

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST AREA

FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

**F 8b**

Filed: August 17, 1998  
49<sup>th</sup> Day: October 5, 1998  
180<sup>th</sup> Day: February 13, 1999  
Staff: Jo Ginsberg  
Staff Report: Sept. 25, 1998  
Hearing Date: Oct. 16, 1998  
Commission Action:

**STAFF REPORT: REVISED FINDINGS: PERMIT AMENDMENT****APPLICATION NO.: A-1-MEN-98-17-A****APPLICANTS: DON AND MARGARET PERRY;  
HENRY AND MARGARET SMITH****AGENT: Rick Henderson****PROJECT LOCATION: 28301 North Highway One, north of Fort Bragg,  
Mendocino County; APNs 069-010-20, 069-010-21,  
069-110-22, 069-010-34, 069-010-35, 069-020-02,  
069-020-05, 069-020-14, 069-050-06, 069-070-07,  
069-070-11.**

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Construction of a 20-unit visitor-serving facility, including 20 guest units in seven separate structures, a two-story lobby/meeting room/manager's quarters building, an employee utility building, 25 parking spaces, a sign, underground water tanks, wells, leach fields, driveway, and fence.

**DESCRIPTION OF AMENDMENT:** Revise special condition that requires recordation of an offer to dedicate an agricultural easement over the remainder of the subject parcel to instead require a deed restriction limiting the remainder of the parcel to agricultural uses only.

**COMMISSIONERS ON THE PREVAILING SIDE:** Commissioners Allen, Brothers, Detloff, Flemming, Johnson, Miller, and Reilly.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County LCP; Mendocino County Coastal Development Permits CDU 8-97 and CDU 8-93.

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STAFF NOTE

At the Commission meeting of September 9, 1998, the Commission approved the proposed amendment. As the Commission's actions on the amendment 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 action. These findings reflect the action taken by the Commission at the meeting of September 9, 1998 on the amendment to the permit. The purpose of the hearing is to consider whether the revised findings accurately reflect the Commission's previous actions rather than to reconsider the merits of the project or the appropriateness of the adopted conditions of the original permit. Public testimony will be limited accordingly.

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STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following revised findings in support of the Commission's action on September 9, 1998, approving the amendment to the coastal permit.

(NOTE: Only those Commissioners on the prevailing side on the Commission's action on the amendment to the permit at the September 9, 1998 hearing are eligible to vote. See the list on Page One.)

I. ADOPTED RESOLUTION OF APPROVAL

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, on the grounds that the proposed development with the proposed amendment is in conformance with the certified County of Mendocino LCP, is located between the nearest public road and the shoreline of a body of water in the coastal zone and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions:

Special Condition No. 1 has been revised, as described below. All other special conditions of Coastal Permit No. A-1-MEN-98-17 shall remain the same.

1. Deed Restriction:

No development, as defined in Section 30106 of the Coastal Act, shall occur on the portion of the 389-acre parcel outside the four-acre building envelope as generally shown in Exhibit 4A, where Coastal Development Permit No. A-1-MEN-98-17 authorizes a 20-unit visitor-serving facility, except for:

(1) the following activities and development:

- (a) General agriculture, as defined in Section 20.336.032 of the Mendocino County coastal zoning code, which includes such activities as the grazing, feeding, and incidental care of livestock, animal husbandry, and 4-H projects;
- (b) Light agriculture, as defined in Section 20.336.030 of the Mendocino County coastal zoning code, which includes such activities as apiaries and the hatching, raising, butchering, or marketing on a small scale of fowl, poultry, and other small animals;
- (c) Row and field crops, as defined in Section 20.336.040 of the Mendocino County coastal zoning code;
- (d) Tree crops, as defined in Section 20.336.055 of the Mendocino County coastal zoning code;
- (e) one single-family dwelling per legally created parcel;
- (f) harvesting of firewood for the residents' personal use
- (g) home occupations;
- (h) timber production, harvesting, and management;
- (i) vacation home rental;
- (j) passive recreation;
- (k) fish and wildlife habitat management.

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development within the portion of the 389-acre parcel outside the four-acre building envelope, as generally shown in Exhibit No. 4A. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the deed-restricted area. The deed restriction shall run with the land, binding all successors and assignees, and shall be recorded free of all prior

liens and encumbrances which the Executive Director determines may affect the interest being conveyed. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### IV. FINDINGS AND DECLARATIONS:

The Commission finds and declares the following:

##### 1. Project and Site Description:

The development consists of a 20-unit visitor-serving facility with a meeting room and manager's residence. The guest rooms are to be contained within seven detached buildings, two with five units each, and five with two units each, two of which are two-story. The manager's quarters, reception area, and meeting room will be within a separate two-story structure with an exterior observation deck at the second floor level. A separate building will contain laundry, storage, and employee facilities. Parking is provided for 25 vehicles. The total floor area of the guest units is 9,932 square feet; the reception/manager's quarters building is 2,865 square feet, and the laundry/employees building is 750 square feet, for a total of 13,547 square feet of floor area.

Water will be supplied from wells on the site, and stored in three 10,000-gallon underground tanks. Wastewater disposal will be by a septic tank and leach field system.

A double-faced carved redwood sign measuring approximately 12 1/2 feet by 2 1/2 feet is to be placed near the entrance, approximately 50 feet back from the property line, illuminated by lights recessed below ground.

The subject site is located east of Highway One south of the Ten Mile River, approximately five miles north of Fort Bragg, on a gently sloping marine terrace. The proposed project is sited on approximately four acres of the 389-acre parcel. The entire parcel is part of the 1,400-acre Smith Ranch, which is in agricultural and timber production.

The proposed amendment request is to replace a condition requiring the applicant to offer to dedicate an agricultural easement for the purpose of preserving agriculture with a new condition that requires recordation of a deed restriction that limits development within the portion of the 389-acre parcel outside the four-acre building envelope to agricultural uses only.

##### 2. Project History.

In 1993, the applicants submitted to Mendocino County an application for a coastal development use permit (CDU 8-93) for a proposed 20-unit inn at a location approximately 1,500 feet to the

north of the currently approved site, very near the Ten Mile River. In January of 1996, the Planning Commission required an EIR to be prepared, and the application was subsequently withdrawn. In January of 1997, the applicants submitted to the County an application for a coastal development use permit for a relocated and redesigned inn in the currently approved location. The County did not require an EIR to be prepared for the revised project. The County approved the coastal development permit application, and it was appealed to the Coastal Commission, who found that a substantial issue existed with regards to the grounds of the appeal. The Commission then approved the project de novo, with a number of special conditions.

3. Agricultural Resources:

LUP Policy 3.2-4 states that "zoning regulations shall not discourage compatible activities that may enhance the economic viability of agricultural operations," including "limited visitor accommodations at locations specified in the plan. Visitor accommodations shall be secondary to the agricultural activity." This policy also requires that such a development must be found to be consistent with a number of standards, and that the project shall:

*Maximize protection of environmentally sensitive habitats;*  
*Minimize construction of new roads and other facilities;*  
*Maintain views from beaches, public trails, roads and views from public viewing areas, or other recreational areas;*  
*Ensure adequacy of water, sewer and other services;*  
*Maximize preservation of prime agricultural soils;*  
*Ensure existing compatibility by maintaining productivity of on-site and adjacent agricultural lands.*

LUP Policy 3.2-5 states that all other lands suitable for agricultural use shall not be converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands. The Commission interprets this policy to refer to all lands other than those discussed in LUP Policy 3.2-4; thus, since the site has been designated \*2C and a visitor-serving facility is allowable on the subject property pursuant to Policy 3.2-4, LUP Policy 3.2-5 does not apply to the subject development.

The 1,400-acre Smith Ranch, which encompasses the 389-acre subject parcel, is predominantly range and timber land, and much of the property is used for grazing livestock; approximately 700 acres of the ranch are used for livestock grazing and 540 acres are in timberland management. About 240 acres of the 389-acre subject parcel are used for livestock grazing. The parcel contains three main types of habitat: open grassland used for livestock grazing; forested ridges used for timberland production; and environmentally sensitive habitat associated with the Ten Mile River and its estuary.

The property is not within an agricultural preserve or under the Williamson Act, nor are any adjacent parcels. The inn site is designated as non-prime agricultural land on the Blayney-Dyett Land Capabilities and Natural Hazards Maps prepared for the development of the LCP and certified by the Coastal Commission.

The property is classified in the Land Use Plan as Rangeland (RL) with an \*2C, meaning that a 20-unit visitor-serving facility may be permitted as a conditional use. The inn site occupies approximately four acres of the 389-acre parcel; thus approximately four acres out of the 240 acres which are currently used for grazing are no longer available for grazing.

As noted above, LUP Policy 3.2-4 allows visitor accommodations to be located on agricultural parcels if the project meets a number of specific criteria. The original project as approved with conditions meets these criteria. The Commission found that the project maximizes the protection of sensitive habitat by being sited out of the Ten Mile River watershed in an area determined by a biological survey to have no sensitive habitat. The proposed inn has been sited close to Highway One where it will have the least amount of adverse impact on ongoing agricultural and timberland production, while avoiding all sensitive habitat. Were the inn to be sited near the Ten Mile River, as originally proposed, there would be adverse impacts to environmentally sensitive habitat. Were the inn to be sited in the forested portion of the site, it would result in a greater disruption to timberland production, as a longer access road from Highway One would be required, trees would have to be removed, the inn site would be higher up on the ridge and therefore more visible (once trees were cut), the visual character of the timberland portion of the site would change drastically, and there would be conflicts between the visitor-serving use and adjacent timberland production, such as noise, dust, etc.

Construction of new roads is minimized by locating the facility near Highway One on a site served by an existing driveway, and by grouping the guest units in close proximity to the administrative building and to each other. The facility's location near the base of a hill on the east side of Highway One prevents the structures from being silhouetted against the skyline or from blocking views of the dunes and shoreline. The ability of the site to support adequate water and sewer services has been demonstrated by preliminary studies. Thus, the Commission found that the site chosen for the inn causes the least amount of disruption to the existing agricultural and timber operations and the least impact to visual resources and environmentally sensitive habitat.

As noted above, previous surveys have determined that the site does not contain prime agricultural soils; thus, the inn can be developed consistent with maximizing the preservation of prime agricultural soils. Preservation of the rural character of the site is ensured by the Rangeland zoning applied to the parcel, and the small amount of the site being devoted to the visitor facility. Revenue from the inn will enable the applicants to continue the agricultural use of the remainder of the ranch, thereby maintaining or enhancing productivity of the property.

The proposed inn and surrounding grounds will occupy approximately four acres of land which has in the past been used in conjunction with the applicant's cattle raising operation. The primary overall use of the property will continue to be agricultural. The cattle that graze on the subject property are rotated from field to field, utilizing the various portions of the property that are suitable for grazing, particularly those portions in the Ten Mile River floodplain. The grazing land in the immediate area of the proposed inn is composed of Class IV soils, and the native grasses there are very sparse; feed supplements for the cattle are used to augment the native grasses. The number of cattle will not need to be reduced to accommodate the inn site.

However, when it approved the original project, the Commission found that to maintain the agricultural productivity of the parcel consistent with LUP Policy 3.2-4, no further encroachment of non-agricultural uses into the grazing and timber lands on the balance of the property should be allowed. The Commission found that while developing visitor-serving facilities compatible with continued agricultural uses on agricultural lands such as the proposed 20-unit inn may be an effective strategy for a landowner to increase revenues that can be used to sustain the agricultural operation, the strategy may be self-defeating if the amount and kind of development of revenue-generating visitor-serving facilities adversely affects the agricultural productivity of the site. Given the state of decline of the agricultural industry and the marginal profitability of agricultural operations along the coast, any development that would further decrease agricultural productivity would be particularly harmful to the operation, and would diminish the ability to retain the property in agricultural use, contrary to LUP Policy 3.2-4.

Furthermore, the Commission found that allowing a visitor-serving facility on this agricultural parcel may encourage other visitor-serving uses on the parcel or on other nearby agricultural parcels. The development of visitor-serving uses can spawn other visitor-serving uses nearby. For example, numerous overnight accommodations, such as motels and expansions to existing motels, are being constructed in Fort Bragg, only about five miles to the south. In addition, the LCP allows as conditional uses certain non-agricultural uses which the Commission believes, if allowed, might have an adverse impact on the continued agricultural productivity of the parcel and surrounding agricultural parcels, such as energy facilities, commercial horse stables and kennels, etc. Therefore, the Commission restricted the subject parcel to only those principally permitted uses allowed in the LCP on designated Rangeland parcels, as well as timber production, via the requirement of an agricultural easement.

To ensure the continued compatibility of the approved visitor-serving use with adjacent agricultural uses, and to maintain the productivity of on-site and adjacent agricultural lands consistent with LUP Policy 3.2-4, the Commission attached to the permit Special Condition No. 1, which required creation of an agricultural easement on the subject property. This condition required recordation of a document that irrevocably offered to dedicate to a public agency or private association approved by the Executive Director an agricultural easement for the purpose of preservation of coastal agriculture, to be located over the balance of the 389-acre parcel not within the designated four-acre building envelope. The recorded document would reflect that

development in the easement area is restricted to certain agricultural and agriculturally related uses and development, such as the cultivation of crops and the grazing, growing, or pasturing of livestock; and timber production, harvesting, and management. Future development inconsistent with these uses would be prohibited. In this way, future property owners would be notified as to the development restrictions on the parcel.

The applicant is currently seeking an amendment to replace this special condition with a condition requiring recordation of a deed restriction that limits development on the subject parcel to agricultural uses. The Commission knows of no agency that will be willing to accept an offer to dedicate an agricultural easement at the subject site. The Commission finds that in this case, requiring a deed restriction which runs with the land accomplishes essentially the same purpose as an offer of dedication of an agricultural easement in that the deed restriction will also serve as notice to future property buyers of the restriction, and will allow only agricultural uses on the property. Like an offer to dedicate, the deed restriction for agricultural purposes it will ensure the perpetuation and conservation of agricultural production.

The Commission therefore finds the proposed development with the proposed amendment is consistent with the certified LCP, as the substitution of a deed restriction for an agricultural easement would be as effective in implementing LUP Policy 3.2-4, which states that new development on parcels in agricultural production must ensure existing compatibility by maintaining productivity of the site and adjacent agricultural lands. The imposition of a deed restriction limiting development will provide the same function as requiring an offer to dedicate an agricultural easement; it will ensure that only agricultural uses, as well as timber production, are allowed on the subject property.

The Commission thus approves the proposed development with the proposed amendment on the grounds that the deed restriction will limit development on the subject parcel to agricultural uses, consistent with the certified Mendocino County LCP.



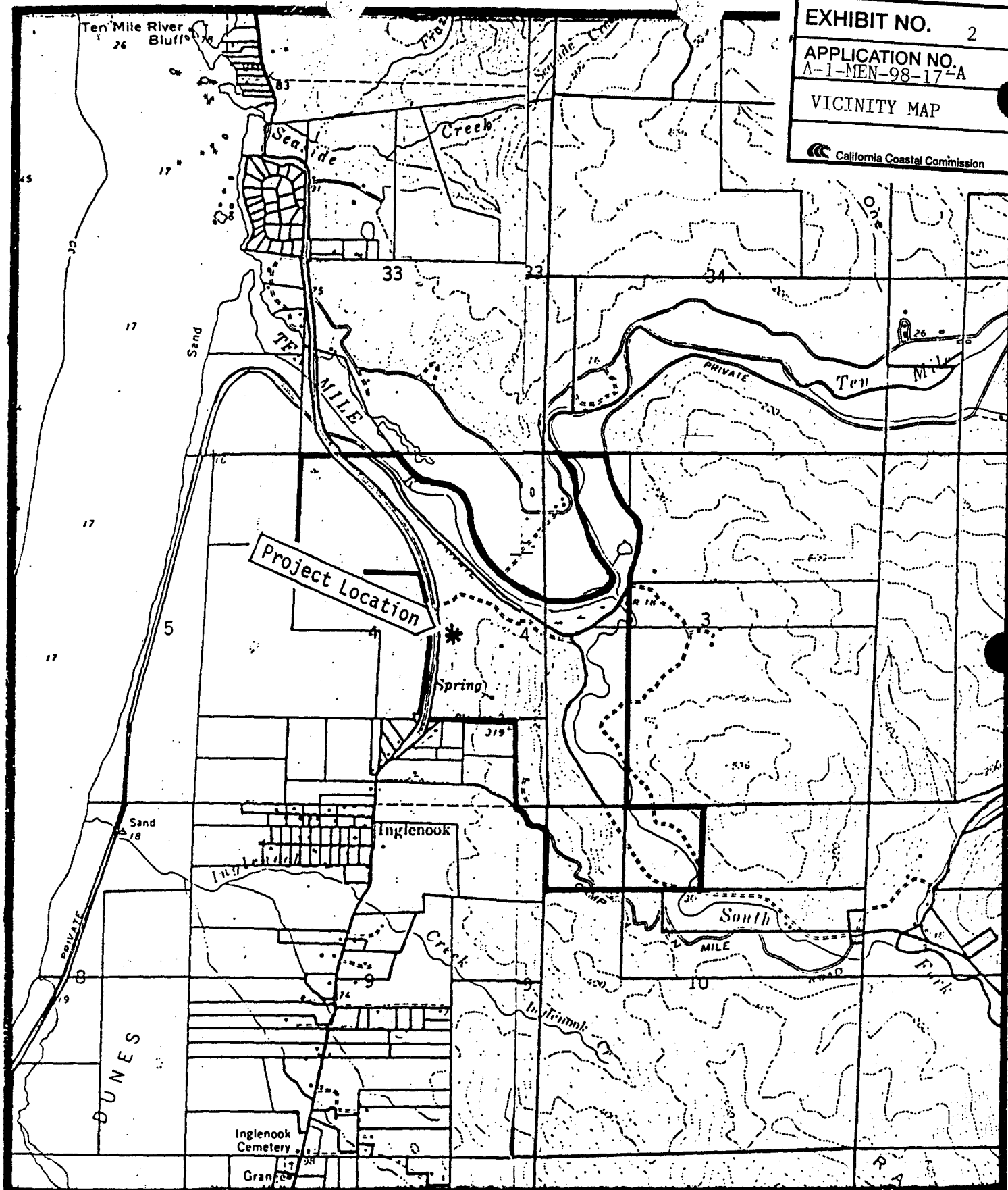


EXHIBIT NO. 2

APPLICATION NO.  
A-1-MEN-98-17-A

VICINITY MAP


California Coastal Commission

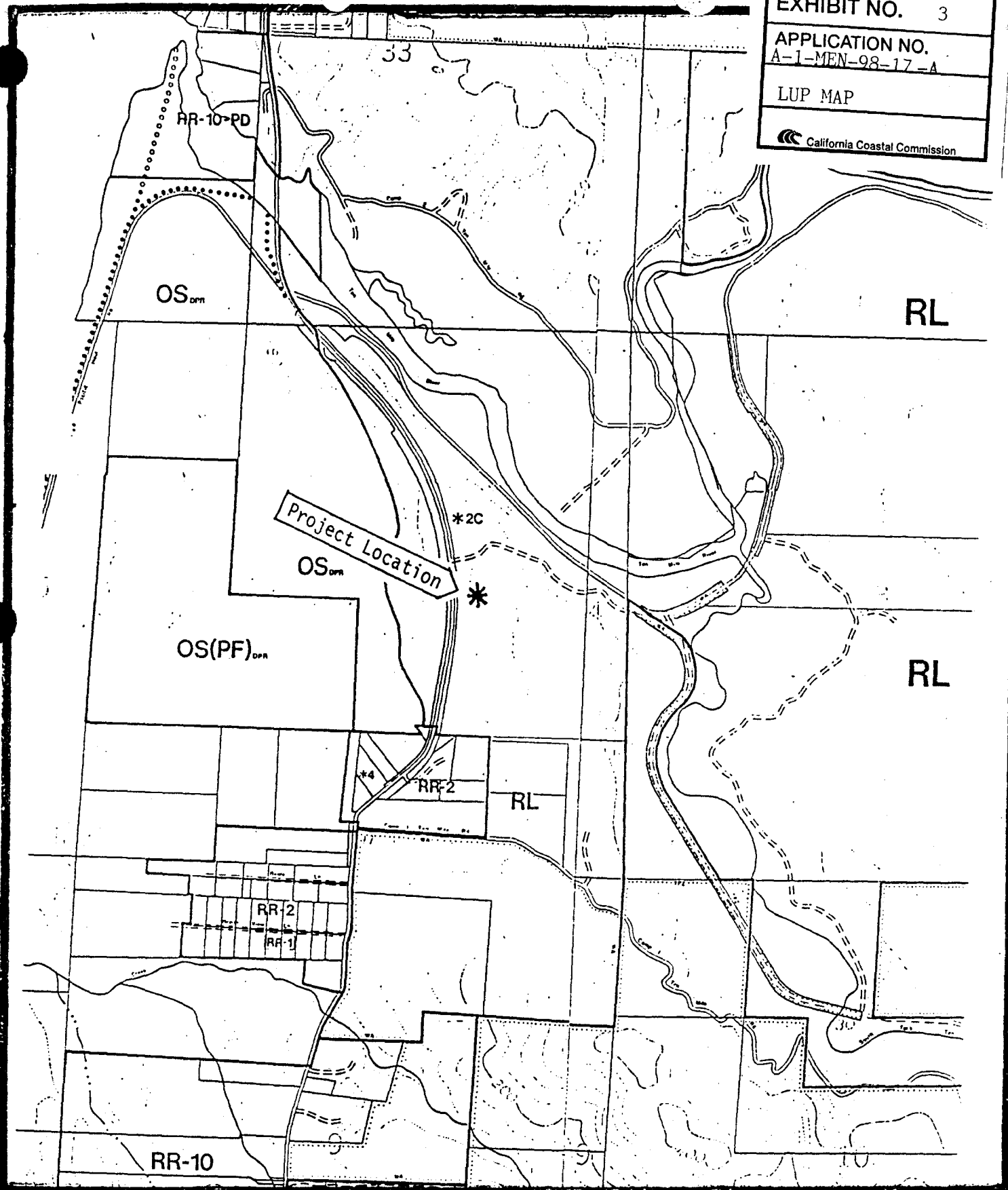
CASE NUMBER:  
CDU 8-97OWNER:  
HENRY & MARGARET SMITHAGENT:  
DON & MARGARET PERRYA/P NUMBER:  
069-010-22

VICINITY MAP

SCALE:  
1" = 2000'

NORTH

|   |                 |
|---|-----------------|
| EXHIBIT NO.   | 3               |
| APPLICATION NO.   | A-1-MEN-98-17-A |
| LUP MAP   |                 |
|  California Coastal Commission |                 |




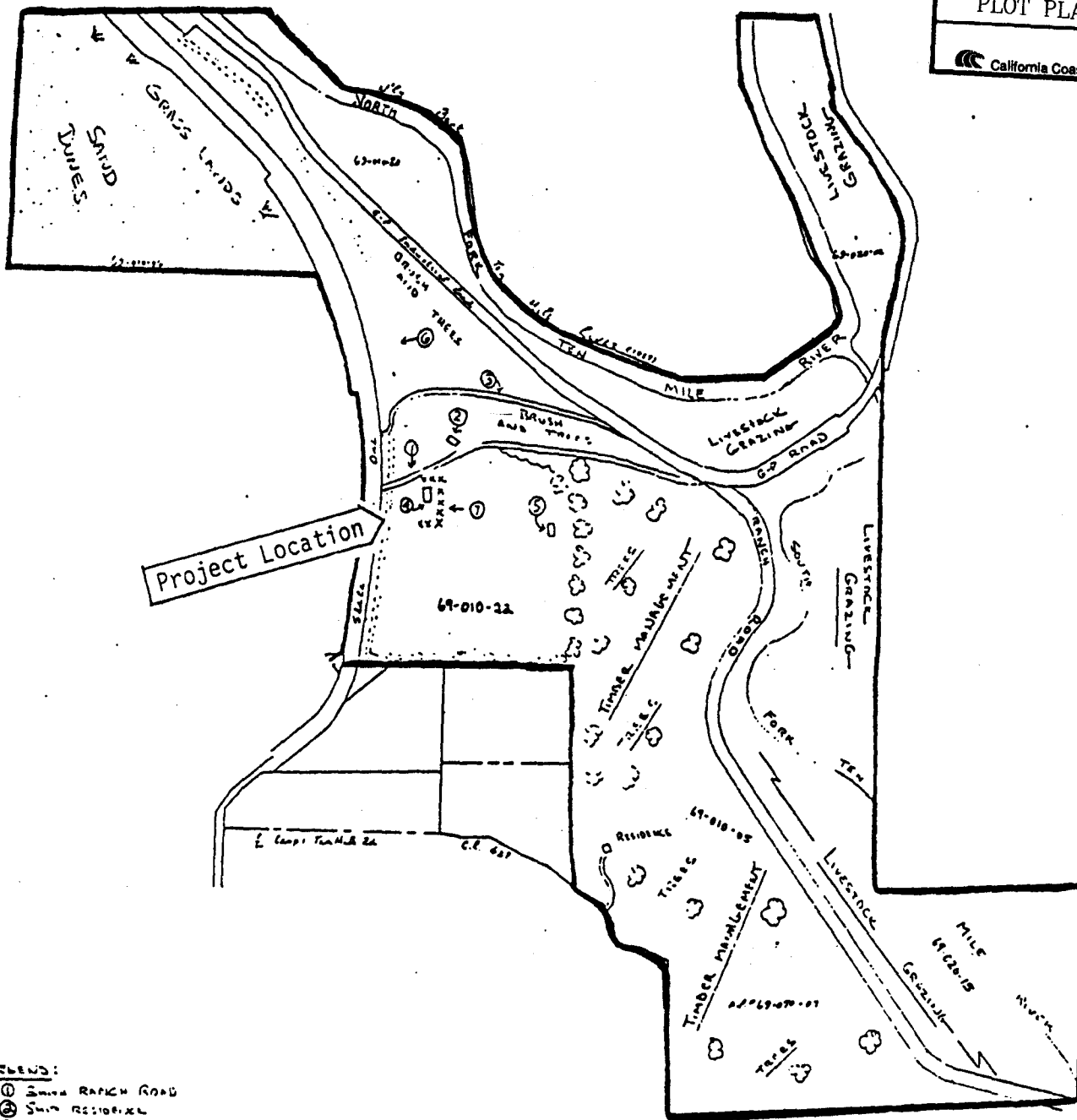
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| A/P NUMBER:<br>069-010-22 | COASTAL PLAN                     | SCALE:<br>not to scale  |
|                           |                                  |  NORTH |

EXHIBIT NO. 4

APPLICATION NO.  
A-1-MEN-98-17-A

PLOT PLAN

California Coastal Commission



LEGEND:

- ① SAND RANCH ROAD
- ② SAND RESIDENCE
- ③ C-P HAUL ROAD
- ④ HAY SHED
- ⑤ BARN/HAY BARN
- ⑥ OLD HWY. ONE
- ⑦ PROJECT SITE

CASE NUMBER:  
CDU 8-97

OWNER:  
HENRY & MARGARET SMITH

AGENT:  
DON & MARGARET PERRY

A/P NUMBER:  
069-010-22

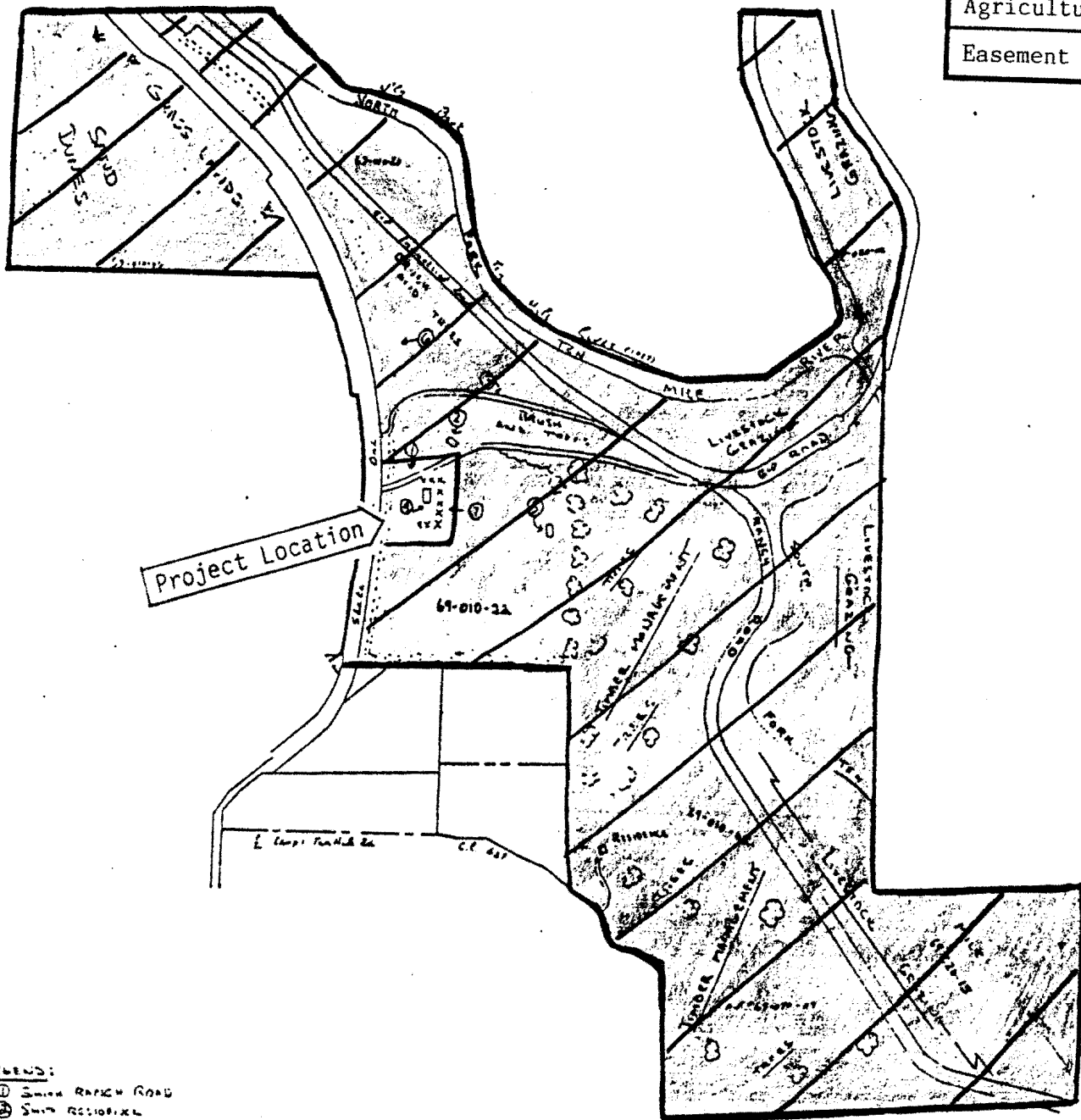
PLOT PLAN

SCALE:  
not to scale



NORTH

## Easement




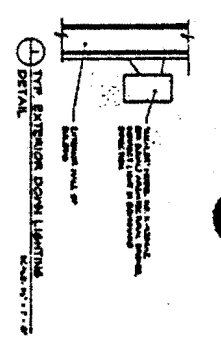
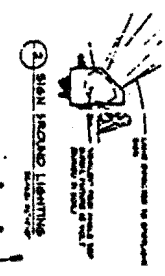
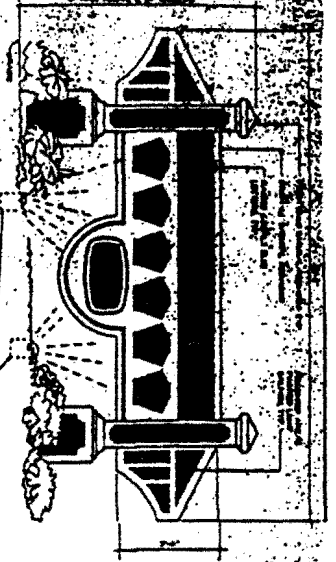
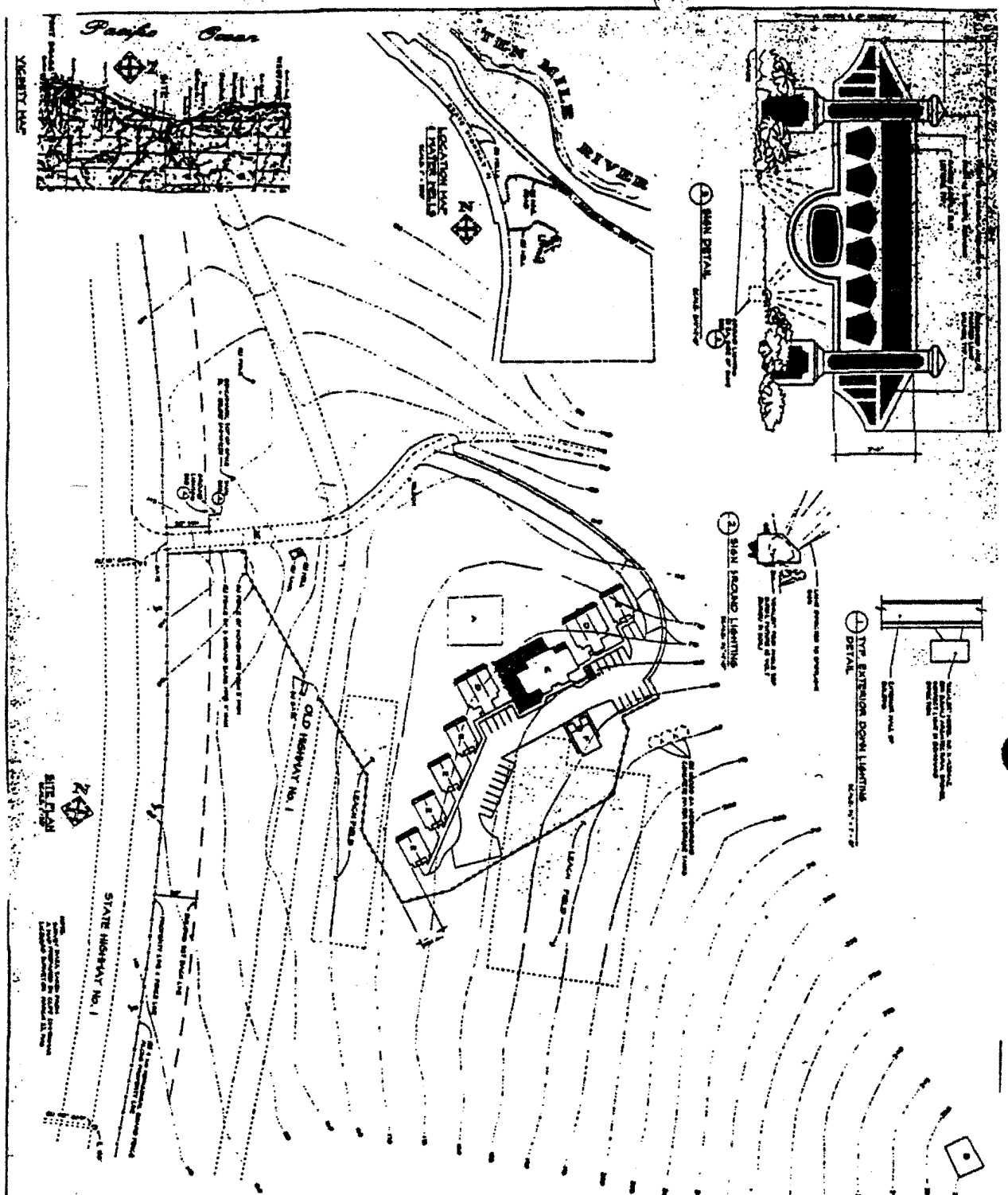
Labels:

- ① SHIM RANCH ROAD
- ② SHIM RESIDENCE
- ③ G-2 HAUL ROAD
- ④ HAY SHED
- ⑤ SHEDDING / HAY BARN
- ⑥ OLD HWY. ONE
- ⑦ PROJECT SITE



= Area Subject to  
Agricultural Easement

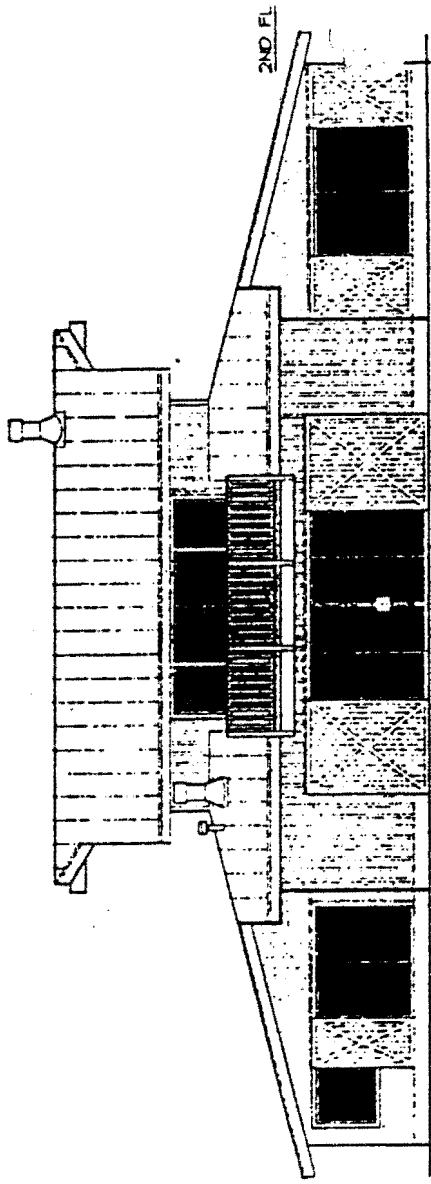
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| A/P NUMBER:<br>069-010-22 |  | PLOT PLAN                        |  | SCALE:<br>not to scale         |  NORTH |



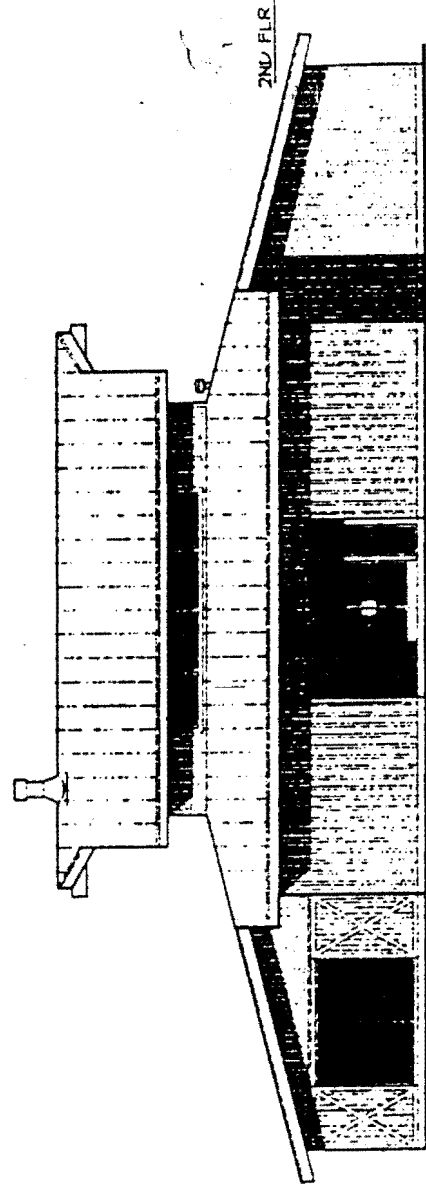
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|-------------------------------|-----------------|
| EXHIBIT NO.                   | 5               |
| APPLICATION NO.               | A-1-MEN-98-17-A |
| SITE PLAN                     |                 |
| California Coastal Commission |                 |

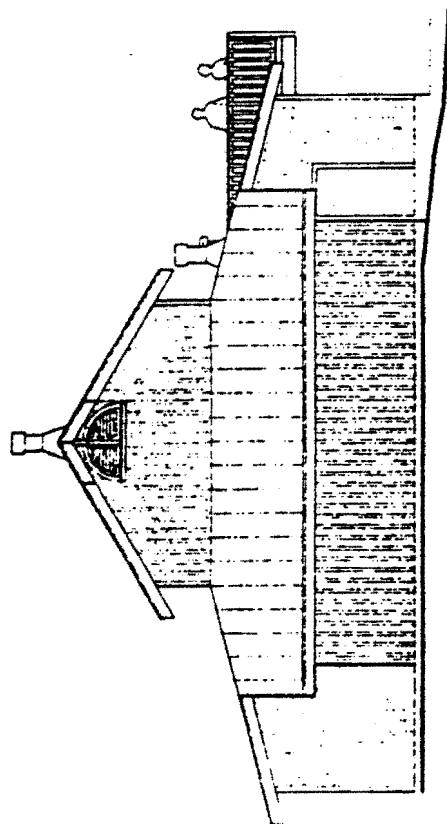
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| TEN MILE RIVER INN | SITE PLAN | EDWARD TAUBOLD ARCHITECT |
|--------------------|-----------|--------------------------|



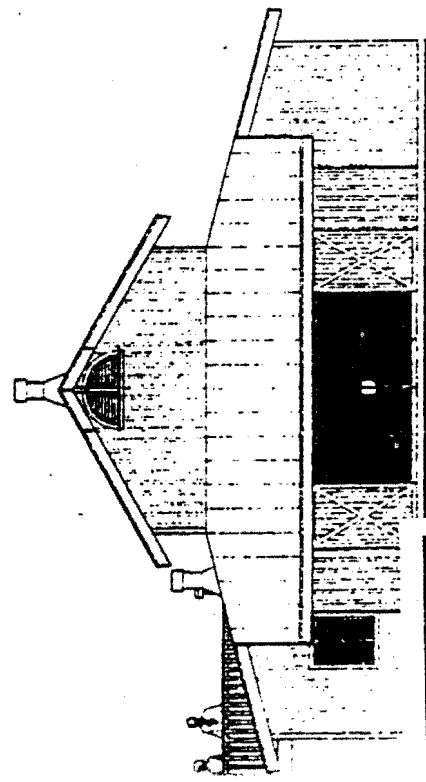
BACK ELEVATION



FRONT ELEVATION



RIGHT ELEVATION

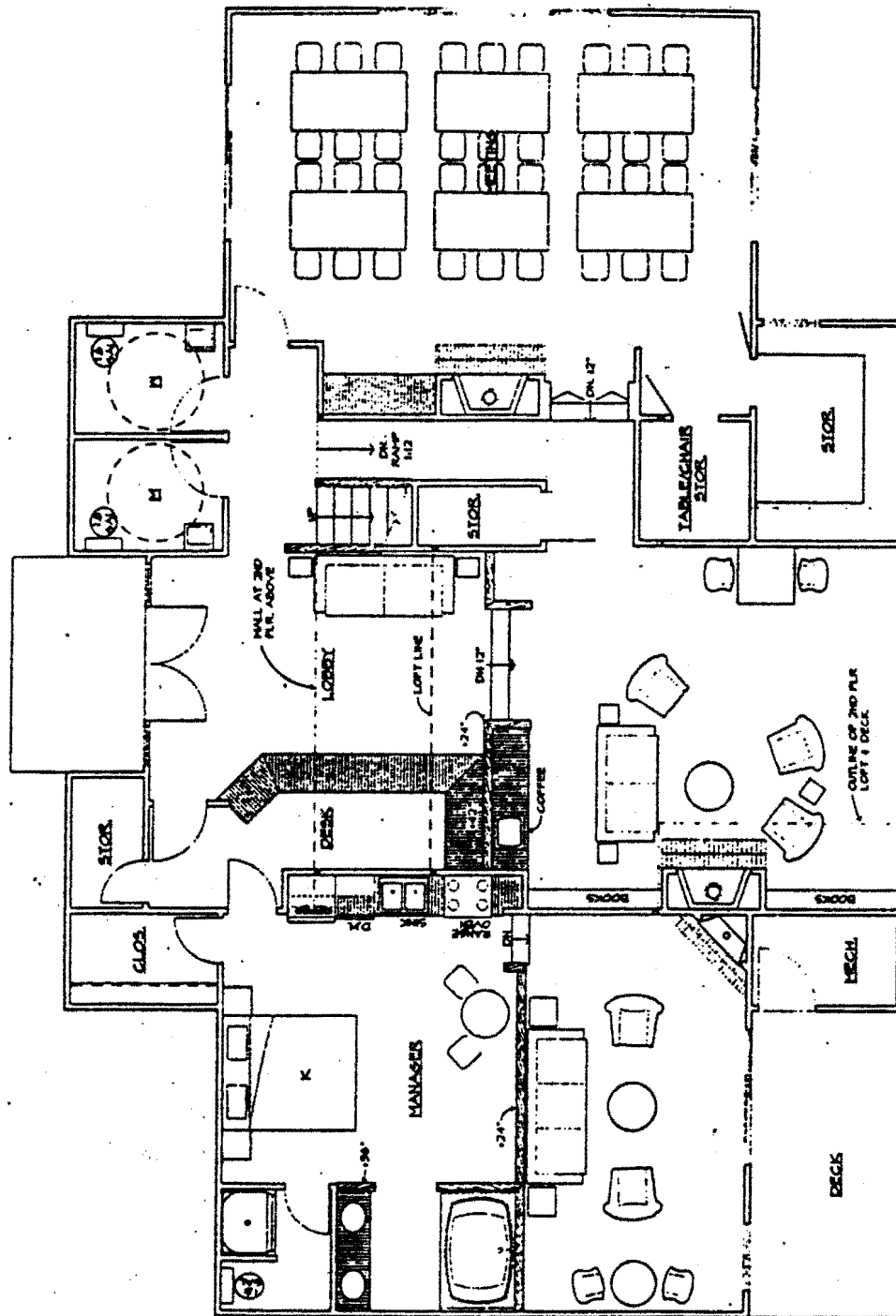


LEFT ELEVATION

LOBBY / MANAGER QUARTERS

SCALE: 1/8"=1'-0"

|                 |                  |
|-----------------|------------------|
| EXHIBIT NO.     | 6                |
| APPLICATION NO. | A-1-MEN-98-17 -A |
| ELEVATIONS      |                  |



FIRST FLOOR  
SCALE 1/4" = 1'-0"

EXHIBIT NO. 7

APPLICATION NO.  
A-1-MEN-98-17 -A

FLOOR PLANS



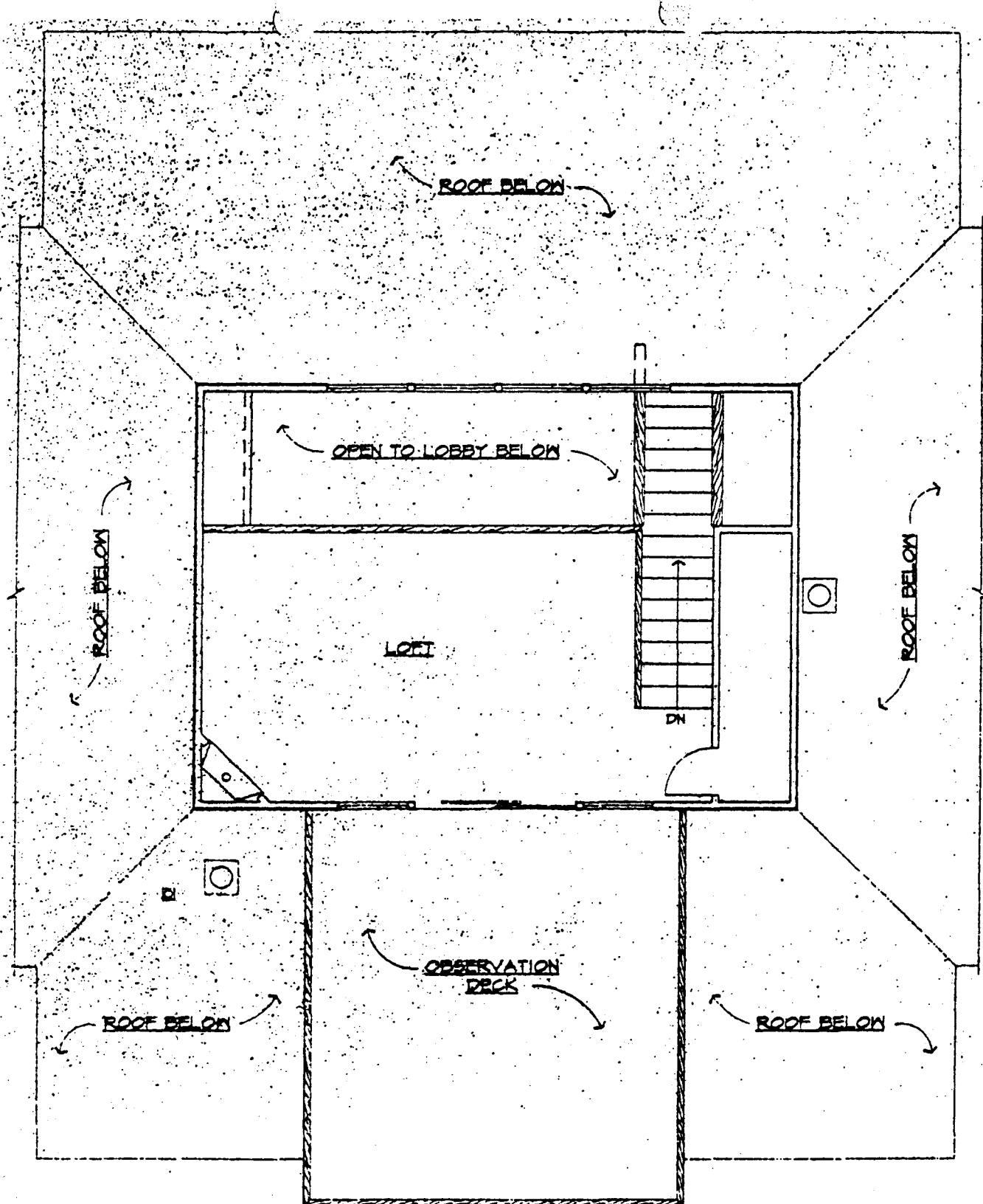
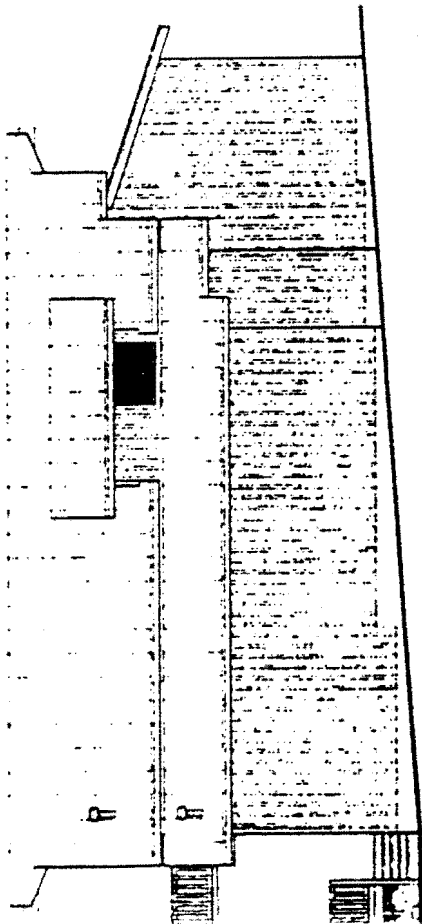


EXHIBIT NO. 8

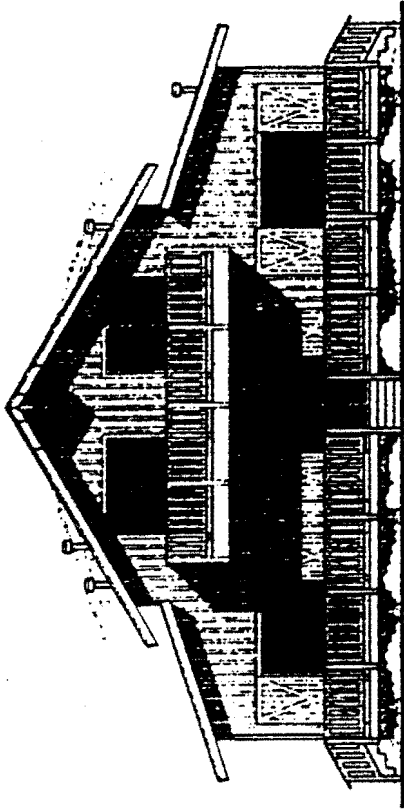
APPLICATION NO.  
A-1-MEN-98-17-A

FLOOR PLANS

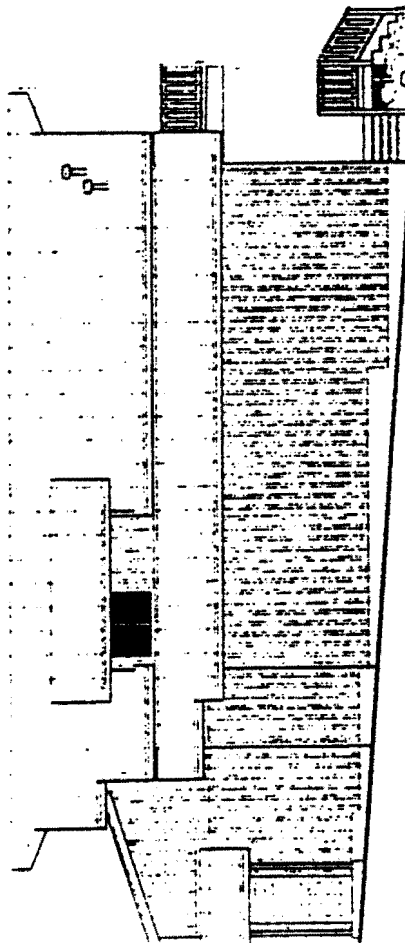
**SECOND FLOOR**  
SCALE: 1/4" = 1' - 0"



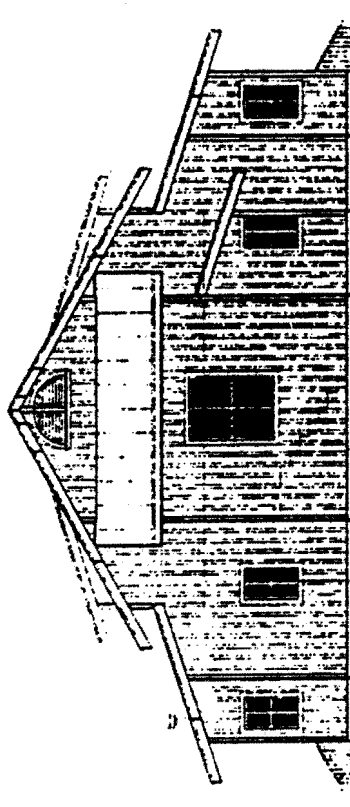
LEFT ELEVATION



BACK ELEVATION



RIGHT ELEVATION



FRONT ELEVATION

GUEST ROOMS  
SCALE: 1/8"=1'-0"

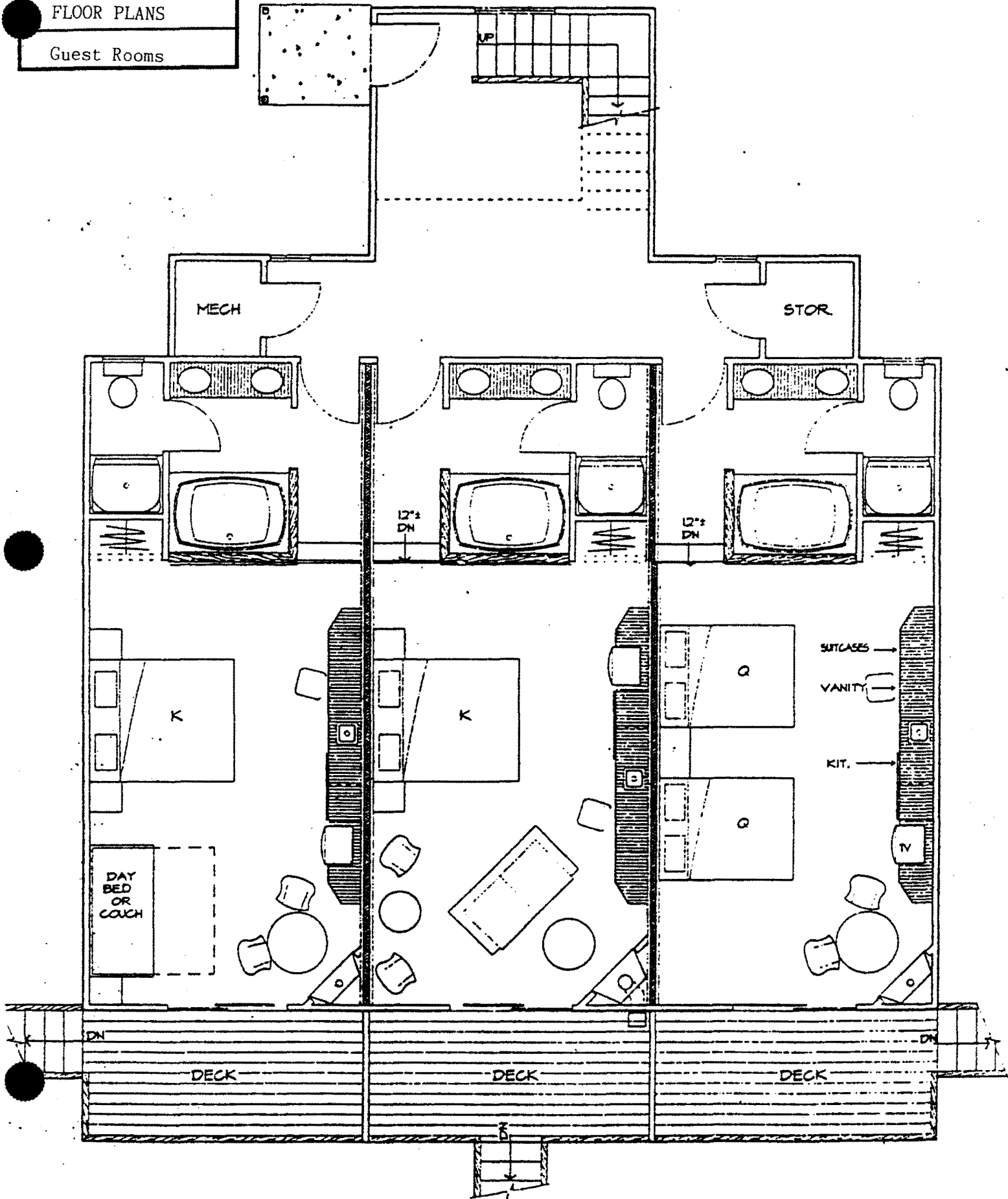
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| EXHIBIT NO.     | 9               |
| APPLICATION NO. | A-1-MEN-98-17-A |
| ELEVATIONS      |                 |
| Guest Rooms     |                 |

EXHIBIT NO. 10

APPLICATION NO.  
A-1-MEN-98-17-A

FLOOR PLANS

Guest Rooms



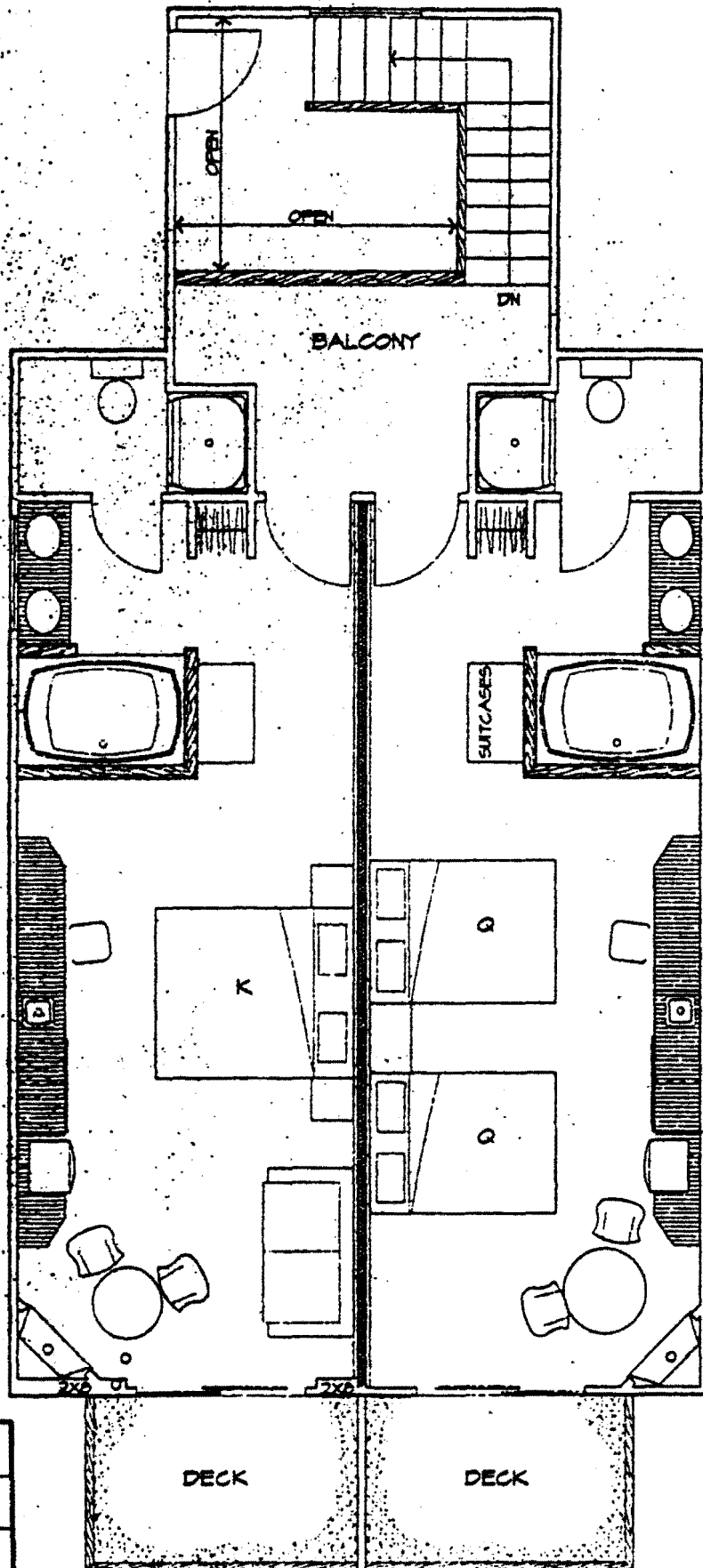
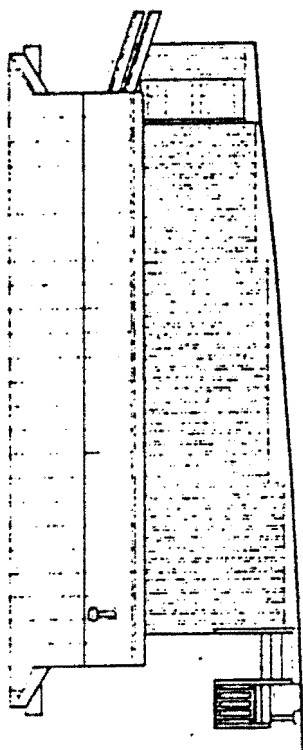


EXHIBIT NO. 11

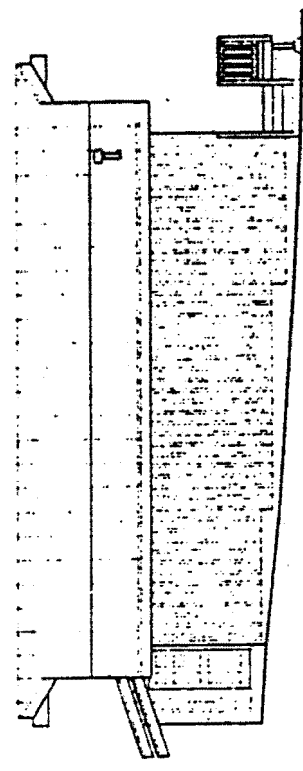
APPLICATION NO.  
A-1-MEN-98-17-A

FLOOR PLANS

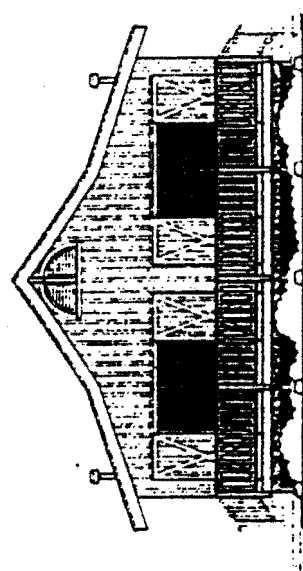
Guest Rooms



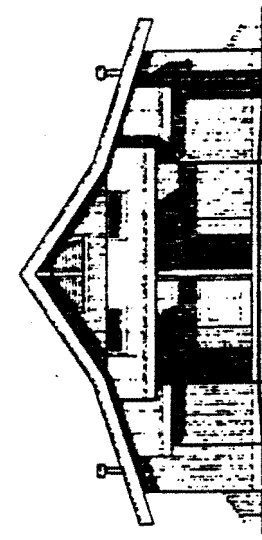
LEFT ELEVATION



RIGHT ELEVATION



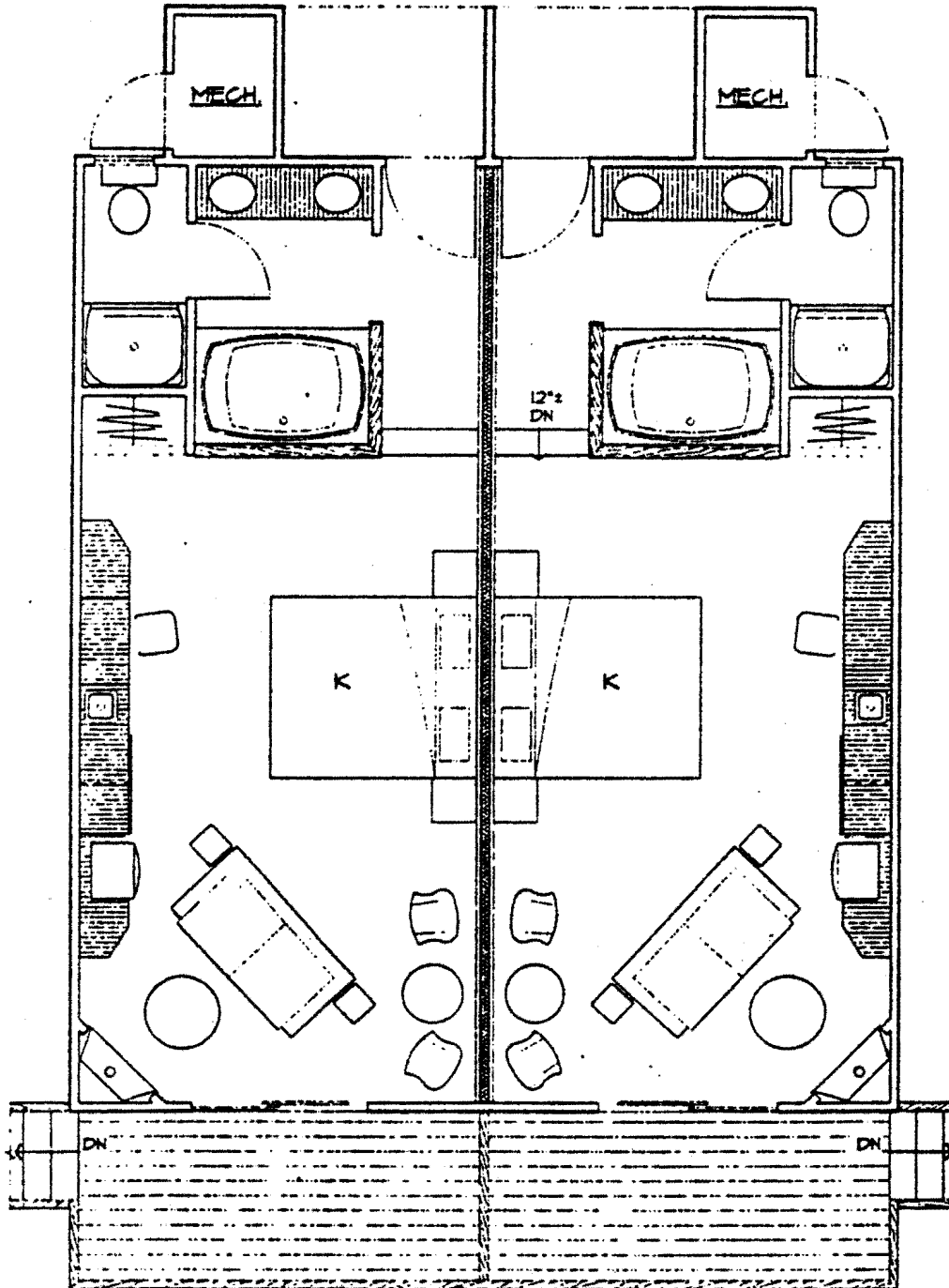
REAR ELEVATION



FRONT ELEVATION

TYPICAL DUPLEX UNITS  
SCALE: 1/8"=1'-0"

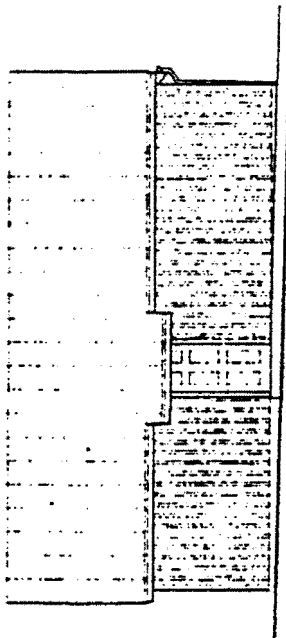
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| EXHIBIT NO.     | 12              |
| APPLICATION NO. | A-1-MEN-98-17-A |
| ELEVATIONS      |                 |
| Duplex Units    |                 |



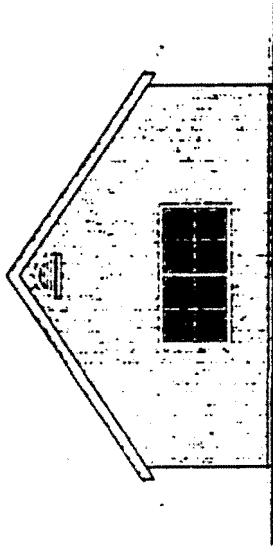
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| EXHIBIT NO.     | 13              |
| APPLICATION NO. | A-1-MEN-98-17-A |
| FLOOR PLANS     |                 |
|                 |                 |

**FLOOR PLAN**

SCALE: 1/4"=1'-0"



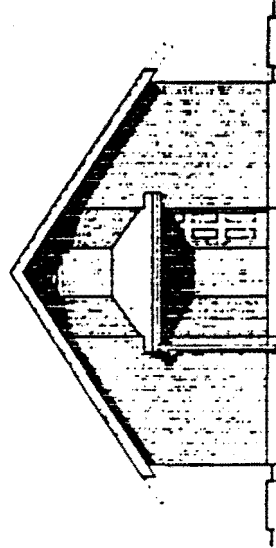
RIGHT ELEVATION



BACK ELEVATION



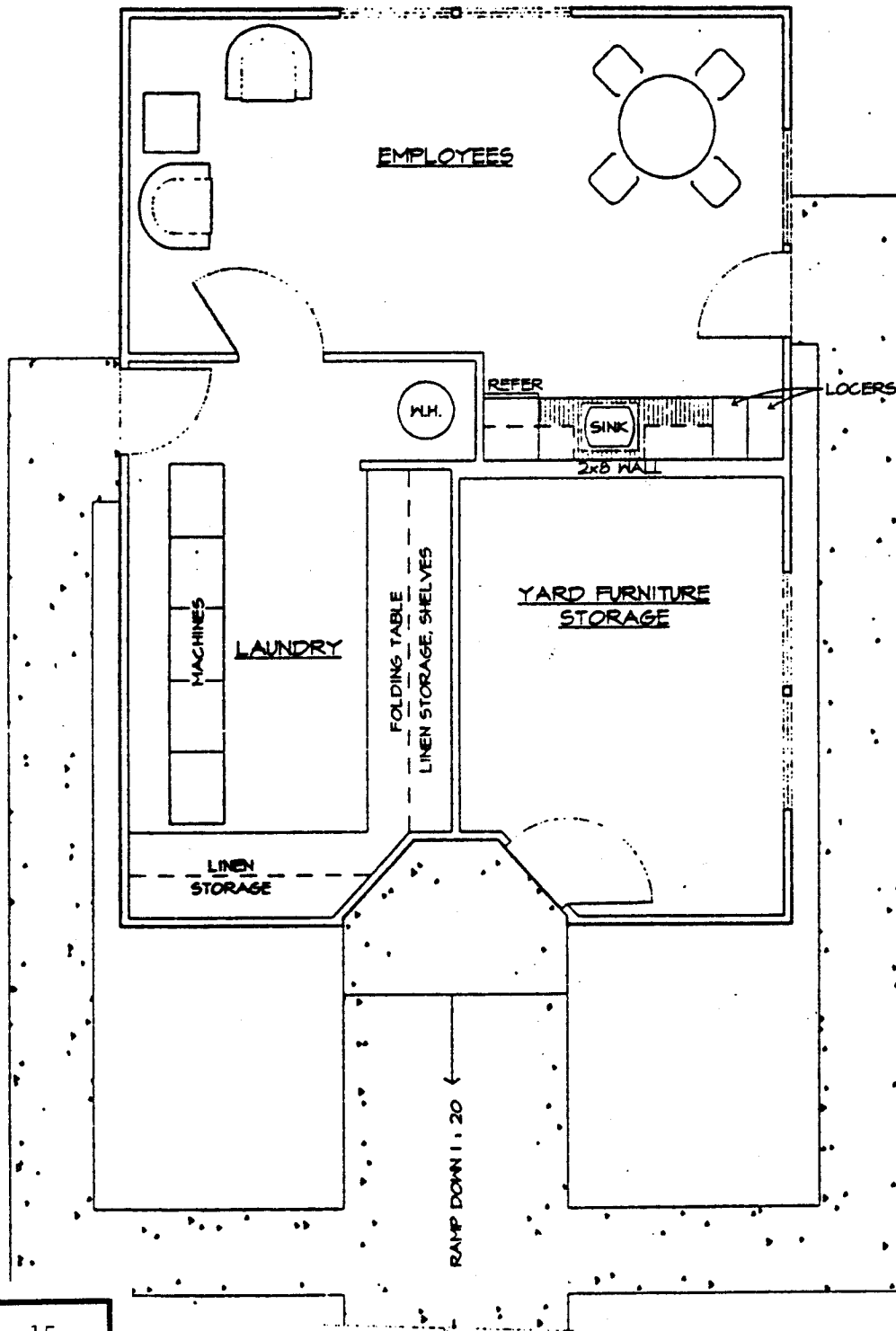
LEFT ELEVATION



FRONT ELEVATION

LAUNDRY / EMPLOYEES BUILDING  
SCALE: 1/8"=1'-0"

|                      |                 |
|----------------------|-----------------|
| EXHIBIT NO.          | 14              |
| APPLICATION NO.      | A-1-MEN-98-17-A |
| ELEVATIONS           |                 |
| Laundry/Employee Bld |                 |



|                      |                 |
|----------------------|-----------------|
| EXHIBIT NO.          | 15              |
| APPLICATION NO.      | A-1-MEN-98-17-A |
| FLOOR PLANS          |                 |
| Laundry/Employee Bld |                 |

**LAUNDRY / EMPLOYEE  
FLOOR PLAN**  
SCALE: 1/4"=1'-0"



|                                    |
|------------------------------------|
| EXHIBIT NO. 16                     |
| APPLICATION NO.<br>A-1-MEN-98-17-A |
| Correspondence                     |
|                                    |

Ten Mile River Ranch  
28301 North Highway One  
Fort Bragg, California 95437

August 13, 1998

RECEIVED  
AUG 17 1998  
CALIFORNIA  
COASTAL COMMISSION

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

RE: Coastal Permit A-1-MEN-98-17 (Smith/Perry)

Dear Commissioners:

Since a prior Coastal Commission meeting of May 12, 1998 in Sacramento, during which the above referenced project was discussed, we have reviewed the Coastal Commission Staff Report Revised Findings of May 22, 1998, and have the following comments, questions and suggestions.

1. Beginning on Page 6, then on pages 10, 19, 20, and under the heading, Tree Removal, "This permit does not authorize the removal of any trees from the subject parcel, other than those required to be removed to meet the fire safety regulations of the California Department of Forestry and Fire Protection. Any future removal of trees shall require a new coastal permit or an amendment to Coastal Permit No. A-1-MEN-98-17."

Because the entire parcel is 389 acres and a substantial part of it is in forest land production (FL), wherein we harvest trees on a regular basis pursuant to an Non Industrial Timber Management Plan (NTMP) approved by The California Department of Forestry and Board of Forestry, we assume this tree removal provision was intended to apply to the four-acre project envelope. Therefore, we would request that the tree removal limitations be clarified to apply to the "four acre building envelope" rather than the "subject parcel."

2. It appears that Special Condition Number 1 (the creation of an agricultural easement on the 389 acre legal parcel where the project would be located) is a much more restrictive concept than that which we possibly imagined during the meeting of May 12. Upon review of the severity and

longevity (in perpetuity) of agricultural easements, we cannot find a nexus between any impact that the project would have on our agricultural operations outside the four-acre building envelope, and the requirement of the condition of an agricultural easement. Therefore, we must respectfully ask the question, is it reasonable and necessary to impose such a restriction on the remaining 385 acres of a parcel whose agricultural dedication and activities will not be impacted by activities within the four-acre project site, by virtue of the protective zoning that already exists, namely Rangeland?

The Mendocino County Planning Department has stated that in order for us to conduct any activity that is not allowed under the current Rangeland zoning, we would have to request and be granted a **zoning amendment**. This would require submitting an application to, and acquiring a recommendation from, the Department of Planning and Building Services, then a public hearing would be required before the Planning Commission. If approved at that level, it would most certainly be appealed to the Board of Supervisors. If approved at that level, it would most certainly be appealed to the Coastal Commission. If that level proved successful for the applicant, the litigation process then remains for any person, group, or agency to pursue as a further means of preventing an applicant from acquiring zoning amendments.

It is our understanding that in order for us, or any other landowner in the vicinity to acquire a **use-permit** to conduct visitor-serving activities, the above process would have to be repeated successfully a second time at all three levels of county government, then at the Coastal Commission and litigation levels in order to be successful. This arduous pursuit would require seeking approval for zoning amendments that are vigorously discouraged under the present County Rangeland Zoning regulations, as well as the General Plan Coastal Element.

More specifically, the Rangeland zoning on our property allows one dwelling per 160 acres, and allows livestock and forest land production. The parcel in question is 389 acres in size, on which there currently exists two dwellings. Therefore, we could not construct any additional dwelling structures without a zoning change, nor would additional visitor-serving activities be permitted without a use-permit and a zoning amendment. We believe that such a use-permit and zoning amendment would be nearly impossible to obtain because this is contrary to the local coastal plan and land use plan. To illustrate this point more specifically, the Use-Permit we are currently seeking, on a parcel

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that is **zoned** for a VSF designation, has taken us over five years thus far, and we have not yet received final approval.

The Coastal Commission Revised Findings Staff Report acknowledges (bottom of Page Thirteen) that "the proposed Visitor Serving Facility has been sited on a portion of the 389 acre parcel where it will have the least number of adverse impacts on the existing agricultural and timberland production, while still having minimal visual impacts; and the agricultural productivity of the property will be protected and maintained."

We strongly concur with that statement, because it was for those very reasons that we chose the present site, namely to protect existing agricultural activity on the remainder of the 389 acre parcel, while maintaining minimal visual impacts. That is why, in retrospect, we are now confused as to why such a requirement as an Agricultural Easement is necessary at all. During the five years of planning and review of our permit application, the topic of easements was not mentioned once for consideration by Mendocino County Planning (please review Mendocino County Planning Department Chief Planner, Allan Falleri's, attached letter, dated July 10, 1998).

3. Page Thirteen of the Revised Findings states that "allowing a visitor-serving facility on this agricultural parcel may encourage other visitor-serving uses on the parcel or on other nearby agricultural parcels. The development of visitor-serving uses can spawn other visitor-serving uses nearby. For example, numerous overnight accommodations, such as motels and expansions to existing motels, are being constructed in Fort Bragg, only about five miles to the south."

The motels being constructed in the city of Fort Bragg had been in the city planning process for years prior to any recent development, and have been previously zoned for development. As a result, comparing **existing** development projects **inside** the Fort Bragg city limits to **potential** development **outside** the Fort Bragg city limits is not really a fair or accurate comparison. Any surrounding parcels under our ownership are protected by the Rangeland zoning, and do not allow any visitor-serving uses without a separate use-permit and zoning amendments.

It is our understanding that **any** agriculturally zoned parcels (Rangeland or Forestland) cannot be utilized for development without successfully

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accomplishing a zoning amendment, and, acquiring a use-permit vis-a-vis the rigorous and difficult process mentioned above.

4. To further illustrate the effectiveness of the current Rangeland zoning, and that the Agricultural Easement would be burdensome and unnecessary, item (2), Page Three lists activities that would be permitted, "if approved by the Coastal Commission as an amendment to this coastal development permit when the Executive Director determines such an amendment is required by the Coastal Act." Under the current Rangeland zoning, are not the activities such as fence repairs and repairs to structures listed on Page Three, item (2) (a), currently permitted? Under an Agricultural Easement, these activities would require special permission every time we wanted to build/repair a fence or repair any building.

During the above mentioned prior Coastal Commission meeting of May 12, 1998, we had no clear idea of the serious nature of easements, nor that they could exist in perpetuity, nor that an organization unknown to the landowner/grantor could be granted the easement, nor that an organization could again grant the easement to a completely different organization, and on and on. Frankly, the unknown aspects and consequences of easements is a very serious matter and should only be considered, we believe, as a voluntary endeavor or in cases where the underlying agricultural zoning offers no control over potential future development. That is not the case with the currently-in-place Rangeland zoning which we must abide by at the present time on our land.

I have included a copy of a letter from Chief Planner, Allan Falleri of the Mendocino County Planning and Building Services. It expresses the County Planning Department staff position that, **"the limitations imposed by the RL zoning and land use designations are adequate to protect the agricultural values of the property from possible future incompatible uses."**

Also, (attached) a copy of a Mendocino County Planning Department record of General Plan Amendments North of Navarro since 1986, shows that: (1) no Rangeland zoned parcels were converted for incompatible development purposes. And, (2) even when the \*2C was approved on RL parcels in 1987 (7-87 Decker, 16-87 Burningham) there were no adjacent parcels that required the protection of an Agricultural Easement.

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| <b>EXHIBIT NO.</b>                        |
| <b>APPLICATION NO.</b><br>A-1-MEN-98-17-A |
| Correspondence                            |
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In addition, (attached) a letter from Robert R. La Belle, District Superintendent of California State Parks and Recreation expresses concerns regarding the impacts an Agricultural Easement on property State Parks may acquire in the future, would have on their plans to make improvements to that property, pursuant to the MacKerricker State Park General Plan, in order to provide public access to the Ten Mile River beach area of MacKerricker State Park for recreational purposes.

Accordingly, we would encourage the Commission to reconsider and to delete the condition of imposing an Agricultural Easement on our 389 acre parcel. We would ask, is there a basis under the law that an Agricultural Easement be required as a condition of approval of the project when no apparent nexus exists to warrant such a requirement? An Agricultural Easement requires that we relinquish an interest in the remainder of the 389 acre parcel by granting to an unknown public or private organization the right to enter upon our property at any time they wish, forever, to monitor every activity we engage in for possible violations that are currently prevented from occurring by the existing **Rangeland** zoning.

For more than three generations, the Smith family has demonstrated its voluntary commitment to agriculture and its careful stewardship of the resources on the Ten Mile River Ranch without the necessity of ag-preserve status or easements. Granting us a use permit to operate a Visitor Serving Facility, without requiring an Agricultural Easement, will not diminish or depreciate the level of care, or the quality of land and resource management that we believe in, and that we have practiced and demonstrated on our land since the early part of this century.

For all the above reasons we respectfully urge the Coastal Commission to reconsider and to remove the unnecessary condition of requiring an Agricultural Easement as a requirement for permit approval of the Ten Mile River Inn, and request an opportunity for discussion on this important matter.

Thank You Very Much



Donald J. Perry,

|                 |                 |
|-----------------|-----------------|
| EXHIBIT NO.     | 16              |
| APPLICATION NO. | A-I-MEN-98-17-A |
| Correspondence  |                 |
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Cumulative Impacts: Five separate General Plan Amendment applications comprise this submittal. Copies or notices of these applications were submitted to the agencies included on the Notices and Request for Comments for their comments on both individual and cumulative impacts. The County Board of Supervisors have determined that significant negative cumulative impacts will not result from project approval.

The amendments included in this submittal are summarized below, including net development potential. Cumulative impacts associated with these applications were evaluated in the project staff reports. With respect to traffic, this group of projects will generate a net increase of 6.66 peak hour trips, as shown in Table A (page 9 of the Group submittal). The Detailed Cumulative Impact of all Coastal Land Use Plan Amendments on State Route 1 - Pending Coastal Plan Amendments (page 11 of the group submittal) indicates that this Group, together with one other pending project, will not increase traffic at road segments or intersections with levels of service below C. Table A (page 9 of the Group submittal) shows the location of all projects approved or pending since preparation of the State Route 1 corridor Study. The cumulative net increase in peak hour trips is projected at 72.12 peak hour trips. As discussed on page 6 of the Group submittal, staff has overestimated the potential number of trips compared with the methodology used to determine impacts for property already assigned the land use classification that is proposed (under the 75/50 scenario, traffic generation from only 50 percent of subdivision potential is counted, whereas County staff has been counting the traffic generation from 100 percent of subdivision or inn units potential that could result from the proposed amendment). In any case, the cumulative total is below the 100 peak hour trip threshold at which the State Route 1 gravity model should be rerun.

### 1ST MAJOR AMENDMENT OF 1998

#### 1997 NORTH OF NAVARRO COASTAL LAND USE PLAN GROUP

| CASE #<br>APPLICANT  | GENERAL<br>LOCATION        | LAND USE AND ZONING<br>AMENDMENTS<br>TENTATIVELY<br>APPROVED  | NET DEVELOPMENT<br>POTENTIAL  |
|--|----------------------------|---|---|
| GP 5-96/R 6-96<br>Daniels/Scherf                             | S of Ukiah-<br>Comptche Rd | RMR-20 to RR-10<br>RMR to RR:L:10<br><br>(Applicants have, as required<br>by the Board on December 8,<br>1997, filed General Plan and<br>Zoning amendments on 20<br>acres outside Coastal Zone<br>from RR-5 to RR-10 (to be<br>processed with 1998 Inland<br>Coastal Group) | 2 lots; 32 acres in Coastal<br>Zone. Application to amend<br>RR-5 to RR-10 on remainder<br>of ownership outside the<br>Coastal Zone (20 acres) will<br>limit total potential to 5<br>parcels as currently exists on<br>the 52 acre ownership. |
| GP 8-97/R 9-97<br>Merrill, Pollard,<br>Sawyer,<br>Hassebroek | S of Little<br>River Rd    | RMR-20 to RR-10<br>RMR to RR:L:10:CR limiting<br>future subdivision to 10 acres<br>and no encroachment or<br>access from Highway 1  | 3 lots; 65 acres  |

|                                 |                             |  |                     |
|---------------------------------|-----------------------------|--|---------------------|
| GP 9-97/OA 3-97 Reed            | Town of Mendocino           | Increase inn cap for Reed Manor by adding 4 units, from 5 units to 9 under existing *1C designation. | 4 inn units         |
| GP 10-97 Rolfe/Mendocino County | N of Mendocino              | Correct by adding boundary between RR-5 and RR-5[RR-2]   | None- correction    |
| GP 11-97/R 11-97 Ulatowski      | Gurley Lane, E of Mendocino | RMR-20 to RR-10<br>RMR to RR:L:10  | 2 lots; 32 acres    |
| GP 15-97 Group TOTAL            |                             |  | 7 lots; 4 inn units |

It is not anticipated that the approval of the proposed LCP amendments in this submittal would result in any significant cumulative impacts in conjunction with other Coastal Plan amendment applications, either previously approved or in process.

The following amendments to the County's Coastal Plan have been approved and certified since LCP adoption.

| GP CASE | APPLICANT                           | LOCATION     | FROM                 | TO               |
|---------|-------------------------------------|--------------|----------------------|------------------|
| 6-86    | Warrington                          | Caspar       | RR-5*PD              | RR-5-PD[RR-2-PD] |
| 8-86    | Kravis                              | Mendocino    | *3 & *1C             | *5               |
| 9-86    | Stanford                            | Mendocino    | *2 & *4              | *5               |
| 11-86   | Booth                               | Caspar       | RR-5[RR-2]           | RR-5[RR-1]       |
| 13-86   | White                               | Irish Beach  | Move Access          |                  |
| 18-86   | Men. Pres. Ch.                      | Mendocino    | OS                   | PF               |
| 6-87    | Zimmer                              | Little River | *1C                  | *2C              |
| 7-87    | Decker                              | Manchester   | RL-160               | RL-160*2C        |
| 16-87   | Burningham                          | Point Arena  | RL-160               | RL-160*2C        |
| 17-87   | Ciancutti                           | Mendocino    | Moved *1C            | Adjacent Parcel  |
| 9-88    | Baker                               | Gualala      | RR-5[SR]             | C                |
| 13-88   | Brazil                              | Albion       | RR-5-PD*1            | RR-5-PD*2        |
| 14-88   | Agate Cove                          | Mendocino    | RR-5[2]*2            | RR-5[2]*1        |
| 16-88   | Booth                               | Caspar       | OS-DPR               | RR-5[RR-1]       |
| 4-89    | Gualala CSD                         | Gualala      | Add Sewer District   |                  |
| 6-89    | Welter                              | Mendocino    | RR-5[RR-2]           | RR-5[RR-2]*2     |
| 7-89    | Tuck                                | Gualala      | RR-10                | RR-5 & RR-5DL    |
| 13-89   | Barnett                             | Elk          | RR-10                | RV & OS          |
| 15-89   | Mendocino County                    | Coastal Plan | Cleanup              |                  |
| 5-91    | Mendocino County                    | Amend Text   | Hazardous Waste Plan |                  |
| 12-91   | Spring                              | Mendocino    | RL                   | OS & RR-10       |
| 14-91   | Mendocino School Dist., Cecchi, Co. | Mendocino    | PF                   | RR-5[RR-2]       |
| 23-91   | Velez, et al.                       | Cleone       | RR-10                | RR-2             |
| 10-92   | Lance, LP Corp.                     | Little River | FL                   | RR-5             |

| GP CASE | APPLICANT      | LOCATION         | FROM   | TO                           |
|---------|----------------|------------------|--|------------------------------|
| 22-92   | Arnold         | Manchester       | RL   | FL                           |
| 11-92   | Peirce/Comer   | Fort Bragg       | Remove "TPZ" map symbol                        |                              |
| 3-93    | Kruzic         | Fort Bragg       | RR-5[RR-2]                                     | RR-5[RR-1]                   |
| 29-88   | Taylor         | Cleone           | RR-5[RR-2]                                     | RR-5[RR-2]*1C                |
| 5-89    | Peirce/Comer   | Pearl Drive      | FL   | RR-5:PD                      |
| 12-89   | Creasey        | Albion           | RMR-20   | RR-10                        |
| 4-90    | Feary/Wilson   | Little River     | RMR-20*1*4                                     | RMR-20*2*4                   |
| 5-90    | Wells/Healy    | Albion           | Correct location of *2                         |                              |
| 14-95   | Kruzic         | Fort Bragg       | RR-5[RR-1]                                     | RR-5[RR-2]                   |
| 8-93    | Waidhofer      | Elk              | RR-10  | RV                           |
| 10-93   | Stuart, et al. | Gualala          | TP   | FL & remove "TPZ" map symbol |
| 13-93   | Compton/Davis  | Anchor Bay       | RR-5, RR-5-DL                                  | RR-5[RR-2],<br>RR-5[RR-2]DL  |
| 13-95   | Flanagan       | Anchor Bay       | RR-5[RR-2]*4                                   | RR-5[RR-2]*1C                |
| 7-96    | Muegge         | North of Gualala | FL   | RR-10                        |
| 9-96    | Caltrans       | North of Elk     | Remove proposed view turnout from land use map |                              |

First Coastal Commission submittal of 1996 (incomplete - pending):

| GP CASE | APPLICANT                  | LOCATION    | FROM | TO      |
|---------|----------------------------|-------------|------|---------|
| 12-93   | Mendocino Coast Properties | Irish Beach | OS   | RR-5-PD |

In conclusion, cumulative impacts that would be "considerable, significant and adverse" as described in the CEQA Guidelines will not result from approval of the two amendments in this submittal.

7. Environmental Documents: The County has conducted an environmental review for the proposed amendments. The environmental review documents include the Site and Project Description questionnaires, the comments from the responding referral agencies, the Environmental Review checklists and the Staff Reports. Copies of the environmental review documents are included in the attachments. It was County staff's determination that no significant adverse environmental impacts would result from approval of the proposed amendments. However, no environmental determination was adopted by the County because responsibility for complying with the requirements of CEQA for coastal plan amendments rests with the Coastal Commission.
8. Public Participation: The proposed amendments were afforded full public review. Each was heard at least once by the Planning Commission and once by the Board of Supervisors. Notices to adjacent property owners were mailed and were also published in newspapers of general circulation. Copies of the documents giving evidence of opportunity for public participation are included in the attachments.

Consistency with the Coastal Act: The staff reports for the proposed amendments discuss the relation of the proposals to the goals and policies of the County's General Plan, and where applicable, also address consistency with the Coastal Act. Because the County's Coastal Plan has been certified as consistent with the Coastal Act, an

EXHIBIT NO. 16

APPLICATION NO.

A-1-MEN-98-17-A

Correspondence



RAYMOND HALL  
DIRECTOR



TELEPHONE  
707-463-4281

FAX #  
707-463-5709

|                 |                 |
|-----------------|-----------------|
| EXHIBIT NO.     | 17              |
| APPLICATION NO. | A-1-MEN-98-17-A |
| Correspondence  |                 |

COUNTY OF MENDOCINO  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
501 LOW GAP ROAD, ROOM 1440  
UKIAH, CALIFORNIA 95482

RECEIVED  
JUL 14 1998  
CALIFORNIA  
COASTAL COMMISSION

July 10, 1998

Jo Ginsberg  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

RE: A-1-MEN-98-17; Ten Mile River Inn

Dear Ms Ginsberg,

I am writing in response to a letter dated July 8, 1998 from Mr. Don Perry (copy enclosed) in which Mr. Perry requests an explanation for why this department did not believe it was necessary to put further restrictions, such as an agricultural easement, on his property as a condition of approving use permit #CDU 8-97 for the Ten Mile River Inn.

As you know, the land use designation for the Perry-Smith property is RL\*2C. Although the \*2C combining district is intended to provide for visitor accommodations as a conditional use, the underlying RL land use designation continues to regulate all other uses of the property. The RL designation and implementing zoning district permit only one single-family residence per legal parcel, agricultural uses, passive recreational uses and wildlife management uses as "Principal Permitted Uses." A number of additional uses which are generally deemed to be potentially compatible with rangeland are allowed as conditional uses subject to conditional use permits which require discretionary approval by the Planning Commission or Board of Supervisors, and would be subject to appeal to the Coastal Commission. Any discretionary approval must be found to be consistent with the applicable goals and policies of the Coastal Element. Further, any future application that might be filed to change the RL designation would be subject to the LCP Amendment process which would require discretionary approvals by the County and Coastal Commission.

Our staff believes that the limitations imposed by the RL zoning and land use designations are adequate to protect the agricultural values of the property from possible future incompatible uses. Any future uses of the Perry-Smith property which might be potentially incompatible with the intent of the LCP and zoning regulations to promote and protect the agricultural value of the property would be subject to discretionary permits which would be appealable to the Commission. We did not recommend a requirement for a mechanism such as an agricultural easement because we did not believe such a measure was necessary given the agricultural protections in place by virtue of existing LCP and zoning restrictions.

I am not attempting to undermine or otherwise interfere with any recommendation of yours or that of other Commission staff. Because this question was raised at the May 12<sup>th</sup> Commission hearing in Sacramento (and I believe that I gave a response similar to that above), I thought it would be helpful to

Ginsberg  
page 2

explain and clarify our staff's position. I would appreciate it if you could relay this information to the Commission.

Thank you for your attention to this matter and for all your hard work and help that you gave our staff in processing this permit.

Sincerely,



Alan R. Falleri  
Chief Planner

enclosure

cc: Don Perry  
File #CDU 8-97

|                 |                 |
|-----------------|-----------------|
| EXHIBIT NO.     | 17              |
| APPLICATION NO. | A-1-MEN-98-17-A |
| Correspondence  |                 |
|                 |                 |

## DEPARTMENT OF PARKS AND RECREATION

Russian River/Mendocino District  
P.O. Box 123  
25381 Steelhead Blvd.  
Duncans Mills, CA 95430  
(707) 865-2391

EXHIBIT NO. 18

APPLICATION NO.  
A-1-MEN-98-17-A  
Correspondence

July 27, 1998

California Coastal Commission  
North Coast Area Office  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Ref: A-1-Men 98-017 / Smith-Perry, Applicant

Dear Coastal Commission Members:

It has come to our attention that the permit application to develop a 20-unit inn has been approved with conditions. The condition that we have concerns about is in regards to the proposed agricultural preservation or conservation easement that would be applied to lands held by the Smith Family. While we are not aware of the particular conditions or language of this proposed easement, our experience has been that easements of this nature generally exclude any form of development and/or improvements.

The Smith family owns land adjacent to the eastern boundary of MacKerricher State Park. The potential for this park to grow and our long term management of the northern portions of the park could be forever restricted. Just recently, our Department has been awarded a EEM Grant (Caltrans Environmental Enhancement & Mitigation Program) for acquisition of a parcel owned by the Smith Family. The purpose of this acquisition (grant) is for natural habitat enhancement and to facilitate a logical and enforceable park boundary. Any easement restricting development or improvements could preclude us from improvements associated with resource management and interpretation (displays, trails, etc.), or other facilities necessary to support public use of this parcel.

In addition, at the northern end of MacKerricher S.P. there is no designated park access. Although there is a popular access point near the Ten-Mile River Bridge, access to the park is by trespass, across land owned by the Smith Family. It has long been a goal of this Department to develop a designated park and coastal access point in this area. This access issue is addressed in the MacKerricher State Park General Plan and the Mendocino County Local Coastal Plan. Some preliminary planning for public access at this location has taken place as part of the MacKerricher Ten-Mile Coastal Trail Project. In order to provide coastal access for the public, some acquisition of Smith Family land is necessary. Planning has not progressed far enough to determine the scope of acquisition. Nevertheless, development restrictions imposed on these lands could preclude us from making improvements necessary to support and provide designated public access.

July 27, 1998

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We certainly understand the intent of the Coastal Commission and local residents in maintaining the rural character of the Ten Mile area. In implementing this objective, care should be taken not to over commit and impose restrictions that would prevent potential recreational use and facilities. A thorough examination of local (county) land use policies should be made to determine the inherent level of restrictions for developing these lands. Should supplemental protection be necessary to meet the Commission's objectives, perhaps this could be achieved through additional policy or permit condition language.

In determining a solution to meeting the intent of this permit, we hope that you will consider the future needs of the State Park. We appreciate the opportunity to work with you, to ensure that opportunities for public recreation and enjoyment of these outstanding resources are not overlooked. Please feel free to contact Gary Shannon (707-865-3132) of my staff regarding the details of these issues.

With respect,



Robert R. La Belle,  
District Superintendent

EXHIBIT NO. 18

APPLICATION NO.  
A-1-MEN-98-17-A

Correspondence

LAW OFFICES OF  
**HENDERSON and MAYO**

327 N. STATE STREET, SUITE 206  
UKIAH, CALIFORNIA 95482

AN ASSOCIATION OF SOLE PRACTITIONERS  
RICHARD J. HENDERSON  
JAMES R. MAYO\*

AREA CODE 707  
468-8959  
468-1465

\*CERTIFIED SPECIALIST, PROBATE,  
ESTATE PLANNING and TRUSTS  
THE STATE BAR of CALIFORNIA BOARD  
of LEGALIZATION

FAX 468-8609

July 24, 1998

RECEIVED  
JUL 27 1998

Ann Cheddar  
California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

CA COASTAL COMMISSION  
LEGAL DIVISION

Re: Smith/Perry (Ten Mile Inn)  
CCC Permit A-1-MEN-98-17

Dear Ms. Cheddar:

The Perrys and I have carefully reviewed our notes and recollections of the Commission discussion during the May 12, 1998 hearing and the proposed "Agricultural Easement" set forth in the revised findings. We do not believe that the proposed easement is consistent with the stated objectives of the Commission.

**1. Existing Land Use Restrictions Will Preclude Non-agricultural Use of the Property and Additional Restrictions Are Unnecessary.**

The discussion of use restrictions occurred toward the end of the hearing when the Commission was considering the finding required by COM/LUP<sup>1</sup> §3.2-4. The Staff had already made a detailed analysis of the four acre VSF use site in relation to the entire 389 acre parcel and had concluded that the project was consistent with the LUP (Staff Report at pg. 25):

"A small portion of the property to be developed with the inn will not adversely affect the continued use of the remainder of the property of grazing land, and revenue from the inn will enable the applicants to continue the agricultural use of the remainder of the ranch, thereby maintaining or enhancing productivity of the property.

\*

\*

<sup>1</sup>/County of Mendocino Land Use Plan.

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While the development will constitute a change to non-agricultural use, the area involved is an insignificant portion of the whole 389 acre parcel.

\*

\*

\*

The Commission therefore finds the proposed project, as conditioned, to be consistent with the certified LCP, including LUP Policies 3.2-4 and 3.2-5, as the proposed visitor accommodations meet the required standards to be a permitted use on an agricultural parcel and as the agricultural use of the property will be maintained and will be virtually unaffected by the development"

A Commissioner suggested the use of an "agricultural easement" to ensure the continued use of the balance of the property for agriculture. Unfortunately, neither the Commission nor the Staff had available the copy of the County Zoning Ordinance to determine the extent of existing agricultural protections on the property. Under the combined restrictions of the Zoning Ordinance and the Coastal Act, it is extremely unlikely that any non-agricultural use will be developed on the property.

No development of the four acre BSF site can occur without an amendment to the Permit. The Range Land zoning classification establishes a density of one single family residence per 160 acres (MCC<sup>2</sup> §20.368.025). Since two residences already exist on the 389 acre parcel no additional residences can be built. The permitted and conditional uses allowed in the zoning ordinance (MMC §20.368.010 and 20.368.015) are already restricted to agriculture related and compatible uses. The entirety of the 389 acre parcel is located within the Coastal Zone and any future use and development is subject to the provisions of the Coastal Act. Under these circumstances it is extremely unlikely that the balance of the property could ever be used for non-agricultural purposes.

2. **Any Proposed Restrictions Should Be Developed Within the Context of the Zoning Ordinances and Should Not Unduly Restrict the Existing Agricultural Operation and Residential Use.**

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<sup>2</sup>/Mendocino County Code.

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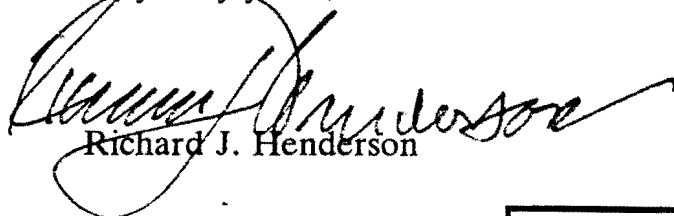
Ann Cheddar  
California Coastal Commission  
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We believe it is unreasonable to refer all requests for all development on the property to the Coastal Commission as initially proposed. The Commission obviously wishes to encourage agricultural uses on the property. It is unreasonable to request the ranch owners to apply to the Coastal Commission in San Francisco for approval of routine work such as the construction of fences, water wells, well houses and repairs of existing structures, including the two single family residences. We would like to separate out and refer for local approval routine agricultural and residential uses and developments. I enclose a proposed list, based on existing zoning and Coastal Act regulations, of activities and developments which are associated with routine and residential uses and which should be reviewed at local levels. The list also contains a second category of activities and developments which, though related to agriculture, are somewhat less routine and could be submitted to the Coastal Commission for approval.

**3. Any Limitations on the Future Use of the Property Should Be Imposed in the Form of a Deed Restriction Rather than an Easement.**

The purpose of the Commission's requirement is to obtain the agreement of the owners to forego certain otherwise-allowed development and land uses in order to protect the agricultural character of the property. This type of limitation is far more similar to a deed restriction than an easement. An easement is generally used to create a subsidiary property interest or a right of use of the subject property in another person. The proposals discussed by the Commission do not include any suggestion that the public or any third parties should have any rights of use upon the property or to control its use or development in any way. The recordation of a properly recorded deed restriction would be fully adequate to impose the type of development restrictions that the Commission contemplated. We therefore respectfully ask that the Staff recommend to the Commission that any required development/activity restrictions be incorporated in a deed restriction rather than an easement.

Very truly yours,



Richard J. Henderson

RJH:pa  
c: Margaret and Don Perry

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1. The use of the property shall be restricted to the following uses as those uses are presently defined in the Zoning Ordinance of Mendocino County:

**A. Permitted Uses:**

|                                   |                                      |
|-----------------------------------|--------------------------------------|
| Family Residential: Single Family | Row and Field Crops                  |
| Vacation Home Rental              | Tree Crops                           |
| General Agriculture               | Passive Recreation                   |
| Light Agriculture                 | Fish and Wildlife Habitat Management |

**B. Conditional Uses:**

|   |  |
|---|--|
| Farm Employee Housing                   | Commercial Recreation: Outdoor Sports and Recreation   |
| Farm Labor Housing                      | Cottage Industries                                     |
| Animal Sales and Service: Horse Stables | Forest Production and Processing: Commercial Wood Lots |
| Animal Sales and Services: Kennels      | Forest Production and Processing: Limited              |
| Animal Sales and Services: Veterinary   | Horticulture   |
| Water Shed Management                   | Packing and Processing: General                        |
|   | Visitor Serving Facility (2C)                          |

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No use identified in categories 1.B above may be established without (a) a coastal development permit issued by the County of Mendocino and (b) an amendment to Coastal Commission Permit A-1-MEN-98-17.

2. No development within the meaning of Public Resources Code §30106 of the Coastal Act shall occur on the property without the approval
  - A. of the County of Mendocino for (1) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, stables for farm animals, fences, water wells, well covers, pump houses, and water storage tanks, water impoundments, and water pollution control facilities for agricultural purposes; (2) repairs, alternations, and additions to existing single-family residences; and (3) drainage improvements; or
  - B. of the California Coastal Commission for any development other than as described in the preceding Paragraph 2.A.
3. In the event that any portion of the property is conveyed to the State of California, that portion of the property so conveyed shall be free and clear of all use, development and other restrictions set forth in this document. Upon such conveyance, however, the remainder of the property shall remain subject to the restrictions set forth herein.
4. In the event that the properties surrounding and/or in the vicinity of the property may in the future become substantially developed to non agricultural uses, the owner of the property may request the modification for waiver of any development or use restrictions set forth herein.

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CHAPTER 20.368 RL -- RANGE LANDS DISTRICT

Sec. 20.368.005 Intent

This district is intended to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas.

Sec. 20.368.010 Principal Permitted Uses for RL Districts

The following use types are permitted in the Range Lands District:

(A) Coastal Residential Use Types

Family Residential: Single Family  
Vacation Home Rental

(B) Coastal Agricultural Use Types

General Agriculture  
Light Agriculture  
Row and Field Crops  
Tree Crops

(C) Coastal Open Space Use Types

Passive Recreation

(D) Coastal Natural Resource Use Types

Fish and Wildlife Habitat Management

Sec. 20.368.015 Conditional Uses for RL Districts

The following are permitted uses upon the issuance of a coastal development use permit:

(A) Coastal Residential Use Types

Family Residential: Dwelling Groups  
Family Residential: Cluster Development  
Farm Employee Housing  
Farm Labor Housing

(B) Coastal Civic Use Types

~~Alternative Energy Facilities: Onsite~~  
~~Alternative Energy Facilities: Offsite~~  
~~Community Recreation~~  
~~Major Impact Utilities~~  
~~Minor Impact Utilities~~

(C) Coastal Commercial Use Types

~~Animal Sales and Services: Auctioning~~  
Animal Sales and Services: Horse Stables  
Animal Sales and Services: Kennels  
Animal Sales and Services: Veterinary (Large Animals)  
Commercial Recreation: Outdoor Sports and Recreation  
Cottage Industries

(D) Coastal Agricultural Use Types

~~Animal Waste Processing~~  
Forest Production and Processing: Commercial Woodlots  
Forest Production and Processing: Limited  
Horticulture

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Packing and Processing: General

~~Packing and Processing: Fisheries By-Products~~

(E) Coastal Open Space Use Types

Active Recreation

(F) Coastal Extractive Use Types

Mining and Processing

Onshore Oil and Gas Development Facilities

(G) Coastal Natural Resource Use Types

Watershed Management

Sec. 20.368.020 Minimum Lot Area for RL Districts

One hundred sixty (160) acres.

Sec. 20.368.025 Maximum Dwelling Density for RL Districts

One (1) unit per one hundred sixty (160) acres except as provided pursuant to Section 20.316.020 (Farm Employee Housing), Section 20.316.025 (Farm Labor Housing), Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach) and Section 20.460.040 (Family Care Unit). In no case shall there be more than four (4) dwellings per parcel whether single family residential, farm employee housing, farm labor housing, accessory living unit or family care unit, except where Chapter 20.412 "Clustering Development Combining District" applies.

Sec. 20.368.030 Minimum Front, Rear and Side Yards for RL Districts

Fifty (50) feet each.

Sec. 20.368.035 Setback Exception

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet.

Sec. 20.368.040 Building Height Limit for RL Districts

Twenty-eight (28) feet above natural grade for non-Highly Scenic Areas and for Highly Scenic Areas east of Highway One. Eighteen (18) feet above natural grade for Highly Scenic Areas west of Highway One unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Thirty-five (35) feet above natural grade for uninhabited accessory structures not in an area designated as a Highly Scenic Area (See Section 20.504.015(C)(2)).

Sec. 20.368.045 Maximum Lot Coverage for RL Districts

Twenty (20) percent for parcels less than two (2) acres in size. Fifteen (15) percent for parcels from two (2) acres to five (5) acres in size. Ten (10) percent for parcels over five (5) acres in size.

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CHAPTER 20.320 COASTAL CIVIC USE TYPES

Sec. 20.320.005 General Description of Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance. They also include certain uses accessory to the above, as specified in Chapter 20.456 (Accessory Use Regulations).

Sec. 20.320.010 Administrative Services: Government

Consulting, record keeping, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, city or special district offices.

Sec. 20.320.015 Alternative Energy Facilities: Onsite

This use type includes alternate energy facilities related to solar, wind, waves, biomass, and cogeneration sources for onsite use shall be permitted as a conditional use in all districts.

Sec. 20.320.020 Alternative Energy Facilities: Offsite

This use type includes alternate energy facilities related to solar, wind, waves, biomass, and cogeneration sources for offsite use shall be permitted as a conditional use in AG, RL, FL, TP and I Districts.

Sec. 20.320.025 Ambulance Services

Transportation of ill or injured persons to and from treatment facilities together with incidental storage and maintenance of necessary vehicles.

Sec. 20.320.030 Cemetery Services

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Sec. 20.320.035 Clinic Services

Providing non-profit medical services to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement.

Sec. 20.320.037 Community Recreation

Recreational, social or multi-purpose uses owned or operated by a public entity. Typical uses include public parks, sports facilities, senior citizen centers, nature centers, teen centers, playhouses, auditoriums and recreational centers.

Sec. 20.320.040 Cultural Exhibits and Library Services

Non-profit, museum-like preservation and exhibition of objects of permanent interest in one (1) or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.

Sec. 20.320.045 Day Care Facilities/Small Schools

Care or education of seven (7) or more, but not to exceed twenty-five (25) persons regardless of age or handicap but excluding overnight care or uses classified as Group Care or Major Impact Services and Utilities. Typical uses include day nurseries for children, day care facilities for the elderly, and small schools.

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Sec. 20.320.050

Sec. 20.320.050 Educational Facilities

Public and private schools providing education for more than twenty-five (25) persons.

Sec. 20.320.055 Fire and Police Protection Services

Facilities for conduct of public safety services, including police and fire protection services.

Sec. 20.320.060 Group Care

Services provided in facilities authorized, certified or licensed by the state to provide board, room and personal care to seven (7) or more, but not to exceed twenty-five (25) elderly, or mentally impaired or otherwise handicapped persons or dependent and neglected children but excluding those uses classified under Major Impact Services and Utilities. Typical uses include halfway houses, intermediate care facilities and rest homes.

Sec. 20.320.065 Lodge, Fraternal and Civic Assembly

Meetings and activities conducted primarily for their members by nonprofit organizations which are tax exempt pursuant to Section 501(c) of the Internal Revenue Code. Excluded from this use type are uses classified as Group Care, or Visitor Accommodations and Services (all types). Typical uses include meeting places for civic clubs, grange halls, lodges, or fraternal or veterans organizations.

Sec. 20.320.070 Major Impact Facilities

Services or facilities which may have a substantial impact. Typical uses include airports, hospitals, group care for more than twenty-five (25) persons, detention and correction institutions, and corporation yards.

Sec. 20.320.075 Major Impact Services and Utilities

Services or utilities which may have a substantial impact. Such uses may be conditionally permitted when the public interest supercedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are power generating facilities, sewage disposal facilities, septage disposal facilities and sites, sanitary landfills (including recycling operations), water treatment plants and natural gas pipelines.

Sec. 20.320.080 Minor Impact Utilities

Public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations, transmission distribution lines, microwave transmitting/receiving stations and relay stations.

Sec. 20.320.085 Religious Assembly

Religious services involving public assembly such as customarily occurs in synagogues, temples, and churches.

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CHAPTER 20.324 COASTAL COMMERCIAL USE TYPES

Sec. 20.324.005 General Description of Coastal Commercial Use Types

Commercial use types include the distribution and sale or rental of goods; and the provision of services other than those classified as civic uses. They also include certain uses accessory to the above, as specified in Chapter 20.456 (Accessory Use Regulations).

Sec. 20.324.010 Administrative and Business Offices

Offices of private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, and services including real estate insurance, property management, investment, travel, secretarial services, telephone answering, photocopy and reproduction, and other activities when the service rendered is that customarily associated with administrative office services. Excluded are banks.

Sec. 20.324.015 Agricultural Sales and Services

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, crop dusting, or tree service firms.

Sec. 20.324.020 Animal Sales and Services

Establishments or places of business primarily engaged in animal related sales and services. The following are animals sales and services use types:

- (A) Animal Sales and Services: Auctioning. Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding seventy-two (72) hour periods. Typical uses include animal auctions or livestock auction yards.
- (B) Animal Sales and Services: Horse Stables. Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their paying or non-paying guests. Typical uses include boarding stables, riding academy or public stables.
- (C) Animal Sales and Services: Household Pets. Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.
- (D) Animal Sales and Services: Kennels. Kennel services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels or dog training centers.
- (E) Animal Sales and Services: Veterinary (Large animals). Veterinary services for large animals. Typical uses include animal hospitals (large animals) and veterinary hospitals (large animals). Typical uses include clinics for the treatment of sheep, cattle, horses, goats and similar large animals.
- (F) Animal Sales and Services: Veterinary (Small animals). Veterinary services for small animals provided that overnight care shall be within a fully enclosed building or structure. Typical uses include pet clinics, dog and cat hospitals or animal hospitals treating small animals.

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Sec. 20.324.025 Automotive and Equipment

"Automotive and Equipment" means establishment or places of business primarily engaged in automotive related or heavy equipment sales or services. The following are automotive and equipment use types:

- (A) Automotive and Equipment: Cleaning. Washing and polishing of automobiles. Typical uses include auto laundries or car washes.
- (B) Automotive and Equipment: Fleet Storage. Storage or parking of two (2) or more vehicles used regularly in business operations. Excluded from this use type are Automotive and Equipment: Sales/Rentals, and the incidental parking of vehicles as an accessory use to a permitted use on the same premises. Typical uses include taxi fleets, mobile catering truck storage or delivery truck fleets.
- (C) Automotive and Equipment: Gasoline Sales. Establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with incidental sale of tires, batteries, and replacement items, lubricating services and minor repair services. Typical uses include automobile service stations, filling stations or truck stops.
- (D) Automotive and Equipment: Parking. Parking of motor vehicles on a temporary basis within a public or privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots or commercial garages.
- (E) Automotive and Equipment: Repairs, Light (Under 6,000 lbs). Repairs of automobiles, pick-up trucks, recreational vehicles, farm equipment and boats (less than twenty-four (24) feet in length) and the sale, installation and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto repair garages, auto glass shops or auto parts stores.
- (F) Automotive and Equipment: Repairs, Heavy (6,000 lbs and over). Repair of motor vehicles such as aircraft, boats, (twenty-four (24) feet or longer) heavy construction equipment, trucks, or major truck terminals etc., as well as the sale, installation and servicing of automotive equipment and parts together with body repairs, painting and steam cleaning. Typical uses include truck transmission shops, body shops or motor freight maintenance groups.
- (G) Automotive and Equipment: Sales/Rentals. Sale, retail or wholesale and/or rental from the premises of auto, trucks, motorcycles, mobile homes, motor homes, trailers, construction equipment, farm equipment and aircraft together with incidental maintenance. Typical uses include auto dealers, car rental agencies, aircraft dealers, boat dealers, construction equipment dealers, or mobile home dealers.
- (H) Automotive and Equipment: Storage, Nonoperating Vehicles. Storage of nonoperating motor vehicles. Typical uses include storage of private parking towaways or impound yards.
- (I) Automotive and Equipment: Storage, Recreational Vehicles and Boats. Storage of Recreational Vehicles and Boats. Typical uses include the collective storage of personal recreational vehicles or boats.

Sec. 20.324.030 Building Maintenance Services

Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

c. 20.324.035 Business Equipment Sales and Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional

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and service establishments but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, printing shops small business machine repair shops or hotel equipment and supply firms.

Sec. 20.324.040 Coastal-Related Support Services

Services related to commercial and sport fishing and recreational boating activities including boat storage, boat servicing (drydocks, repair, fueling, pump out), fishing support uses (laundry, shower, restroom, water, electricity, icehouses, boat sales, brokerage, marine survey vessel document services).

Sec. 20.324.045 Commercial Recreation

Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:

- (A) Commercial Recreation: Indoor Sports and Recreation. Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, penny arcades and swimming pools.
- (B) Commercial Recreation: Indoor Entertainment. Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, dance halls and auditoriums.
- (C) Commercial Recreation: Outdoor Sports and Recreation. Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, swimming pools, water slides, tennis courts, racquetball courts. Shooting ranges and motorcycle parks shall require a use permit.
- (D) Commercial Recreation: Water-Dependent Recreation. Uses which are water-oriented and require a location on or near the water in order to function at all. Typical uses include recreational fishing piers, recreational boating facilities and public access facilities.

Sec. 20.324.050 Communications Services

Establishments primarily engaged in the provisions of broadcasting and other information relay services accomplished through the use of electronic mechanisms but excludes those classified as Major or Minor Impact Services and Utilities. Typical uses include television studios, radio stations, telecommunication service centers or telegraph service offices.

Sec. 20.324.055 Construction Sales and Services

Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware; but excluding those classified as one of the Automotive and Heavy Equipment use types. Typical uses include building materials stores, tool and equipment rental or sales, retail lumber, contractors storage yard, furniture manufacturing or cabinet shops.

Sec. 20.324.060 Cottage Industries

Use types conducted in compliance with Chapter 20.452.

20.324.065 Eating and Drinking Establishments

Establishments or places of business primarily engaged in the sale of prepared food and beverage for on-premise consumption. Typical uses include restaurants, short order eating places or bars.

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Sec. 20.324.070

Sec. 20.324.070 Financial Services

Establishments primarily engaged in the provision of financial services and banking. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.

Sec. 20.324.075 Food and Beverage Preparation: Without Consumption

Establishments or places of business primarily engaged in the preparation of food and beverage and which no consumption of the products occur on the premises. Typical uses include catering service(s).

Sec. 20.324.080 Food and Beverage Retail Sales

Establishments or places of business primarily engaged in the retail sale of food and beverage for home consumption. Typical uses include grocery stores, liquor stores, delicatessens or retail bakeries.

Sec. 20.324.085 Funeral and Interment Services

Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead. Typical uses include funeral homes or mortuaries.

Sec. 20.324.090 Laundry Services

Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical uses include laundry agencies, diaper services or linen supply services and self-service laundries.

Sec. 20.324.095 Medical Services

Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment or rehabilitation services provided by physicians, dentists, nurses and other health personnel as well as the provisions of medical testing and analysis services, but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories or health maintenance organizations.

Sec. 20.324.100 Neighborhood Commercial Services

Commercial retail services of a small scale, convenience retail stores and services commonly located in or adjacent to and providing direct services to residential zones including banks, foodmarkets, and drugstores.

Sec. 20.324.105 Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, self-service laundry, photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

Sec. 20.324.107 Recycling Centers

Places of business or public facilities where materials such as metal (excluding white metal or appliances), aluminum, paper, cardboard, glass, plastic and other similar items are permitted for the purpose of collection, processing or recycling. Such use shall include the baling, bundling, crushing, smashing, separation, shredding or similar action necessary to facilitate the handling of recyclable materials, but, shall exclude automotive wrecking and junk yards. Drop-off enclosures, for collection purposes only, shall be limited to two hundred (200) square feet in area.

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Sec. 20.324.11

Sec. 20.324.110 Repair Services: Consumer

Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, apparel repair firms or musical instrument repair firms.

Sec. 20.324.115 Research Services

Establishments primarily engaged in research of an industrial or scientific nature which is provided as a service or which is conducted by and for a private firm, but excludes medical testing and analysis and product testing. Typical uses include marine research laboratories, electronics research laboratories, space research and development firms or pharmaceutical research laboratories.

Sec. 20.324.120 Retail Sales: General

Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in Sections 20.324.010 through 20.324.115 (all other commercial use types) inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, bait shop, kitchen utensils, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; automotive parts and accessories (excluding service and installation) hardware stores (excluding lumber storage or sales).

Sec. 20.324.125 Wholesaling, Storage and Distribution

"Wholesaling, Storage and Distribution" means establishment or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals. The following are wholesaling, storage and distribution use types:

- (A) Wholesaling, Storage and Distribution: Mini-Warehouses. Storage or warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store material for operation of an industrial or commercial enterprise located elsewhere. Incidental uses in a mini-warehouse facility function as an independent retail, wholesale, business or service use. Individual storage spaces within a mini-warehouse shall have a maximum gross floor area of four hundred (400) square feet and shall not be used for workshops, hobby shops, manufacturing or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials. Driveways between mini-warehouse buildings on the same site shall have a minimum width of twenty-four (24) feet to accommodate the temporary parking of vehicles during loading and unloading operations.
- (B) Wholesaling, Storage and Distribution: Light. Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributor, storage warehouses or moving and storage firms.

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## CHAPTER 20.336 COASTAL AGRICULTURAL USE TYPES

### Sec. 20.336.005 General Description of Agricultural Use Types

Agricultural use types include the on-site production of plant and animal products by agricultural methods. They also include certain uses accessory to the above specified in Chapter 20.456 (Accessory Use Regulations).

### Sec. 20.336.010 Animal Waste Processing

Processing of animal waste and by-products, including but not limited to animal manure, animal bedding waste, and similar by-products of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment.

### Sec. 20.336.015 Aquaculture

The aquaculture use type refers to aquaculture operations, including but not limited to oyster and mussel culturing, crab holding facilities, including support facilities such as earthen impoundments, steel or concrete holding tanks and raceways, except ocean ranching of anadromous fish. Typical uses include wholesale/retail sales limited to products grown on site.

### Sec. 20.336.020 Forest Production and Processing

Refers to the growing, harvesting and production of forest products and forest by-products including growing, milling and sales of forest products. Removal or harvesting of major vegetation requires a coastal development permit except for timber operations in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practices Act of 1973, commencing with Section 4511. The following are forest production and processing use types:

- (A) Forest Production and Processing: Limited. The growing, harvesting, air drying or kiln drying, milling, packaging, packing, shipping and selling of forest products, produced on the premises or experimental tree farms and tree nurseries.
- (B) Forest Production and Processing: General. The growing, harvesting, air drying or kiln drying, milling, packaging, packing, shipping and selling of forest products regardless of where they are grown and also forestry related research laboratories.
- (C) Forest Production and Processing: Commercial Woodlots. Open or closed storage of firewood for wholesale or retail sales, regardless of where the firewood products are produced.

### Sec. 20.336.025 Horticulture

Premises devoted to horticultural and flora-cultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. Typical uses include wholesale/retail nurseries limited to the sale of horticulture and horticulture specialties grown on site and in green houses.

### Sec. 20.336.030 Light Agriculture

- (A) Land devoted to the hatching, raising, butchering or marketing on a small scale of chickens, turkeys or other fowl or poultry and eggs, rabbits, fish, frogs, mink, chinchilla or other small farm animals similar in nature, provided that not more than ten (10) mature animals per forty thousand (40,000) square feet, combined total; of all species, may be kept, fed or maintained. The total number of all species shall not exceed forty (40). The permissible number of animals per acre shall be computed on the basis of the nearest equivalent ratio (i.e., five (5) animals on twenty thousand (20,000)

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square feet). Coops or pens shall be located only on the rear one-third (1/3) of the lot and shall be located no closer than five (5) feet from the side or rear property line.

- (B) The grazing of cattle, horses, sheep, goats, hogs or other farm stock or animals, including the supplementary feeding thereof, provided not more than one (1) such animal per forty thousand (40,000) square feet shall be kept or maintained. The total number of all species shall not exceed four (4). In no event shall there be any limit to the permissible number of sheep or goats which may be grazed per acre when such grazing operation is conducted on fields for the purpose of cleaning up unharvested crops and, further where such grazing operation is not conducted for more than four (4) weeks in any six (6) month period.
- (C) For parcels of forty thousand (40,000) square feet or larger, keeping of small and large animals shall be cumulative (i.e., eighty thousand (80,000): two (2) large animals and twenty (20) small animals).
- (D) Apiaries, provided that no more than two (2) working hives may be kept on parcels of forty thousand (40,000) square feet or less.
- (E) Sale of agricultural products grown, raised, or produced on the premises.
- (F) 4-H, FFA or similar projects shall be permitted in all zoning districts.

**Sec. 20.336.032 General Agriculture**

Land devoted to the raising of livestock on parcels zoned AG, FL, TP, RL or OS which shall include:

- (A) Grazing, feeding and incidental care of livestock;
- (B) Animal husbandry including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits and poultry including egg production;
- (C) 4-H, FFA or similar projects shall be permitted in all zoning districts.

**Sec. 20.336.035 Packing and Processing**

Packing or processing of agricultural crops, animals and their by-products which entails more than picking, cutting, sorting and boxing or crating, but does not include rendering, tanning, or reduction of meat. The following are packing and processing use types:

- (A) **Packing and Processing: Limited.** Packing or processing of crops grown on the premises. Includes mineral water bottling plants.
- (B) **Packing and Processing: Winery.** Crushing of grapes and fermentation, storage, and bottling of wine from grapes grown on or off the premises. Said use type also includes tasting rooms in conjunction with a winery and breweries provided said tasting room occupies less than twenty-five (25) percent of the floor space of the winery/brewery and sales are limited to products produced on site.
- (C) **Packing and Processing: General.** Packing or processing of crops, animals or their by-products regardless of where they were grown.
- (D) **Packing and Processing: Fisheries By-Products.** Processing of fisheries by-products includes, but is not limited to, that portion of the fish catch remaining after the primary processing has been completed. This secondary process may include conversion to commercial fertilizer or other soil amendment products.

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Sec. 20.336

Sec. 20.336.040 Row and Field Crops

Premises devoted to the cultivation for sale of agricultural products grown in regular or scattered patterns such as vines, field, forage and other plant crops intended to provide food or fibers. Typical uses include wholesale/retail sales limited to products grown on site.

Sec. 20.336.055 Tree Crops

Premises devoted to the cultivation of tree-grown agricultural products such as pears, apples, walnuts and Christmas trees but excluding other forestry products.

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