

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

15 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260



F 8c

Staff: Jo Ginsberg  
Staff Report: September 25, 1998  
Meeting of: October 16, 1998

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director  
Steven F. Scholl, District Director  
Robert Merrill, District Manager  
Jo Ginsberg, North Coast Planner

SUBJECT: REVISED FINDINGS for MENDOCINO COUNTY LCP AMENDMENT No. 1-98 (Major: Daniels; Merrill, et al; Reed; Rolfe; and Ulatowski): (LCP Amendment approved by the California Coastal Commission on September 9, 1998; findings for consideration at the California Coastal Commission meeting of October 16, 1998)

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STAFF NOTES

1. Commission Vote to Adopt the Revised Findings.

Prevailing Commissioners on both 8-3 votes to approve the LCP as submitted:

Commissioners Allen, Brothers, Flemming, Johnson, Miller, Potter, Reilly, and  
Chairman Areias.

**MENDOCINO COUNTY LCP AMENDMENT  
NO. 1-98 (MAJOR)  
REVISED FINDINGS  
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Consistent with Title 14, Section 13540 of the California Code of Regulations, adoption of these revised findings requires a majority vote of the members prevailing on the motions to certify LCP Amendment No. 1-98. The Motions for adoption of the Revised Findings are found below on Page 4.

2. Commission Review of LCP Amendment and Revised Findings.

At the Commission meeting of September 9, 1998, the Commission certified Mendocino County LCP Amendment No. 1-98 (Major) as submitted. However, as the Commission's actions differed from the written staff recommendation, staff has prepared the following set of revised findings for the Commission's consideration as the needed findings to support its actions. Also included here are the adopted resolutions.

The Commission will hold a public hearing and vote on the revised findings at its October 16, 1998 meeting. The Commission will vote only on whether the attached Revised Findings support its action on the LCP Amendment at the meeting of September 9, 1998, and not on whether or how the amendment should be approved. Public testimony will be limited accordingly.

3. Additional Information.

For additional information about the certified Mendocino County LCP Amendment, please contact Jo Ginsberg at the North Coast Area Office at the above address, (415) 904-5260. Please mail correspondence to the Commission to the same address.

4. Analysis Criteria.

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

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REVISED FINDINGS  
SYNOPSIS

Amendment Description:

The amendment to the Mendocino County LCP as proposed by the County affects five separate geographic areas, all located north of the Navarro River, known collectively as the 1997 North of Navarro Group.

The changes proposed by Amendment No. 1-98 are as follows:

1. SITE ONE (GP 5-96/R 6/96, DANIELS). APN 119-420-23, 119-410-14 (portion). Change the Coastal Plan land use classification and rezone 32.5+ acres located southeast of the Town of Mendocino from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum (RR-10 and RR:L:10:CR), with a Contract Rezone and deed restriction limiting future subdivision to three parcels on the entire 52 acres. (See Exhibit Nos. 3-8.)
2. SITE TWO (GP 8-97/R 9-97, MERRILL, ET AL). APN 121-320-06, 11, 12. Change the Coastal Plan land use classification and rezone three approximately 20-acre parcels located south of Little River and east of Highway One from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum (RR-10 and RR:L:10:CR), with a Contract Rezone to limit subdivisions to 10 acres and not allow encroachment or access from Highway One. (See Exhibit Nos. 9-15.)
3. SITE THREE (GP 9-97/OA 3-97, REED). APN 119-140-32. Increase the inn unit cap associated with the Reed Manor, located in the Town of Mendocino, as stipulated in the Mendocino Town Plan and Zoning Ordinance from five units to a total of nine units. (See Exhibit Nos. 16-23.)
4. SITE FOUR (GP 10-97, ROLFE). APN 119-020-09. Change the Coastal Plan land use map to correctly show the boundary between the RR-5 and the RR-5 [RR-2] land use designation as applied to APN 119-020-09 resulting in a consistent land use designation of RR-5 applied to the entire parcel, which is located approximately one mile north of the Town of Mendocino and east of Highway One. (See Exhibit Nos. 24-28.)
5. SITE FIVE (GP 11-97/R 11-97, ULATOWSKI). APN 119-020-17. Change the Coastal Plan land use classification and rezone a 32-acre parcel from Remote

Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum (RR-10 and RR:L:10:CR) with a Contract Rezone limiting future subdivision of the property to no more than two parcels. (See Exhibit Nos. 29-34.)

Summary of Commission Action:

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

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STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following findings in support of its action on September 9, 1998 to certify Mendocino County LCP Amendment No. 1-98 (Major).

MOTION I: I move the Commission adopt the following findings to support the action taken on the LUP Portion of Mendocino County LCP Amendment No. 1-98 (Major).

Prevailing Commissioners on 8-3 vote to approve the LUP Amendment as submitted:

Commissioners Allen, Brothers, Flemming, Johnson, Miller, Potter, Reilly, and Chairman Areis.

MOTION II: I move the Commission adopt the following findings to support the action taken on the Implementation Plan Portion of Mendocino County LCP Amendment 1-98 (Major).

Prevailing Commissioners on 8-3 vote to approve Implementation Plan as submitted:

Commissioners Allen, Brothers, Flemming, Johnson, Miller, Potter, Reilly, and Chairman Areis.

A majority of the members prevailing on the motions to certify LCP Amendment No. 1-98 is required to adopt the findings.

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I. RESOLUTIONS.

On September 9, 1998, the Commission adopted the following resolutions:

A. APPROVAL OF THE LAND USE PLAN PORTION OF AMENDMENT NO. 1-98, AS SUBMITTED.

RESOLUTION I:

The Commission hereby certifies for Sites One, Two, Three, Four, and Five, Amendment No. 1-98 (identified as GP 5-96/R 6-96, Daniels; GP 8-97/R 9-97, Merrill; GP 9-97/OA 3-97, Reed; GP 10-97, Rolfe; and GP 11-97/R 11-97, Ulatowski) to the Land Use Plan portion of the Mendocino County Local Coastal Program for the specific reasons discussed below in the findings on the grounds that, as submitted, they meet the requirements of and are in conformity with Chapter 3 of the Coastal Act.

B. APPROVAL OF THE IMPLEMENTATION PROGRAM PORTION OF AMENDMENT NO. 1-98, AS SUBMITTED.

RESOLUTION II:

The Commission hereby approves certification of the amendment to the Implementation Program of the County of Mendocino for Sites One, Two, Three, Four, and Five (identified as GP 5-96/R 6-96, Daniels; GP 8-97/R 9-97, Merrill; GP 9-97/OA 3-97, Reed; GP 10-97, Rolfe; and GP 11-97/R 11-97, Ulatowski) of Amendment No. 1-98 based on the findings set forth below on the grounds that the zoning ordinance, zoning map, and other implementing materials conform with and are adequate to carry out the provisions of the Land Use Plan. There are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts, within the meaning of CEQA, that the approval of the Zoning and Implementation Program would have on the environment.

II. DESCRIPTION OF SITES AND LCP AMENDMENTS:

A. Site One (GP 5-96/R 6-96, Daniels).

The proposal would change the Coastal Land Use Plan classification and rezone 32 acres in the coastal zone from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum: Contract Rezone (RR-10 and RR:L:10:CR). The 32-acre site is a portion of a 52-acre parcel; the remaining 20 acres lie outside the coastal zone and are classified RR-5. The subject property is located off Comptche-Ukiah Road, southeast of the Town of Mendocino.

The proposal originally before the Mendocino County Planning Commission on October 26, 1997 was to reclassify and rezone the 32-acre portion of the 52-acre parcel lying within the coastal zone from RMR-20 to RR-5. The Planning Commission recommended reclassification to RR-10 and rezoning to RR:L:10:CR, with a Contract Rezone and deed restriction limiting future subdivision to three parcels on the entire 52 acres. The 20-acre portion outside the coastal zone is currently designated RR-5. To reduce future ambiguity, the Board of Supervisors directed staff to initiate an inland General Plan amendment and rezone on the remaining portion of the 52-acre ownership to RR-10 and RR:L:10:CR. On January 26, 1998 the Board of Supervisors approved for submittal to the Coastal Commission the proposed amendment as revised by the Planning Commission.

The project site is located southeast of the Town of Mendocino, and is bisected by the coastal zone boundary. The 52-acre parcel currently contains two dwellings, septic systems, wells, outbuildings, and a driveway. An unnamed watercourse flows westerly through the property, and a spring fed watercourse is located within the southwest quadrant of the site. The riparian areas around the watercourses constitute environmentally sensitive habitat areas. The Blayney-Dyett LUP maps and U.S. Soil Conservation maps indicate the presence of pygmy soil and pygmy vegetation on portions of the property. A botanical survey done for the property noted the presence of pygmy vegetation on the property (see Exhibit No. 7).

B. Site Two (GP 8-97/R 9-97, Merrill, et al).

The proposal is to reclassify the Coastal Plan land use designation and rezone three approximately 20-acre parcels from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum: Contract Rezone (RR-10 and RR:L:10:CR). The contract rezone limits future development to a 10-acre minimum and prohibits new encroachments on Highway One. The property is located south of Little River and east of Highway One. The properties are in three separate ownerships. A portion of the land is in the floodplain of Schoolhouse Creek, and a well-developed zone of riparian habitat borders the creek, constituting an environmentally sensitive habitat area. In addition, a population of the rare swamp harebell (Campanula californica) was found in the riparian zone. The riparian areas and the swamp harebell are currently protected by the open space easements encumbering the 50-foot buffer adjacent to the unnamed drainage and rare plant and 100-foot buffer adjacent to Schoolhouse Creek, established by a requirement of a previous coastal permit (see Exhibit No. 12). The property is designated "Highly Scenic" in the County land use plan.

C. Site Three (GP 9-97/OA 3-97, Reed).

The subject property is located in the Town of Mendocino, adjacent to Little Lake Road. The site is 1.85 acres in size, and contains a five-unit inn and accessory structures. The proposal is to increase the inn unit cap associated with the Reed Manor as stipulated in the Mendocino Town Plan and Zoning Ordinance from five units to a total of nine units. The proposal seeks to amend Mendocino Town Plan Table 4.13-1 (see Exhibit No. 20), and Zoning Code Section 20.684.025, which currently show the maximum allowable units at the Reed Manor to be five.

D. Site Four (GP 10-97, Rolfe).

The five-acre subject property is located approximately one mile north of the Town of Mendocino, on the east side of Highway One. The parcel contains a single-family residence. The proposal is to revise the Coastal Land Use Map to show correctly the boundary between the RR-5 and the RR-5 [RR-2] land use designation as applied to APN 119-020-09, resulting in a consistent land use designation of RR-5 applied to the entire parcel. The County recently discovered that a discrepancy exists between the land use designation and zoning classification as applied to the property; approximately 80 percent (4 acres) of the parcel is designated RR-5, while the remaining 20 percent (1 acre) of the same parcel is shown on a different map sheet in an area designated RR-5 [RR-2]. The adopted zoning map indicates that the entire parcel is zoned RR-5 (see Exhibits 26 and 27). The County considers this to be a "clean-up" amendment to correct what appears to be an error made when mapping land use designations on the Local Coastal Plan land use maps originally prepared by the Blayney-Dyett consulting firm.

E. Site Five (GP 11-97/R 11-97, Ulatowski).

The proposal is to change the Coastal Land Use Map classification and rezone 32 acres from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum: Contract Rezone (RR-10 and RR:L:10:CR). The Contract Rezone limits future subdivision of the property to no more than two parcels. The subject property is located about a half-mile northeast of the Town of Mendocino, approximately 2,000 feet south of Jack Peters Creek. The site contains the rare and endangered plant species Castilleja mendocinensis (Mendocino coast paintbrush) in the western third of the site.

III. LAND USE PLAN FINDINGS:

A. Highway One Capacity/Traffic Impacts.

Four of the five changes to the County's LCP proposed by this amendment will result in increases in density, three of residential uses, and one of visitor serving uses. The Commission



finds that these increases in density are minor, and will not have significant adverse impacts on traffic or on coastal resources.

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

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

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

The Highway One Capacity Study described then-current use of different segments of Highway One in terms of levels of service categories. Such categories are commonly used in traffic engineering studies to provide a measure of traffic congestion, and typically range from Level of Service A (best conditions) to Level of Service F (worst condition). The 1979 Highway One Capacity Study determined that only the leg of Highway One between Highway 128 and Mallo Pass Creek was at Service Level D (unstable flow; low freedom to maneuver; unsatisfactory conditions for most drivers) during peak hours of use in 1979; all other legs were at Level E. Service Level E (difficult speed selection and passing; low comfort) is the calculated capacity of the highway. At Level F (forced flow), volume is lower. Along the Mendocino coast, peak hour can be expected to occur between noon and 5 p.m. on summer Sundays.

Highway capacity was recognized by the Commission as a constraint that limits new development, as new development generates more traffic that uses more capacity and a lack of

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

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

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

The plan as it was submitted did not provide for mechanisms to resolve issues such as limited Highway One capacity, the failure to reserve remaining capacity for high priority uses, and the lack of mitigation requirements for development that would adversely affect the remaining highway capacity. These issues had been discussed and resolved by the Commission in previously handled LUPs, where the Commission consistently found that Section 30254 of the Coastal Act requires Highway One to remain a scenic two-lane road, which has a limited capacity, and that coastal-dependent land uses, commercial and public recreation, and visitor-serving land uses shall be not precluded by other development.

When it eventually certified the Mendocino County Land Use Plan with Suggested Modifications, the Commission found that too much buildout of the Mendocino coast would severely impact the recreational experience of Highway One and its availability for access to other recreational destination points. The LUP as originally submitted would have allowed for

3,400 new residential parcels to be created potentially. The Commission found 121 geographic areas that were not in conformance with Section 30250 of the Coastal Act. The County reviewed these areas, and agreed to a proposed modification that would result in a redesignation of the identified non-conforming areas, thus reducing the total number of new residential parcels which potentially could be created by approximately 1,500. In other words, the Commission reduced by more than half the number of potential new parcels that could be created under the certified LUP, based on its conclusion that, given the information available at that time, approximately 1,500 new parcels was the maximum number of new parcels Highway One could accommodate while remaining a scenic, two-lane road.

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

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

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

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

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

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

In response to this policy, in 1994 the County hired a transportation consultant firm to do a study (titled the State Route 1 Corridor Study) that would determine the impact to Highway One traffic carrying capacity from the buildout of the Coastal Element of the General Plan. The focus of the study was to project future traffic volumes which would be generated by potential development allowed by the Coastal Element in the coastal zone and by potential development

from growth areas outside of the coastal zone that affect traffic conditions on Highway One. The traffic impact on the level of service (LOS) of study intersections and segments on Highway One based on incremental buildout scenarios was then determined (LOS A through E was considered acceptable in most locations; LOS F was considered unacceptable). The study also identified roadway improvement options available for increasing capacity on Highway One and other roadways that affect the Highway One corridor.

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

While the State Route 1 Corridor Study and County staff's subsequent analysis provided some of the key information called for by Policy 3.9-4 of the LUP, not all information contemplated by and necessary to satisfy the mandates of the policy has been provided. While the traffic information that was generated can be used for planning purposes to determine how much traffic additional growth would generate, information that addresses the goals of the LUP to determine when and where more development would be appropriate given the limited highway capacity has not been provided. In addition, consistent with Coastal Act Section 30254, increases in residential density should not be approved if they preclude other, higher priority uses, such as visitor-serving facilities. If there is only a certain amount of limited capacity that can be provided for all development, then the type of uses that should be allowed to increase density should be explored and evaluated. Furthermore, the need for greater density, when so many vacant parcels remain undeveloped has not been thus far demonstrated. The Commission finds that a planning study should be performed that provides the thorough review of the LUP called for by Policy 3.9-4 to demonstrate the appropriate amount of density increases that should be allowed and where such increases should take place without overtaxing Highway One's limited capacity.

The Commission notes that a property owner does not have an absolute right to change Land Use Plan and Zoning designations to accommodate uses or developments that are not allowed

by current designations for his or her property. While a property owner may have certain development-based expectations when he or she purchases a property to develop uses currently allowed by an LUP and Zoning, no such expectations are recognized for developing uses not allowed by the LUP and Zoning.

The Commission finds that proposed LCP changes that will result in increases in residential density on a first-come, first-served basis do not ensure that highway capacity will be reserved for higher priority coastal land uses. When looked at in isolation, it may not appear that approving any particular proposal for a density increase will have much impact, when the potential for only a few new parcels is created by each such proposal. However, consistent with Section 30250(a) of the Coastal Act, the cumulative impact of numerous LCP Amendments allowing increases in residential density on highway capacity and other coastal resources must also be addressed. Looking at each new project in isolation fails to take into account the effect numerous projects would have if approved in this fashion. Nevertheless, the Commission finds that it can approve the proposals for increases in residential density because the changes are particularly minor and the total number of density-increasing LCP amendments the Commission has approved since certification of the LCP is relatively small.

Concerning the proposal for Site One (Daniels), the project was reviewed by the County with regard to the 1994 State Route 1 Corridor Study, using the 75/50 development scenario with a horizon year of 2020. Project traffic will access State Route 1 at intersection 16 (State Route 1/Comptche-Ukiah Road) and road segment 11 (Van Damme State Park to Big River Bridge) and would tend to head north along segment 12 (Big River Bridge to Lansing Street). Currently, intersection 16 (westbound approach) operates at level of service B and is projected to degrade to LOS E by the year 2020, with a reserve capacity of 72 peak hour vehicle trips (reserve capacity means that an additional 72 peak hour trips are available before level of service drops to F). Road segment 11 operates at level of service E and is projected to remain at level of service E by the year 2020 with a reserve capacity of 200 vehicle trips. Road segment 12 is projected to remain at level of service A through the year 2020.

The project as first submitted to the County proposed to change the Coastal Plan land use classification and rezone of the 32-acre portion of the 52-acre parcel which lies within the Coastal Zone from RMR-20 to RR-5, which could have resulted in a maximum of five new parcels within the Coastal Zone. The 20-acre portion outside the Coastal Zone is currently designated RR-5, which could result in a maximum of four new parcels. Thus, there could have been a maximum of nine new parcels on the 52 acres. The County instead approved a change to RR-10 for the 32 acres within the Coastal Zone, plus attached a contract rezone and deed restriction limiting future subdivision to three parcels on the entire 52 acres, to maintain the existing development potential of five parcels over the total ownership. The County asserts that although development potential within the Coastal Zone will increase, there will be no net

increase in potential lots for the entire 52-acre parcel, and thus no additional traffic will be generated

Based on the fact that there will be no net increase in potential lots for the entire 52-acre parcel, and on the fact that the levels of service for the relevant intersection and road segments are projected to remain at acceptable levels through the year 2020, the Commission therefore finds that the proposed LUP Amendment for Site One is consistent with Coastal Act Sections 30254 and 30250(a).

Regarding the proposal for Site Two (Merrill, et al.), County staff also looked at the project impacts using the State Route 1 Corridor Study under the 75/50 development scenario with a horizon year of 2020. Project traffic will access State Route 1 at intersection 15 (Little River Airport Road), and road segments 89 and 10 (Navarro Ridge Road to Little River Airport Road to Van Damme State Park). Currently, intersection 15 operates at level of service A and road segments 9 and 10 operate at levels of service D and A, respectively. Intersection 15 is projected to operate at level of service C (westbound approach) by the year 2020. Road segments 9 and 10 are projected at level of service E (with a reserve capacity of 752 peak hour trips) and A, respectively, by 2020.

If the proposed LCP Amendment were approved, only three new parcels could be created. Based on the fact that the number of potential new parcels is only three, which will have minimal impacts on traffic and other coastal resources, and on the fact that highway levels of service at the relevant intersection and road segments are projected to remain at an acceptable level by the year 2020, the Commission finds that the proposed LUP Amendment for Site Two is consistent with Coastal Act Sections 30254 and 30250(a).

In the case of Site Three (Reed), the project was also reviewed by the County with regard to the 1994 State Route 1 Corridor Study, using the 75/50 development scenario with a horizon year of 2020. Project traffic will access State Route 1 at intersection 18 (Little Lake Road) and Road Segment 12 (Big River Bridge to Lansing Street). Currently, intersection 19 operates at level of service B and Road Segment 12 operates at level of service A. These facilities are projected to remain at the current level of service in the year 2020. Therefore, this project individually, which increases the cap on visitor units at the Reed Manor from four to nine, will not cause a significant impact on State Route 1. Thus, the Commission finds that the proposed LUP Amendment for Site Three is consistent with Coastal Act Sections 30254 and 30250(a).

In the case of Site Four (Rolfe), the proposed change is just a "clean-up" to correct a mapping error; thus, there will be no density increase and thus no impacts, either individually or cumulatively, on traffic. Thus, the Commission finds that the proposed LUP Amendment for Site Four is consistent with Coastal Act Sections 30254 and 30250(a).

In the case of Site Five (Ulatowski), project traffic will access State Route 1 at intersection 18 (Little Lake Road) and road segment 12 (Big River Bridge to Lansing Street). Currently, intersection 18 operates at level of service B and road segment 12 operates at level of service A. Under the 75/50 development scenario with a horizon year of 2020, these facilities are projected to maintain their current levels of service in the year 2020. Based on the fact that only two new parcels could be created as a result of this proposal, having minimal impacts on highway capacity and other coastal resources, and on the fact that the highway levels of service for the relevant intersection and road segment is projected to remain at an acceptable level by the year 2020, the Commission finds that the proposed LUP Amendment for Site Five is consistent with Coastal Act Sections 30254 and 30250(a).

B. New Development.

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

Regarding Site One (Daniels), the 32-acre site is a portion of one 52-acre parcel; the balance lies outside the coastal zone (see Exhibits 5 and 6). Existing development on the property includes two residences, septic systems, wells, outbuildings, and a driveway. The botanical survey done for the site (see Exhibit No. 7) indicates the presence of pygmy vegetation and soil, decreasing over the site from east to west; the pygmy soils may affect the ability to provide a septic system for any new development if new lots are approved pursuant to an LCP amendment allowing further subdivision.

Thus, while the existing residences on the site are currently served by on-site septic systems and wells, any future land division or other development would require proof of water and demonstration on each new lot of a proposed future land division that an adequate site for sewage disposal exists. County staff notes that construction in the central and northeastern portions of the site may be problematic due to the presence of Tropaeupis soils, which are very poorly drained and may be saturated from December to April; these soils are not normally used for homesite development.

In addition, other development constraints may be posed by the presence of riparian habitat on the property. A small unnamed watercourse flows westerly through the parcel, and another small watercourse flows from a spring in the southwest quadrant to the west. In both these areas, riparian habitat is present, constituting environmentally sensitive habitat, which would need to be protected from the adverse impacts resulting from future development via a 50-100 foot buffer measured from the outward extent of the sensitive habitat.

In other words, it has not yet been determined if the has the capacity to provide water and sewage to serve the future development that would be allowed by the proposed LCP Amendment, and it has been demonstrated that there may be some development constraints to the property such as poorly drained soils and environmentally sensitive habitat including pygmy vegetation, riparian habitat, and rare and endangered plant species. However, the site currently has adequate water and septic capacity to support the existing residences, and thus it is reasonable to assume that it could support an additional residence. Thus, the Commission finds that the proposed LUP Amendment for Site One is consistent with Coastal Act Policy 30250(a).

In the case of Site Two (Merrill, et al), the property consists of three separate parcels. APN 121-320-11 contains a single-family residence, well, septic system, and water storage tank; the other two parcels are currently undeveloped. The Mendocino County Water Agency has stated that "However, this land has only marginal groundwater resources and a portion of the land is in the floodplain of Schoolhouse Creek. In addition, the site contains pygmy resources soils and is a designated highly scenic zone. These and other environmental constraints are best mitigated by avoidance, in this case, retention of the current General Plan zoning." County staff indicates that the main limitations for homesite development include slopes, low strength, seasonally saturated soils, and slow permeability of the Shinglemill soils, with the potential for erosion.

The subject site is designated a "marginal water resource area," wherein a hydrological groundwater supply investigation is not required when densities are less than one unit per five acres. However, at such time as land division or residential development is proposed, proof of water will be required.

Although pygmy-type soils are indicated on the subject site, the botanical survey did not identify pygmy vegetation on the project site. And while it has not been determined if the site has adequate water or septic capacity to support new development, it is assumed that on ten-acre parcels, water and septic capacity will be available. Therefore, with regards to the capacity of the site to provide water and sewage to serve the development that would be allowed by the LCP Amendment without having significant adverse impacts on coastal resources, the Commission finds that the proposed LUP Amendment for Site Two is consistent with Coastal Act Policy 30250(a).

In the case of Site Three (Reed), the four new units desired by the owners of Reed Manor would be developed through the conversion of existing structures on the site, rather than building new structures. The Mendocino City Community Services District has indicated that the owners have established a groundwater extraction allotment for the Reed Manor and have satisfied District requirements for a total of nine units, and have also stated that sewer right of use for the additional units will be required. Therefore, the Commission finds that the proposed



LUP Amendment for Site Three as submitted, which would increase the visitor unit cap from its current limit of five to a total of nine for the site, is consistent with Coastal Act Policy 30250(a) with regard to the provision of water and sewer services.

In the case of Site Four (Rolfe), the proposal is just a "clean-up" amendment intended to correct a mapping error. The correction would not result in a potential for increased residential density or development, and there will be no need for additional services and no impact on coastal resources. Thus, the Commission finds that the proposed LUP Amendment for Site Four as submitted is consistent with Coastal Act Policy 30250(a).

In the cases of Site Five (Ulatowski), the subject parcel is located in a "critical water resource area" wherein proof of water testing may be required at the subdivision stage. In addition, an adequate site for septic systems must be demonstrated for new development, and the seasonally saturated soils must be considered in septic system design, which could include mound systems if necessary. Thus, it has not yet been determined if the site has adequate water or septic capacity to support new development; however, it is likely that on a ten-acre parcel, water and septic capacity would be available. Therefore, the Commission finds that the proposed LUP Amendment for Site Five is consistent with Coastal Act Policy 30250(a) with regard to water and septic services.

C. Visual Resources.

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

In the case of Site Two (Merrill, et al), the subject site is located east of Highway One within an area designated in the County's LUP as "Highly Scenic." Building envelopes for new parcels would need to be located outside the "Highly Scenic Area" to be consistent with the County's LCP policies regarding protection of visual resources, and Sections 30250 and 30251

of the Coastal Act. While new building envelopes have not been proposed, and it has not been demonstrated where new development would take place, it is assumed that on a ten-acre parcel, a building envelope could be established at such a distance from Highway One as to be invisible from the highway. Thus, the Commission finds that the proposed LUP Amendment for Site Two is consistent with Coastal Act Sections 30250 and 30251 with respect to the protection of visual resources.

Regarding Sites One, Three, Four, and Five, the subject properties are not visible from Highway One and any new development will have no significant adverse impacts on visual resources. Thus, the Commission finds that the proposed LCP Amendments for Sites One, Three, Four, and Five are consistent with Coastal Act Section 30251.

D. Environmentally Sensitive Habitat Areas.

Coastal Act Section 30240(a) states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Section 30240(b) states that development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30231 states that the biological productivity and the quality of coastal streams shall be maintained, that natural vegetation buffer areas that protect riparian habitats should be maintained, and that alteration of natural streams shall be minimized.

In the case of Site One (Daniels), environmentally sensitive habitat has been found on the property. A botanical survey of the subject site has found pygmy soils and vegetation, as well as riparian vegetation, located on the parcel, constituting environmentally sensitive habitat (see Exhibit No. 7). Within the pygmy forest, rare and endangered Bolander's pine, pygmy cypress, and California sedge have been found. In addition, the site is adjacent to a portion of the Mendocino Headlands State Park. However, any future land division and/or future residential development would require a coastal development permit and would be subject to the policies of the certified LCP that protect sensitive habitat and require buffer areas. Buffer areas of 100 feet (reduced to 50 feet if Fish and Game finds it appropriate) would have to be established around the sensitive habitat areas, measured from the outward extent of the sensitive habitat. Thus, all areas of sensitive habitat would need to be protected at that time, pursuant to the policies of the LCP that require such protection. Since the minimum parcel size allowed by the proposed new density is ten acres, it is reasonable to assume that a ten-acre parcel could support development without encroachment into the sensitive habitat.

Since environmentally sensitive habitat will not be adversely affected by the proposed density change, the Commission finds that the proposed LUP Amendment for Site One is consistent with Sections 30231 and 30240 of the Coastal Act.

In the case of Site Two (Merrill, et al), a botanical survey (see Exhibit No. 12) revealed the presence of a population of the rare and endangered swamp harebell (Campanula californica) in the swampy portion of the parcel associated with the unnamed drainage to the north. In addition, a well-developed zone of riparian habitat borders Schoolhouse Creek along the southern property boundary. The riparian areas and the rare plant habitat are currently protected by the open space easements encumbering the 50-foot buffer adjacent to the unnamed drainage and rare plant and 100-foot buffer adjacent to Schoolhouse Creek, established pursuant to a requirement of an earlier coastal permit. It appears that, although building envelopes have not been provided, it will be possible to create building envelopes on the new parcels that could be approved pending approval of this amendment, and that these building envelopes could be located outside the buffer areas.

The Commission thus finds that since environmentally sensitive habitat would not be adversely affected, the proposed LUP Amendment for Site Two is consistent with Sections 30231 and 30240.

In the case of Site Three (Reed) and Site Four (Rolfe), there are no environmentally sensitive habitat areas on the properties. Thus, the Commission finds that since environmentally sensitive habitat will not be adversely affected, the proposed LUP Amendments for Site Three and Four, are consistent with Sections 30231 and 30240 of the Coastal Act.

Regarding the proposal for Site Five (Ulatowski), the Natural Diversity Database indicates that the rare and endangered plant species Castilleja mendocinensis (Mendocino coast paintbrush) extends over the western third of the site. To protect any environmentally sensitive habitat area, a buffer area of 100 feet (reduced to 50 feet if Fish and Game indicated it was appropriate) would have to be established at the time of subdivision. A botanical survey recently conducted on the site indicated no Mendocino coast paintbrush was found on the property. Thus, as there is no evidence of any environmentally sensitive habitat on the subject property, the Commission finds that the proposed LUP Amendment for Site Five, which will allow an additional parcel, is consistent with Sections 30231 and 30240 of the Coastal Act.

E. Visitor Serving Facilities.

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

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

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

One of the LCP Amendment proposals concerns visitor-serving accommodations. The proposal for Site Three (Reed) would increase the inn unit cap associated with the Reed Manor as stipulated in the Mendocino Town Plan (see Exhibit No. 20) and Zoning Ordinance from five units to a total of nine units. As visitor-serving facilities are a high priority coastal land use under the Coastal Act, the Commission finds that the proposed amendment is consistent with the provisions of Section 30213, 30222, and 30254 of the Coastal Act.

The standard of review for a proposed LUP amendment is consistency with the Coastal Act. Based on this standard, the Commission approves the proposed LUP amendment. The Commission notes, however, that the Mendocino Town Plan calls for maintaining a balance between residential land uses and visitor-serving facilities within the Town of Mendocino. Town Plan Policy 4.13-1 states that:

*The preservation of the town's character shall be achieved, while allowing for orderly growth...Balance shall be sought between residential units, visitor accommodations and commercial uses..."Balance" between residential uses, commercial uses and visitor serving uses shall be maintained by regulating additional commercial uses through development limitations cited in the Mixed Use and Commercial Land Use Classifications; and by limiting the number of visitor serving uses. Visitor Serving Units listed on Table 4.13-1 (234) shall remain fixed...until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission.*

The Commission interprets this policy to mean that a periodic review of the Town Plan must be conducted that assesses any recent changes in the ratio of residential development to visitor-serving facilities to determine if it is appropriate to increase the potential visitor-serving facilities within the Town. If it is determined that it is appropriate to increase the number of visitor-serving facilities, an LCP amendment must be processed by the Commission that adjusts the number of allowable visitor-serving units throughout the Town, based on an analysis of supply, demand, and an evaluation of the balance between residential and visitor-serving uses. Such a review, analysis, and subsequent amendment approval have not yet been completed.

A review of the inn-unit caps in the Mendocino Town Plan was commenced by County staff (see Exhibit No. 21). This draft plan resulting from the review indicates that since 1992, four residential units have been converted to non-residential uses, and two new residential units have been developed; thus, since the Town Plan was adopted, the Town of Mendocino has experienced a net loss of two residential units. The plan further indicates that five new visitor-serving units have been developed since the Town Plan was adopted, in accordance with the limits designated on Table 4.13-1; eight potential visitor serving units remain to be developed. Since 1992, approximately 1,900 square feet of new commercial space has been developed in Mendocino. The plan concludes that "The 'balance' between residential, commercial, and visitor-serving facilities has not changed significantly since adoption of the Town Plan. To the extent that it has changed, residential uses have declined while visitor-serving and commercial uses have intensified. In conclusion, there is no justification for modifying the Town Plan to allow for more visitor-serving facilities and it may be necessary to consider amendments to protect and encourage residential uses."

The Commission finds that the County should complete the study called for by Policy 4.13-1, determine how much, if any, additional visitor-serving facilities are appropriate, and determine a fair way of allocating the additional units to the various existing and proposed facilities, rather than just approve such requests on a first-come, first-served basis without considering the cumulative impact of future such requests.

However, in this particular case, the County has pointed out that there will be no conversion of residential units resulting from the density increase, as the additional four units allowed by the proposed LCP amendment will be located in existing structures, according to the Reeds, owners of the Reed Manor. Thus, the residential-visitor serving "balance" will not be compromised, new facilities will not be established, and location outside the town core will limit traffic impacts that might otherwise be associated with the project

F. Agricultural Resources.

Coastal Act Section 30241 states that the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through, among other things, establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban uses.

LUP Policy 3.2-13 requires that residential development maintain a 10-acre minimum parcel size adjacent to Type II Agricultural Preserves.

Site One (Daniels) is located adjacent to a portion of Mendocino Headlands State Park (see Exhibit No. 5) which is designated "Williamson Act" on the Blayney-Dyett LUP map certified by the Commission. As the proposed amendment seeks to change the land use plan classification and rezone to 10-acre minimum parcel size, the proposed amendment can be found to be consistent with Coastal Act Section 30241 and LUP Policy 3.2-13, as an adequate buffer can be established between agricultural and urban land uses, and a 10-acre minimum parcel size will be maintained adjacent to the agriculturally designated park parcel.

The Commission thus finds that the proposed LUP Amendment for Site One is consistent with Section 30241 of the Coastal Act.

Since there are no agricultural resources present on or adjacent to Sites Two, Three, Four, and Five, the Commission finds that the proposed LUP Amendments for Sites Two, Three, Four, and Five are consistent with Coastal Act Policy 30241.

#### **IV. IMPLEMENTATION PROGRAM FINDINGS:**

Regarding Site One, the proposal would change the LUP classification and rezone 32 acres in the coastal zone from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum: Contract Rezone (RR-10 and RR:L:10:CR). Regarding Site Two, the proposal is to reclassify the land use designation and rezone three 20-acre parcels from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum: Contract Rezone (RR-10 and RR:L:10:CR). Regarding Site Five, the proposal is to change the LUP classification and rezone 32 acres from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum: Contract Rezone (RR-10 and RR:L:10:CR). Therefore, regarding Sites One, Two, and Five, since the Commission has certified the proposed LUP map changes, the proposed Implementation Program changes can be approved, since to do so would result in an Implementation Program that would conform with and adequately carry out the amended Land Use Plan designations for each site.

No changes to the Implementation Program are proposed with regard to Site Four (Rolfe). For Site Four, the LCP amendment would just "clean-up" the Land Use Plan map to make it consistent with the existing Implementation Program map, revising the LUP map to show correctly the boundary between the RR-5 and RR-5 [RR-2] land use designation as applied to the subject parcel. Therefore, the existing Implementation Program conforms with and will adequately carry out the Land Use Plan as amended.

Regarding Site Three, the proposed LCP amendment increases the inn unit cap associated with the Reed Manor as stipulated in the Mendocino Town Plan and Zoning Ordinance from five units to a total of nine units. The proposed change to the Zoning Code would be to change

Section 20.684.025 to increase the number of visitor accommodation units listed for the Reed Manor site from five to nine, to be consistent with the previously described change to the Town Plan. Thus, the proposed Implementation Program change can be approved, since the Implementation Program, as amended, would conform with and adequately carry out the amended Town Plan (LUP).

V. CEQA:

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

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

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

EXHIBIT NO.

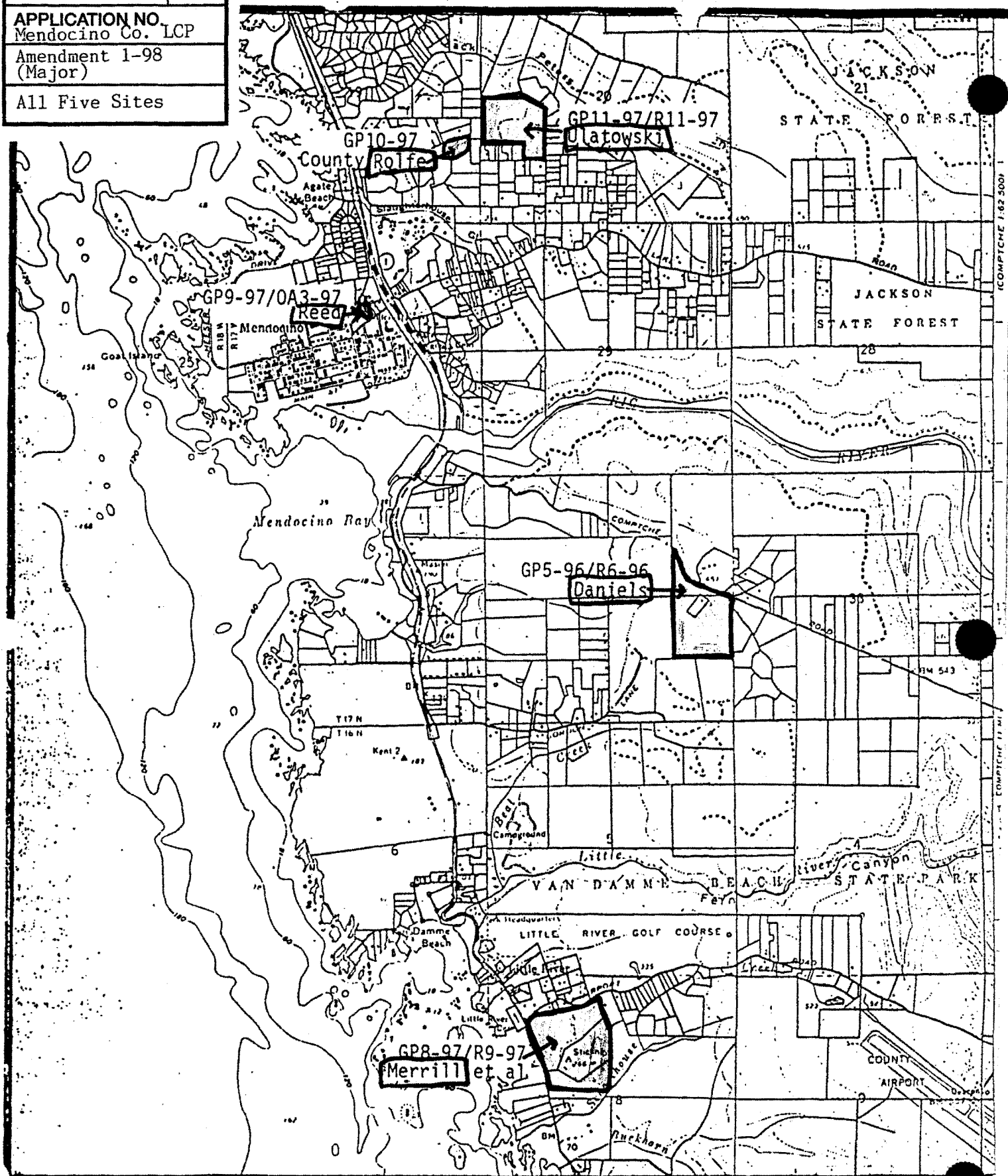
1

APPLICATION NO.  
Mendocino Co. LCP

Amendment 1-98  
(Major)

All Five Sites

PAGE PC



CASE NUMBER:  
Refer to Map

OWNER:  
Refer to Map

AGENT:

A/P NUMBER:  
Numerous

1997 North of Navarro Coastal Land Use  
Map Changes and Related Applications

SCALE:  
1" = 1 mile



NORTH



EXHIBIT NO.	2
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98 (Major)
Board of Supervisors Findings & Resolutions	

**BOARD OF SUPERVISORS  
JANUARY 26, 1998**

**CONSENT CALENDAR**

THE PUBLIC HEARING FOR CONSENT ITEMS WAS OPENED AND SUBSEQUENTLY CLOSED as no one present wished to address these items.

Upon motion by Supervisor Delbar, seconded by Supervisor Campbell, and carried unanimously; IT IS ORDERED that Consent Calendar items (2-4) are approved as follows:

**3. GP 15-97**

**SUBJECT:** 1997 North of Navarro General Plan Amendment Group and Associated Rezones and other Ordinance Amendments listed as follows: #GP 5-96 / R 6-96; #GP 8-97 / R 9-97; #GP 9-97 / OA 3-97; #GP 10-97; #GP 11-97 / R 11-97.

Planner Pam Townsend answered questions of the Board relative to traffic studies.

The Board of Supervisors approves for submittal to the Coastal Commission the 1997 North of Navarro Group #GP 15-97, consisting of the attached Coastal Land Use Map, Zoning Map and Ordinance amendments, based on the following:

1. An initial study has been prepared concluding that no significant unmitigated environmental impacts will occur as the result of #GP 15-97.

Modification to #GP 5-96 / #R 6-96 to RR-10 and the Board's stated intention to apply the RR-10 designations to the remaining 20 acres outside the Coastal Zone will maintain the existing development potential of 5 parcels over the total ownership. Although development potential within the Coastal Zone will increase, potential impacts to pygmy resources predominately located on the portion of the ownership outside the Coastal Zone will be reduced. No additional traffic will be generated.

The location of #GP 8-97 / #R 9-97 is adjacent to and supports placement of new development adjacent to an existing community with a range of convenience services. The contract rezone to limit future development to a 10 acre minimum and prohibit new encroachments on Highway 1 addresses the issue of successive reclassification to higher densities and visual impacts in the Highly Scenic Area.

#GP 9-97 / OA 3-97 reflects the staff report findings and Board's motion that no significant environmental impacts will occur.

2. The projects proposed to be included in #GP 15-97 are consistent with the General Plan and are in the public interest.

#GP 5-96 / R 6-96 as revised to RR-10 is consistent with Agricultural Policy 3.2-13 because 10 acre parcels will be maintained next to Forest Land and

the State Park. The reduced development potential under the RR-10 classification when applied to the total ownership eliminates inconsistencies with Locating New Development Policy 3.9-1, Energy Goal 2, and Transportation Policy 3.8-1.

#GP 8-97 / #R 9-97 locates new development adjacent to an existing community with a range of convenience services and is therefore consistent with Locating New Development Policy 3.9-1 and Energy Goal 2. Prohibiting new access to Highway 1 will reduce impacts to the Highly Scenic Area.

#GP 9-97 / OA 3-97 is consistent with the intent of the Mendocino Town Plan as stated in the staff report and Board's action for the project, in that residential units will not be converted, the residential-visitor serving "balance" will not be compromised, new facilities will not be established, and location outside the town core will limit traffic impacts that may otherwise be associated with the project.

3. The Board adopts the following Ordinances and Resolutions for submittal to the Coastal Commission, further specifying that the Board's action shall be final for those amendments approved without suggested modification:

RESOLUTION NO. 98-009

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#GP 5-96 - DANIELS)

approving GP 5-96 / R 6-96 Daniels from RMR-20 to RR-10.

RESOLUTION NO. 98-010

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#GP 8-97 - MERRILL, POLLARD, SAWYER, HASSEBROCK)

approving GP 8-97 / R 9-97 Merrill, Pollard, Sawyer, Hassebrock from RMR-20 to RR-10.

RESOLUTION NO. 98-011

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#GP 11-97 - ULATOWSKI)

approving GP 11-97 / R 11-97 Ulatowski from RMR-20 to RR-10.

RESOLUTION NO. 98-012

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUP

EXHIBIT NO.	2
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98 (Major)

AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#GP 10-97 - ROLFE)

approving GP 10-97 Rolfe / Mendocino County correcting the boundary between the RR-5 and RR-5[RR-2] classification.

RESOLUTION NO. 98-013

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#GP 9-97 - REED)

approving GP 9-97 / OA 3-97 Reed increasing the inn cap associated with Reed Manor from 5 units to 9 units.

ORDINANCE NO. 3993 approving GP 5-96 / R 6-96 Daniels from RMR to RR:L:10.

ORDINANCE NO. 3994 approving GP 8-97 / R 9-97 Merrill, Pollard, Sawyer, Hassebrock from RMR to RR:L:10:CR limiting future subdivision to 10 acres and not allowing encroachment or access from Highway 1.

ORDINANCE NO. 3995 approving GP 11-97 / R 11-97 Ulatowski from RMR to RR:L:10.

ORDINANCE NO. 3996 approving OA 3-97 Reed increasing the inn cap associated with Reed Manor from 5 units to 9 units.

The Chairman is authorized to execute the Contract for Compliance with Rezone Conditions associated with GP 8-97 / R 9-97.

EXHIBIT NO.	2
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98	(Major)

APPROXIMATE  
LOCATION

**EXHIBIT NO. 3**

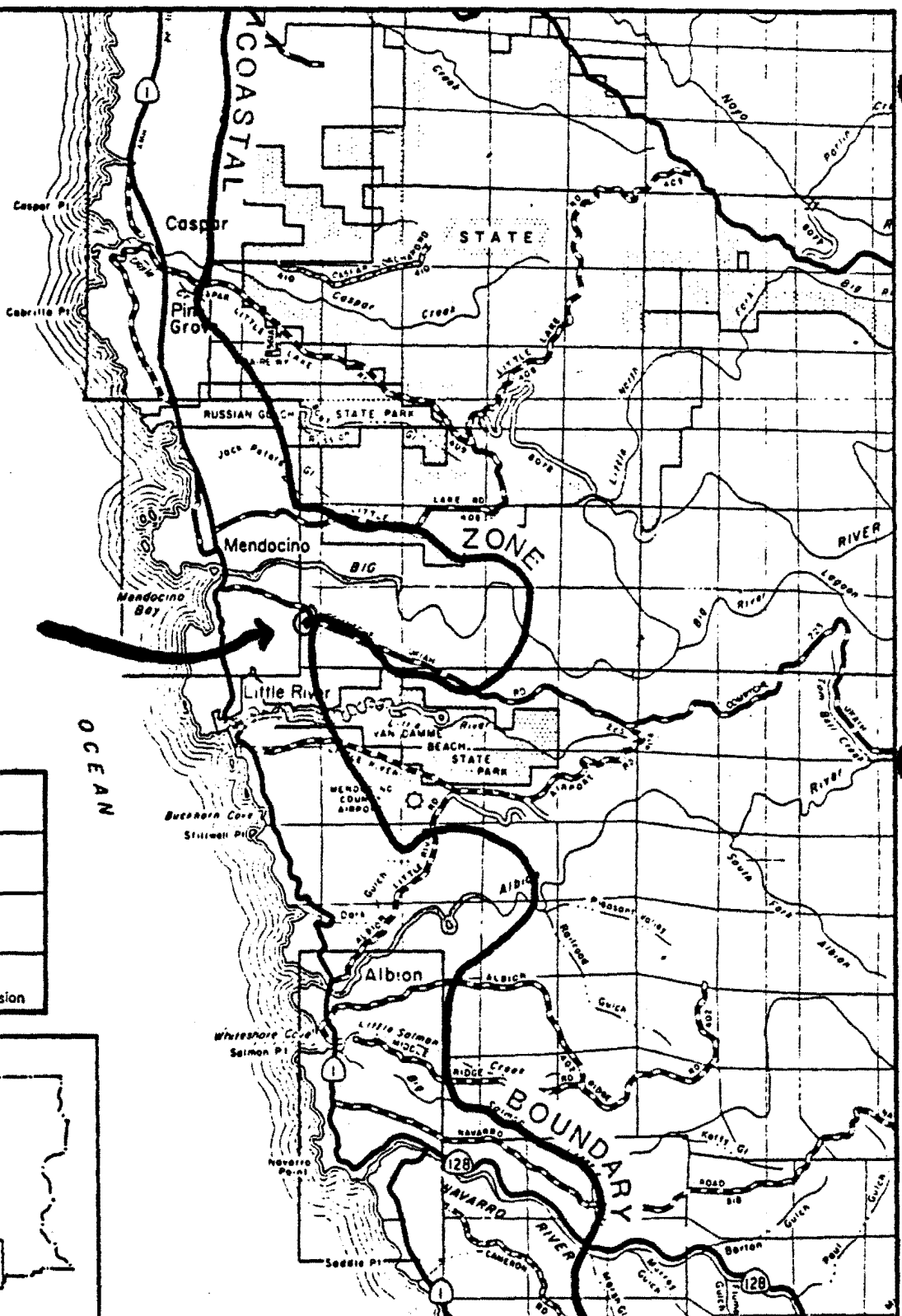
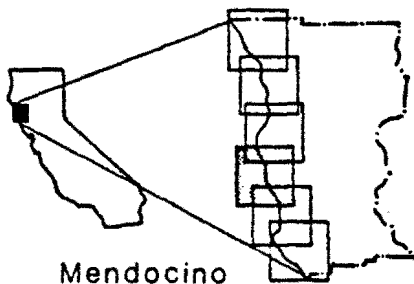
**APPLICATION NO.**

Mendocino Co. LCP

Amendment 1-98  
(Major), Site One



Location Map  
California Coastal Commission



California Coastal Commission

**LOCATION MAP**



EXHIBIT NO.

4

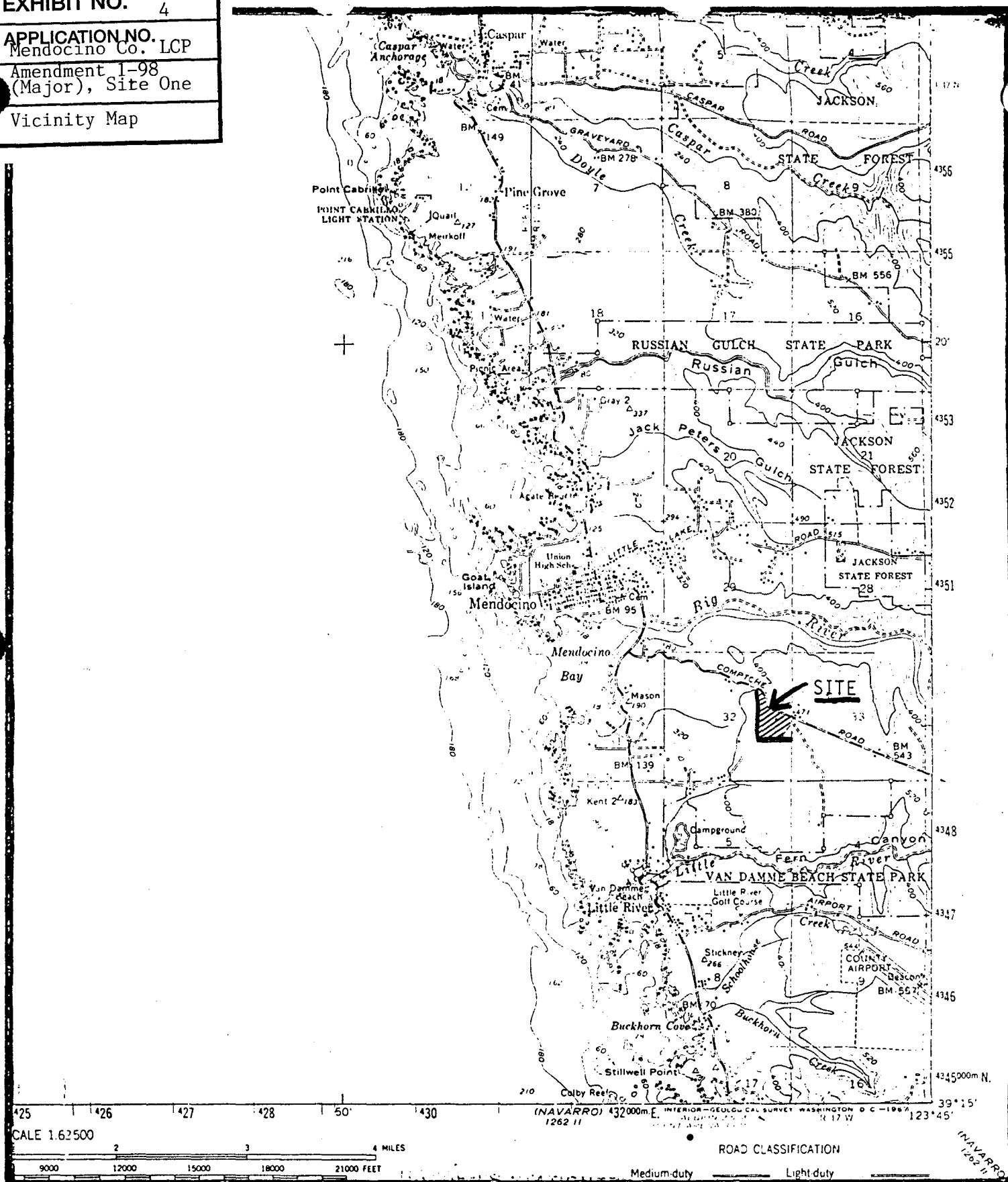
APPLICATION NO.

Mendocino Co. LCP

Amendment 1-98

(Major), Site One

Vicinity Map



CASE NUMBER:

#GP 5-96/#R 6-96

OWNER:

Ronald Daniels

AGENT:

Joseph J. Scherf

A/P NUMBER:

119-410-14, 119-420-23

LOCATION MAP

SCALE:

1" = 1 mile

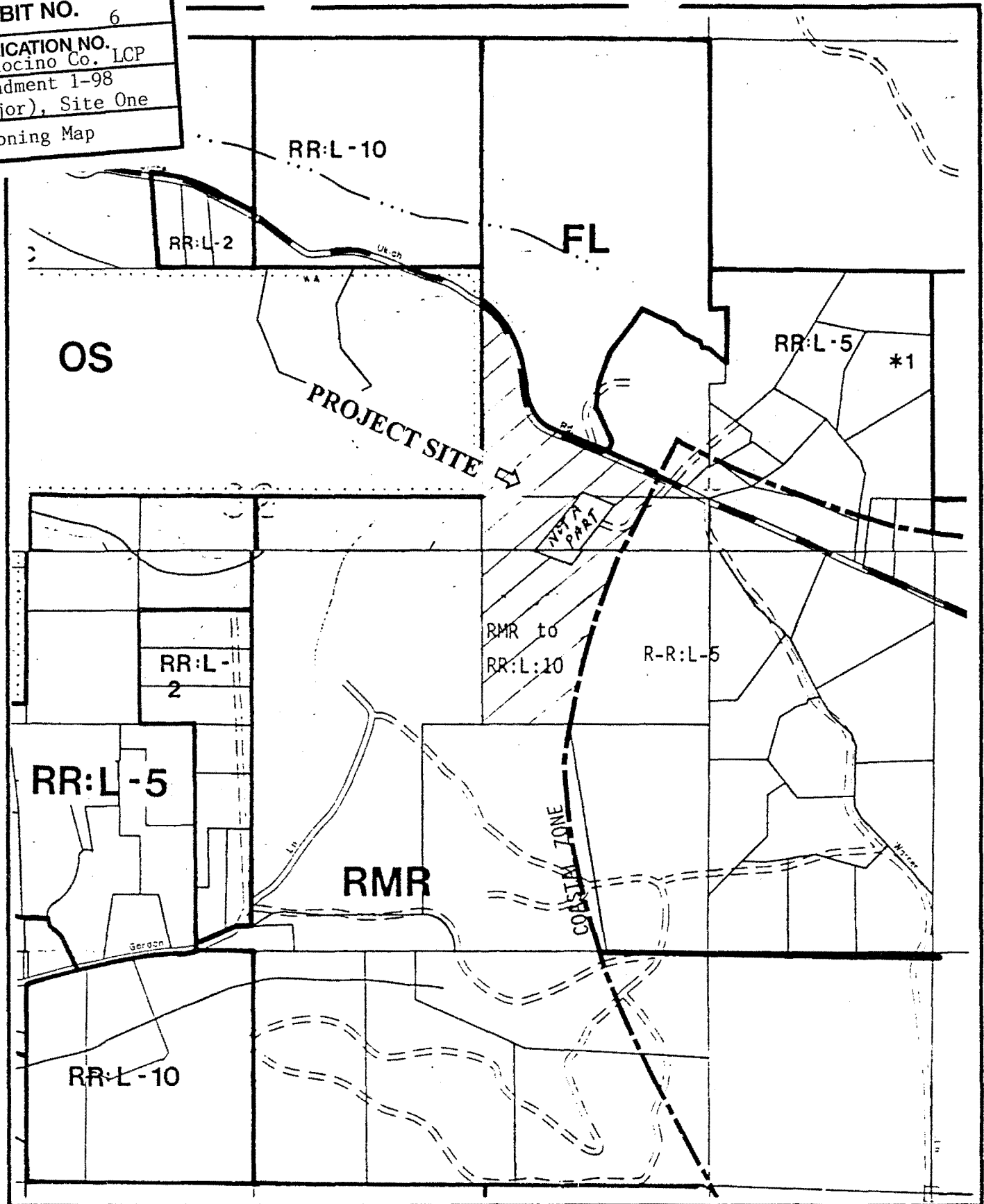


NORTH



EXHIBIT NO. 6

APPLICATION NO.  
Mendocino Co. LCP  
Amendment 1-98  
(Major), Site One  
Zoning Map



CASE NUMBER:  
GP 5-96/R 6-96

OWNER:  
Daniels

APPLICANT:  
Scherf

A/P NUMBER:  
119-420-23, 119-410-14 (portion)

COUNTY ZONING MAP 42F  
Amend RMR to RR:L:10

SCALE: 6.75" = 1 mi  $\uparrow$  N

EXHIBIT "A"

A5

EXHIBIT NO.

7

APPLICATION NO.

Mendocino Co. LCP

Amendment 1-98

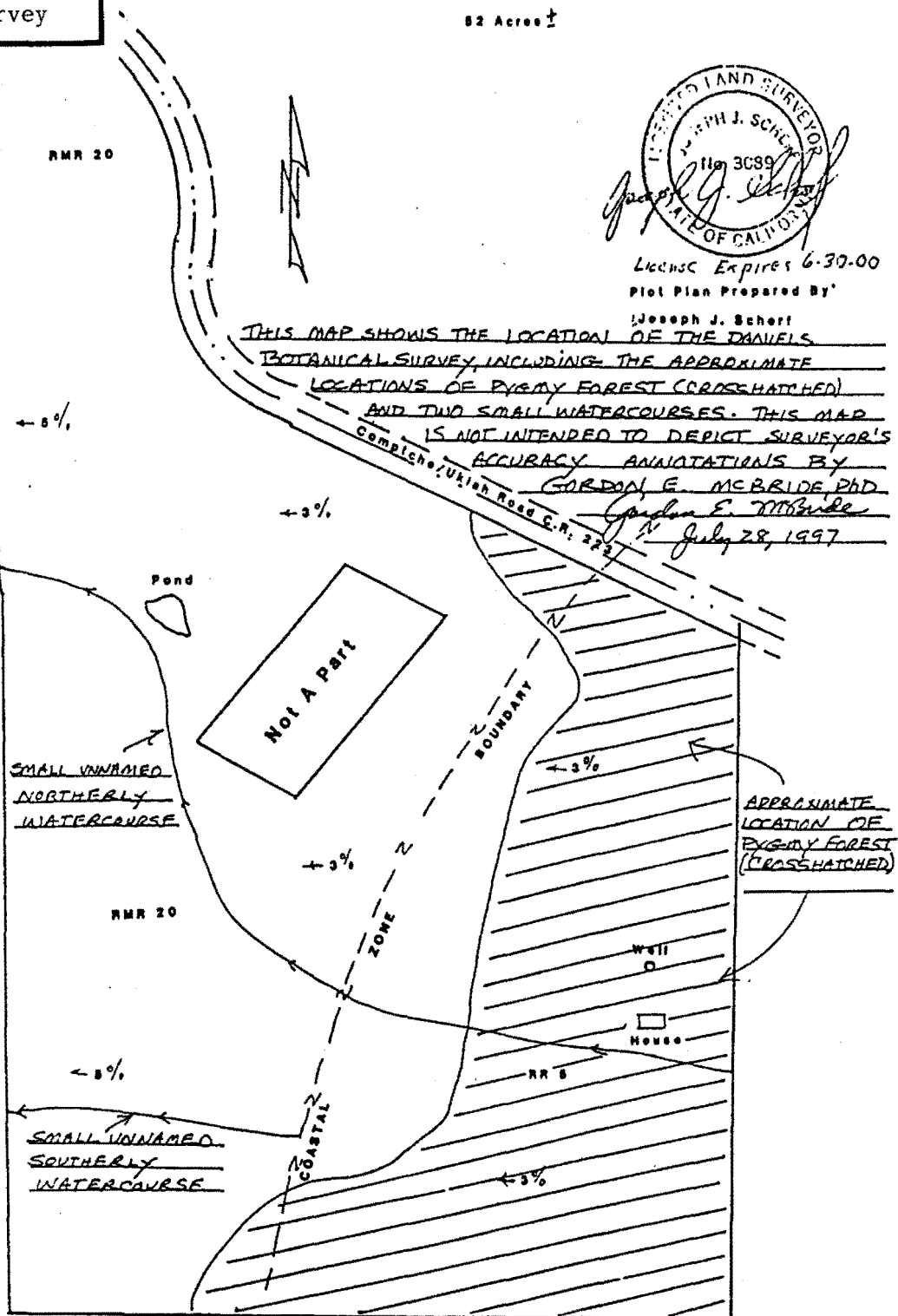
(Major), Site One

Botanical Survey

1" = 200'

July 28, 1996

82 Acres ±



CASE NUMBER:

GP 5-96/R 6-96

OWNER:

Daniels

APPLICANT:

Scherf

A/P NUMBER:

119-420-23, 119-410-14 (portion)

BOTANICAL SURVEY

SCALE:

↑ N



EXHIBIT NO.	8
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98 (Major), Site One
	Resolution

RESOLUTION NO. 98-009

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY  
OF MENDOCINO TO AMEND THE LOCAL  
COASTAL PROGRAM FOR MENDOCINO COUNTY  
(#GP 5 -96 - Daniels)**

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino adopts #GP 5-96 amending the Local Coastal Program as shown on attached Exhibit A.

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

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the California Coastal Commission approves the amendment without suggested modification. In the event that the California Coastal Commission suggests modifications, the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino accepts any modification suggested by the California Coastal Commission and formally adopts the proposed amendment.

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

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

The foregoing Resolution was introduced by Supervisor Delbar, seconded by Supervisor Campbell and carried this 26th day of January, 1998 by the following roll call vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches  
NOES: None  
ABSENT: None

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED

  
\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: JOYCE A. BEARD  
Clerk of the Board

By:   
DEPUTY

#GP 5-96 - Ronald, Richard & George Daniels

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

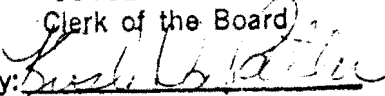
JOYCE A. BEARD  
Clerk of the Board  
By:   
DEPUTY

EXHIBIT NO. 8

APPLICATION NO.  
Mendocino Co. LCP  
Amendment 1-98  
(Major), Site One

Resolution

ORDINANCE NO. 3993

AN ORDINANCE CHANGING THE ZONING OF REAL  
PROPERTY WITHIN MENDOCINO COUNTY

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division II of Title 20, Chapter 20.548 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as described below.

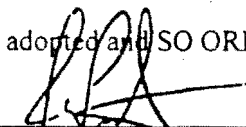
Said zoning change encompasses the property described by Assessor's Parcel Numbers 119-420-43 and a portion of 119-410-14 which are reclassified from RMR (Remote Residential) to RR:L-10 (Rural Residential - 10 acre minimum), more particularly shown on the attached Exhibit "A".

This Ordinance shall not become effective or operative until the California Coastal Commission approves said zoning change without suggested modification.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 26<sup>th</sup> day of January, 1998, by the following vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches  
NOES: None  
ABSENT: None

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

  
Chairman of said Board of Supervisors

ATTEST: JOYCE BEARD  
Clerk of said Board

By   
DEPUTY

CASE#: #R 6-96  
OWNER: Ronald, Richard & George Daniels

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

JOYCE A. BEARD  
Clerk of the Board

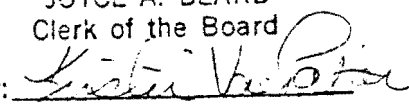
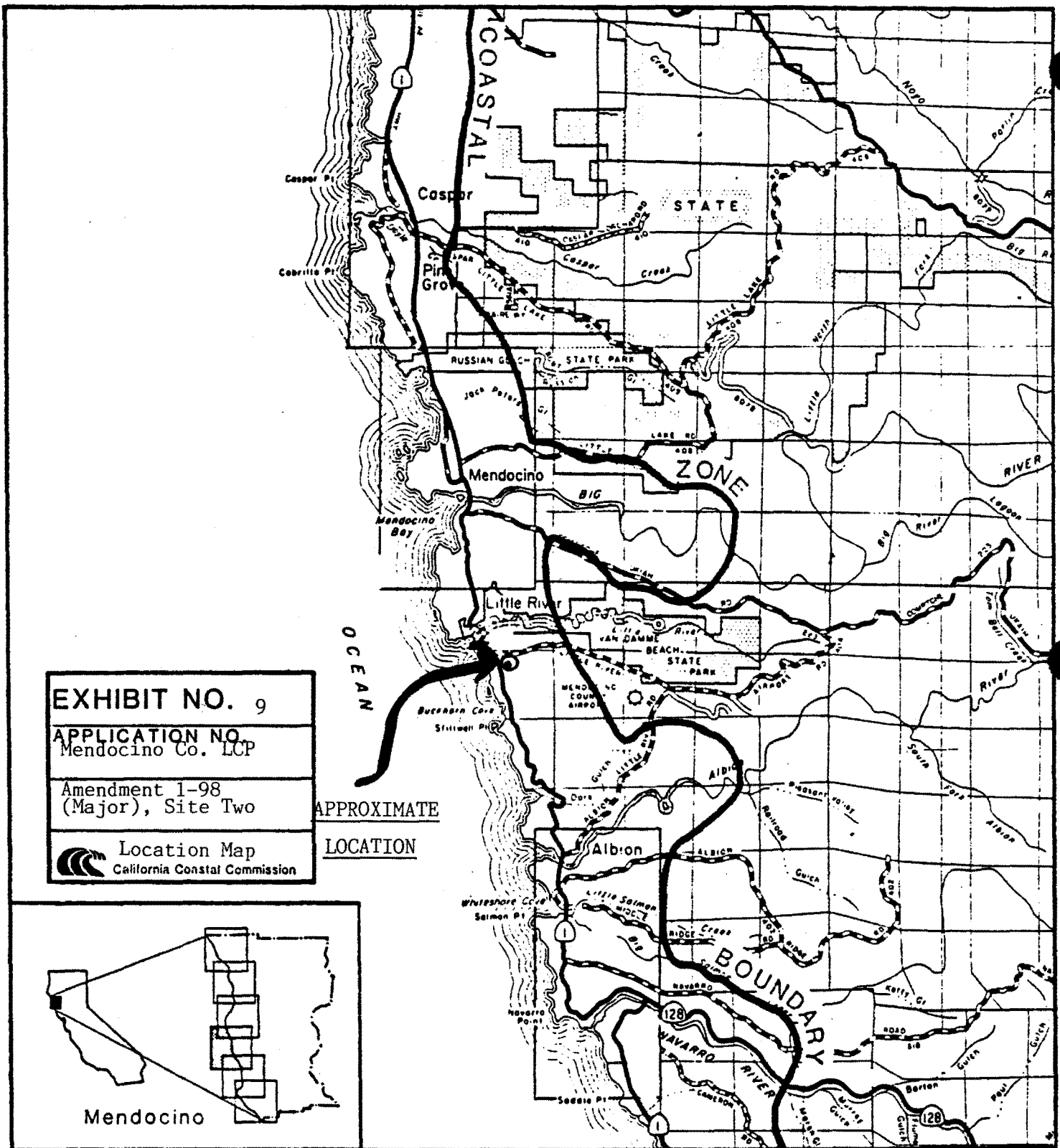
By:   
DEPUTY


EXHIBIT NO.	8 a
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98 (Major), Site One	
Ordinance	



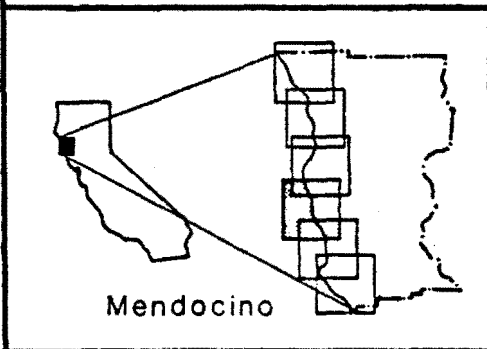
**EXHIBIT NO. 9**


**APPLICATION NO.**  
Mendocino Co. LCP

Amendment 1-98  
(Major), Site Two

 **Location Map**  
California Coastal Commission

APPROXIMATE  
LOCATION



 California Coastal Commission

**LOCATION MAP**

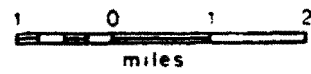


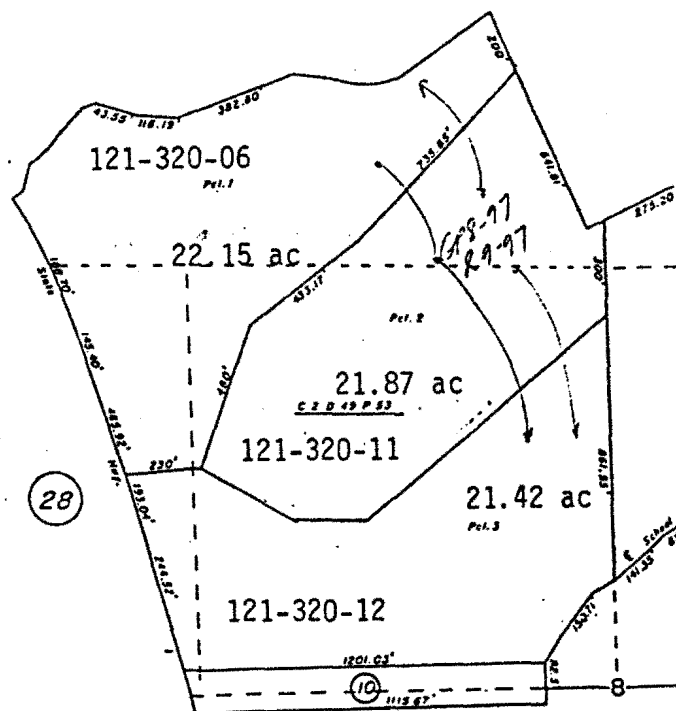


EXHIBIT NO. 11

APPLICATION NO.  
Mendocino Co. LCP

Amendment 1-98  
(Major). Site Two

Assessor's Map



CASE NUMBER:  
GP 8-97/R 9-97

OWNER: Merrill, Pollard,  
Hasselbrock, Sawyer

APPLICANT:  
Kamb

A/P NUMBER:  
121-320-06, 11, 12

ASSESSOR'S MAP

SCALE:  $\uparrow$  N

Future residential structures shall be from a parcel designated for forest use.

minimum setback of 200 feet distance use.

Properly adjacent to Timber Production lands may be subject to inconvenience or discomfort arising from timber practices which occasionally generate dust, noise smoke, and odors.

Development within the flood plain is subject to those restrictions in the Flood Plain Regulations of the Mendocino County Code.

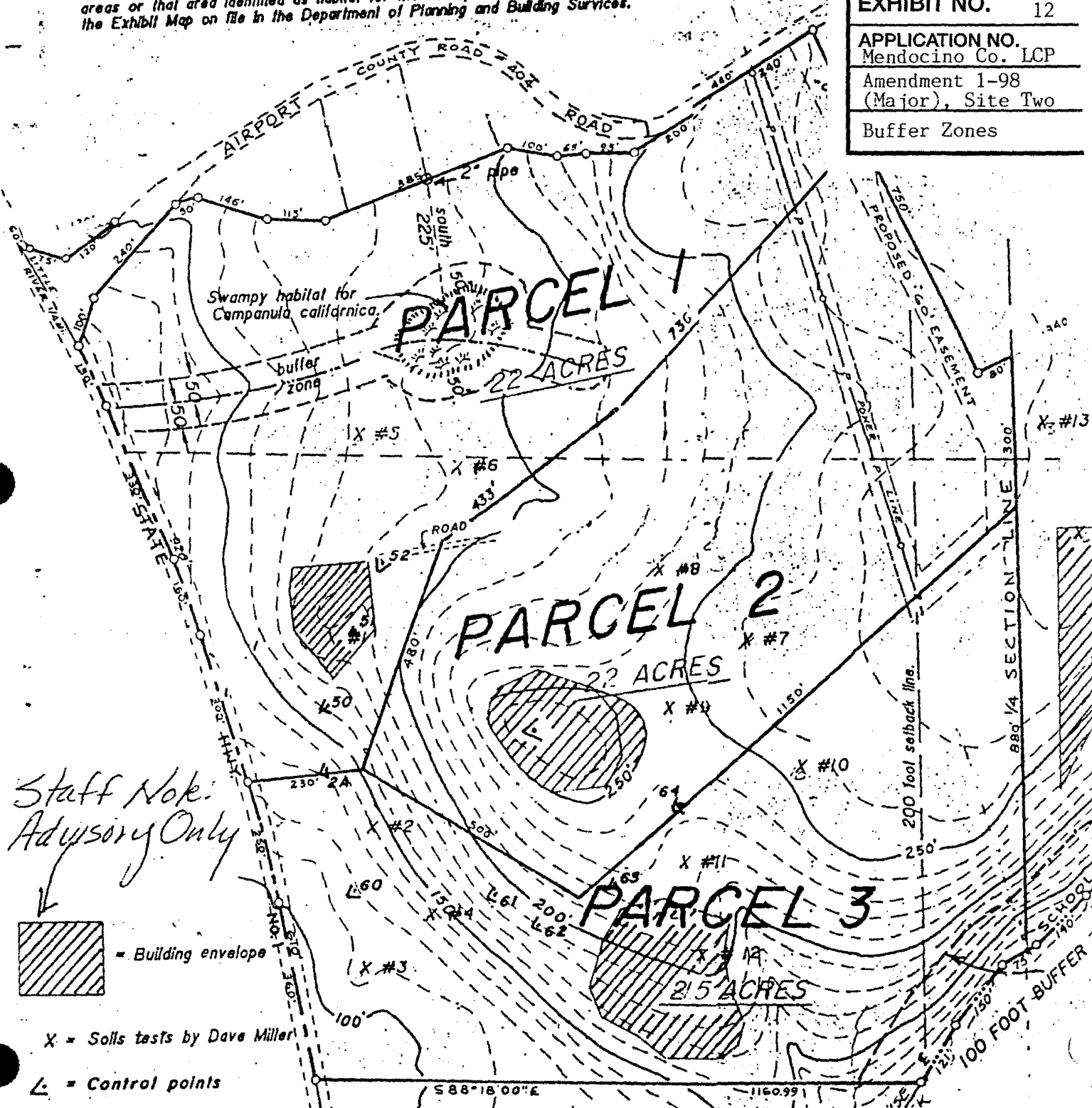
Future development will be subject to Chapter 3.5 ( Highly Scenic ) of the Coastal Elements of the Mendocino County General Plan.

No development or ground disturbance shall be permitted within the stream buffer areas or that area identified as habitat for the rare plant, *Campanula californica*, on the Exhibit Map on file in the Department of Planning and Building Services.

...the limits of the swampy habitat for *Campanula californica* and the associated drainage with a 50 foot buffer along each side measured from the center of the drainage, and a 100 foot buffer on the north side of Schoolhouse Cre measured from the center of the creek.

*Gordon E. McBride*  
Gordon E. McBride PhD.

EXHIBIT NO.	12
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98
	(Major), Site Two
Buffer Zones	



CASE NUMBER:  
GP 8-97/R 9-97

A/P NUMBER:  
121-320-06, 11, 12

OWNER: Merrill, Pollard,  
Hasselbrock, Sawyer

#MS 49-88 PARCEL MAP  
EXHIBIT/NOTATIONS

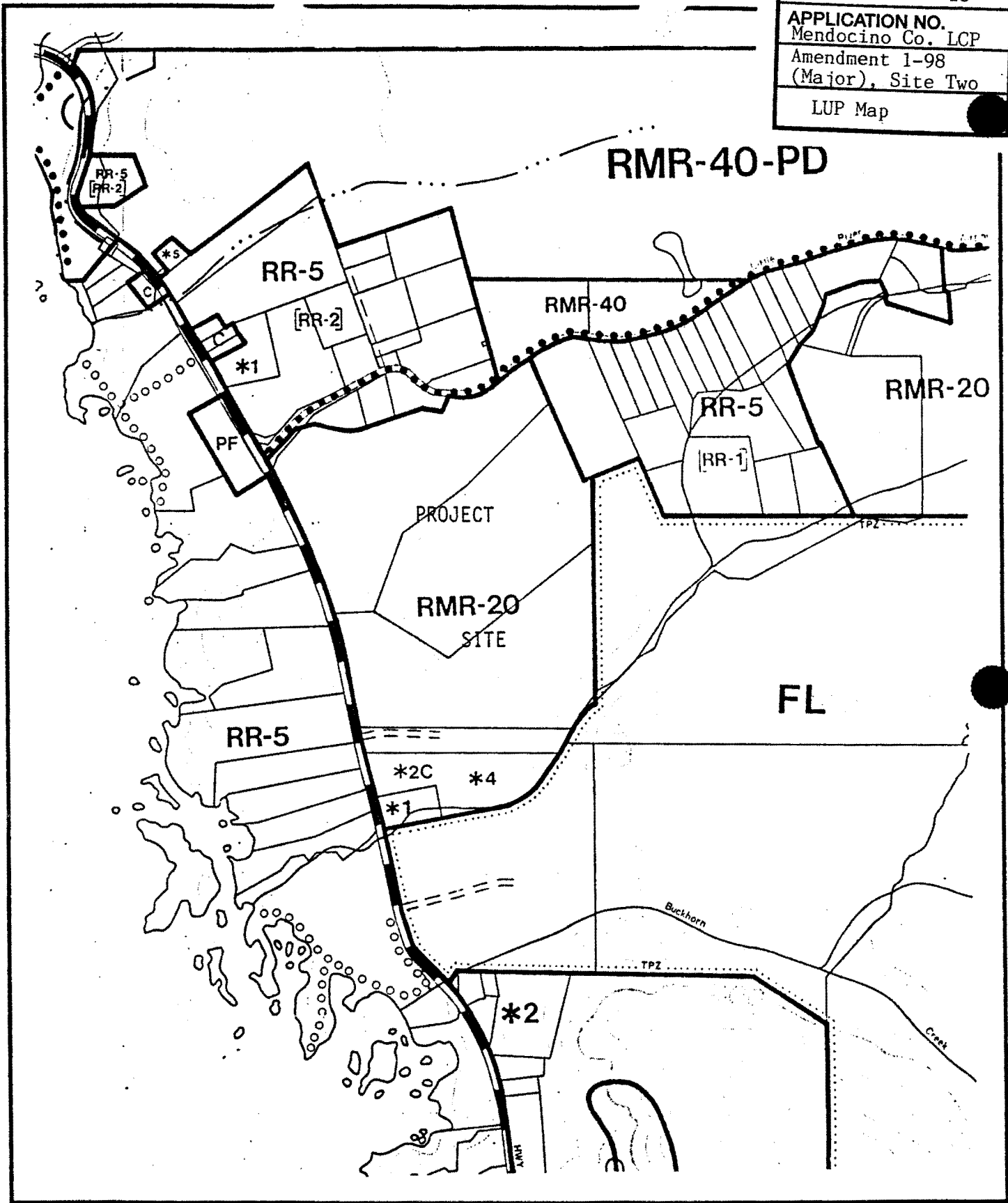
APPLICANT:  
Kamb

SCALE:  $\uparrow$  N B24

EXHIBIT NO. 13

APPLICATION NO.  
Mendocino Co. LCP  
Amendment 1-98  
(Major), Site Two

LUP Map



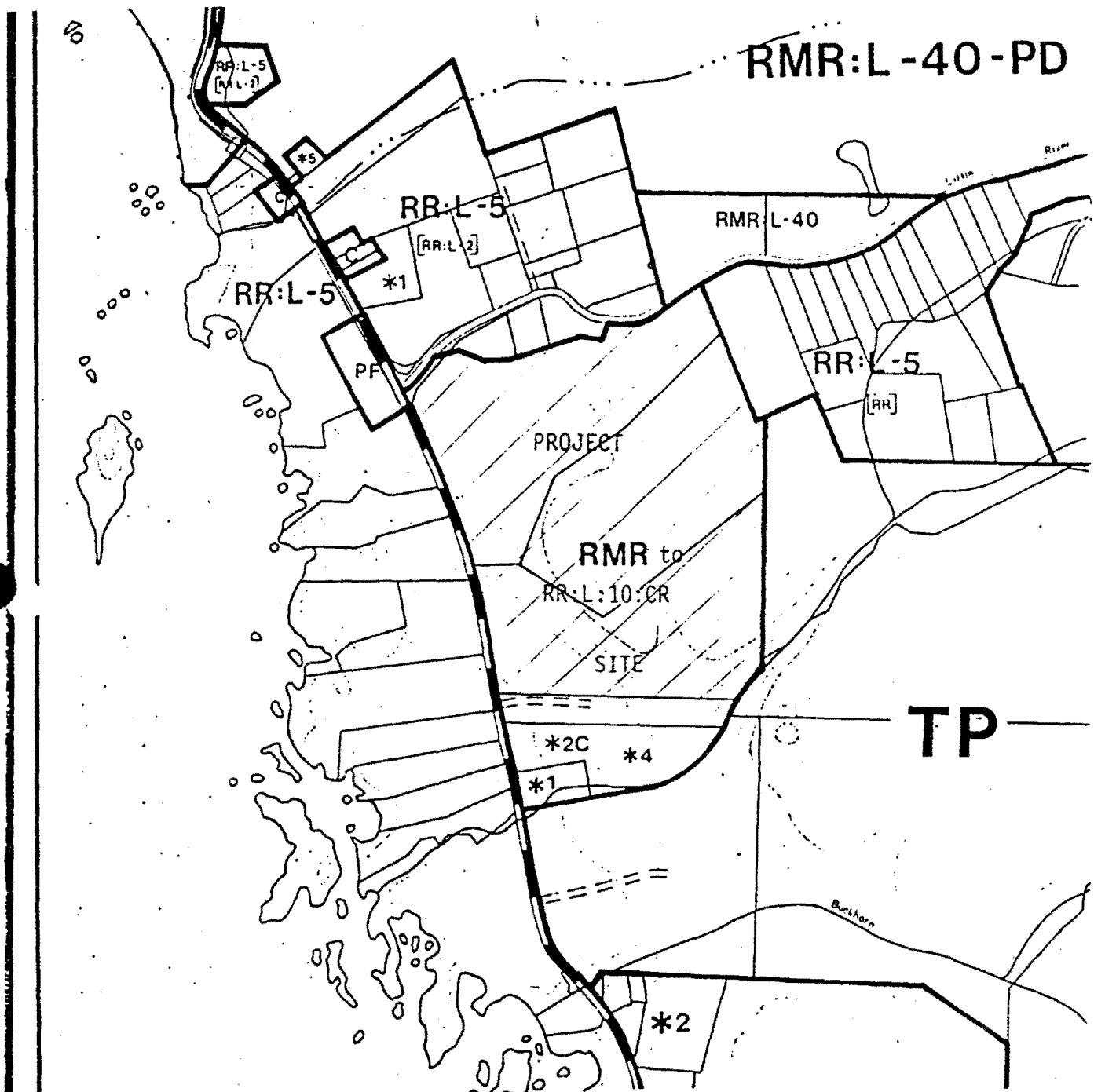
CASE NUMBER: GP 8-97/R 9-97	OWNER: Merrill, Pollard, Hasselbrock, Sawyer	APPLICANT: Kamb
A/P NUMBER: 121-320-06, 11, 12	CO. NTY LAND USE MAP	SCALE: ↑ N



EXHIBIT NO. 14

APPLICATION NO.  
Mendocino Co. LCP  
Amendment 1-98  
(Major), Site Two

Zoning Map



CASE NUMBER:  
GP 8-97/R 9-97

OWNER: Merrill, Sawyer, Pollard,  
Hassebrock

AGENT:  
Kamb

A/P NUMBER:  
121-320-06,11,12

Amend Zoning Map 42G  
from RMR to RR:L:10:CR



NORTH

B5

to limit future subdivision to 10 acres  
and not allow encroachment or access from Highway 1

EXHIBIT "A"

**EXHIBIT NO.** 15

**APPLICATION NO.**  
Mendocino Co., LCP

Amendment 1-98  
(Major), Site Two

Resolution

**RESOLUTION NO.** 98-010

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY  
OF MENDOCINO TO AMEND THE LOCAL  
COASTAL PROGRAM FOR MENDOCINO COUNTY  
(#GP 8-97 - Merrill, Pollard, Sawyer, Hassebrock)**

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino adopts #GP 8-97 amending the Local Coastal Program as shown on attached Exhibit A.

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

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the California Coastal Commission approves the amendment without suggested modification. In the event that the California Coastal Commission suggests modifications, the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino accepts any modification suggested by the California Coastal Commission and formally adopts the proposed amendment.


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

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

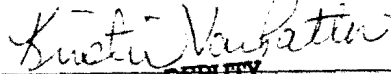
The foregoing Resolution was introduced by Supervisor Delbar, seconded by Supervisor Campbell and carried this 26th day of January, 1998 by the following roll call vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches  
NOES: None  
ABSENT: None

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED

  
\_\_\_\_\_  
Chairman/ Board of Supervisors

ATTEST: JOYCE A. BEARD  
Clerk of the Board

By:   
\_\_\_\_\_  
DEPUTY

#GP 8-97 - Merrill, Pollard, Sawyer, Hassebrock

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

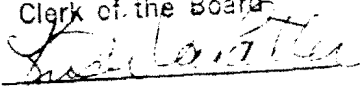
JOYCE A. BEARD  
Clerk of the Board  
By:   
\_\_\_\_\_  
DEPUTY

EXHIBIT NO.	15
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98
	(Major), Site Two
	Resolution

ORDINANCE NO. 3994

AN ORDINANCE CHANGING THE ZONING OF REAL  
PROPERTY WITHIN MENDOCINO COUNTY

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division II of Title 20, Chapter 20.548 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as described below.

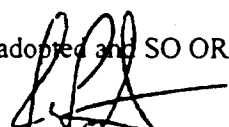
Said zoning change encompasses the property described by Assessor's Parcel Numbers 121-132-06, 121-132-11 and 121-132-12 which is reclassified from RMR (Remote Residential) to RR:L-10:CR (Rural Residential - 10 acre minimum: Contract Rezone), more particularly shown on the attached Exhibit "A" and contracted per Exhibit "B" entitled "Contract for Compliance with Rezoning Conditions."

This Ordinance shall not become effective or operative until the California Coastal Commission approves said zoning change without suggested modification.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 26<sup>th</sup> day of January, 1998, by the following vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches  
NOES: None  
ABSENT: None

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

  
Chairman of said Board of Supervisors

ATTEST: JOYCE BEARD  
Clerk of said Board

By   
DEPUTY

CASE#: #R 9-97  
OWNER: Peggy Merrill, Donald Pollard,  
Patricia Hassebrock, Stephen Sawyer

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

JOYCE A. BEARD  
Clerk of the Board

By:   
DEPUTY

EXHIBIT NO. 15 a

APPLICATION NO.

Mendocino Co. LCP

Amendment 1-98  
(Major), Site Two

Ordinance

APPROXIMATE  
LOCATION

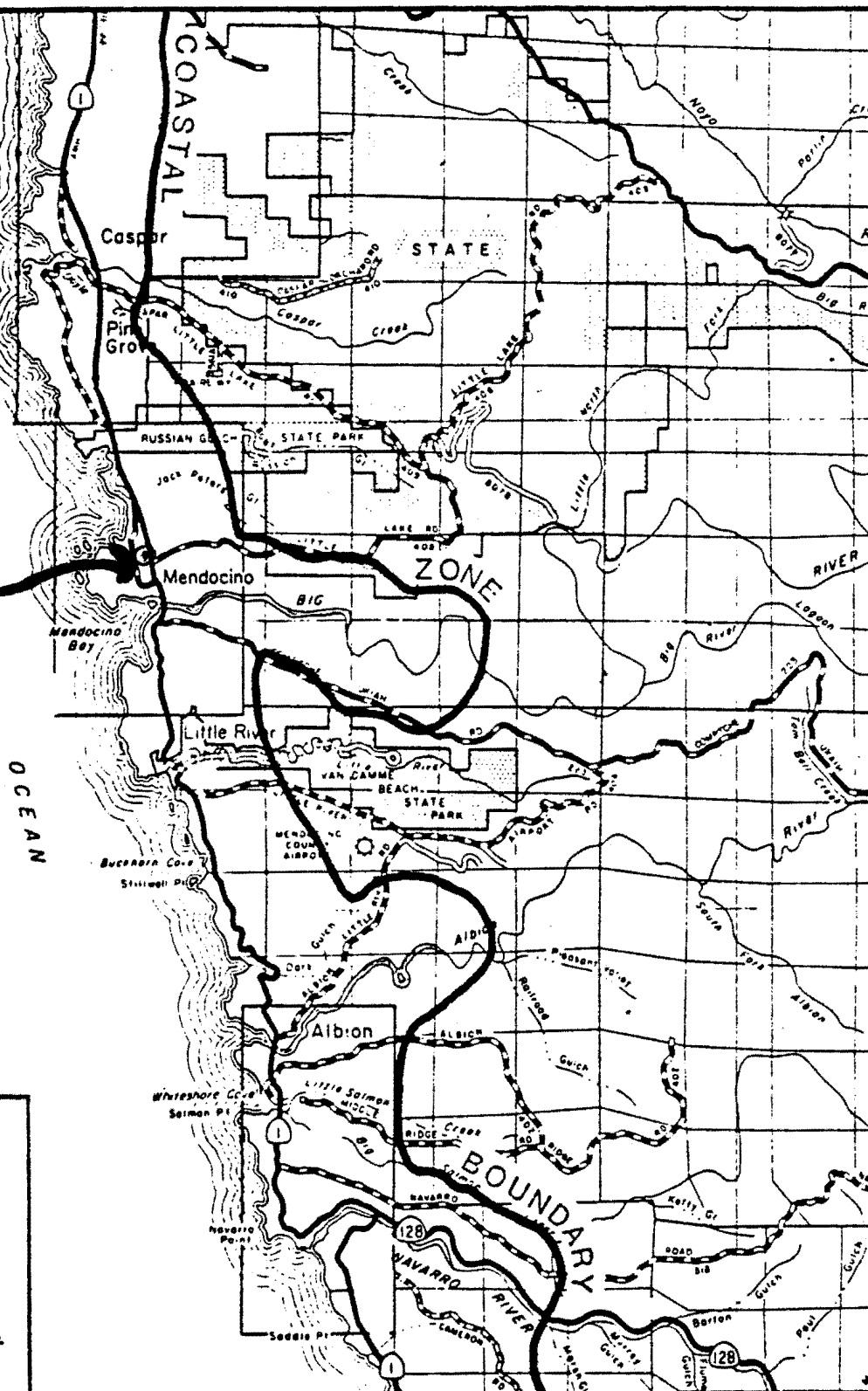
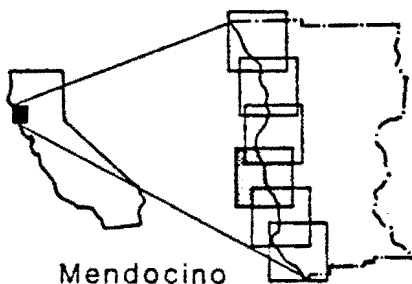
EXHIBIT NO. 16

APPLICATION NO.  
Mendocino Co. LCP

Amendment 1-98  
(Major), Site Three



Location Map  
California Coastal Commission



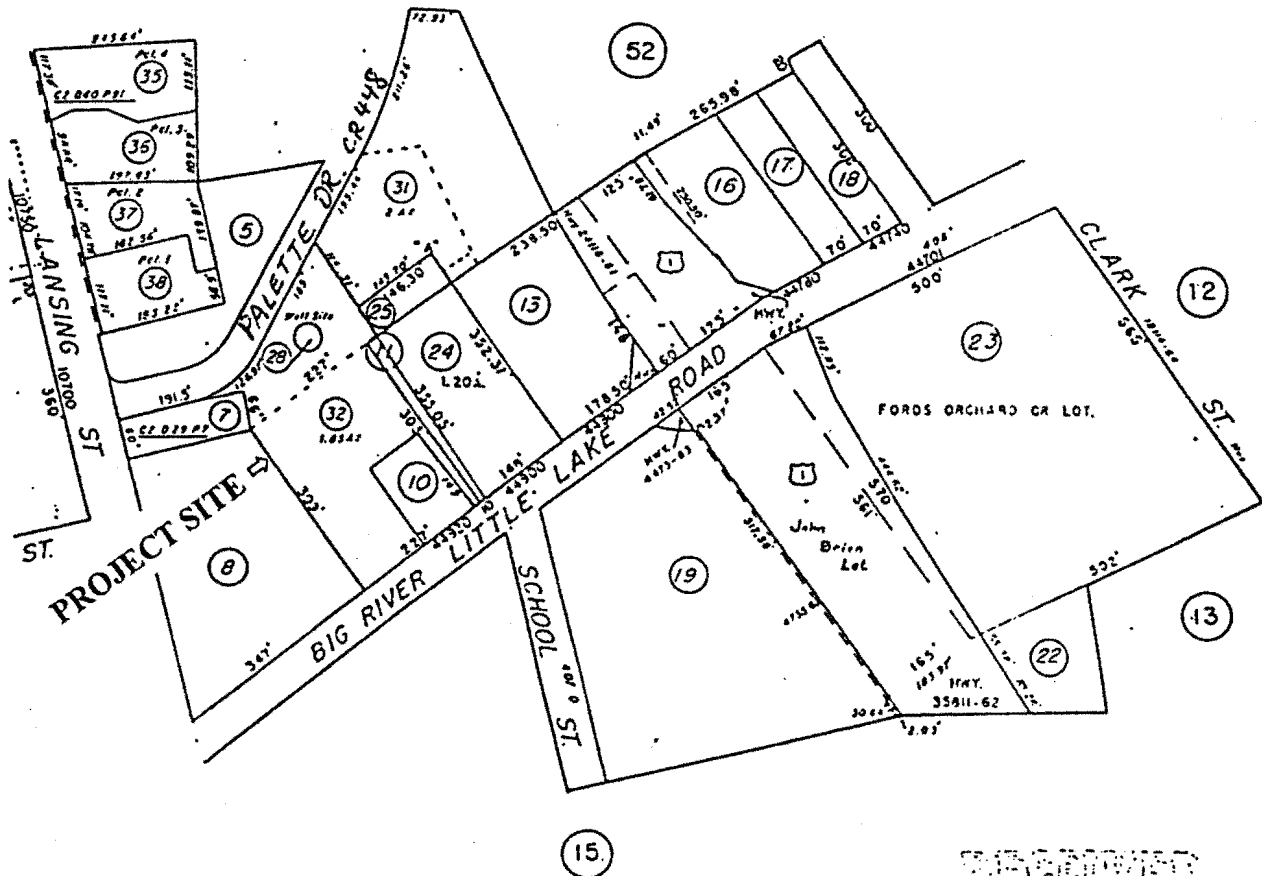
California Coastal Commission

LOCATION MAP



EXHIBIT NO.	17
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98	(Major). Site Three
Project Site	

Fr. Mendocino & Hills Tract.



SEP 15 1965  
 PLANNING & BUILDING DEPARTMENT  
 COUNTY OF MENDOCINO

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

Assessor's Map  
 County of Mendocino, Calif.  
 March, 1965

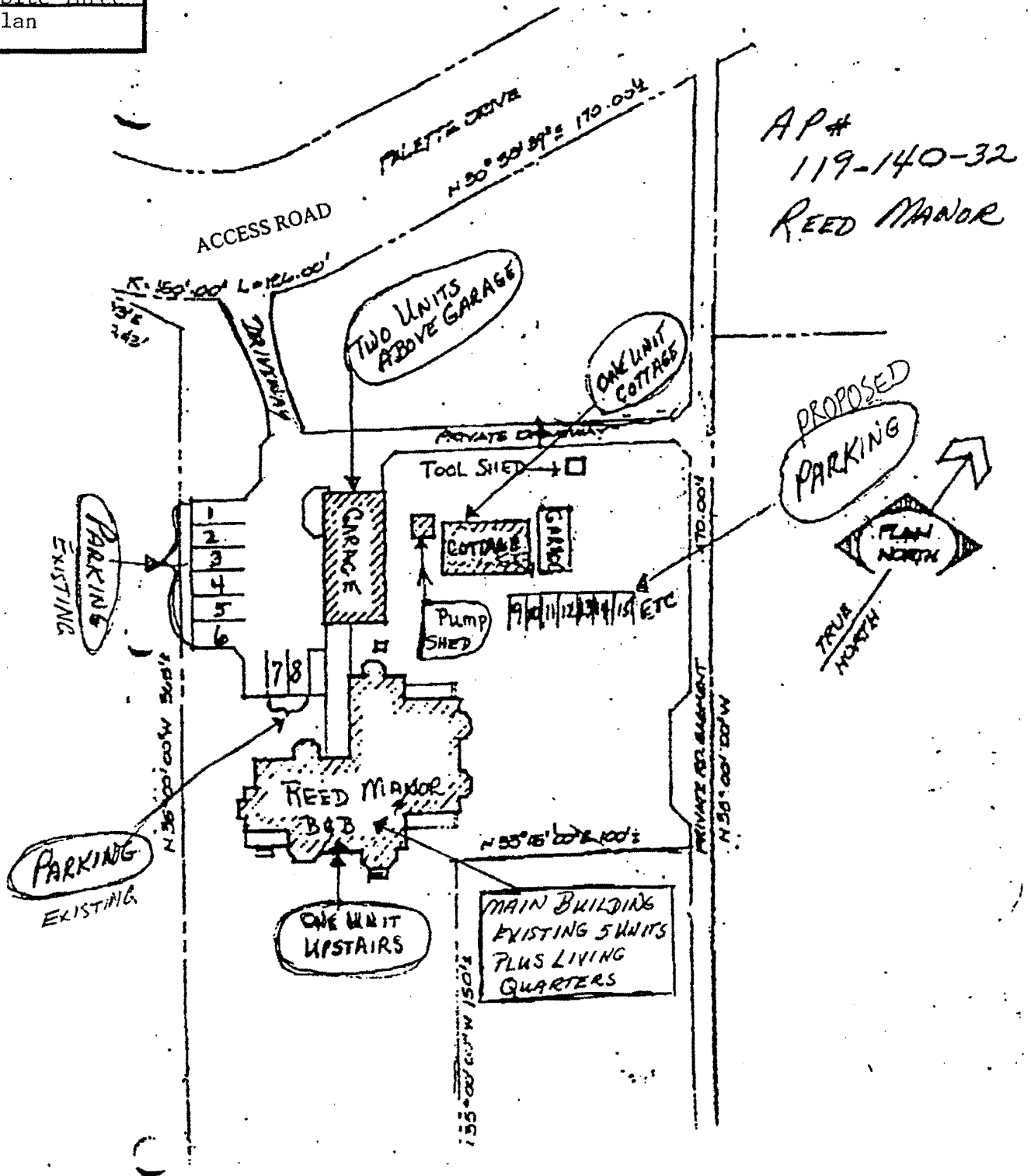
CASE NUMBER: #GP 9-97/OA 3-97	OWNER: Barbara and Monte Reed	APPLICANT: Reed
APN: 119-140-32	PROJECT SITE ➡	NORTH ↑ ASSESSOR PARCEL MAP

C-21

EXHIBIT NO. 18

APPLICATION NO.  
Mendocino Co. LCP

Amendment 1-98  
(Major). Site Three  
Site Plan



AP#  
119-140-32  
REED MANOR

CASE NUMBER:  
#GP 9-97/OA 3-97

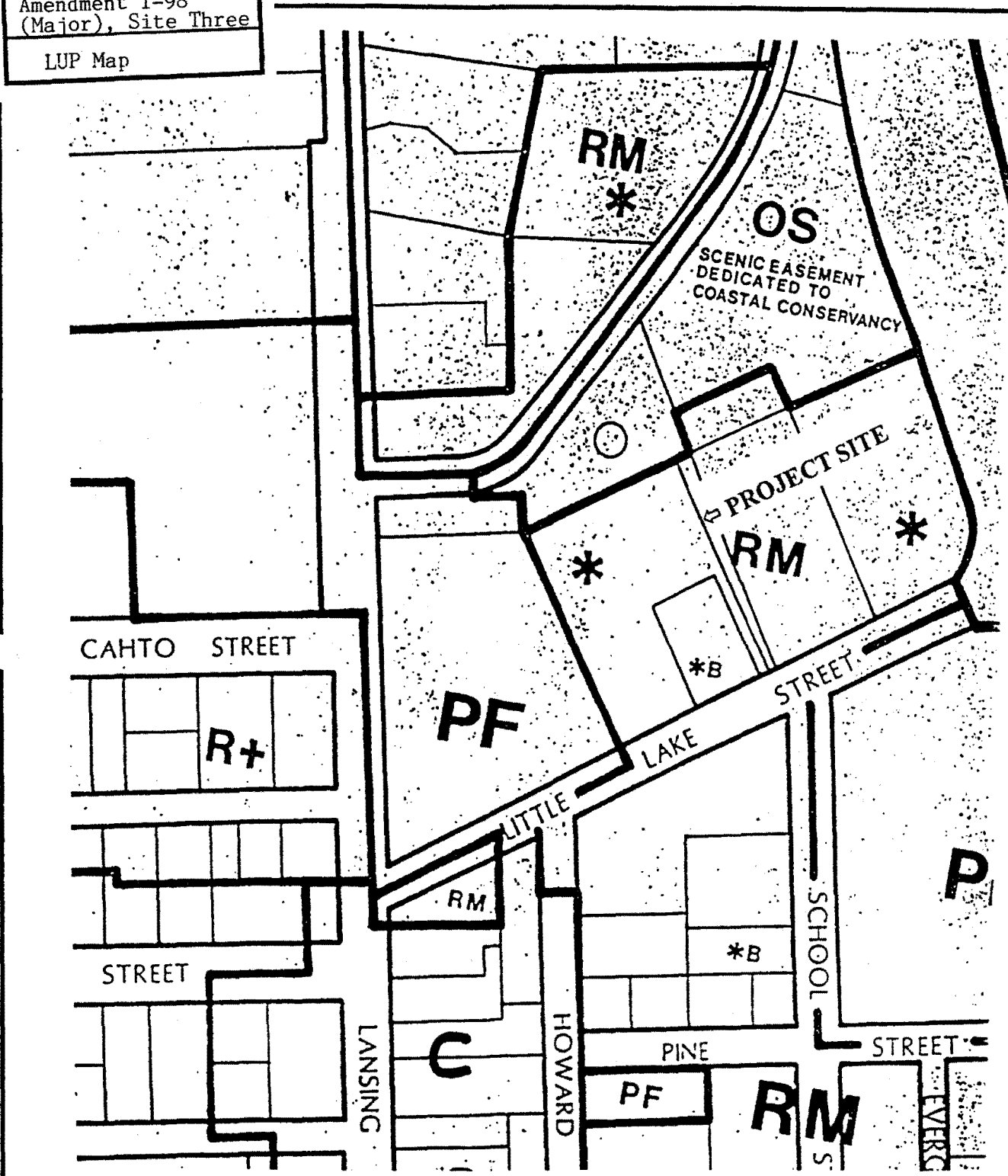
OWNER: Barbara and Monte Reed

APPLICANT: Reed

APN: 119-140-32

NORTH ↑  
SITE PLAN

EXHIBIT NO.	19
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98 (Major), Site Three	
LUP Map	



CASE NUMBER: #GP 9-97/OA 3-97	OWNER: Barbara and Monte Reed	APPLICANT: Reed
APN: 119-140-32	PROJECT SITE ⇨	NORTH ↑ LAND USE MAP



TABLE 4.13-1 MENDOCINO TOWN PLAN VISITOR SERVING FACILITIES

ASSESSOR'S PARCEL NUMBER	FACILITY	STREET ADDRESS	ALLOWABLE UNITS
119-080-14	Hill House	10865 Lansing Street	44
119-236-01	Heeser House	45080 Albion Street	25
119-236-10	McCallum House	45065 Albion Street	21
119-238-04			
119-238-05	Mendocino Hotel	45065 Albion Street	<u>26</u>
Subtotal			116
119-140-13	Joshua Grindle	44800 Little Lake Street	10
119-140-32	Reed Manor	43700 (44950) L. Lake St	9
119-235-09	Dougherty House	45110 Albion Place	8
119-250-04	SeaGull Inn	44960 Albion Street	9
119-250-06	Headlands Inn	44950 Albion Street	6
119-250-09	Whitegate Inn	10481 Howard Street	5
119-250-15	Sears House	44840 Main Street	8
119-250-31	1021 Main Street Inn	44781 Main Street	5
119-250-37	Village Inn	44860 Main Street	<u>13</u>
Subtotal			73
TOTAL INNS, HOTELS AND MOTELS (5 rooms or more)			189
119-080-06	Lockey	10940 Lansing Street	3
119-140-10	Schrode	44920 Little Lake Road	2
119-150-11	Cameron	10521 School Street	2
119-160-07	McNamara	45170 Little Lake Street	4
119-160-10	Wickersham	45110 Little Lake Street	4
119-180-06	Friedman	45320 Little Lake Street	3
119-231-08	Parsons Inn	45101 Little Lake Street	2
119-235-13	Reeves	45141 Ukiah Street	2
119-237-09	Blue Heron Inn	390 Kasten Street	4
119-250-19	McElroy's Inn	44800 Main Street	4
TOTAL BED AND BREAKFAST UNITS (2 to 4 rooms)			30
119-160-32	Mendocino Art Center	45200 Little Lake Street	19
TOTAL NUMBER OF UNITS ALLOWABLE			238

EXHIBIT NO. 21

APPLICATION NO.  
Mendocino Co. LCP

Amendment 1-98  
(Major), Site Three  
Draft Mendocino  
Town Plan Review

Y

9-11-97 ; 3:23PM :PLNG & BLDG/FT :PAGE- PLANNING & BUILDING:# 2

RES. MINOR  
SUBD'S

REED '93 +1

ENGLEBART '97 +2

REED '97 +1

CALBY '93 +1

VEBLEN '94 +1

ODDER '93 +1

+7

MENDOCINO COUNTY

M E M O R A N D U M

TO: Gary Pedroni  
FROM: Linda Ruffing *Linda*  
DATE: September 11, 1997

SUBJECT: Preliminary data from Draft Mendocino Town Plan Review-  
pertaining to amendment of Table 4.13-1 to increase the  
allowable number of visitor serving facilities

The Mendocino Town Plan establishes Mendocino as a "special community" (per Sec. 30251 of the Coastal Act) and states that "the controlling goal of the Town Plan shall be the preservation of the town's character."

To accomplish this, the Town Plan incorporates several growth management measures, stating:

"There appears to be general agreement that growth in the town must be limited..."(p.2)

"A very effective step toward preserving Mendocino as a "real" town, rather than as a resort, would be to limit expansion of overnight visitor accommodations...Although the ability to regulate the impact of heavy use is less than in Yosemite Valley, the principle is the same: the number of accommodations and attractions must be limited. Section 30007.5 of the Coastal Act applies--the conflict between maximum accessibility and preservation of the town must "be resolved in a manner which on balance is the most protective of coastal resources." (p.3)

Policy 4.13-1 of the Town Plan addresses the issue of "balance" between residential, visitor serving and commercial uses. It states, in part:

"The preservation of the town's character shall be achieved, while allowing for orderly growth. This shall be done by careful delineation of land uses, provision of community services and review and phasing of development proposals. Balance shall be sought between residential units, visitor accommodations and commercial uses...The objective shall be a Town Plan which retains as much as possible the present physical and social attributes of the Mendocino Community.

"Balance" between residential uses, commercial uses and visitor serving uses shall be maintained by regulating additional commercial uses through development limitations cited in the Mixed Use and Commercial Land Use Classifications and by limiting the number of visitor serving uses.

EXHIBIT NO.	21
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98 (Major), Site Three	

Memo re: MTP Review  
September 11, 1997  
Page 2

Visitor Serving Units listed on Table 4.13-1 (234) shall remain fixed, and a ratio of thirteen long term dwelling units to one Vacation Home Rental or one Single Unit Rental (Tables 4.13-2 and 4.13-3) shall remain fixed until the Plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission.

#### Mendocino Town Plan Review

Policy 4.13-2 of the Town Plan requires that:

"This amended plan shall be reviewed three years after certification of this plan amendment date to determine the effect of development on town character. The plan shall be revised, if necessary to preserve town character consistent with Policy 4.13-1."

Policy 4.13-4(3) of the Town Plan references this required review, stating:

"...The total number of units allowable (234) on Table 4.13-1 shall remain fixed until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission."

The Planning Division is presently preparing a comprehensive review of the Town Plan per Policy 4.13-2 to determine whether there has been any change in the "balance" of residential, commercial and visitor serving uses since adoption of the Town Plan. If recent development has adversely affected the character of the Town, then revisions to the Town Plan may be necessary.

It is anticipated that the Draft Mendocino Town Plan Review will be referred to the Mendocino Historical Review Board for comment (November 1997) and then scheduled for consideration by the Planning Commission and the Board of Supervisors.

#### Summary of Development Since Adoption of Mendocino Town Plan (June 1992 to present)

Residential, visitor-serving and commercial facilities which have been developed or converted to other uses in Mendocino since adoption of the Town Plan are identified below, based on a review of building permits, use permits, LCP Consistency reviews and coastal permits.

EXHIBIT NO. 21

APPLICATION NO.  
Mendocino Co. LCP  
Amendment 1-98  
(Major), Site ThreeMemo re: MTP Review  
September 11, 1997  
Page 3Residential Development

-1 sfr	Mendoza	119-160-31	LCP 94-06 U 23-93 CC 1-94-85 959-506 (convert sfr to comm.)
-1 sfr	Goodridge	119-170-08	LCP 93-13 939-458 (convert duplex to sfr)
+1 sfr	Lenfest	119-250-21	LCP 93-16 939-652 (convert comm. to sfr)
+1 sfr	Brazill	119-120-65	LCP 92-54 CC 1-92-65W 929-302
-1 sfr	Hansen	119-140-17	929-261
-1 sfr	Lockey	119-070-17	LCP 95-07 CC 1-95-74 959-1064 (convert sfr to 3-unit B&B)

Finding: Since 1992, four residential units have been converted to non-residential uses. Two new residential units have been developed. Since the Town Plan was adopted, the Town of Mendocino has experienced a net loss of two residential units.

Visitor-Serving Facilities

+1 vsf unit	Headlands Inn	119-250-43	LCP 94-15 U 3-94
+3 vsf units	Lockey	119-070-17	LCP 95-07 959-1064
+1 vsf unit	Mendocino Village Inn	119-250-37	929-549

C-39

Memo re: MTP Review  
September 11, 1997  
Page 4

Finding: Five visitor-serving facility units have been developed since the Town Plan was adopted, in accordance with the limits designated on Table 4.13-1. Eight potential vsf units remain to be developed.

Commercial Development

1,727 sq.ft. retail converted to restaurant	Pattersons Pub	119-150-06	U 1-93 LCP 93-07 CC 1-93-14 UR 1-93/96 939-385
90 sq.ft. mobile kitchen	Lu's Kitchen	119-236-11	U 15-93 CC 1-93-77 949-061
Convert sfr to retail (1,419 sq.ft.)	Mendoza Bros.	119-160-31	U 23-93 959-506
Convert 880 sq.ft. retail to bakery	Tote Fete	119-236-05	U 25-93
Convert 4,450 sq.ft. restaurant to retail (w/seating)	Seagull	119-250-01	CDU 17-95 969-338 969-346 CDU 27-96
384 sq.ft. addtn to retail	Wood-Onstad	119-217-13	CDU 22-96 979-722

Finding: Since 1992, approximately 1,900 sq.ft. of new commercial space has been developed in Mendocino. In addition to the new commercial space, approximately 4,450 sq.ft. of restaurant/bar space was converted to retail uses and 2,600 sq.ft. of retail space was converted to restaurant/bar uses.

EXHIBIT NO.	21
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98 (Major), Site Three	

C-40

*Bakery to  
Juice Joint*

Memo re: MTP Review  
September 11, 1997  
Page 5

#### CONCLUSION

Since 1992, Mendocino has experienced a net decline in residential units (two units). Five visitor-serving units have been developed in accordance with limits prescribed in the Mendocino Town Plan. There has been a net increase in commercial space of approximately 1,900 sq.ft.

The "balance" between residential, commercial and visitor-serving facilities has not changed significantly since adoption of the Town Plan. To the extent that it has changed, residential uses have declined while visitor-serving and commercial uses have intensified. In conclusion, there is no justification for modifying the Town Plan to allow for more visitor-serving facilities and it may be necessary to consider amendments to protect and encourage residential uses.

EXHIBIT NO.	21
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98 (Major), Site Three	

C-41

EXHIBIT NO.	22
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98 (Major), Site Three
	Resolution

RESOLUTION NO. 98-013

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY  
OF MENDOCINO TO AMEND THE LOCAL  
COASTAL PROGRAM FOR MENDOCINO COUNTY  
(#GP 9-97 - Reed)**

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino adopts #GP 9-97 amending the Local Coastal Program, Mendocino Town Plan Table 4.13-1 as shown on attached Exhibit A by increasing the allowable units for the Reed Manor, Assessor's Parcel Number 119-140-32, from 5 to 9.

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

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the California Coastal Commission approves the amendment without suggested modification. In the event that the California Coastal Commission suggests modifications, the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino accepts any modification suggested by the California Coastal Commission and formally adopts the proposed amendment.

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


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

remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

The foregoing Resolution was introduced by Supervisor Delbar, seconded by Supervisor Campbell and carried this 26th day of January, 1998 by the following roll call vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches  
NOES: None  
ABSENT: None

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED

  
Chairman, Board of Supervisors

ATTEST: JOYCE A. BEARD  
Clerk of the Board

By: Kristin Van Buren  
DEPUTY

#GP 9-97 - Reed

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

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

EXHIBIT NO.	22
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98 (Major), Site Three	
Resolution	



EXHIBIT NO.	23
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98 (Major), Site Three
	Ordinance

ORDINANCE NO. 3996

AN ORDINANCE AMENDING SECTION 20.684.025  
OF DIVISION III OF TITLE 20 OF THE MENDOCINO COUNTY CODE  
MAXIMUM DENSITY FOR VISITOR ACCOMMODATIONS

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 20.684.025 of the Mendocino County Code is amended to read as follows:

Sec. 20.684.025 Maximum Density for \* Districts

Maximum dwelling units as specified in the base zone. The maximum visitor accommodations per site are as follows:

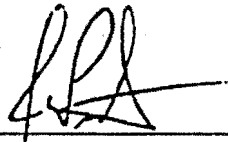
VISITOR SERVING FACILITIES	ASSESSOR'S PARCEL NUMBER	TOTAL VISITOR ACCOMMODATION UNITS
INNS, HOTELS, MOTELS (5 rooms or more)	119-080-14,15	44
	119-140-04,05,29	
	119-140-32	9
	119-140-13	10
	119-235-09	8
	119-236-01	25
	119-236-10	21
	119-238-04,05	26
	119-250-04	9
	119-250-06	6
	119-250-09	5
	119-250-15	8
	119-250-31	5
	119-250-37	13
STUDENT/INSTRUCTOR TEMPORARY INTERMITTENT HOUSING FACILITY	119-160-32	19

This ordinance shall not become effective or operative until the California Coastal Commission approves said ordinance without suggested modification.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 26<sup>th</sup> day of January, 1998, by the following vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches  
NOES: None  
ABSENT: None

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

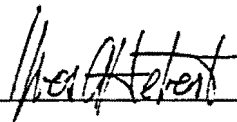
  
\_\_\_\_\_  
Chairman of said Board of Supervisors

ATTEST: JOYCE BEARD  
Clerk of said Board

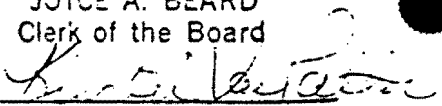
By:   
\_\_\_\_\_  
DEPUTY

APPROVED AS TO FORM:

H. PETER KLEIN  
COUNTY COUNSEL

By:   
\_\_\_\_\_  
DEPUTY

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

JOYCE A. BEARD  
Clerk of the Board  
By:   
\_\_\_\_\_  
DEPUTY

#OA 3-97 - Reed

EXHIBIT NO.	23
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98 (Major), Site Three	
Ordinance	

September 24, 1998

California Coastal Commission  
45 Fremont St.  
San Francisco, CA 94105

Dear Commissioners:

The Coastal Act, designed to protect the coast from inappropriate development, decreed coastal access should be top priority and consequently visitor serving facilities take precedence over other development. The framers of the Act could not have foreseen the massive influx of tourists and their impact on the very resources the Act seeks to protect. The Mendocino Headlands State Park had 995,000 visitors in 1996 (State Park figure) many of whom also visited the Town and Specifically Historic District A, the area which caused Mendocino to be listed on the National Register of Historic Places, 1 of 2 in California.

The Town Plan states Mendocino is a residential community with limited commercial activities to serve the daily needs of the residents. However, commercialism is dominant and the residents subordinate to that commercialism, i.e. tourist, interests. The residential character is diminished daily. Ten years ago the residents were a mix of artists, artisans, craftsmen, retirees, some merchants. Today the artist group (who, incidentally, started the revitalization of Mendocino) is largely gone. Only 5% of the merchants live in town, retirees have increased and a new, younger group of computer entrepreneurs has arrived. Perhaps the artist group, who formed so much of the old character of the town, could return if more residential housing were available. One way to help return Mendocino to the residents is by eliminating Vacation Home Rentals within Historic District A. Carmel, Pacific Grove and Monterey have done so in order to reclaim neighborhoods. Why not Mendocino?

Section 30007.5 of the Coastal Act proclaims - the conflict between maximum accessibility and preservation of the town "must be resolved in a manner which on balance is the most protective of coastal resources." This "special community" is overwhelmed by commercialism to serve the vast number of tourists who increase exponentially yearly. Like Yosemite, Mendocino is endangered by its own popularity and excessive commercialism feeds on and encourages this popularity to the great detriment of the resource and residents who maintain it.

The ratio of commercial to residential must be reversed. This can be accomplished by capping (and where possible decreasing) commercial tourist orientated development - no more VSFs and elimination of vacation home rentals in Historic District A.

Until Mendocino is incorporated (chances appear slim) and has control of its destiny, we rely on you, the Commissioners, to protect this "special community".

Thank you.

Sincerely yours,


  
Joan Curry  
PO 457  
Mendocino, CA 95460

EXHIBIT NO.	23A
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98	(Major), Site Three
Correspondence	

## Argument For Denying Further VSF Units in the Town of Mendocino

1. The Mendocino Town Plan designates the Town as a "Special Community" with definition as a "residential community with limited commercial services".

2. To assure preservation of the residential community, the Plan created a n underlying structure of Balance between residential, commercial, and Visitor Serving Facilities (VSF), and states that this balance shall be maintained by regulating the number of Visitor Serving Uses.

3. The number of VSF Units allowed under this concept of Balance was esgtablished by the Plan in Table 4.13-1

4. The Plan specifies that NO additional VSF's can be created in the Town until a review of the "Balance" establishes that addional units can be authorized, with the intent of maintaining the balance.,.

5. Only a <sup>Preliminary</sup> ~~primary~~ review has been completed., but this indicated that there had NOT been any significant change in Balance that would justify approval of the Reed application. The preliminary review has not been subjected to public review.,.

6. THERE IS THEREFORE NO BASIS FOR ADDITIONAL VSF UNITS TO BE ADDED TO TABLE 4.13=1 AT THIS TIME..

7 The argument that the provisions of the Coastal Act that give priority to Visitor Serving uses cannot be applied to granting more VSF units in the Town of Mendocino. The Town Plan, as part of the Coastal Plan establishes Mendocino as a Special Community and a significant coastal resource., with the objective of preserving the town, as a historic residential community, from the adverse effects of overbalancing VSF activity. The Town Plan therefore establishes the town as an exception to the general ,priorities of the Coastal Act.

*Gail Dawson*

EXHIBIT NO.	23R
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98
	(Major), Site Three
	Correspondence

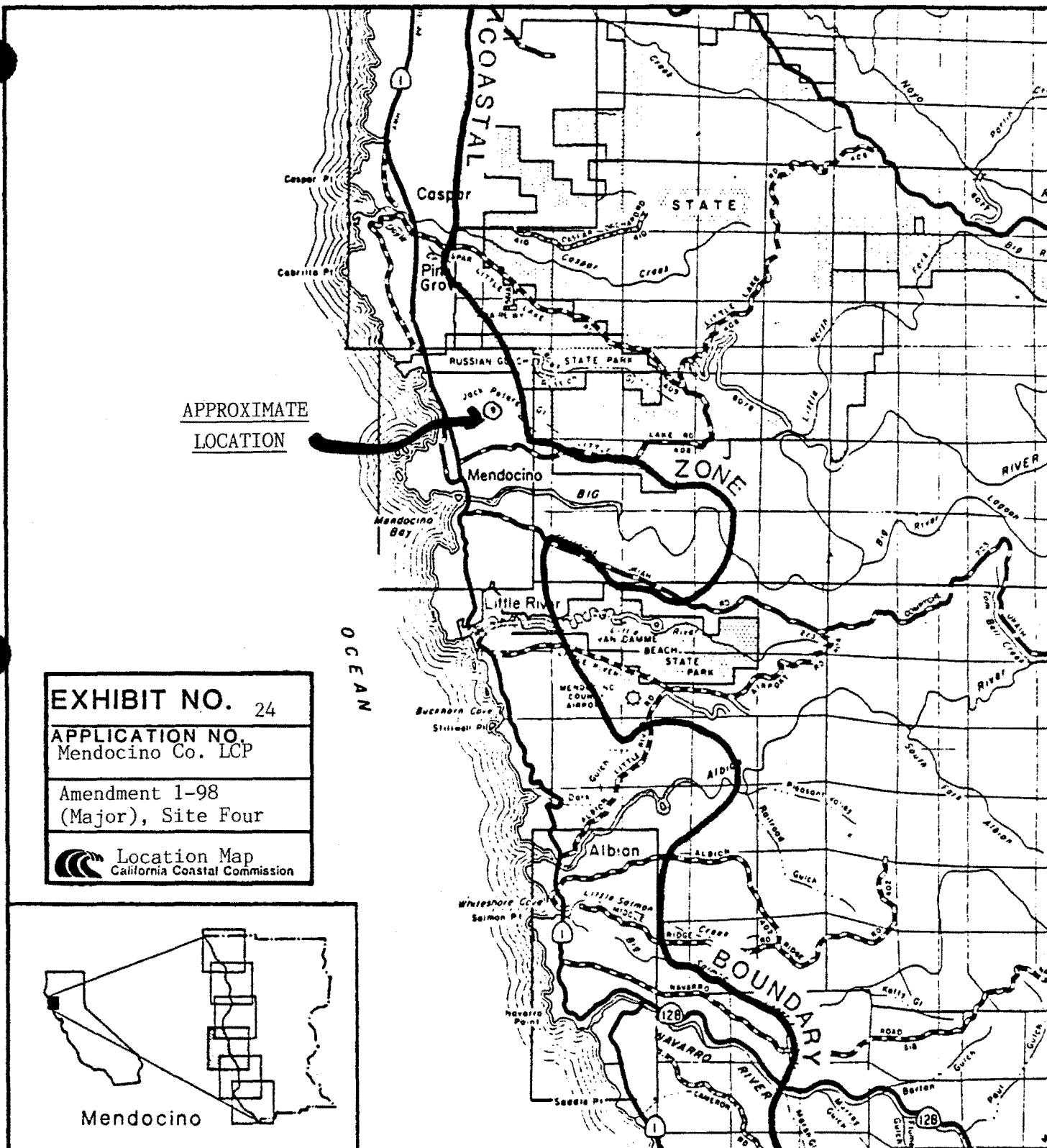
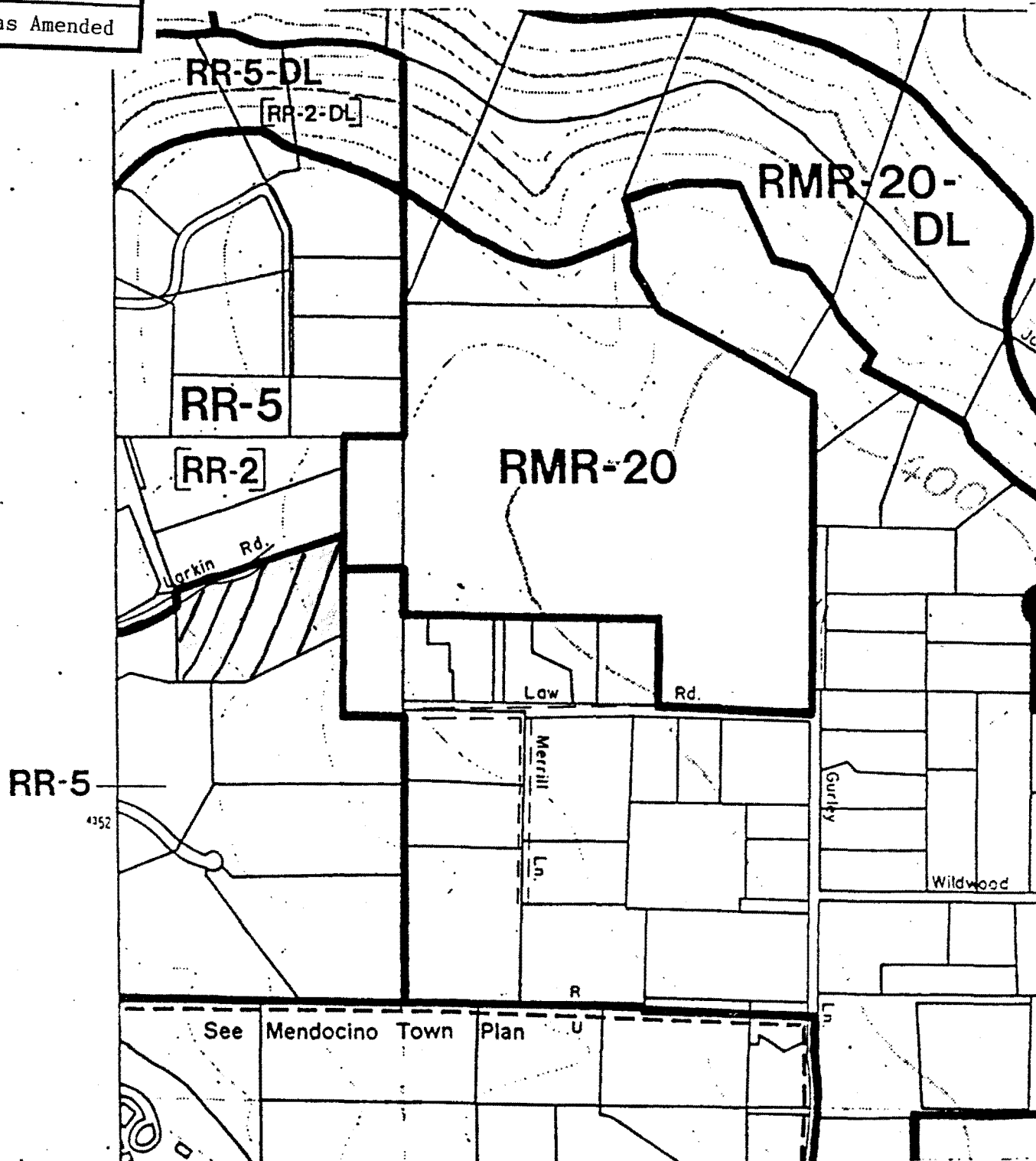


EXHIBIT NO. 25
APPLICATION NO. Mendocino Co. LCP
Amendment 1-98 (Major), Site Four
LUP Map as Amended



CASE NUMBER:  
#GP 10-97

OWNER: LORI ROLFE

APN: 119-020-09

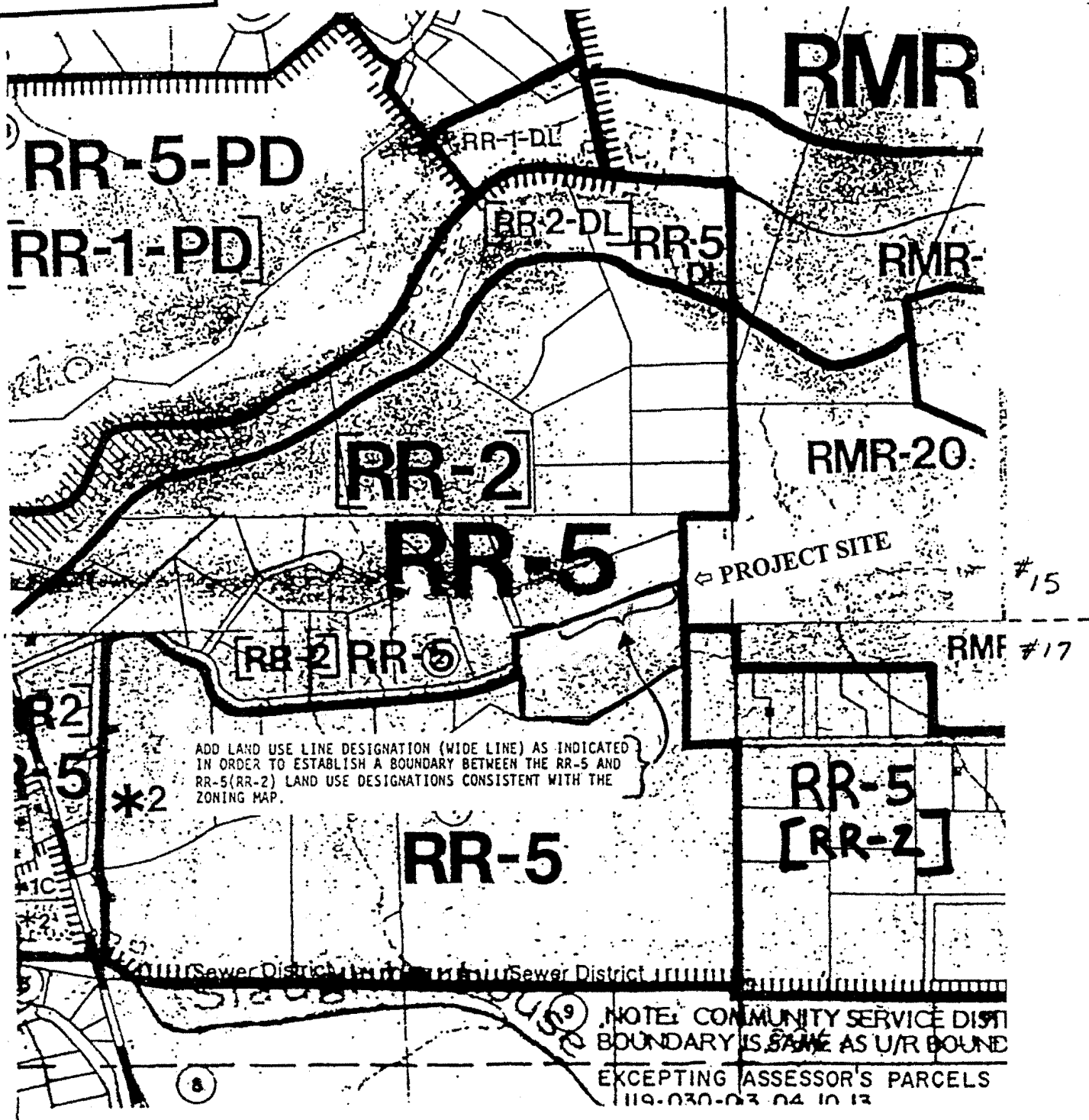
PORTION OF LAND USE MAP 15 AS AMENDED

NORTH ↑

EXHIBIT NO. 26

APPLICATION NO.  
Mendocino Co. LCP  
Amendment 1-98  
Major), Site Four  
Land Use Map

PAGE PC-4



CASE NUMBER: #GP 10-97

OWNER: Lori Rolfe

APPLICANT: Mendocino County

APN: 119-020-09

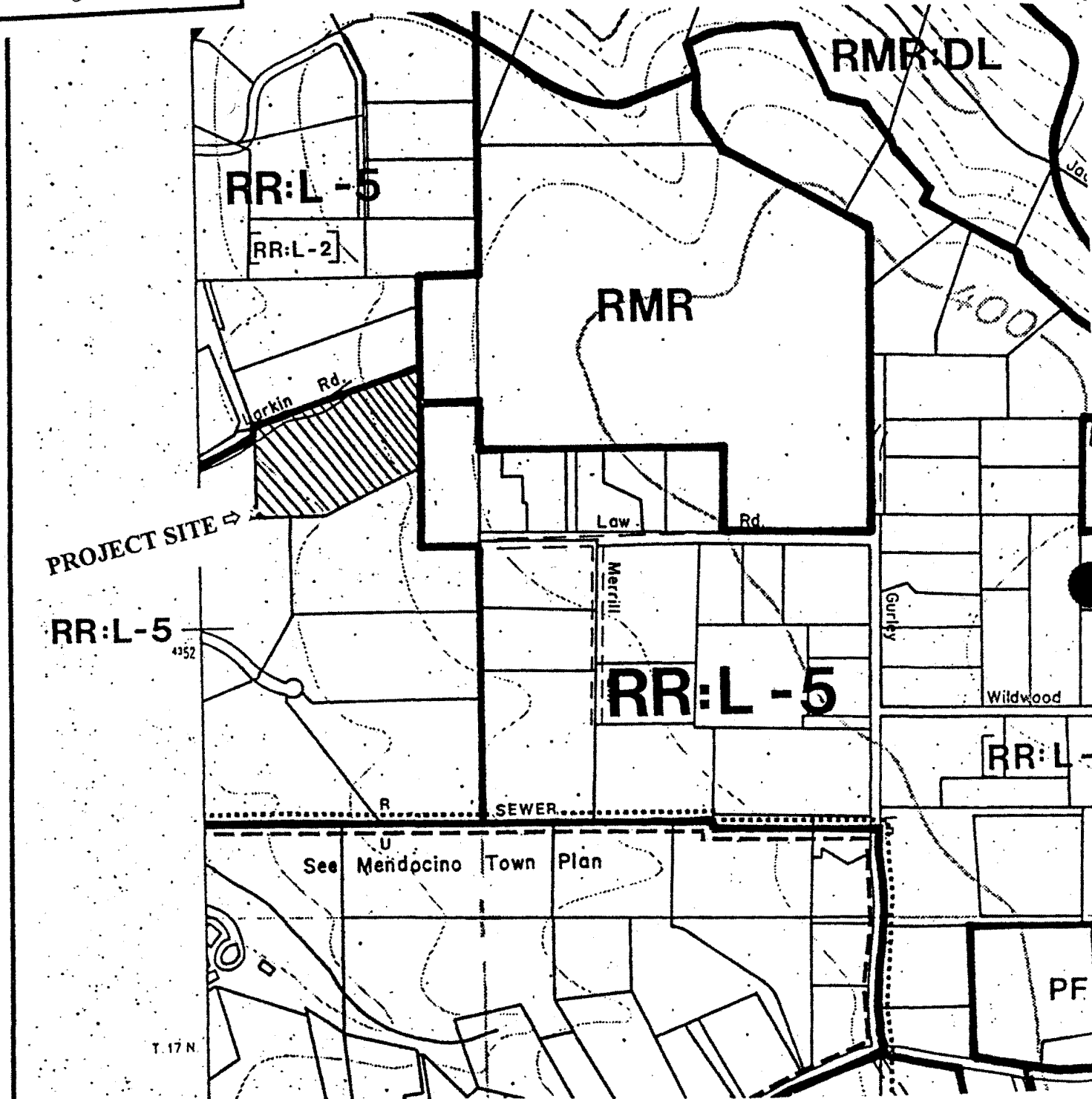
PROJECT SITE ⇨

NORTH ↑  
LAND USE MAP - EXHIBIT 1

D-13

Amendment 1-98  
(Major), Site Four

## Zoning Map



**APPLICANT:** Mendocino County

NORTH ↑  
ZONING MAP - EXHIBIT 2

D-14



EXHIBIT NO. 28

APPLICATION NO.  
Mendocino Co. LCP

Amendment 1-98  
(Major), Site Four  
Resolution

RESOLUTION NO. 98-012

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY  
OF MENDOCINO TO AMEND THE LOCAL  
COASTAL PROGRAM FOR MENDOCINO COUNTY  
(#GP 10-97 - Rolfe)

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino adopts #GP 10-97 amending the Local Coastal Program as shown on attached Exhibit A.

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

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the California Coastal Commission approves the amendment without suggested modification. In the event that the California Coastal Commission suggests modifications, the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino accepts any modification suggested by the California Coastal Commission and formally adopts the proposed amendment.

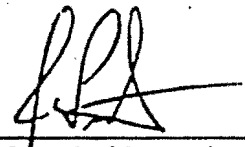
BE IT FURTHER RESOLVED, that the Local Coastal Program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

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

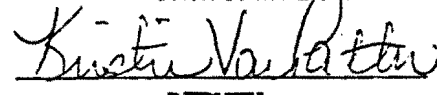
The foregoing Resolution was introduced by Supervisor Delbar, seconded by Supervisor Campbell and carried this 26th day of January, 1998 by the following roll call vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches  
NOES: None  
ABSENT: None

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED

  
\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: JOYCE A. BEARD  
Clerk of the Board

By:   
DEPUTY  
#GP 10-97 - Rolfe

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

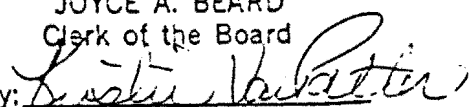
JOYCE A. BEARD  
Clerk of the Board  
By:   
DEPUTY

EXHIBIT NO.	28
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98
	(Major), Site four
Resolution	

APPROXIMATE  
LOCATION

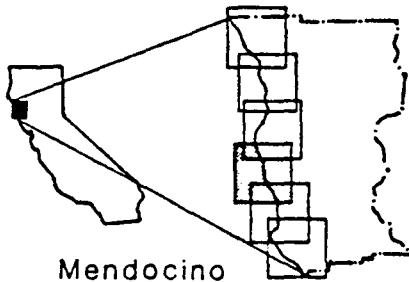
EXHIBIT NO. 29

APPLICATION NO.  
Mendocino Co. LCP

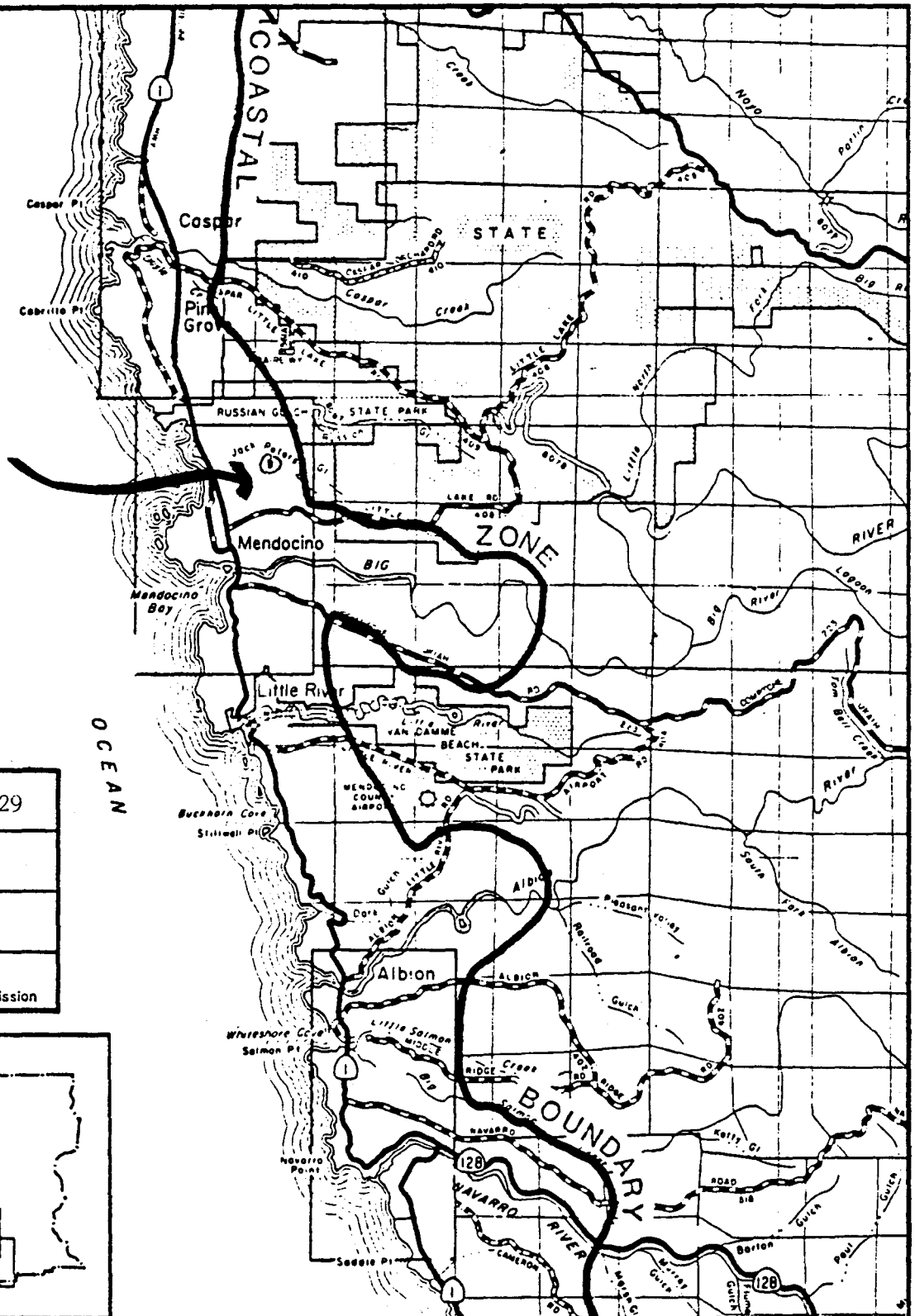
Amendment 1-98  
(Major), Site Five



Location Map  
California Coastal Commission



Mendocino



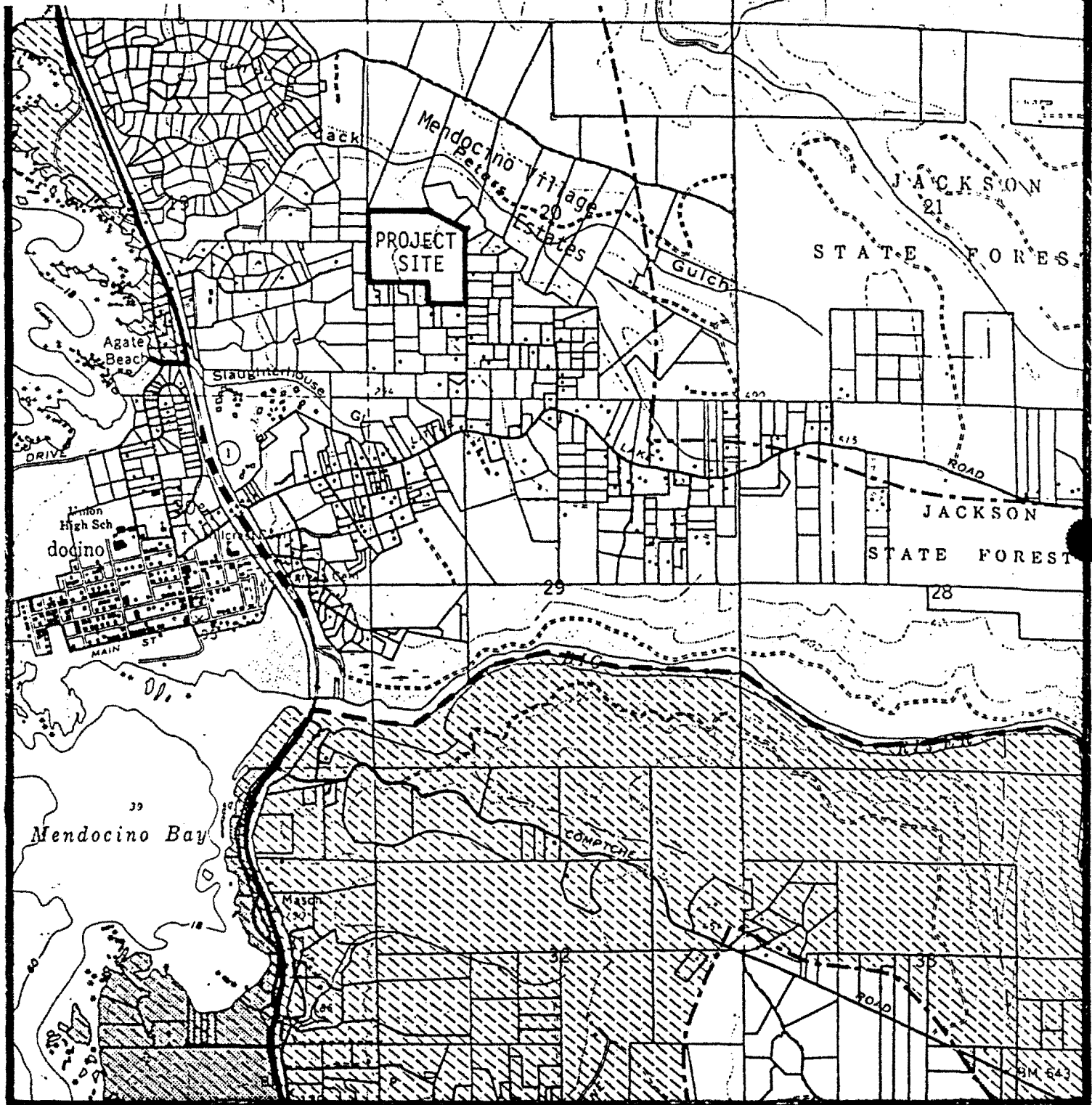
California Coastal Commission

LOCATION MAP

1 0 1 2  
miles



EXHIBIT NO.	30
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98
	(Major), Site Five
Vicinity Map	




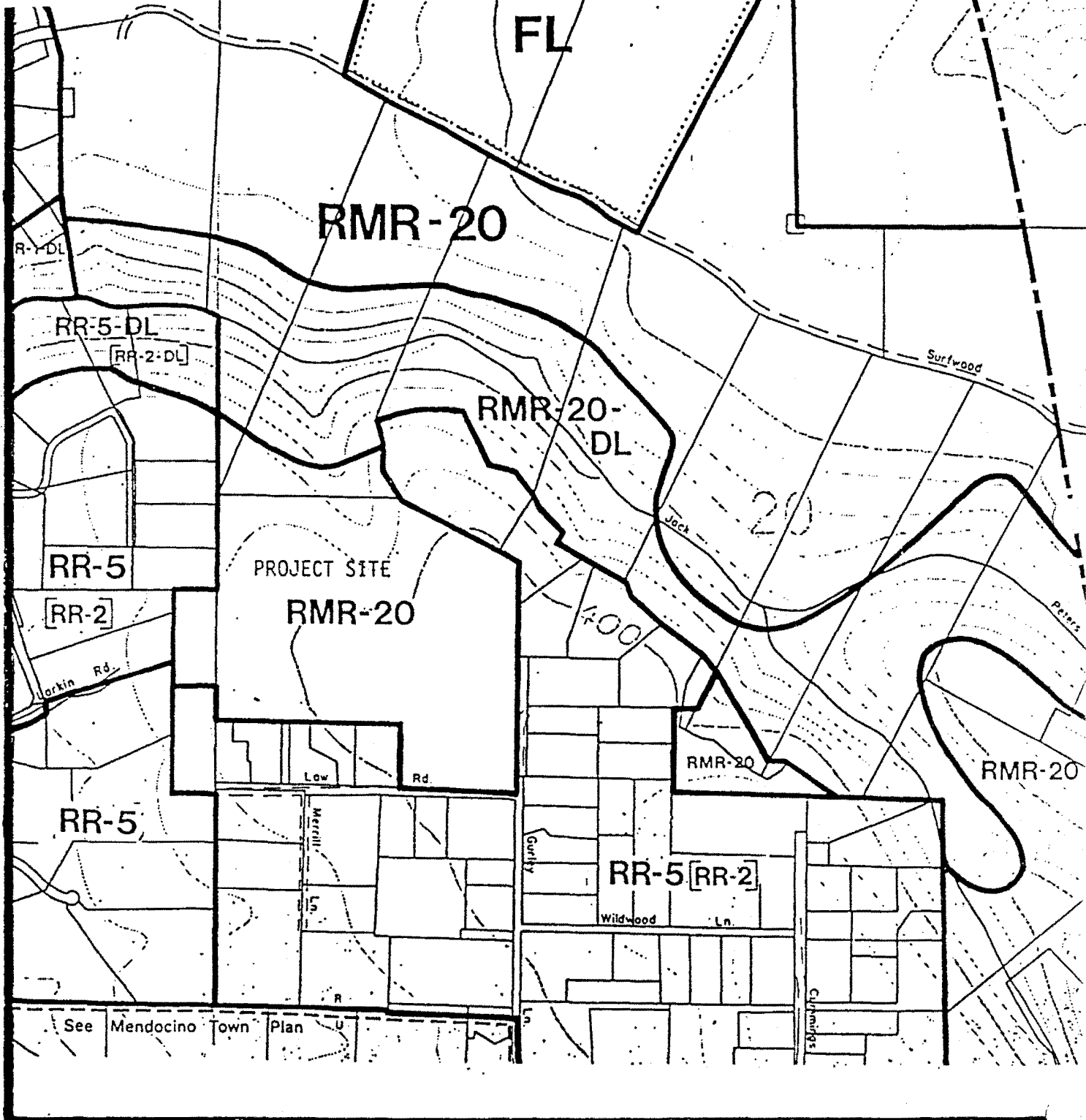
ASE NUMBER: GP 11-97/R 11-97	OWNER: Ulatowski	AGENT: Kamb
A/P NUMBER: 119-020-17	Location Map	SCALE:  NORTH

EXHIBIT NO. 31

APPLICATION NO.  
Mendocino Co. LCP  
Amendment 1-98  
(Major), Site Five

LUP Map



CASE NUMBER:  
GP 11-97/R 11-97

OWNER:  
Ulatowski

AGENT:  
Kamb

A/P NUMBER:  
119-020-17

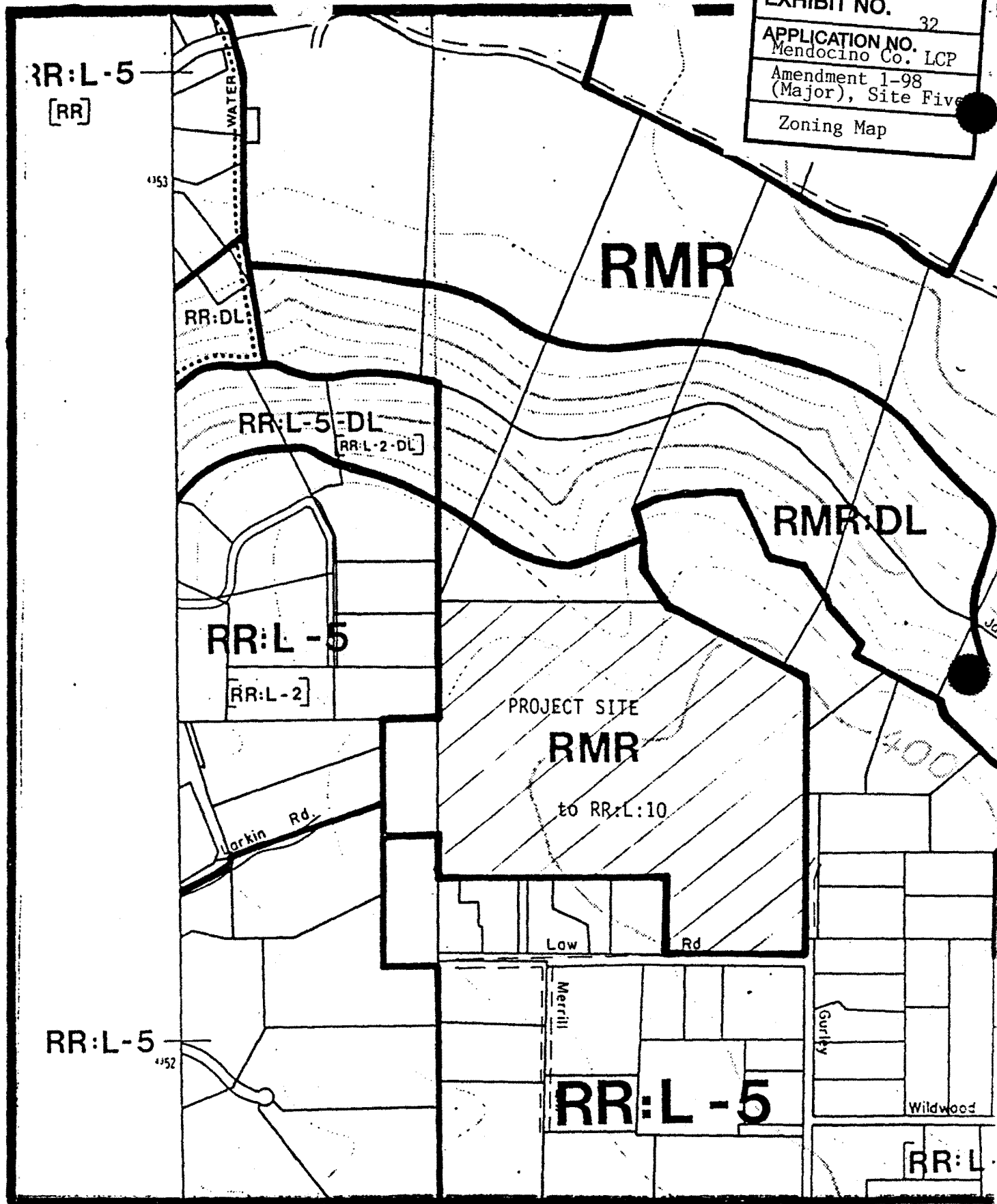
Coastal Land Use Map  
Amend Map 42F from


SCALE:



NORTH

EXHIBIT NO. 32  
 APPLICATION NO. Mendocino Co. LCP  
 Amendment 1-98  
 (Major), Site Five  
 Zoning Map



CASE NUMBER: GP 11-97/R 11-97	OWNER: Ulatowski	AGENT: Kamb
A/P NUMBER: 119-020-17	Coastal Zoning Map Amend Map 42E from	SCALE:  NORTH

RMR-20 to RR:L:10

EXHIBIT "A"

EXHIBIT NO.	33
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98
	(Major), Site Five
	Resolution

RESOLUTION NO. 98-011

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY  
OF MENDOCINO TO AMEND THE LOCAL  
COASTAL PROGRAM FOR MENDOCINO COUNTY  
(#GP 11-97 - Ultowski)**

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino adopts #GP 11-97 amending the Local Coastal Program as shown on attached Exhibit A.

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

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the California Coastal Commission approves the amendment without suggested modification. In the event that the California Coastal Commission suggests modifications, the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino accepts any modification suggested by the California Coastal Commission and formally adopts the proposed amendment.


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

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

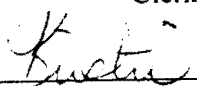
The foregoing Resolution was introduced by Supervisor Delbar, seconded by Supervisor Campbell and carried this 26th day of January, 1998 by the following roll call vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches  
NOES: None  
ABSENT: None

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED

  
\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: JOYCE A. BEARD  
Clerk of the Board

By:   
\_\_\_\_\_  
DEPUTY  
#GP 11-97 - Tomek & CC Ulatowski

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

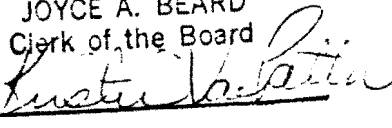
JOYCE A. BEARD  
Clerk of the Board  
By:   
\_\_\_\_\_  
DEPUTY

EXHIBIT NO. 33

APPLICATION NO.  
Mendocino Co. LCP  
Amendment 1-98  
(Major), Site Five

Resolution



ORDINANCE NO. 3995

AN ORDINANCE CHANGING THE ZONING OF REAL  
PROPERTY WITHIN MENDOCINO COUNTY

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division II of Title 20, Chapter 20.548 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as described below.

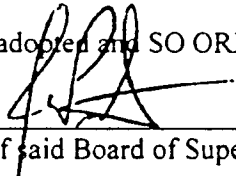
Said zoning change encompasses the property described by Assessor's Parcel Number 119-020-17 which is reclassified from RMR (Remote Residential) to RR:L-10 (Rural Residential - 10 acre minimum), more particularly shown on the attached Exhibit "A".

This Ordinance shall not become effective or operative until the California Coastal Commission approves said zoning change without suggested modification.

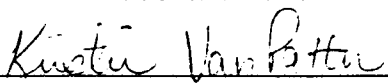
Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 26<sup>th</sup> day of January, 1998, by the following vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches  
NOES: None  
ABSENT: None

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

  
Chairman of said Board of Supervisors

ATTEST: JOYCE BEARD  
Clerk of said Board

By:   
DEPUTY

CASE#: #R 11-97  
OWNER: Tomek and CC Ultowski

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

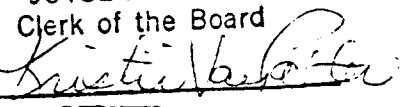
JOYCE A. BEARD  
Clerk of the Board  
By:   
DEPUTY

EXHIBIT NO.	34
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98	(Major), Site Five
Ordinance	

