

CALIFORNIA COASTAL COMMISSION

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Staff: Jo Ginsberg
 Staff Report: May 24, 1996
 Meeting of: June 12, 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: **REVISED FINDINGS** for **MENDOCINO COUNTY LCP**
AMENDMENT No. 2-95 (Major: Waidhofer; Compton/Davis;
Stuart/Franco/Remitz: (LCP Amendment approved by the
 California Coastal Commission on March 14, 1996; findings for
 consideration at the California Coastal Commission meeting of June
 12, 1996)

STAFF NOTES

1. Commission Vote to Adopt Revised Findings.

On March 14, 1996, the Commission voted unanimously to certify LCP Amendment No. 2-95 as submitted. On the prevailing side were Commissioners Cava, Calcagno, Doo, Busey, Giacomini, Karas, Pavley, Rick, Wright, Wan, and Chairman Williams. Only these Commissioners may vote on the Revised Findings for LCP Amendment No. 2-95. Consistent with Title 14, Section 13540 of the California Code of Regulations, adoption of these revised findings requires a majority vote of the members prevailing on the motion to certify LCP Amendment No. 2-95. The motion for adoption of the Revised Findings is found below on Page iii.

2. Commission Review and Revised Findings.

At the Commission meeting of March 14, 1996, the Commission certified the Mendocino County LCP Amendment No. 2-95 (Major) as submitted. However, as the Commission's actions differed from the written staff recommendation, staff has prepared the following set of revised findings for the Commission's consideration as the needed findings to support its actions.

The Commission will hold a public hearing and vote on the revised findings at its June 12, 1996 meeting. The Commission will vote only on whether the attached Revised Findings support its actions on the LCP Amendment at the meeting of March 14, 1996, and not on whether or how the amendment should be approved. Public testimony will be limited accordingly.

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3. Additional Information.

For additional information about the certified Mendocino County LCP 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.

REVISED FINDINGS
SYNOPSIS

Amendment Description:

The amendment to the Mendocino County LCP as proposed by the County affects three separate geographic areas, all located south of the Navarro River, known collectively as the 1995-A South of Navarro Watershed Group.

The changes proposed by Amendment No. 2-95 are as follows:

1. SITE ONE (GP 8-93/R 9-93, WAIDHOFER). APN 127-231-05. Change the Coastal Plan land use classification for a 3.25-acre site in the town of Elk from Rural Residential-10 acre minimum (RR-10) to Rural Village (RV) and rezone from Rural Residential-10 acre minimum (RR:L-10) to Rural Village (RV). (See Exhibit Nos. 1-6.)
2. SITE TWO (GP 13-93/R 13-93, COMPTON/DAVIS). APN 143-060-01. Change the Coastal Plan land use classification for a 9.4-acre site northwest of Anchor Bay from Rural Residential-5 acre minimum (RR-5) and Rural Residential-5 acre minimum: Development Limitations (RR-5:DL) to Rural Residential-5 acre minimum, 2-acre minimum variable (RR-5 [RR-2]) and Rural Residential-5 acre minimum, 2-acre minimum variable: Development Limitations (RR-5 [RR-2]:DL). Rezone from Rural Residential-5 acre minimum (RR:L-5) and Rural Residential-5 acre minimum: Development Limitations (RR:L-5:DL) to Rural Residential-5 acre minimum, 4-acre minimum variable (RR:L-5 [RR:L-4]:PD) and Rural Residential-5 acre minimum, 4-acre minimum variable: Development Limitations: Planned Development (RR:L-5 [RR:L-4]:DL:PD). (See Exhibit Nos. 7-12.)
3. SITE THREE (GP 10-93/R 9-92, STUART/Franco/REMITZ.). APN 144-050-10, 11, and 24. Amend the Coastal land use maps by removing the Timber Production Zone (TPZ) map symbol and rezone from Timberland Production (TP) to Forestlands (FL) on 7.01 acres north of Gualala. (See Exhibit Nos. 13-18.)

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Summary of Commission Action:

The Commission found the LUP Amendment for all three sites as submitted to be consistent with the policies of Chapter 3 of the Coastal Act, and also found the Implementation Program Amendment for all three sites as submitted to be consistent with and able to carry out the policies of the Land Use Plan.

STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following findings in support of its action on March 14, 1996 to certify Mendocino County LCP Amendment No. 2-95 (Major). The modification and resolutions of approval already adopted by the Commission on March 14, 1996 are also included in Part II.

MOTION: I move the Commission adopt the following findings to support the action taken on Mendocino County LCP Amendment No. 2-95 (Major).

A majority of the members prevailing on the motion to adopt LCP Amendment No. 2-95 is required to adopt the findings.

MENDOCINO COUNTY LCP AMENDMENT NO. 2-95

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PART ONE: INTRODUCTION

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

A. Site One (GP 8-93/ R 9-93, Waidhofer).

The proposal is to change the Coastal Plan land use designation of a 3.25-acre parcel in Elk from Rural Residential-10 acre minimum parcel size (RR-10) to Rural Village (RV) and rezone from Rural Residential-10 acre minimum parcel size (RR:L-10) to Rural Village (RV) (see Exhibit Nos. 1-6).

The property owner indicated to the County at the local hearing that the amendment is necessary for her to develop parking on the subject property for an adjacent restaurant which is also under her ownership. Her adjacent ownership was identified as being the southerly parcel directly west of the subject property. She indicated to the County that she believes the amendment is correcting a mapping error, and that the property under her ownership has always been used as one parcel and should not have been split zoned.

The project site is located in the Town of Elk, approximately 150 feet east of Highway One. The site is developed with three single-family residences, two storage buildings, and a workshop. There is no sensitive habitat on the property.

B. Site Two (GP 13-93/ R 13-93, Compton/Davis).

The proposal is to reclassify the coastal land use designation of 9.4 acres from Rural Residential-5 acre minimum (RR-5) and Rural Residential-5 acre minimum: Development Limitations (RR-5:DL) to Rural Residential-5 acre minimum, 2-acre minimum variable (RR-5 [RR-2]) and Rural Residential-5 acre minimum, 2-acre minimum variable: Development Limitations (RR-5 [RR-2]:DL), and rezone from Rural Residential-5 acre minimum (RR:L-5) and Rural Residential-5 acre minimum: Development Limitations (RR:L-5:DL) to Rural Residential-5 acre minimum, 4-acre minimum variable (RR:L-5 [RR:L-4]:PD) and Rural Residential-5 acre minimum, 4-acre minimum variable: Development Limitations: Planned Development (RR:L-5 [RR:L-4]:DL:PD). (See Exhibit Nos 7-12.)

The project before the Mendocino County Board of Supervisors on August 3, 1995 was a request to reclassify and rezone the property from five-acre minimum parcel size to two-acre minimum parcel size, conditional on proof of water. In addition, the original proposal included a request to add a Visitor Serving

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Facility designation (*1C), conditionally allowing up to 10 visitor serving units. The Board of Supervisors denied the visitor serving component of the request, and approved an alternative change to a four-acre minimum parcel size zoning classification (RR:L-4), based on a concern with development constraints such as steepness of slope, drainages, riparian and other sensitive habitat, and the need for highway and blufftop setbacks. The proposal approved by the County would thus allow a division into two parcels, rather than four. The County also added a Planned Development overlay to the zoning designation.

The subject site is located 1-3/4 miles northwest of Anchor Bay, west of Highway One, and contains one single-family residence and a detached studio apartment. The parcel contains steep slopes rising about 120 feet above the Pacific Ocean to the top of the bluff. There are three drainages bisecting the property, located in the north and central portions of the parcel. Sensitive habitat include riparian vegetation and specimens of the rare and endangered coast lily (*Lilium maritimum*). Although located west of Highway One, the site is not designated "Highly Scenic."

C. Site Three (GP 10-93/ R 9-92, Stuart/Franco/Remitz).

The proposal is to amend the coastal land use maps by removing the Timber Production Zone (TPZ) map symbol and rezone from TP (Timberland Production, 160-acre minimum parcel size) to Forestlands (FL; also 160-acre minimum parcel size) on 7.01 acres (see Exhibit Nos. 13-18).

The original application before the County in 1993 was to remove the TPZ symbol from the coastal land use maps and rezone .9 acres from Timberland to Forestland. The .9 acres (owned by Stuart) was approved by a Certificate of Compliance. County Boundary Line Adjustment #B 101-91 combined the .9 acres designated APN 144-050-24 (classified Timberland Production) with APN 144-050-10 (classified Forest Lands) to settle a property dispute. Condition 5 of the Boundary Line Adjustment required the applicant to submit a rezoning application for immediate removal of the subject parcel from the Timberland Production Zone. While processing this proposal, the County discovered a mapping error where an adjacent 6.11 acres were mapped as TPZ but never listed by the Assessor or taxed as TPZ. The County combined these two proposals to clean up the errors, and approved the changes on all three parcels in October of 1996.

The subject property is located approximately three miles north of Gualala, off Collins Landing Road, .5 miles east of Highway One. The parcels are all residentially developed, and contain no sensitive habitat.

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PART TWO: LOCAL COASTAL PROGRAM AMENDMENT NO. 2-95

I. Analysis Criteria.

The standard of review for the Commission's adoption of the amendments to the Land Use Plan (LUP) is whether the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act.

The standard of review for the Commission's adoption of the amendments to the Implementation Plan (IP) is whether the Implementation Plan, as amended, conforms with and is adequate to carry out the policies of the LUP, as amended.

II. Resolutions.

On March 14, 1996, the Commission adopted the following resolutions:

A. APPROVAL OF THE LAND USE PLAN PORTION OF AMENDMENT NO. 2-95, AS SUBMITTED, FOR SITES ONE, TWO, AND THREE

RESOLUTION I:

The Commission hereby certifies Sites One, Two, and Three of Amendment 2-95 (identified as GP 8-93, Waidhofer; GP 13-93, Compton/Davis; and GP 10-93, Stuart/Franco/Remitz) 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.

B. APPROVAL OF THE IMPLEMENTATION PLAN PORTION OF AMENDMENT NO. 2-95, AS SUBMITTED, FOR SITES ONE, TWO, AND THREE

RESOLUTION II:

The Commission hereby certifies the amendment to the Implementation Program of the County of Mendocino for Sites One, Two, and Three (identified as R 9-93, Waidhofer; R 13-93, Compton/Davis, and R 9-92, Stuart/Franco/Remitz) of Amendment No. 2-95 as submitted 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 submitted, the amendment does not have a significant impact on the environment within the meaning of CEQA.

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III. ADDITIONAL FINDINGS APPLICABLE TO ALL SITES:

A. Highway One Capacity/Traffic Impacts.

Two of the Three changes to the County's LCP proposed by this amendment will result in increases in density.

The Commission approves the LCP Amendment for Sites One, Two, and Three, as submitted, because the increases in density are found to be minor or non-existent and will not have significant adverse impacts on traffic or on coastal resources.

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

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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.

When it 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

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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.

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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 County staff believes 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.

Regarding the proposal for Site One (Waidhofer), the proposed LCP Amendment could result in the creation of an additional eight lots for a total of nine lots on the site, as the site is currently serviceable by a public water district. The potential for 17 new lots, or a total of 18 lots on the site, would exist should this site ever be served with a public sewer system, which is unlikely, according to the County.

The County State Route 1 Corridor Study indicates that relevant road segments and intersections will not drop below level of road service D by the year 2020 under the 75/50 development scenario posed by the State Route 1 Corridor Study, which is considered to be acceptable. In addition, the proposed density change is for a site located within the Town of Elk, facilitating the concentration of development within an area that contains services, which will reduce development pressures on areas farther from Town, consistent with Coastal Act Section 30250(a). Coastal Act Section 30250(a) states that new development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it.

Therefore, the Commission finds that the proposed LUP Amendment as submitted for Site One is consistent with and adequate to carry out Coastal Act Sections 30254 and 30250(a), and that the proposed Implementation Program Amendment as submitted for Site One is consistent with and adequate to carry out the Land Use Plan.

Regarding the proposal for Site Two (Compton/Davis), the State Route 1 Corridor Study indicates that under the 75/50 development scenario, the affected road segments and intersections will not degrade below level of road service E, which is considered to be acceptable. Further, the Commission finds that only one new residential parcel will be allowable under the proposed amendment, which will have minimal impacts on traffic. Therefore,

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

In the case of Site Three (Stuart/Franco/Remitz), no increase in density is proposed; therefore no traffic impacts will result from this proposal. The Commission therefore finds that the proposed LUP Amendment as submitted 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 as submitted for Site Three is 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.

In the case of Site One (Waidhofer), the existing residences on the site are currently served by on-site septic systems and by the Elk Community Water District. The permitted residential density under the proposed RV zoning designation would increase from one unit per 10 acres to a density of one unit per 12,000 square feet with public sewer or water, and one unit per 6,000 square feet with both sewer and water. This limitation would allow for a total of approximately 9 lots, as the site is currently serviceable by a public water district. The potential for 18 lots would exist should this site ever be served with a public sewer system. Access to the site would be through another parcel owned by the property owner which fronts Highway One.

The Elk County Water District, which presently serves the subject parcel, indicates that the property lies outside the district's boundary line, but is served by the district with "surplus water." Elk is nearing capacity of its four-inch water main. Development of the subject parcel beyond what is already there may require studies of the line capacity, possible water main increase, and/or on-site water storage and repressurization.

At such time as future land division or other development is proposed, it will have to be determined if the Elk County Water District can serve additional development.

The Soils Conservation Service Soils Survey indicates that the site may have some constraints associated with on-site sewage disposal systems due to soils with relatively low permeability. County staff indicates that sewage disposal constraints may limit the allowed density and intensity of use of the site.

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At such time as subdivision or other development were proposed, the property owner would need to demonstrate that the site could accommodate additional sewage capacity or no development could be approved.

Since there can be no future development without proof that the site can accommodate such development, there will be no adverse impacts to coastal resources. The Commission thus finds that with regard to water and sewage capacity, the LUP Amendment as submitted for Site One is consistent with and adequate to carry out Coastal Act Policy 30250(a), and that the proposed Implementation Program Amendment as submitted for Site One is consistent with and adequate to carry out the LUP.

In the case of Site Two (Compton/Davis), 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, the Commission finds that with regard to water and sewage capacity, the proposed LUP Amendment as submitted for Site Two is consistent with and adequate to carry out Coastal Act Policy 30250(a), and that the proposed Implementation Program Amendment as submitted for Site Two is consistent with and adequate to carry out the LUP.

Regarding Site Three, the proposal seeks to correct a mapping error and remove the TPZ designation from lands improperly designated for Timber Production. The proposal will not increase density or result in any additional development, so no adverse impacts on coastal resources will result. The Commission therefore finds that the proposed LUP Amendment for Site Three as submitted is consistent with and adequate to carry out Coastal Act Policy 30250(a), and that the proposed Implementation Program Amendment as submitted for Site Three is consistent with and adequate to carry out the LUP.

C. Environmentally Sensitive Habitat Area:

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.

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Regarding Site Two (Compton/Davis), there are three watercourses traversing the site, which support riparian habitat. In addition, the botanical survey discovered specimens of the rare and endangered coast lily (Lilium maritimum) in the area of the northerly and southerly watercourses.

At such time as land division or other development is proposed, a buffer area protecting the environmentally sensitive habitat would need to be imposed pursuant to County LCP policies regarding protection of riparian areas and other sensitive habitat. Since environmentally sensitive habitat will not be adversely affected, the Commission finds that the proposed LUP Amendment as submitted for Site Two is consistent with and adequate to carry out Sections 30231 and 30240 of the Coastal Act; furthermore, the proposed Implementation Program Amendment as submitted for Site Two is consistent with and adequate to carry out the Land Use Plan.

Sites One and Three do not contain any sensitive habitat; therefore, the Commission finds that the proposed LUP Amendments for Sites One and Three are consistent with and adequate to carry out Sections 30231 and 30240 of the Coastal Act; furthermore, the proposed Implementation Program Amendments as submitted for Sites One and Three are consistent with and adequate to carry out the Land Use Plan.

D. Geologic Hazards:

Coastal Act Section 30253 states that new development shall minimize risks to life and property in areas of high geologic hazard, shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Regarding Site Two (Compton/Davis), the property contains very steep slopes, which are substantially eroded. The Geologic and Soils Investigation prepared for the site recommends a bluff setback for dwellings and septic systems of greater than 45 feet from the blufftop or 25 feet from the break in slope and a prohibition on removal of trees within 20 feet of the setback. The report found that it would be possible for the site to accommodate two buildable parcels.

It appears that should the LCP Amendment be approved, it is possible to create two parcels from the subject property with adequate building envelopes that could accommodate necessary blufftop setbacks and other development restrictions. At such time as land division or other development is proposed, any such project would be conditioned to avoid geologic hazards, pursuant to applicable LCP policies.

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Since no geologic hazard will result from this proposal, the Commission thus finds that the proposed LUP Amendment as submitted for Site Two is consistent with and adequate to carry out Coastal Act Section 30253, and that the proposed Implementation Program Amendment as submitted for Site Two is consistent with and adequate to carry out the policies of the Land Use Plan.

Sites One and Three do not contain steep slopes and do not pose potential geologic hazards. The Commission therefore finds that the proposed LUP Amendments as submitted for Sites One and Three are consistent with and adequate to carry out Coastal Act Section 30253, and that the proposed Implementation Program Amendments as submitted for Sites One and Three are consistent with and adequate to carry out the policies of the Land Use Plan.

E. Timber Resources:

Coastal Act Section 30242 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.

Regarding Site Three, the proposal is to correct a mapping error and remove the TPZ designation from property that was incorrectly designated TPZ but was never assessed or taxed as TPZ, and to also remove the TPZ designation from a .9-acre portion of a parcel that was combined with an adjacent parcel as a result of a boundary line adjustment arising from a property dispute. None of the parcels classified as TPZ are suitable for timber production or have ever supported timber production.

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

Sites One and Two do not contain timber resources and therefore the Commission finds that the proposed LUP Amendments as submitted for Sites One and Two are consistent with and adequate to carry out Coastal Act Section 30243, and that the proposed Implementation Program Amendments as submitted for Sites One and Two are consistent with and adequate to carry out the policies of the Land Use Plan.

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F. 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 consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act. For the reasons discussed herein, there are no feasible alternatives or mitigation measures available that could substantially reduce adverse environmental impacts. The Commission finds, therefore, that the LCP Amendment, as submitted, is consistent with Section 21080.5(d)(2)(i) of the Public Resources Code.

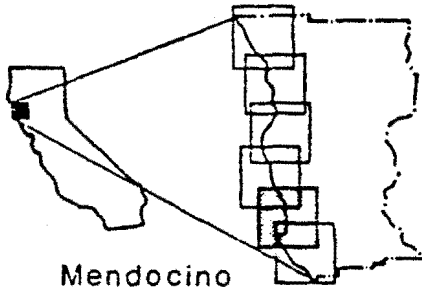
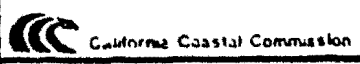
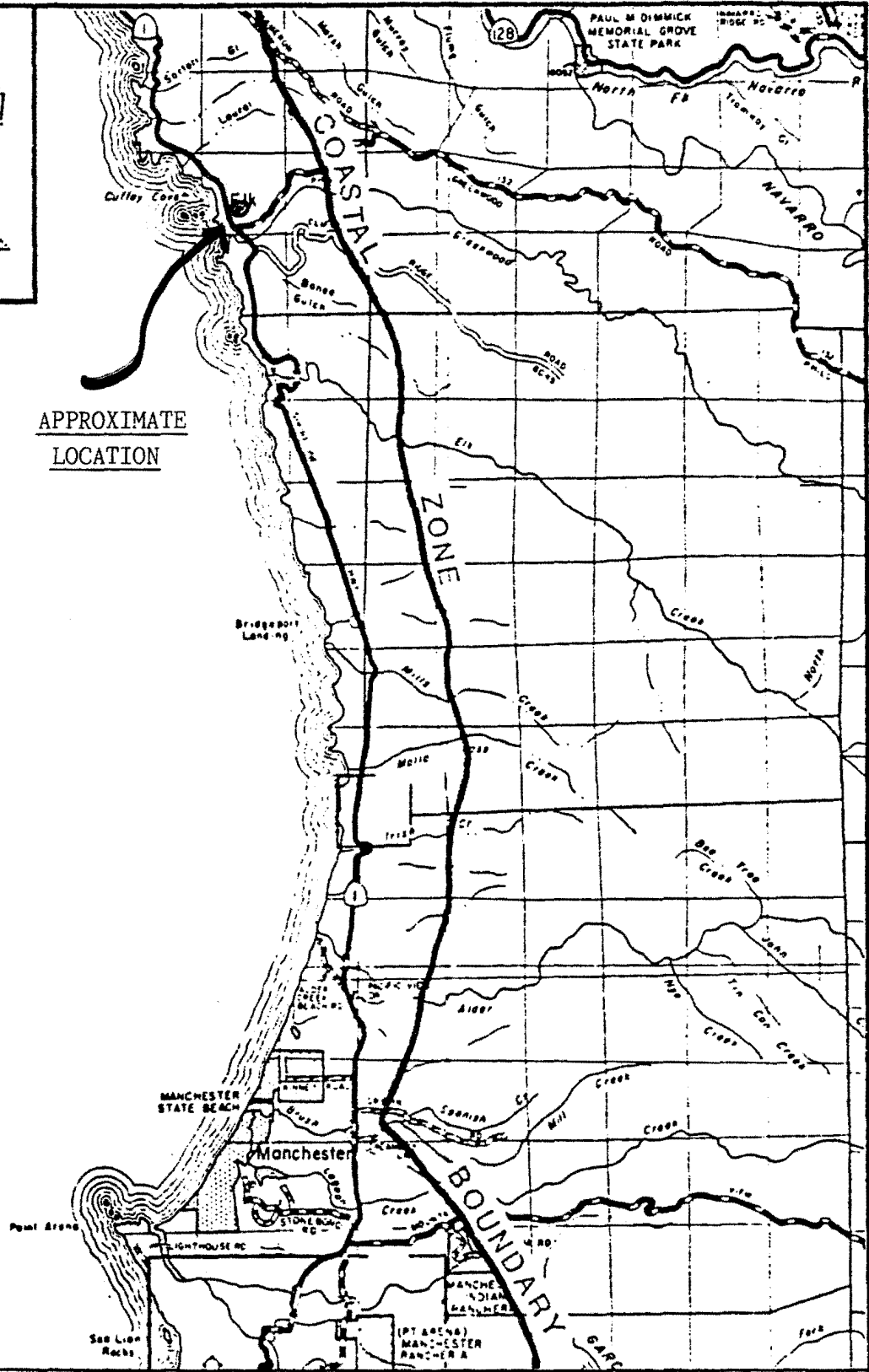


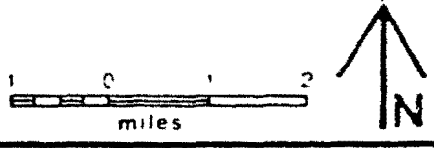
EXHIBIT NO. 1
 APPLICATION NO.
 MENDOCINO COUNTY LCP
 AMENDMENT 2-95 (Major)
 SITE ONE (Waidhofer)

Location Map
 California Coastal Commission

APPROXIMATE
LOCATION



LOCATION MAP



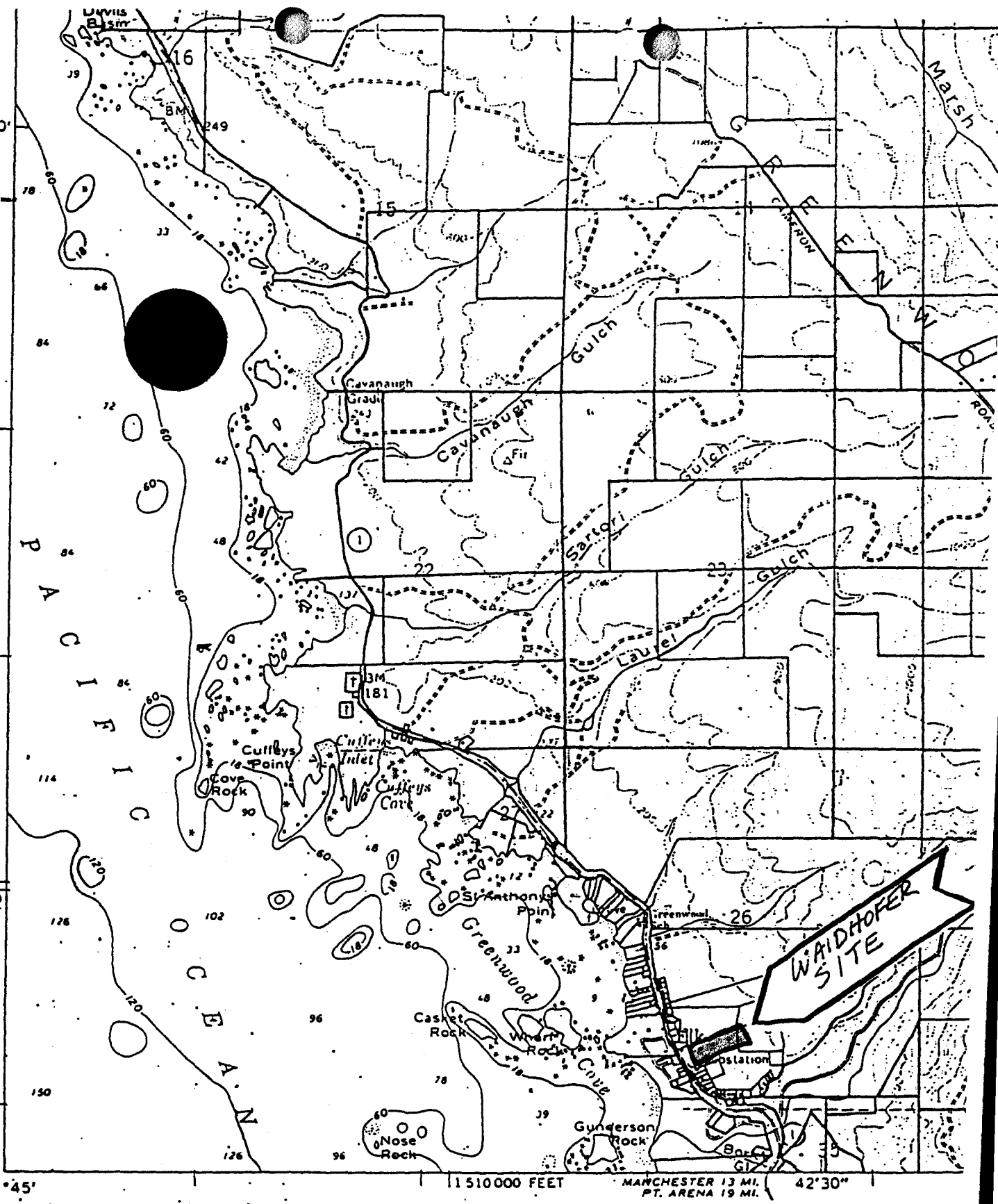


EXHIBIT NO. 2
APPLICATION NO.
MENDOCINO COUNTY LCP
AMENDMENT 2-95 (Major)
SITE ONE (Waidhofer)

Vicinity Map

...ial photographs by photogrammetric methods
 taken 1957. Field check 1960
 ic data compiled from USC&GS Chart 5703 (1957)
 not intended for navigational purposes
 1927 North American datum
 yed on California coordinate system, zone 2
 al Transverse Mercator grid ticks,
 idicate approximate locations
 Fine dashed lines indicate selected fence lines

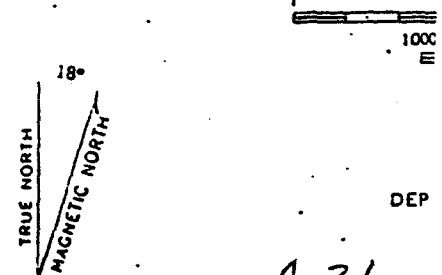
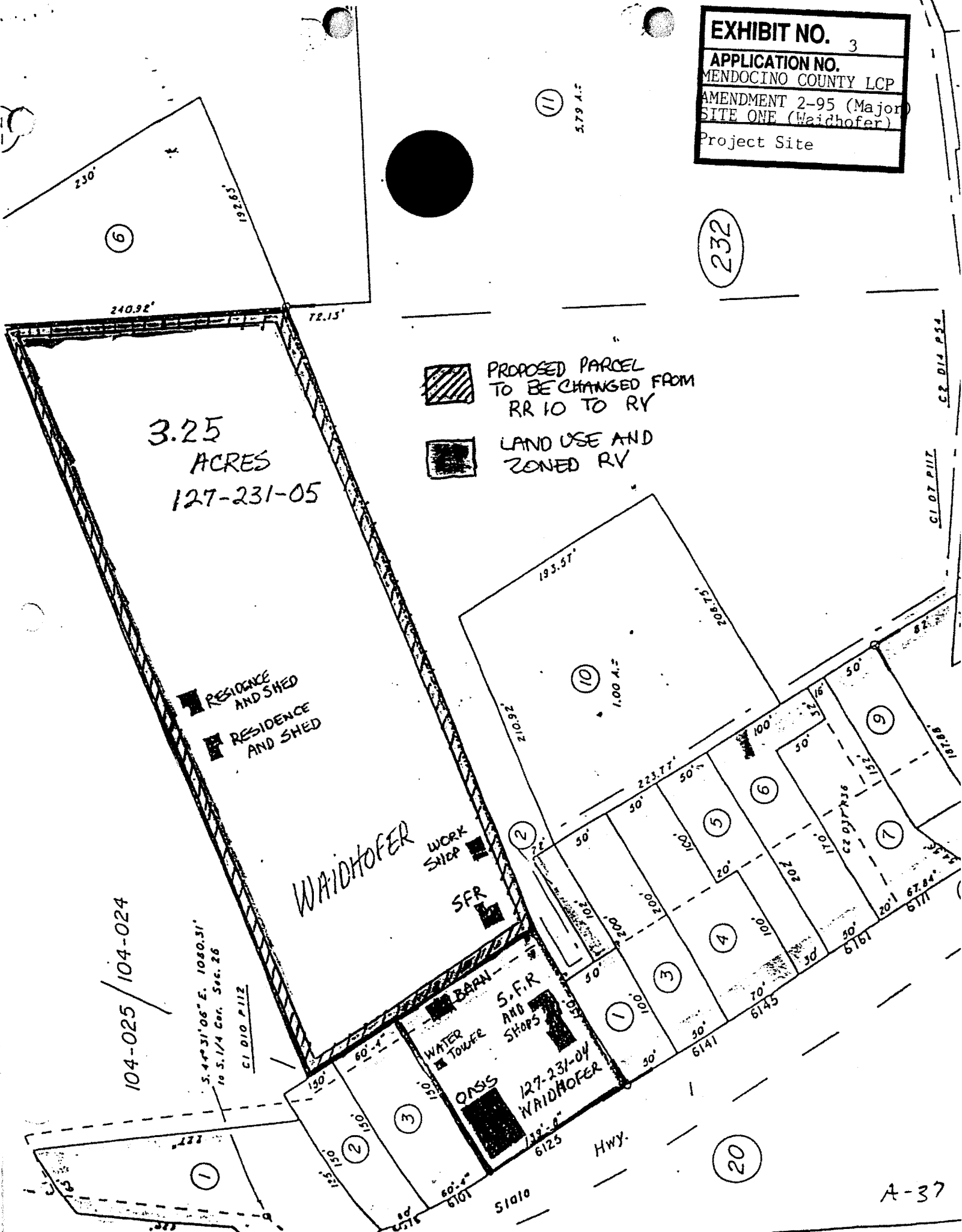




EXHIBIT NO. 3
APPLICATION NO.
 MENDOCINO COUNTY LCP
 AMENDMENT 2-95 (Major)
 SITE ONE (Waidhofer)
 Project Site



 PROPOSED PARCEL TO BE CHANGED FROM RR 10 TO RV

 LAND USE AND ZONED RV

3.25
 ACRES
 127-231-05

EXHIBIT NO. 4

BOS-4

APPLICATION NO.
MENDOCINO COUNTY LCP
AMENDMENT 2-95
SITE ONE (Waidhofer)
Land Use Plan Map

RL

Map as proposed to be amended:

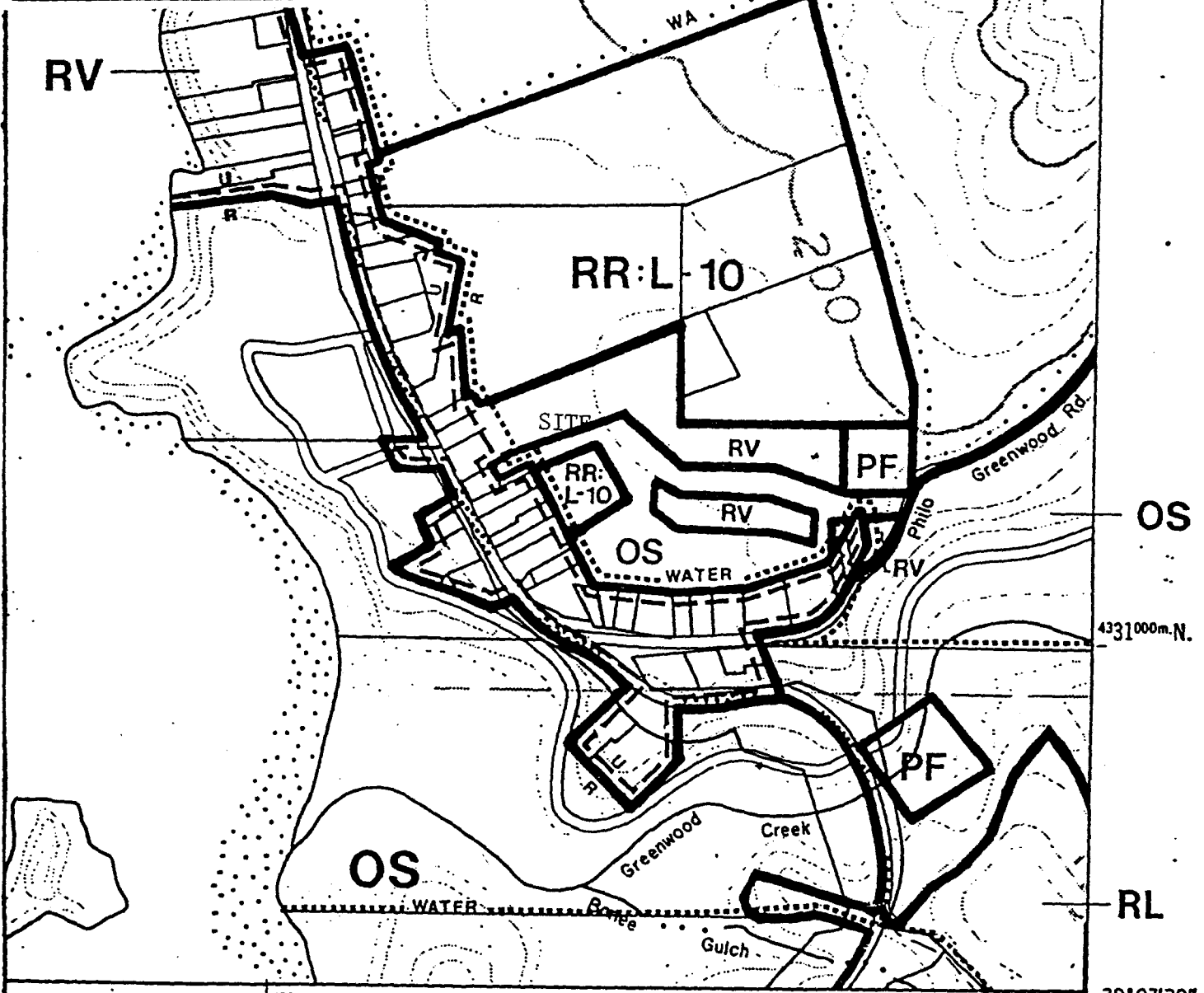
BOUNDARY IS SAME AS RV BOUNDARY

GREENWOOD/ELK STATE PARK SHORELINE ACCESS

FILE NUMBER: #GP 8-93 #R 9-93	OWNER: WAIDHOFER	AGENT:	A/P NUMBER: APN 127-231-05
EXHIBIT A	P/C MEETING:	B/S MEETING:	SCALE:



EXHIBIT NO. 5
APPLICATION NO.
 MENDOCINO COUNTY LCP
 AMENDMENT 2-95
 SITE ONE (Waidhofer)
 Zoning Map



The RV Zone.

district zoning of Airport Height, Flood Plain and or
 Care found on Airport Height, Map No. 3, Flood

ZONING

FILE NUMBER: #GP 8-93 #R 9-93	OWNER: WAIDHOFER	AGENT:	A/P NUMBER: APN 127-231-05
EXHIBIT B	P/C MEETING:	B/S MEETING:	SCALE:
			NORTH

A-4

ZONING MAP

EXHIBIT NO. 6
APPLICATION NO. MENDOCINO COUNTY LOCAL AMENDMENT 2-95 SITE ONE (Waidhofer)
Resolution

RECEIVED

RESOLUTION NO. 95-175

BY SEP - 1 1995
PLANNING & BUILDING SERVICES
 Ukiah, CA 95482

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF MENDOCINO OF INTENT TO AMEND THE LOCAL COASTAL
PROGRAM FOR MENDOCINO COUNTY
(GP 8-93/R 9-93 - WAIDHOFER)

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 8-93/#R 9-93 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 28th day of August, 1995, by the following vote:

AYES: Supervisors Pinches, Peterson, and Sugawara
NOES: None
ABSENT: Supervisors McMichael and 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 *Norma J. Keon*
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 *Norma J. Keon, Deputy*

GP 8-93/R 9-92 - Waidhofer

EXHIBIT NO. 6
APPLICATION NO. MENDOCINO COUNTY LCP
AMENDMENT 2-95 SITE ONE (Waidhofer)
Resolution

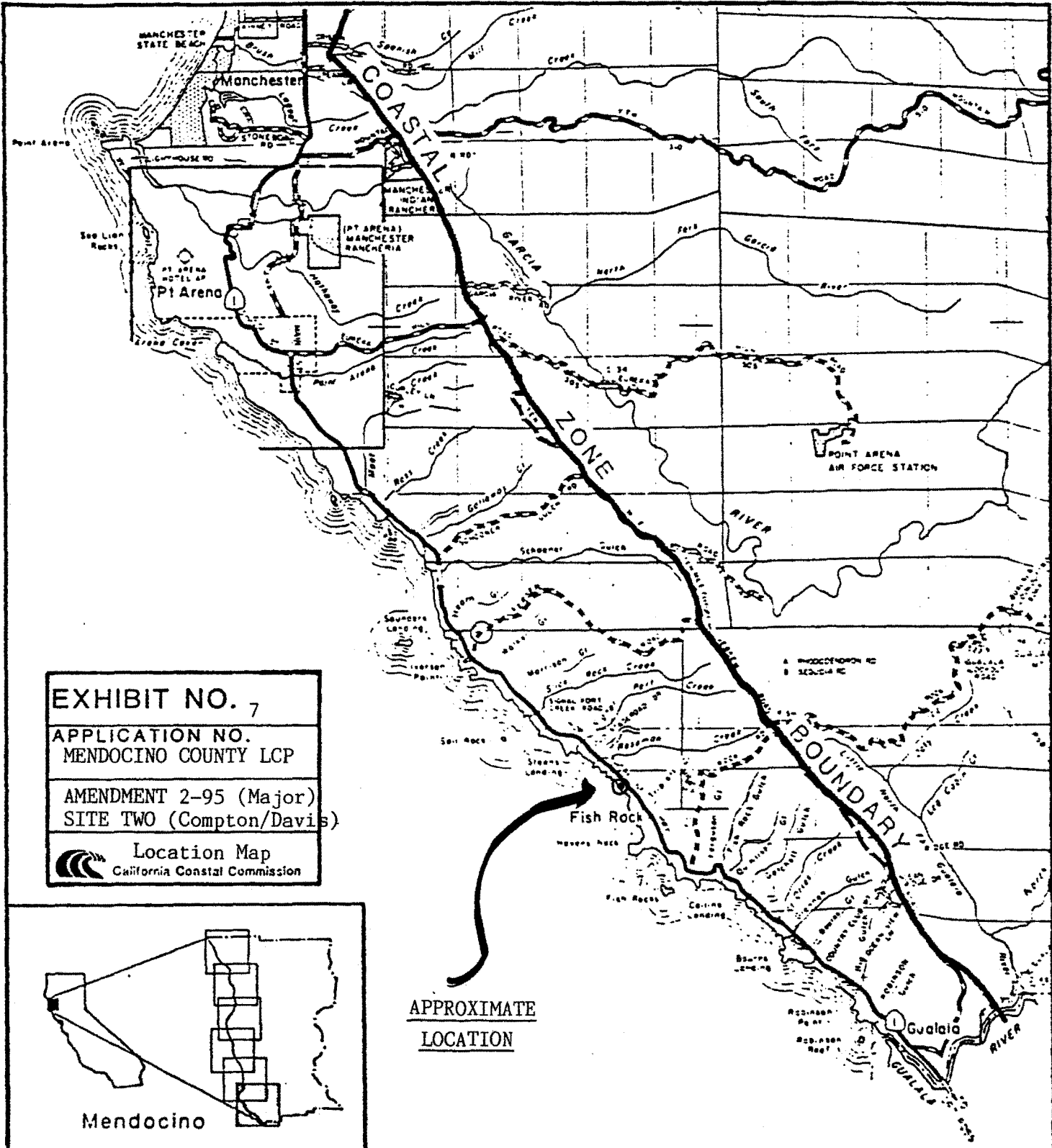
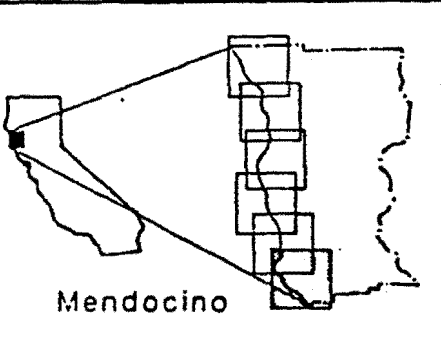


EXHIBIT NO. 7
APPLICATION NO.
MENDOCINO COUNTY LCP
AMENDMENT 2-95 (Major)
SITE TWO (Compton/Davis)
 Location Map
 California Coastal Commission



APPROXIMATE
LOCATION

California Coastal Commission

LOCATION MAP

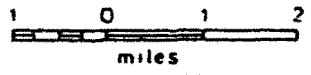
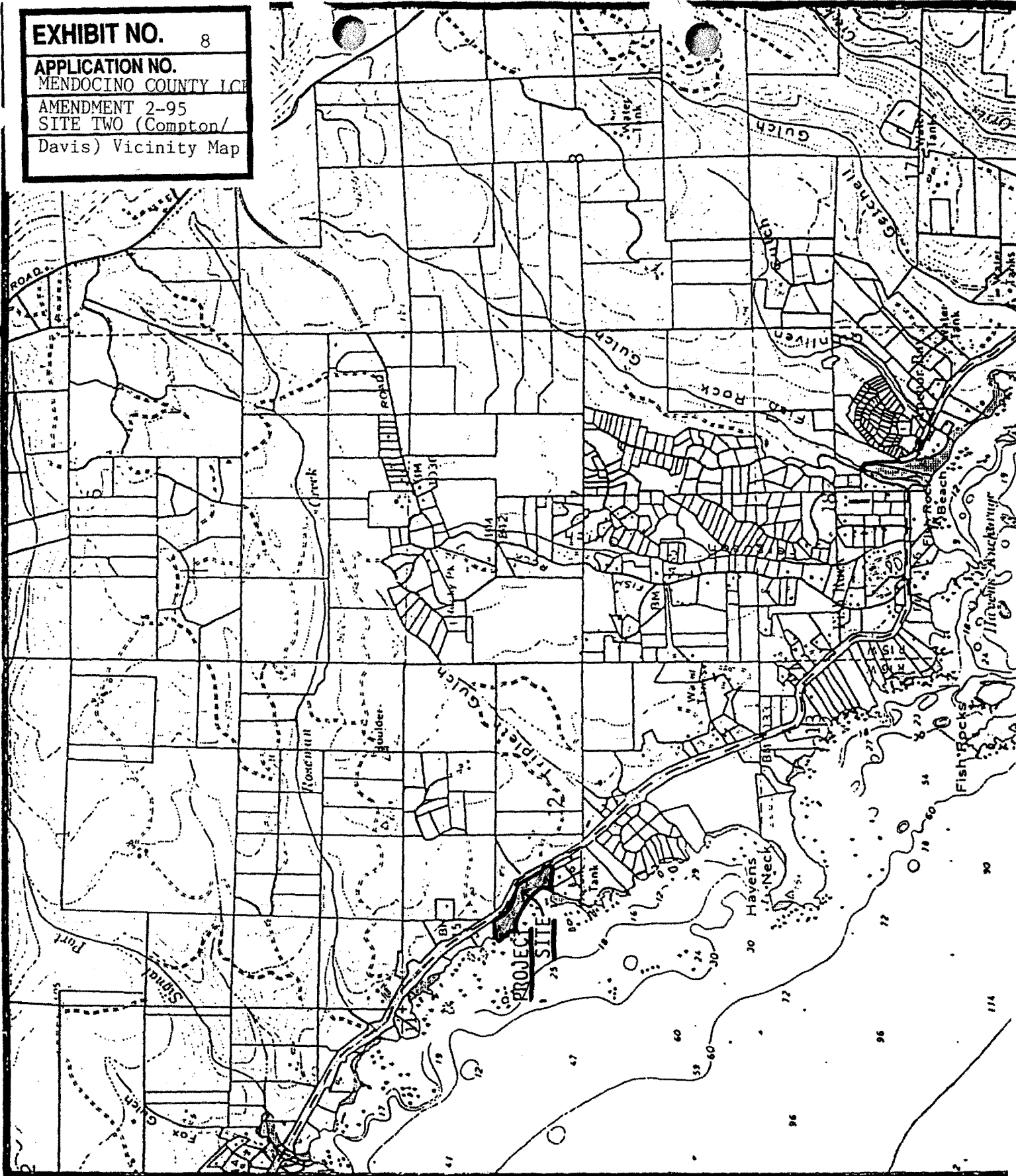



EXHIBIT NO. 8
APPLICATION NO.
 MENDOCINO COUNTY LCP
 AMENDMENT 2-95
 SITE TWO (Compton/
 Davis) Vicinity Map



CASE NUMBER: GP 13-93/R 13-93	OWNER: Compton/Davis	AGENT:	
A/P NUMBER: 143-060-01	VICINITY MAP	SCALE: 1 mile = 2½"	 NORTH

NORTH AND CENTRAL AREAS OF PROJECT SITE
 EXHIBIT H
 TOPOGRAPHIC MAP
 AP 143-06-01

(Excerpt from Paoli & McBride Geologic & Soils Investigations & Botanical Survey/ map & info. edited by Staff).

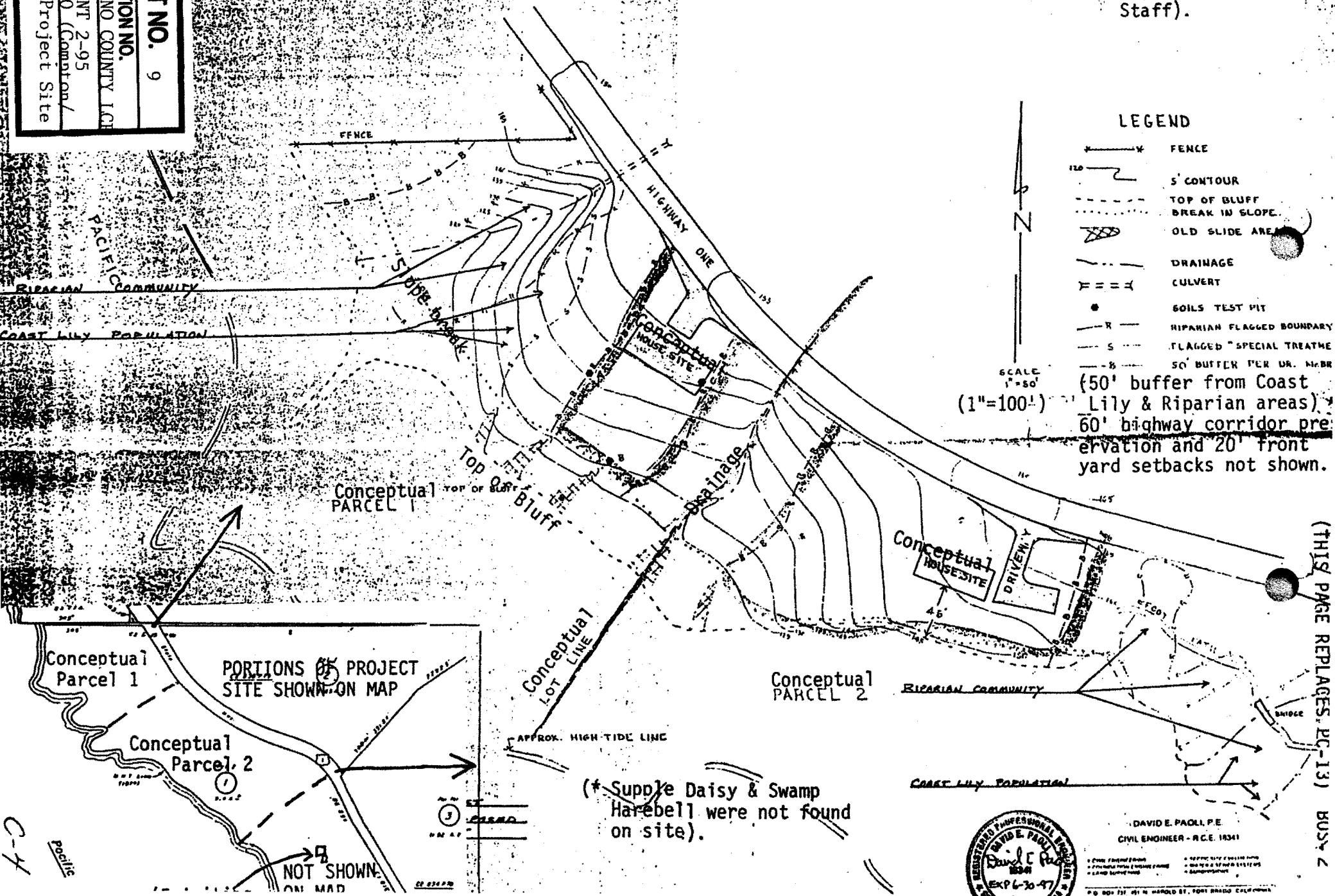
EXHIBIT NO. 9
APPLICATION NO.
 MENDOCINO COUNTY LCI
 AMENDMENT 2-95
 SITE TWO (Campton/
 Davis) Project Site

LEGEND

- FENCE
- 5' CONTOUR
- TOP OF BLUFF
BREAK IN SLOPE
- OLD SLIDE AREA
- DRAINAGE
- CULVERT
- SOILS TEST PIT
- RIPARIAN FLAGGED BOUNDARY
- FLAGGED "SPECIAL TREATME
- 50' BUFFER PER DR. McBR

SCALE
 1" = 50'

(50' buffer from Coast Lily & Riparian areas)
 60' highway corridor pre-
 servation and 20' front
 yard setbacks not shown.



(THIS PAGE REPLACES PG-13) BUSY 2



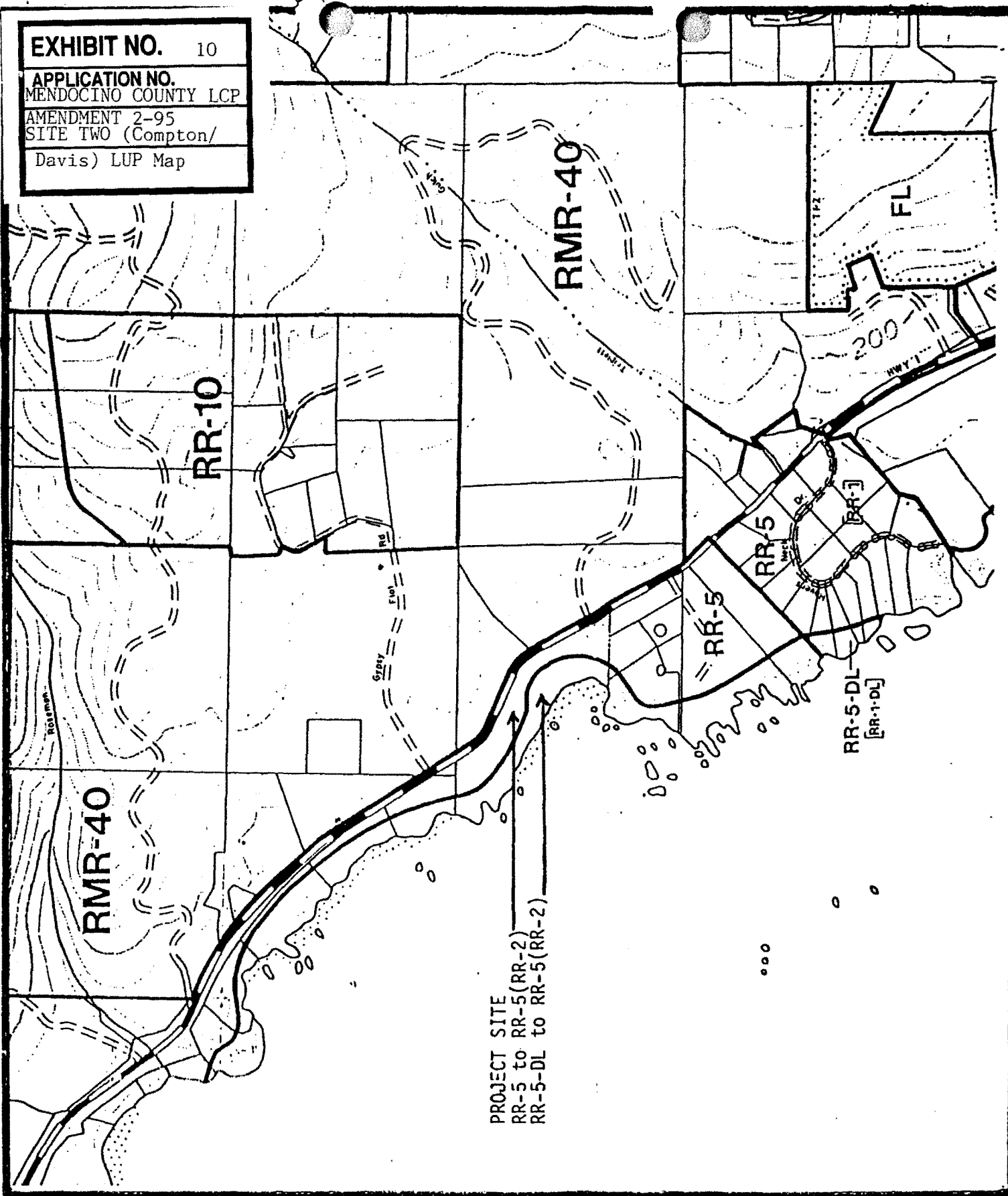
DAVID E. PAOLI, P.E.
 CIVIL ENGINEER - R.C.E. 18341

PAOLI ENGINEERING
 1000 S. G ST. SUITE 100
 Eureka, CA 95501
 (707) 441-1111
 FAX (707) 441-1112

C-7
 Pacific

EXHIBIT NO. 10

APPLICATION NO.
MENDOCINO COUNTY LCP
AMENDMENT 2-95
SITE TWO (Compton/
Davis) LUP Map



PROJECT SITE
RR-5 to RR-5(RR-2)
RR-5-DL to RR-5(RR-2)


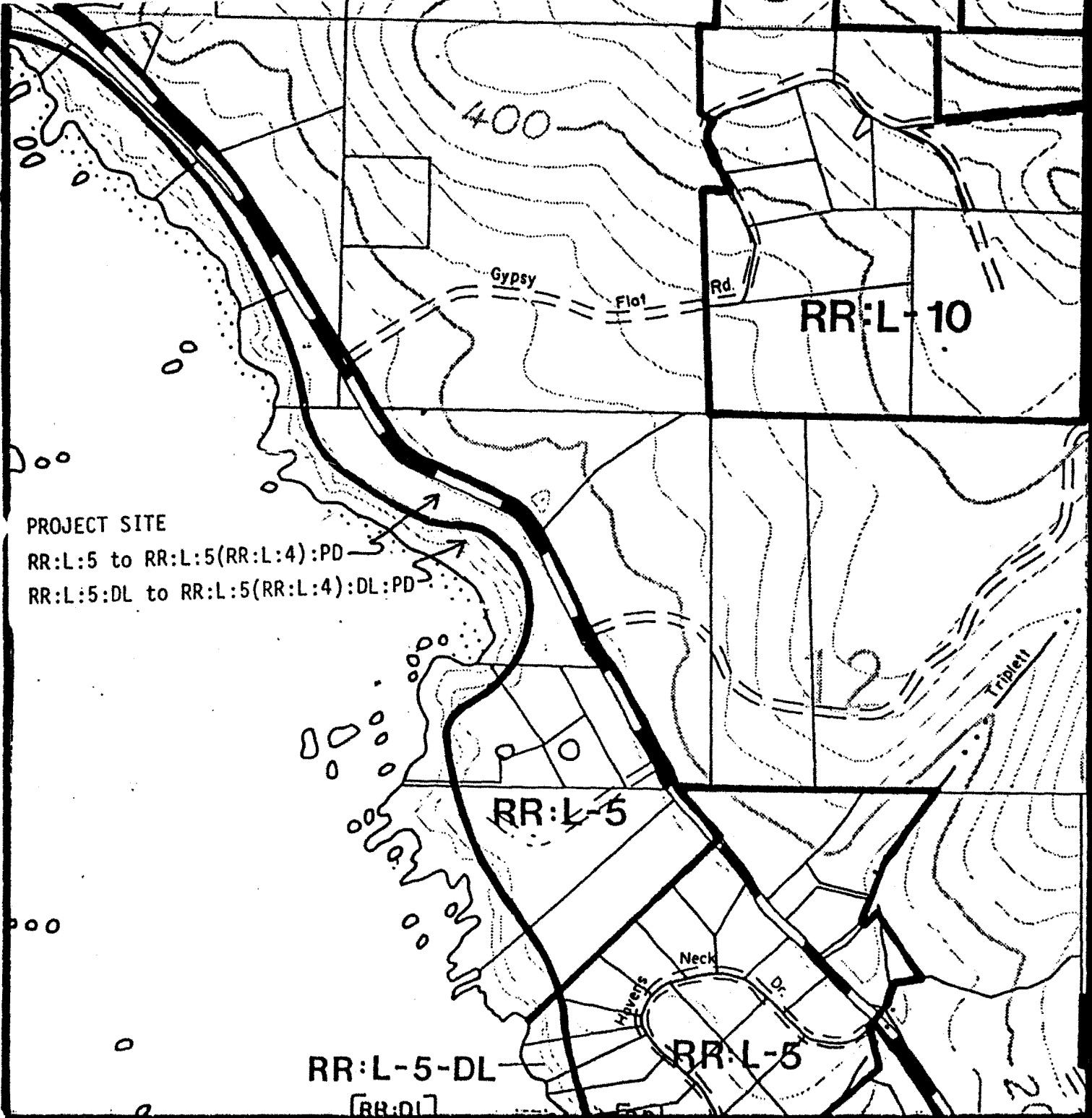
CASE NUMBER: GP 13-93/R 13-93	OWNER: Compton/Davis	AGENT:
A/P NUMBER: 143-060-01	Coastal Land Use Map	SCALE: 1/4 mile=1-3/4"
		 NORTH

EXHIBIT NO. 11

APPLICATION NO.
MENDOCINO COUNTY LCP
AMENDMENT 2-95
SITE TWO (Compton/
Davis) Zoning Map



PROJECT SITE
RR:L:5 to RR:L:5(RR:L:4):PD
RR:L:5:DL to RR:L:5(RR:L:4):DL:PD


CASE NUMBER: GP 13-93/R 13-93	OWNER: Compton/Davis	AGENT:
A/P NUMBER: 143-060-01	Coastal Zoning Map	SCALE: 2.5" = 1/4 mile
		 NORTH

EXHIBIT NO. 12

APPLICATION NO.
MENDOCINO COUNTY LC
AMENDMENT 2-95
SITE TWO (Compton/
Davis) Resolution

RESOLUTION NO. 95-255

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF MENDOCINO OF INTENT TO AMEND THE LOCAL COASTAL
PROGRAM FOR MENDOCINO COUNTY
(GP 13-93/R 13-93 - COMPTON/DAVIS)

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 13-93/#R 13-93 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

0-1-1

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 13th day of November, 1995, by the following vote:

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

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 *Kristen VonPatten*
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: *Kristen VonPatten*
DEPUTY

GP 13-93/R 13-93 - COMPTON/DAVIS

EXHIBIT NO.	12
APPLICATION NO.	MENDOCINO COUNTY LCI
AMENDMENT	2-95
SITE TWO (Compton/ Davis) Resolution	

C-12

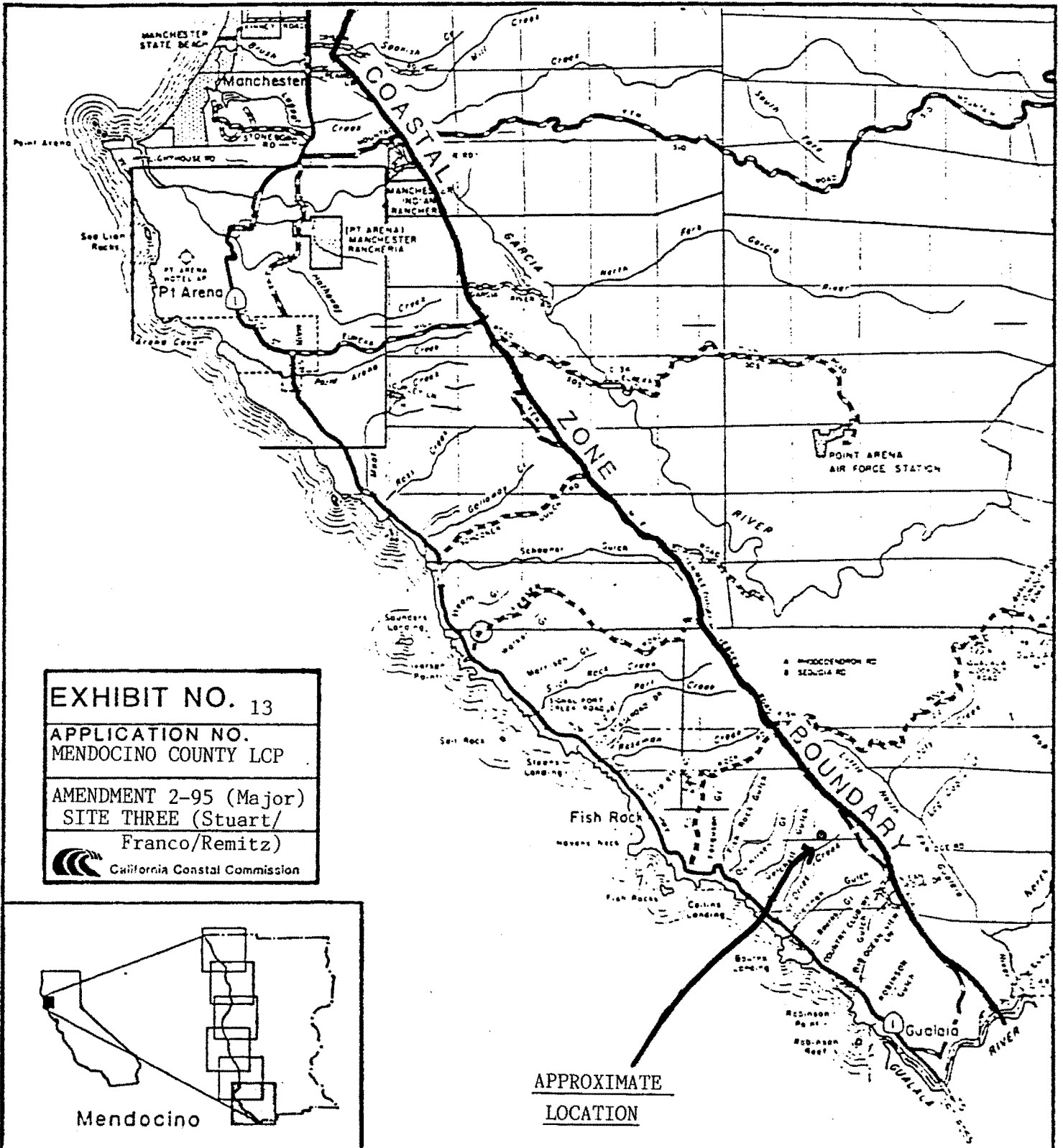

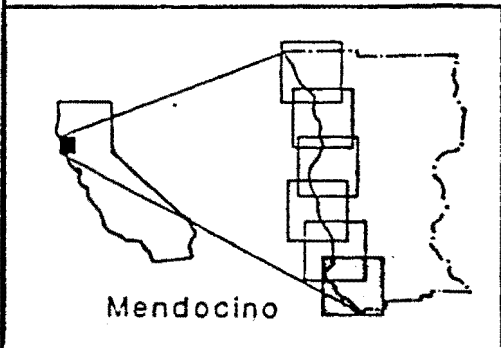


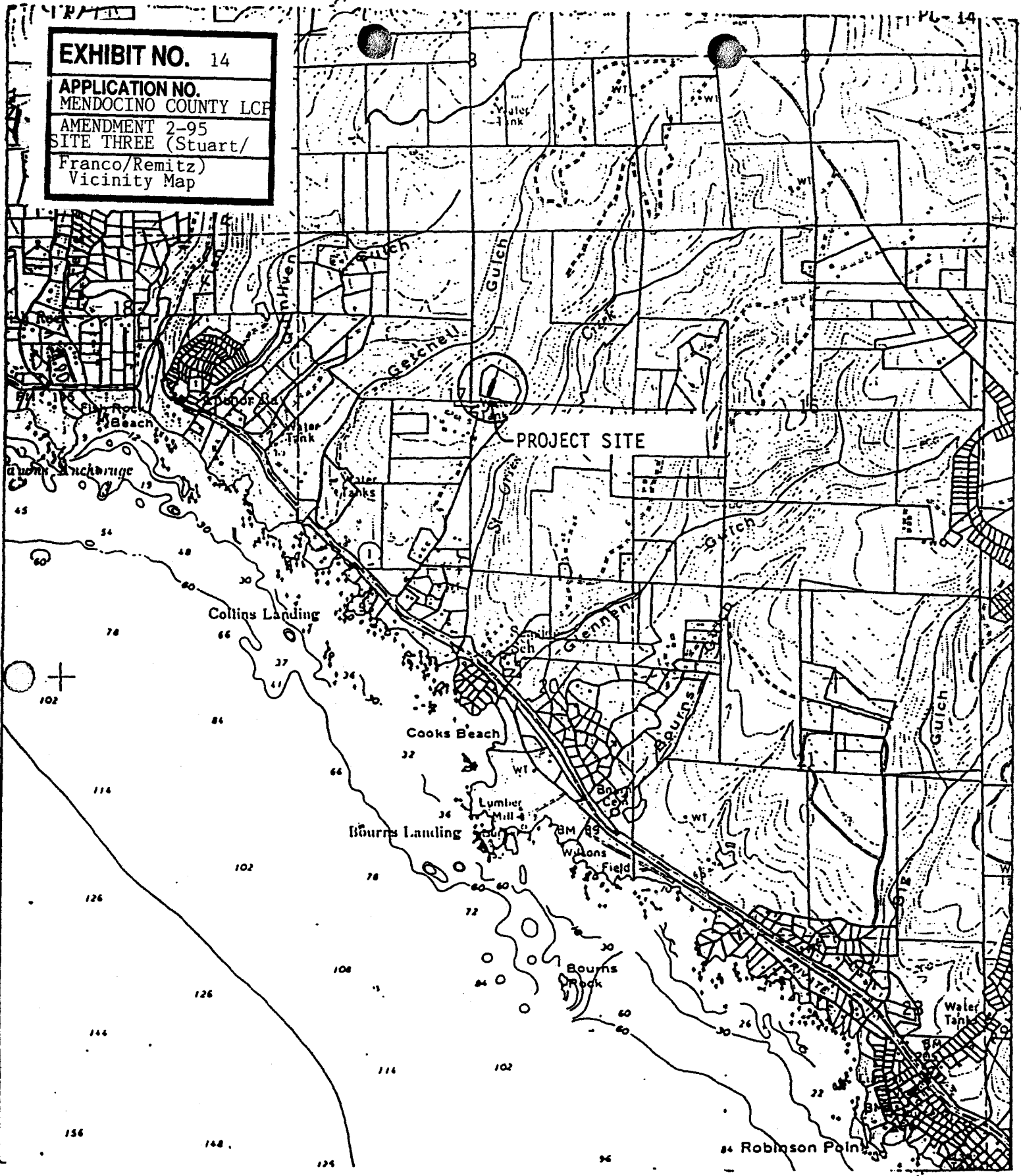
EXHIBIT NO. 13
APPLICATION NO.
MENDOCINO COUNTY LCP
AMENDMENT 2-95 (Major)
SITE THREE (Stuart/
Franco/Remitz)
 California Coastal Commission




APPROXIMATE
LOCATION



EXHIBIT NO. 14
APPLICATION NO.
 MENDOCINO COUNTY LCP
 AMENDMENT 2-95
 SITE THREE (Stuart/
 Franco/Remitz)
 Vicinity Map

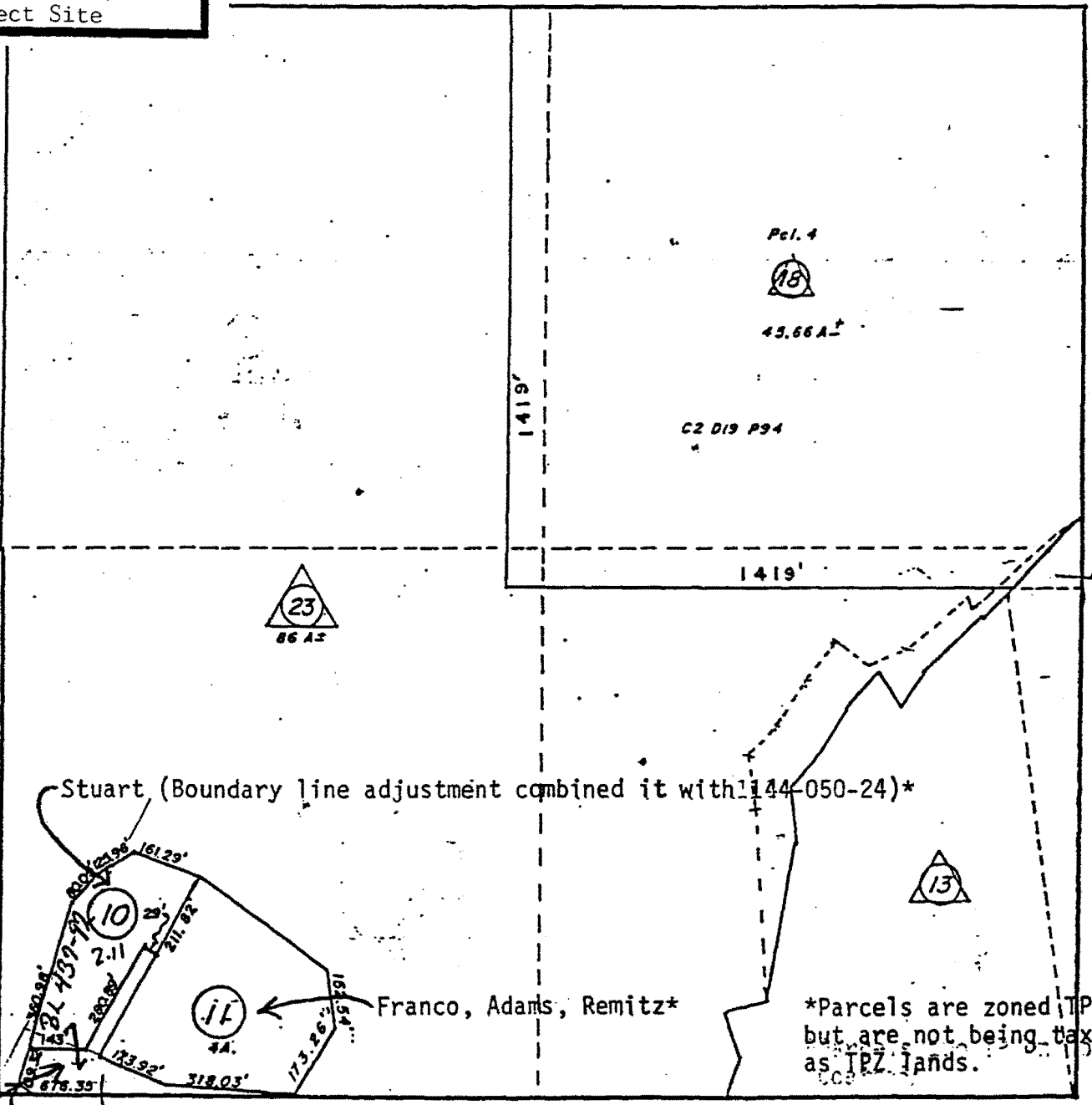


CASE NUMBER: GP 10-93/R 9-92	OWNER: STUART, FRANCO, REMITZ, ADAMS	AGENT: ...
A/P NUMBER: Portion N $\frac{1}{2}$ Sec. 17, 144-050-24, T.11 N., R.15 W.	LOCATION MAP	SCALE: 2.5" = 1 mile  NORTH

144-050-10,11

EXHIBIT NO. 15
APPLICATION NO.
 MENDOCINO COUNTY LCP
 AMENDMENT 2-95
 SITE THREE (Stuart/
 Franco/Remitz)
 Project Site

144-050



08

Stuart (Boundary line adjustment combined it with 144-050-24)*

Franco, Adams, Remitz*

*Parcels are zoned TP but are not being taxed as TPZ lands.

Stuart (Boundary line adjustment combined it with 144-050-10)

NOTE: This map was prepared for assessment purposes only. No liability is assumed for the data delineated hereon.

RECEIVED

11


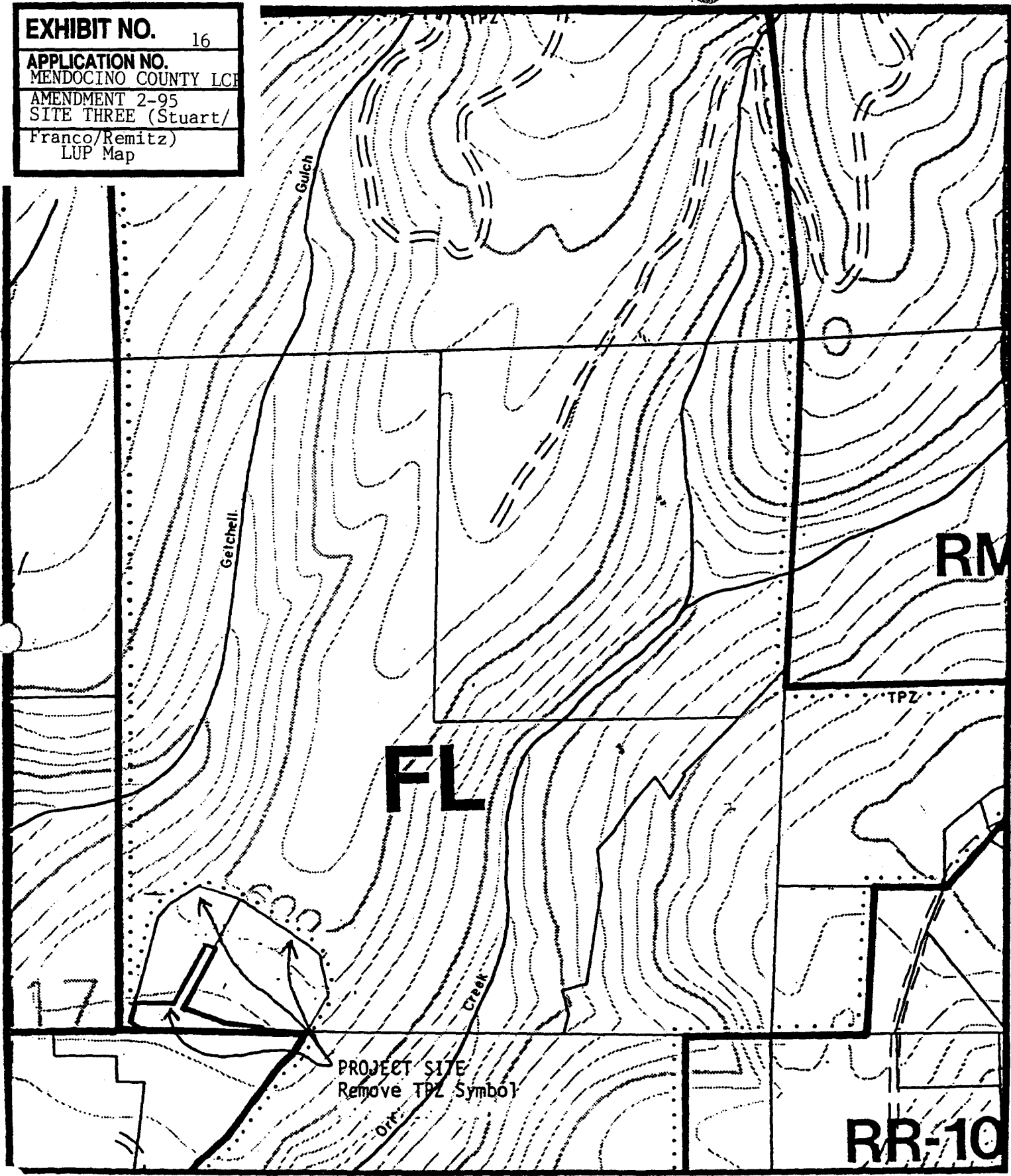
CASE NUMBER: GP 10-93/R 9-92	OWNER: Remitz, Stuart, Franco, Adams	AGENT:
A/P NUMBER: 144-050-10, 11, 24	Assessor's Map 144-050	SCALE: 1" = 400'  NORTH

EXHIBIT NO. 16
APPLICATION NO.
 MENDOCINO COUNTY LCP
 AMENDMENT 2-95
 SITE THREE (Stuart/
 Franco/Remitz)
 LUP Map




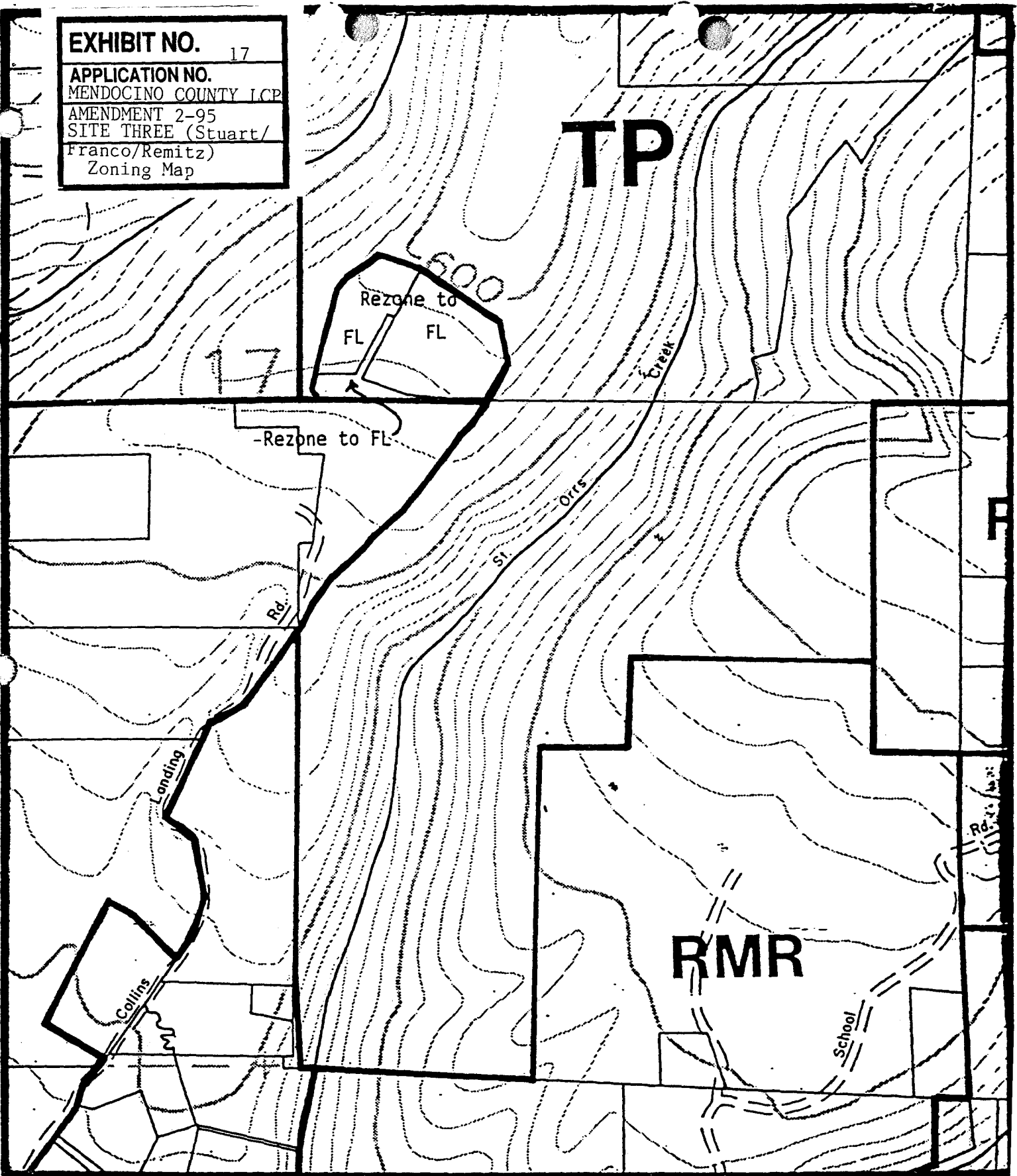
CASE NUMBER: GP 10-93/R 9-92	OWNER: Stuart, Franco, Remitz	AGENT:	
A/P NUMBER: 144-050-10,11, 24	Coastal Land Use Map	SCALE: 1 1/2" = 700=+-	 NORTH

EXHIBIT NO. 17
APPLICATION NO.
 MENDOCINO COUNTY LCP
 AMENDMENT 2-95
 SITE THREE (Stuart/
 Franco/Remitz)
 Zoning Map




CASE NUMBER: GP 10-93/R 9-92	OWNER: Stuart, Franco, Remitz	AGENT:
A/P NUMBER: 144-050-10, 11, 24	Coastal Zoning Map	SCALE: 1 1/2" = 700'  NORTH

EXHIBIT B

B-4

EXHIBIT NO. 18

APPLICATION NO.
MENDOCINO COUNTY LCP
AMENDMENT 2-95
SITE THREE (Stuart/
Franco/Remitz)
Resolution

RESOLUTION NO. 95-228

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF MENDOCINO OF INTENT TO AMEND THE LOCAL COASTAL
PROGRAM FOR MENDOCINO COUNTY
(GP 10-93/R 9-92 - MENDOCINO COUNTY/STUART/FRANCO/REMITZ)

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 10-93/#R 9-92 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 Peterson,
seconded by Supervisor Henry 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.

Seiji Sugawara
Chairman of said Board of Supervisors

ATTEST: JOYCE A. BEARD
Clerk of said Board

By *Kirstin VanPatten*
Deputy

GP 10-93/R 9-92 - STUART/Franco/REMITZ

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: *Kirstin VanPatten*
DEPUTY

EXHIBIT NO.	18
APPLICATION NO.	MENDOCINO COUNTY LCA
AMENDMENT	2-95
SITE THREE (Stuart/ Franco/Remitz)	Resolution

