so long for us to get this package off to you. What with end of year paper work for taxes for business and personal, and illnesses we just haven't been up to speed in some areas. Some of the signatures on here are of significant prominence in the area. For example: Patrick Caudill, business owner, Sports Locker & Nor Shore Medical Supplies; Robyn & John Koski, business owners The Frame Mill, & Koski Contracting; Penny Spencer & Martin Miller, business owners, Spencer Windows, Comptche Upholstery & The Showcase; Margeret Fox, world famous restaurateur & chef, Cafe Beaujolais; Laurie Ackerman, business owner, Akerman's cakes and mustards; Bart Milne, business owner, Milne Insurance; Steven Antler Esq., Antler & Rainie Attorneys; Gene Parsons, business owner & musician and co-founder of "The Byrds". This is just an example of some of the types of people opposed to this project. This list has several other signatures of people, opposed, that survive on tourism but think this is a bad location for a B&B type of Inn. We hope this material will help you in keeping this project from going any further in development.

Sincerely,



John & Wendy Daniels

EXHIBIT NO. 20

APPLICATION NO.  
MENDOCINO CO. LCP

AMENDMENT 1-95 (Major)  
SITE THREE (Taylor)

Correspondence  
 California Coastal Commission

# 98 signatures

We the undersigned request the Board of Supervisors to deny the appeal of Henry and Helen Taylor for a change to the Coastal Plan land use classification and rezone from Rural Residential to RR-5 (RR-2) \* 1 C to allow a conditional 10 unit inn or 4 unit bed and breakfast, on parcel #69-161-10 lying on the west side of Highway 1, north side of Quail Ln. The reasons this request should be denied are due to its adverse environmental impacts on MacKerricher State Park, and violation of policies set forth in the Coastal Plan.

The approval of this request by the Planning Commission was made without full ventilation of concerns and information. Given the sensitive nature of the Coastal Zone as acknowledged by the Coastal Plan it's not right that a Environmental Impact Plan would not be required considering this project's scenic and traffic impact. The Planning Commission's approval appears to have violated the requirements of a negative declaration set forth in 14 Cal. Code Regs Sections 15071 through E.T. Seg. We are requesting a full Environmental Impact Report be prepared before any further action be taken, as required by Public Resources Code Sec. 21083 (b) ET AL 12 Cal. Regs Sections 15064 (f) and 15382.

Patrick W. Candell Patrick W. Candell 32960 Park View Dr.  
Signature Print Name Address

Trudy M. Morgan Trudy M. Morgan 32775 Park View Dr  
Signature Print Name Address

Robert Hunt Robert Hunt 33000 Mill Cr.  
Signature Print Name Address

Ruth S. Freeman Ruth S. Freeman 31 Cypress St apt. 204  
Signature Print Name Address

Katy M. Hayes Katy M. Hayes 24701 Ward Ave Chino  
Signature Print Name Address

EXHIBIT NO. 20
APPLICATION NO.
MENDOCINO CO. ICP
AMENDMENT 1-95 (Major)
SITE THREE (Taylor)
Correspondence
California Coastal Commission

93 more signatures

DEPARTMENT OF PARKS AND RECREATION  
RUSSIAN RIVER / MENDOCINO DISTRICT HEADQUARTERS  
25381 Steelhead Boulevard  
P.O. Box 123  
Duncans Mills, CA 95430



RECEIVED  
FEB 20 1996

CALIFORNIA  
COASTAL COMMISSION

February 16, 1996

Mr. Peter Douglas, Executive Director  
California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

RE: GP 29-88/R-22-91

EXHIBIT NO. 21
APPLICATION NO.
MENDOCINO CO. LCP
AMENDMENT 1-95 (Major)
SITE THREE (Taylor)
Correspondence
California Coastal Commission

Dear Mr. Douglas,

We have previously commented on this proposed rezoning when it came before the Mendocino County Planning Commission. It was our position to oppose this zoning change due to what we believe would be incompatible land uses, and the problems likely to result from activities generated by such a zoning change. Our comments to Mendocino County were very general and brief. After reviewing the County Staff Report, it was clear they do not understand the complexity of this issue and the impacts this proposal will have on the State Park Resources. We remain opposed to the zoning change and the conditional 10-unit inn designation.

To better understand the potential impacts of this project, one needs to understand a little about the configuration of MacKerricher State Park. The primary attractions to MacKerricher S.P. are the diverse and sensitive natural ecosystems, the beauty of the coastline, and the popular camping and day use facilities. Annual public visitation is over 700,000 people. The popular Lake Cleone also doubles as the water source for all visitors and staff. Accommodating these numbers of people puts an incredible strain on facilities and resources. While facilities can be repaired and rebuilt, our natural resources don't repair so easily. Over the years uncontrolled visitor access has been a major problem, both from a resource management and a law enforcement/safety point of view. The recently approved MacKerricher S.P. General Plan identifies various measures to better manage access related problems. While the main park entrance is located near the southeast corner of the park, the majority of visitors enter to the north via Mill Creek Drive through the rural community of Cleone.

This proposed zoning change and resulting / allowable development concerns us in many respects. The issues that we would like to address include; zoning, park access/transportation, plant community/wildlife, visual quality, and water quality.

### Zoning

The current zoning (Rural Residential - 2 AC min) for the Taylor parcel is consistent with surrounding land use classifications. To establish a 1C (visitor serving) designation would compromise the established land use patterns, integrity, and character of the immediate area. We are particularly concerned about increasing the density levels from residential to commercial/visitor serving at this site. It is our understanding that approximately 1/3 of this site is riparian habitat, further restricting the usable area for proposed visitor serving needs. The subject parcel lies adjacent to a sensitive resource area of the State Park, directly upslope from Lake Cleone. Our fear is a potential 10-unit inn use level will generate an overwhelming temptation for inn visitors to illegally access the park at this location. While park access in this manner would be far shorter and much more

EXHIBIT NO. 21
APPLICATION NO. MENDOCINO CO. LCP
AMENDMENT 1-95 (Major) SITE THREE (Taylor)
Correspondence California Coastal Commission

convenient than walking along the highway to the main entrance, it would be detrimental to these sensitive resources. A conditional use like the one being proposed would be better suited further to the north in the Cleone Village area. Here there are established patterns of visitor serving facilities mixed with residential designations, and access to the state park is most convenient. To move forward with this requested land use change would set a precedent and begin to erode the comprehensive planning strategies set forth in the Local Coastal Plan.

#### Transportation/Access

In the Mendocino County Staff Report (September 7, 1995) there is reference made to the proximity of the adjacent State Park, and that proposed inn visitors would rather walk to the park than drive. We wholeheartedly endorse alternative forms of transportation for park access. Convenience and ease of access are key factors here. Based on our experience, people will access the park in the most direct fashion, whether it is legal or not. This is an ongoing management problem for MacKerricher S.P. that we continue to work hard at resolving. Our concern for visitors not using a designated park access are noted in the above paragraph. We believe that the County has made an invalid assumption that possible inn visitors will leave their automobiles behind and walk to the park. While this may be true for some, we cannot support the Counties claim that the reduction of traffic generated on Highway 1 (resulting from this project) is a significant benefit as noted in Project Recommendation #1 of the staff report. If the State Park were the true destination, visitors would be staying at the park. A bed and breakfast or inn is a destination in itself.

#### Plant Community/Wildlife

The area surrounding Lake Cleone (and some areas beyond park boundaries) is a unique composition of several sensitive plant communities. These plant communities include the Beach Pine/Northern Bishop Pine Forest, Riparian, and Coastal Freshwater Marsh. All of these plant communities are designated Rare Natural Communities by the California Department of Fish and Game, Natural Diversity Data Base. These pine forests provide habitat for sensitive species such as the sharp-shinned hawk, Cooper's Hawk and goshawk. While the later is rarely observed, the other hawks can be expected to use the habitat. The Riparian Community, provides critical wildlife habitat for sensitive species such as; red-legged frogs, foothill yellow-legged frogs, western pond turtles, great egret, great blue heron, black-crowned night heron, and northern harrier. Not only are riparian areas park protected, the Mendocino County Local Coastal Plan (Policy 3.1-10) provides for protection as well. State Parks is vitally concerned about the degradation of these plant communities from indiscriminant and undesigned public use and access. It is our contention that this proposed conditional land use change will result in further degradation of the immediate area.

In the past, we have had problems with the unauthorized trails and vegetation leading from our Lake Cleone Loop Trail, up to the Taylor parcel. In defiance of our efforts to maintain area boundary fencing, fences and vegetation are cut and/or destroyed to facilitate illegal access. In addition to this, last fall park staff discovered an illegal tree cutting incident that had taken place on State Park land, below the Taylor residence. Four pine trees had been cut, ranging from 6" to 18" in diameter. This opened up a clearing of about 60 feet wide. A trail leading from the Taylor residence to the lake was found. Along this trail, a tree had fallen across the trail with a section of the tree removed to allow for access. While it may be normal practice for utility companies to cut trees endangering overhead lines, these trees did not pose any possible conflict to nearby lines. Our investigation has cleared the contractor responsible for vegetative clearing around these lines. We will continue our investigation of this trespass. In the meantime, we have been restoring destroyed vegetation and attempting to control access in defiance of continued setbacks.



EXHIBIT NO.	21
APPLICATION NO.	
MENDOCINO CO. LCP	
AMENDMENT 1-95 (Major)	
SITE THREE (Taylor)	
Correspondence	
California Coastal Commission	

### Visual Quality

Maintaining visual quality of park lands is always an important priority with State Parks, both within our boundaries and when it concerns adjacent lands. The public has a high expectation of visual quality in the State Park. This is one area where public awareness and interest remains strong. Prior to the tree cutting incident, the visual integrity of the area surrounding Lake Cleone was one of textbook quality. As experienced from the popular Lake Cleone day use area, vistas across the lake were pristine, with the Bishop Pine and riparian areas forming a classic forest backdrop around the lake. The element of visual quality has now been significantly compromised. It is understandable that adjacent property owners would want to cut trees (on their own property) to open up lake and ocean views. Up to this point, there have been enough trees on park property to preserve and shield neighboring development and preserve the visual integrity. The tree cutting that took place has opened up a visual corridor that leads a park visitor's eye across the lake, directly up to the Taylor residence. This situation now has a direct affect on public views by exposing this residence as a distinguishable feature on the landscape. Any further development on the Taylor property will exasperate the situation.

### Water Quality

Water quality, whether subsurface or surface is of primary importance to the Lake Cleone area. The importance of Lake Cleone watershed cannot be understated. In addition to the previously discussed lake related resources, Lake Cleone is the drinking water source for those 700,000 plus annual visitors. The resource inventory prepared in conjunction with the MacKerricher State Park General Plan, indicate a single soil mapping unit for this area. The class of soils (Tropaquepts) are typically very deep and poorly drained, associated with riparian areas. Given our down stream geographic location and the inherent soil conditions, we are vitally concerned about the use of on-site septic systems that would be required of any further development on the Taylor parcel. In addition, this coastal area is well known for its unreliable subsurface water sources. This is most evident with the Local Coastal Plan Policy 3.8-9, requiring proof of adequate water supply. While the County Staff Report indicates proof of water would most likely be required, we are particularly concerned about suitability of the site for adequate and safe waste water disposal.

### Conclusion

The County Local Coastal Plan has specific policies that apply to this project and relate to our noted concerns. When policies call for further investigation, demonstrated capability or compatibility, such outcomes need to be part of the process to determine feasibility in establishing zoning. It appears the cart is before the horse when investigative policy requirements are required in the development phase, rather than a prerequisite for zoning changes of this magnitude.

The County Staff report concluded that the idea of locating visitor accommodations near a visitor destination (State Park) is a valid concept and compatible with the State Park. While the concept may be valid, it is not always compatible with the State Park. Such assessments of compatibility need to be made on a site by site basis. This specific proposal at this location poses great risk to public lands and resources. We strongly believe, if approved, this project will result in unmitigatable impacts to the State Park and compromise the public expectation of State Park quality.

Mr. Peter Douglas  
February 16, 1996  
Page 4

Should you or members of your staff have any questions, or need additional information, please call me or Mr. Gary Shannon of my staff at (707) 865-2391.

Sincerely,



Robert R. LaBelle,  
District Superintendent

EXHIBIT NO.	21
APPLICATION NO.	
MENDOCINO CO. LCP	
AMENDMENT 1-95 (Major)	
SITE THREE (Taylor)	
Correspondence	

Erica Fielder  
P.O. Box 1075  
Mendocino, CA 95460

RECEIVED  
FEB 26 1996  
CALIFORNIA  
COASTAL COMMISSION

Jo Ginsberg  
California State Coastal Commission  
45 Fremont St., Suite 2000  
San Francisco, CA 94105-2219

RE: Taylor Rezone, GP 29-88/R22-91

Dear Jo Ginsberg:

February 22, 1996

The Mendocino County Planning Commission is simply not doing its job. The Commission recently approved the above rezone with their usual lack of consideration for cumulative impacts: traffic, water, septic, utilities, services far from the site, as well as visual impact from the State Park and impact on sensitive riparian habitat.

The Planning Commission is *not* planning or following any of their coastal preservation guidelines. They are giving out piecemeal approvals to individual applicants without an overview. Thus we, the public, must constantly monitor their decisions at great time and expense.

I am completely against this style of "growth" or "progress". It will leave our rural areas congested. It will sap Fort Bragg's already stressed ability to provide services. And it will destroy the natural beauty that tourists and residents have come to experience.

I am writing to you with the request that you and the Coastal Commission take charge of this planning travesty by enforcing coastal protection guidelines and upholding long range plans that include cumulative and full buildout impacts. I am asking that you overturn this rezone and deny the project.

Sincerely,



EXHIBIT NO. 22
APPLICATION NO.
MENDOCINO COUNTY LCP
AMENDMENT 1-95 (Major)
SITE THREE (Taylor)
Correspondence



COASTAL CONSERVATION COMMITTEE

29900 Highway 20

Fort Bragg, California 95437

February 19, 1996

FEB 22 1996

CALIFORNIA  
COASTAL COMMISSION

California Coastal Commission

45 Fremont - Suite 2000

San Francisco, California 94105-2219

RE: Mendocino County General Plan Amendment/Rezone GP 29-88/R 22-91  
(Taylor): Request for Environmental Impact Report.

Members of the Commission:

We find the Mendocino County Planning Department environmental work on the Taylor application, in its inadequacy, lack of concern, and glib dismissal of any potentially significant environmental impacts, embarrassing. In the words of the Planning Director, "It is not our policy" to require environmental impact reports from developers. This attitude, together with an impoverished county budget, has led directly to little or no environmental analysis of projects such as Taylor. The situation worsens, and an accurate anticipation of it led the Sierra Club, many years ago, to strenuously object to turning the coastal permitting process over to Mendocino County. Time has amply validated our concerns.

The county's environmental analysis fails in every particular:

Water usage is underestimated by some 70% (see Graboske letter, 2. Water), and impacts on Lake Cleone and MacKerricher State Park ignored.

MENDO-LAKE GROUP, SIERRA CLUB

EXHIBIT NO. 23
APPLICATION NO.
MENDOCINO CO. LCP
AMENDMENT 1-95 (Major)
SITE THREE (Taylor)
Correspondence
California Coastal Commission

Rare plant habitat is not identified, or protected in any way. Instead, the assumption is made that, if the plants are not actually smothered in asphalt, they will somehow be protected.

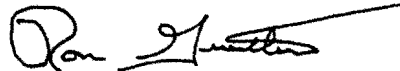
Visual resource impacts are ignored. The impact of a large, highly visible development on MacKerricher State Park is ignored. The wholesale slaughter and removal of screening trees, to provide a view of Lake Cleone, is ignored. No effort is made to investigate a possible Coastal Act violation.

The concerns of the Department of Parks & Recreation for the potential development are not only ignored, they are not even understood. No effort is made to investigate them, understand them, or incorporate them into the decision making process.

<sup>CONCERN:</sup>  
Coastal Commission<sub>A</sub> for cumulative traffic impacts and damage to visual resources are dismissed with the familiar, absolutely unresearched and undocumented, "We don't see any problem." The county fails to recognize the importance of an already existing Highway One, Level of Service E, next to complete failure of the highway to transport automobiles, and<sub>FAILURE</sub> quite possibly only a few more auto trips per day away. Instead, traffic impacts are dismissed with the, again, unresearched and undocumented statement, "Potential traffic impacts to State Highway 1 resulting from #GP 29-88/#R 22-91 as well as projects in the 1995-A North of Navarro are insignificant." Any evidence to back up this incredible Planning Department opinion is completely lacking, with hundreds of residents living and driving in the area able to testify that traffic congestion is an increasingly nightmare fact of life.

Because of the likelihood of significant environmental impacts deriving from this proposed project, we conclude that an Environmental Impact Report for the proposal is mandated by law, and request that one be prepared at the developer's expense.

Thank you. Please keep us informed.

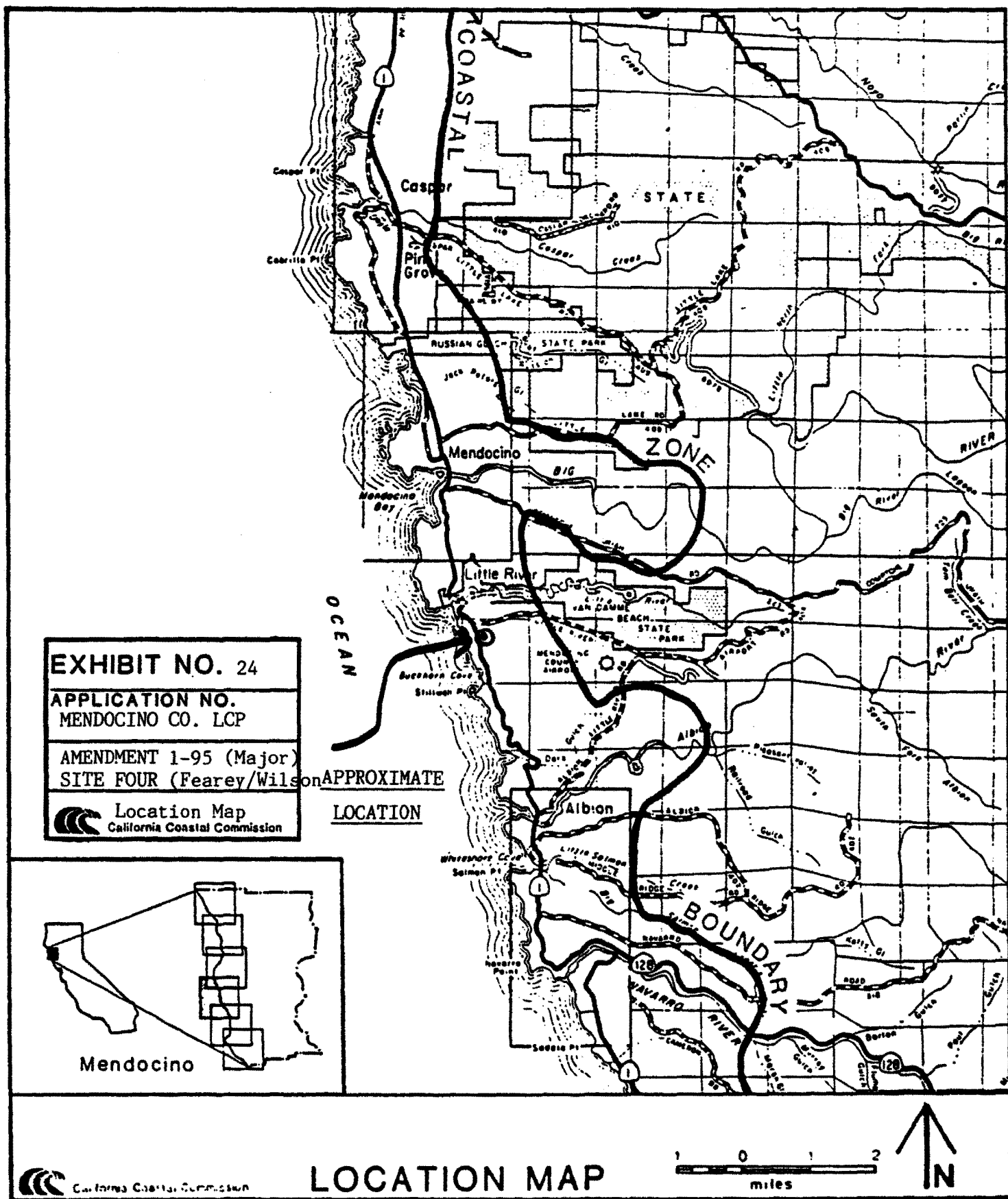


Ron Guenther

Chair, Sierra Club Coastal Conservation  
Committee

Chair, Mendo-Lake Group Executive Committee

EXHIBIT NO. 23
APPLICATION NO. MENDOCINO CO. LCP
AMENDMENT 1-95 (Major) SITE THREE (Taylor)
Correspondence California Coastal Commission



SITE PLAN

STATE HIGHWAY ONE

APPROX CENTER LINE OF CREEK

PROPERTY LINE

PROPERTY LINE

AREA OF NEW DEVELOPMENT

LINE OF DEVELOPMENT

EXHIBIT NO. 25

APPLICATION NO.  
MENDOCINO CO. LCP

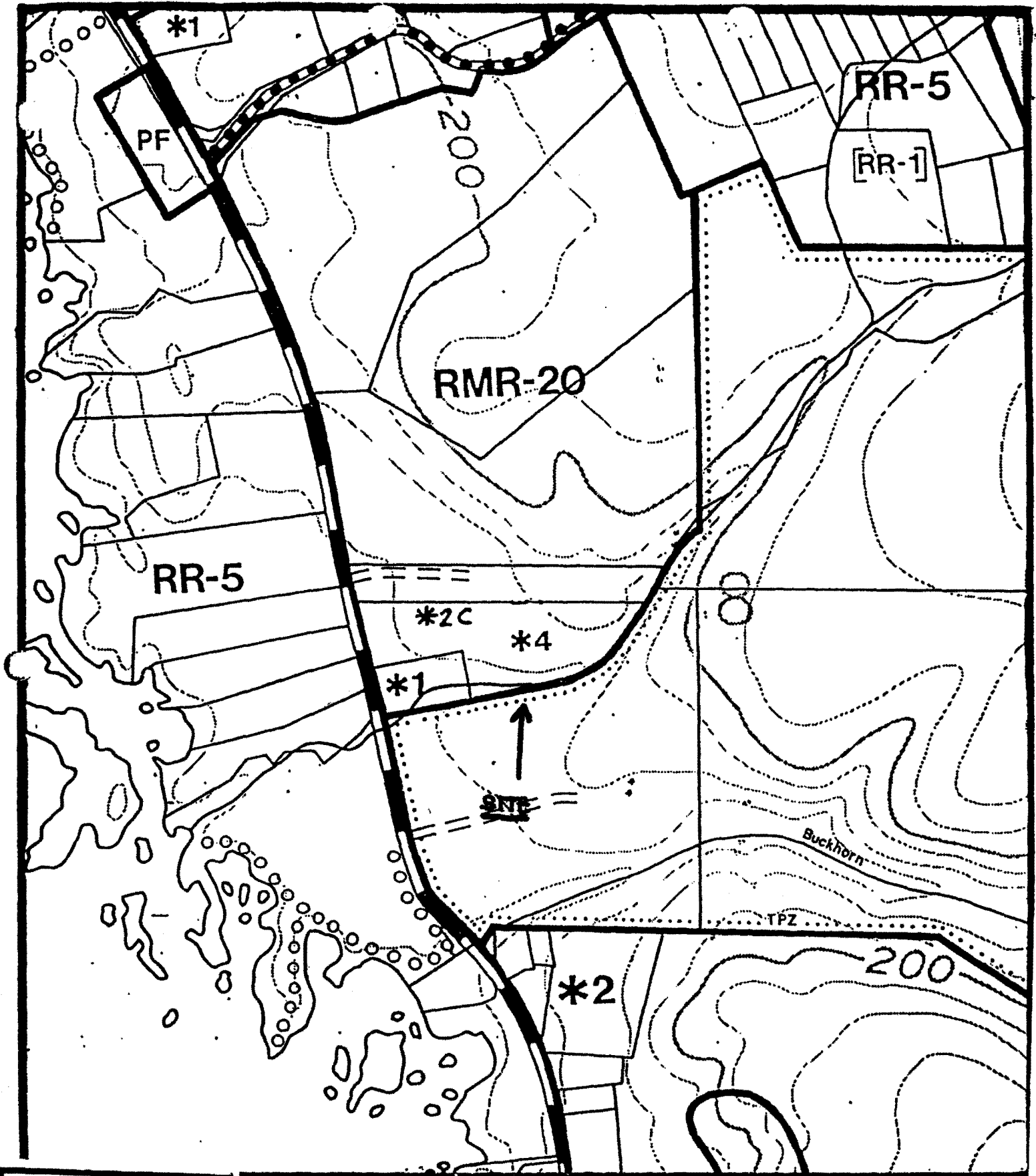
AMENDMENT 1-95 (Major)  
SITE FOUR (Fearey/

Wilson) Site Plan


California Coastal Commission

D-23

THE INN AT SCHOOL HOUSE CREEK 1051 NORTH HIGHWAY ONE NORTH SITE PLAN  
APN 01-02-02



**EXHIBIT NO.** 26  
**APPLICATION NO.**  
 MENDOCINO CO. LCP  
 AMENDMENT 1-95 (Major  
 SITE FOUR (Fearey/  
 Wilson) LUP Map  
 California Coastal Commission

OWNER: FEAREY & WILSON		Map as proposed to be amended.	
1-020-21	EXHIBIT A	Land Use	 NORTH



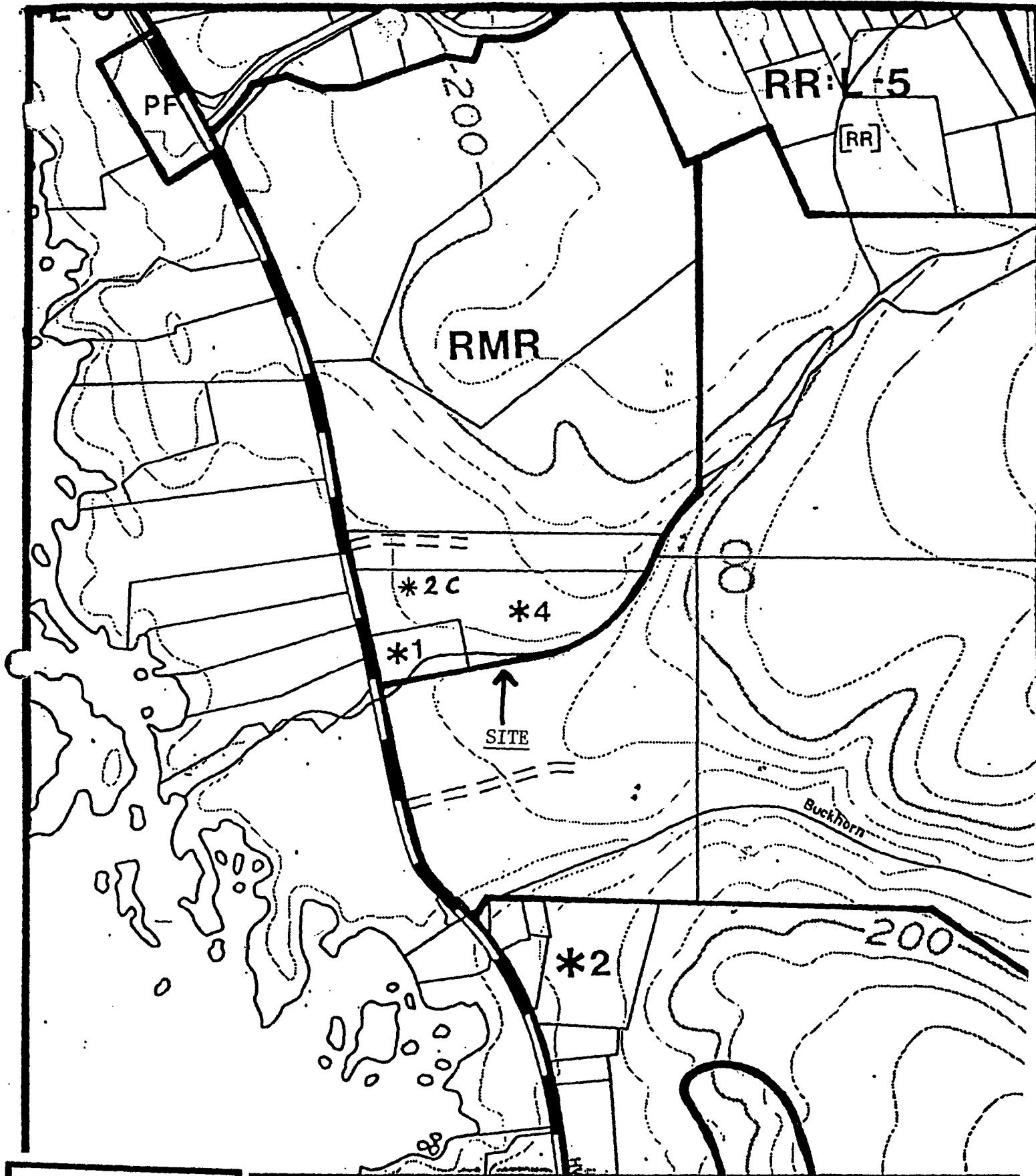


EXHIBIT NO. 27

APPLICATION NO.  
MENDOCINO CO. LCP

AMENDMENT 1-95 (Major  
SITE FOUR (Fearey/

Wilson) Zoning Map

California Coastal Commission

OWNER:

FEAREY & WILSON

Map as proposed to  
be amended.


020-21

EXHIBIT B

Zoning



NORTH

EXHIBIT NO. 28
APPLICATION NO. MENDOCINO CO. LCP
AMENDMENT 1-95 (Major) SITE FOUR (Fearey/Wilson)
Resolution  California Coastal Commission

file GP 4-90

RESOLUTION NO. 95-210

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF MENDOCINO OF INTENT TO AMEND THE LOCAL COASTAL  
PROGRAM FOR MENDOCINO COUNTY  
(GP 4-90/R 21-91 - FEAREY & WILSON)

WHEREAS, the County of Mendocino has adopted a Local Coastal  
Program, and

WHEREAS, the Local Coastal Program has been certified by the  
California Coastal Commission, and

WHEREAS, an application has been submitted to the County requesting  
amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held a public hearing on  
the requested amendment and submitted its recommendation to the Board of  
Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the  
requested amendment and has determined that the Local Coastal Program should  
be amended,

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of the Board  
of Supervisors of the County of Mendocino that #GP 4-90/#R 21-91 be adopted  
amending the Local Coastal Program as shown on attached Exhibits A and B.

BE IT FURTHER RESOLVED, that Planning and Building Services staff is  
directed to include the amendment proposed herein in the next submittal to be  
made to the California Coastal Commission for certification, and

BE IT FURTHER RESOLVED, that the amendment shall not become  
effective until after the Board of Supervisors of the County of Mendocino  
acknowledges receipt of the Coastal Commission's action, formally adopts the  
proposed amendment and accepts any modification suggested by the Coastal  
Commission, and

BE IT FURTHER RESOLVED, that the local coastal program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED, that in the event that the California Coastal Commission denies certification of the amendment proposed to be adopted in this resolution, this resolution shall become inoperative and will be immediately repealed without further action by the Board of Supervisors insofar as this resolution pertains to such amendment for which certification is denied. This resolution shall remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 23rd day of October, 1995, by the following vote:

AYES: Supervisors McMichael, Pinches, Henry  
NOES: Supervisors Peterson, Sugawara  
ABSENT: None

WHEREUPON, the Chairman declared said Resolution passed and adopted and SO ORDERED.

ATTEST: JOYCE A. BEARD  
Clerk of said Board

By Kristin VanPatten  
Deputy

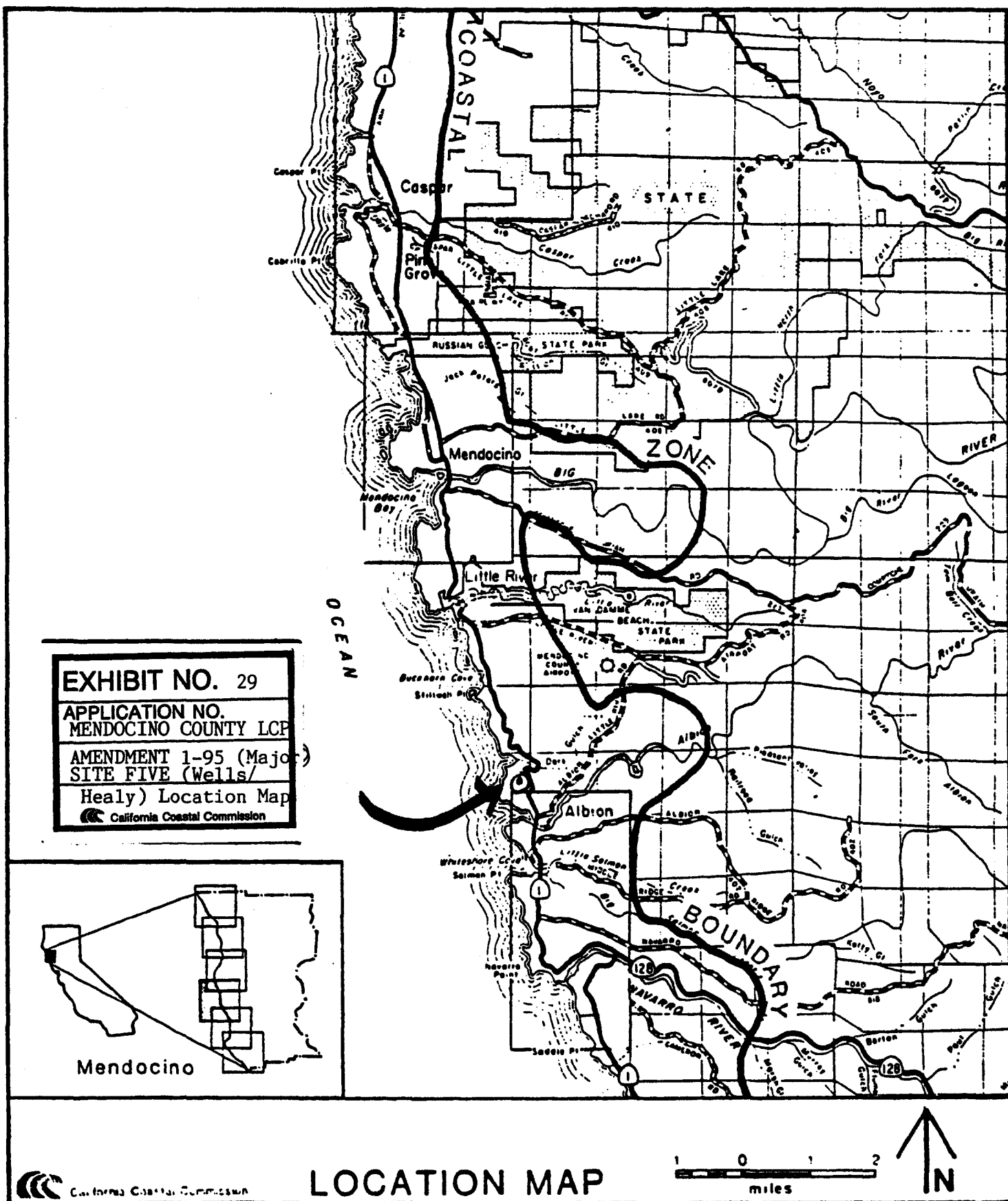
Seiji Sugawara  
Chairman of said Board of Supervisors

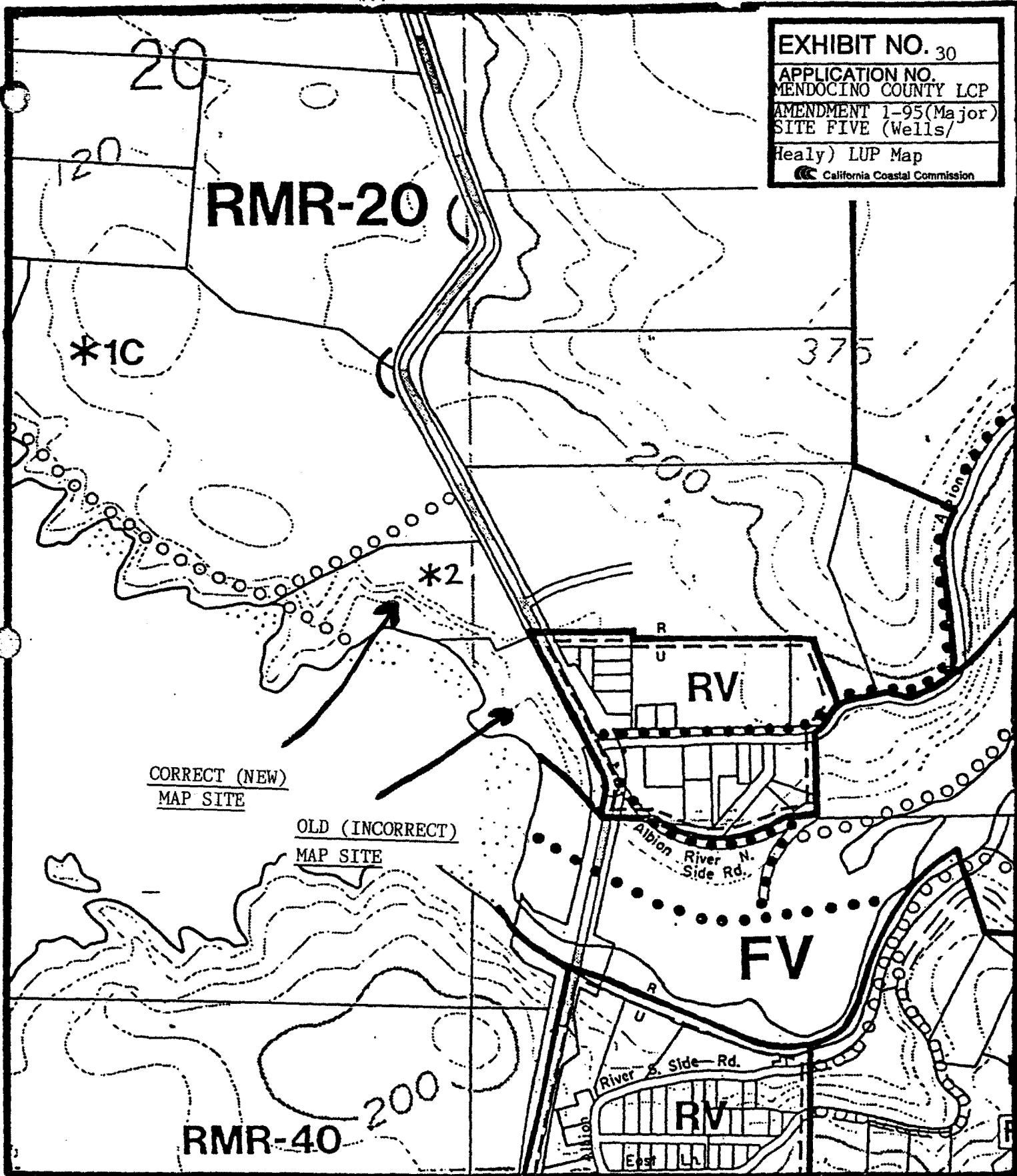
I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.


JOYCE A. BEARD  
Clerk of the Board  
By: Kristin VanPatten  
DEPUTY

GP 4-90/R 21-91 - FEAREY & WILSON

EXHIBIT NO.	28
APPLICATION NO.	MENDOCINO CO. LCP
AMENDMENT 1-95 (Major)	SITE FOUR (Fearey/Wilson)
Resolution California Coastal Commission	





<b>CASE NUMBER:</b> #GP 5-90/#R 30-91	<b>OWNER:</b> WELLS & HEALEY	Map as proposed to be amended.	
<b>A/P NUMBER:</b> 123-040-06	<b>EXHIBIT A</b>	<b>Land Use</b>	 <b>NORTH</b>

RMR

EXHIBIT NO. 31

APPLICATION NO.  
MENDOCINO COUNTY LCPAMENDMENT 1-95 (Major)  
SITE FIVE (Wells/

Healy) ZoningMap

California Coastal Commission

\*1C

\*2

CORRECT (NEW)  
MAP SITEOLD (INCORRECT)  
MAP SITE

RV

FV

RV

East Lh.

Albion

PF

RMR:L-40

CASE NUMBER:

#GP 5-90/#R 30-91

OWNER:

WELLS &amp; HEALEY

Map as proposed to  
be amended.

A/P NUMBER:

123-040-06

EXHIBIT B

Zoning



NORTH

EXHIBIT NO. 32

APPLICATION NO.  
MENDOCINO COUNTY LCP

AMENDMENT 1-95 (Major)  
SITE FIVE (Wells/

Healy) Resolution

California Coastal Commission

RESOLUTION NO. 95-211

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF MENDOCINO OF INTENT TO AMEND THE LOCAL COASTAL  
PROGRAM FOR MENDOCINO COUNTY  
(GP 5-90/R 30-91 - WELLS & HEALY)

WHEREAS, the County of Mendocino has adopted a Local Coastal  
Program, and

WHEREAS, the Local Coastal Program has been certified by the  
California Coastal Commission, and

WHEREAS, an application has been submitted to the County requesting  
amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held a public hearing on  
the requested amendment and submitted its recommendation to the Board of  
Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the  
requested amendment and has determined that the Local Coastal Program should  
be amended,

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of the Board  
of Supervisors of the County of Mendocino that #GP 5-90/#R 30-91 be adopted  
amending the Local Coastal Program as shown on attached Exhibits A and B.

BE IT FURTHER RESOLVED, that Planning and Building Services staff is  
directed to include the amendment proposed herein in the next submittal to be  
made to the California Coastal Commission for certification, and

BE IT FURTHER RESOLVED, that the amendment shall not become  
effective until after the Board of Supervisors of the County of Mendocino  
acknowledges receipt of the Coastal Commission's action, formally adopts the  
proposed amendment and accepts any modification suggested by the Coastal  
Commission, and

BE IT FURTHER RESOLVED, that the local coastal program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED, that in the event that the California Coastal Commission denies certification of the amendment proposed to be adopted in this resolution, this resolution shall become inoperative and will be immediately repealed without further action by the Board of Supervisors insofar as this resolution pertains to such amendment for which certification is denied. This resolution shall remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 23rd day of October, 1995, by the following vote:

AYES: Supervisors Henry, Peterson, Sugawara  
NOES: Supervisors McMichael, Pinches  
ABSENT: None

WHEREUPON, the Chairman declared said Resolution passed and adopted and SO ORDERED.

ATTEST: JOYCE A. BEARD  
Clerk of said Board

By Kristin Varlatten  
Deputy

Seiji Sugawara  
Chairman of said Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

JOYCE A. BEARD  
Clerk of the Board  
By: Kristin Varlatten  
DEPUTY

GP 5-90/R 30-91 - WELLS & HEALY

EXHIBIT NO. 32
APPLICATION NO.
MENDOCINO COUNTY LCI
AMENDMENT 1-95 (Major)
SITE FIVE (Wells/
Healy) Resolution
California Coastal Commission



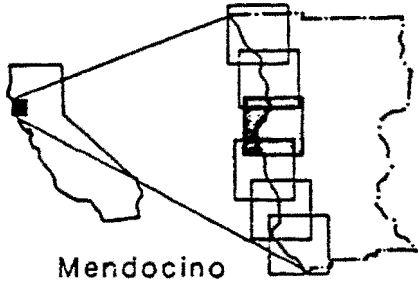



EXHIBIT NO. 33

APPLICATION NO.  
MENDOCINO CO. LCP

AMENDMENT 1-95 (Major)  
SITE SIX (Kruzic)

 Location Map  
California Coastal Commission

APPROXIMATE  
LOCATION

PACIFIC

WACKERICH BEACH  
STATE PARK

COASTAL

ZONE

BOUNDARY

Fort Bragg

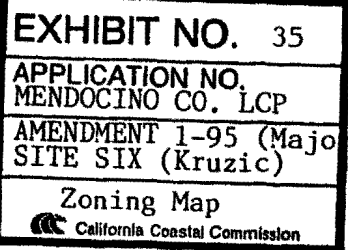
Noyo

1 0 1 2  
miles



LOCATION MAP







**NORTH**

EXHIBIT NO. 37
APPLICATION NO. MENDOCINO CO. LCP
AMENDMENT 1-95 (Major) SITE SIX (Kruzic)
Resolution California Coastal Commission

RESOLUTION NO. 95-227

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF MENDOCINO OF INTENT TO AMEND THE LOCAL COASTAL  
PROGRAM FOR MENDOCINO COUNTY  
(GP 14-95/R 16-95 - KRUZIC)

WHEREAS, the County of Mendocino has adopted a Local Coastal Program, and

WHEREAS, the Local Coastal Program has been certified by the California Coastal Commission, and

WHEREAS, an application has been submitted to the County requesting amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held a public hearing on the requested amendment and submitted its recommendation to the Board of Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment and has determined that the Local Coastal Program should be amended,

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of the Board of Supervisors of the County of Mendocino that #GP 14-95/#R 16-95 be adopted amending the Local Coastal Program as shown on attached Exhibits A and B.

BE IT FURTHER RESOLVED, that Planning and Building Services staff is directed to include the amendment proposed herein in the next submittal to be made to the California Coastal Commission for certification, and

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino acknowledges receipt of the Coastal Commission's action, formally adopts the proposed amendment and accepts any modification suggested by the Coastal Commission, and

BE IT FURTHER RESOLVED, that the local coastal program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED, that in the event that the California Coastal Commission denies certification of the amendment proposed to be adopted in this resolution, this resolution shall become inoperative and will be immediately repealed without further action by the Board of Supervisors insofar as this resolution pertains to such amendment for which certification is denied. This resolution shall remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

The foregoing Resolution was introduced by Supervisor Henry, seconded by Supervisor Peterson and carried this 13th day of November, 1995 by the following roll call vote:

AYES: Supervisors Pinches, Henry, Peterson, Sugawara  
NOES: None  
ABSENT: Supervisor McMichael

WHEREUPON, the Chairman declared said Resolution passed and adopted and SO ORDERED.

ATTEST: JOYCE A. BEARD  
Clerk of said Board

By Kristin Norbetta  
Deputy

GP 14-95/R 16-95 - Kruzic

Seiji Sugawara  
Chairman of said Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

JOYCE A. BEARD  
Clerk of the Board

By Kristin Norbetta  
DEPUTY

EXHIBIT NO. 37
APPLICATION NO. MENDOCINO CO. LCP
AMENDMENT 1-95 (Major) SITE SIX (Kruzic)
Resolution California Coastal Commission