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Staff: Ruby Pap
Staff Report: March 3, 2005
Hearing Date: March 17, 2005
Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Robert S. Merrill, North Coast District Manager
Ruby Pap, Coastal Planner

SUBJECT: **Mendocino County LCP Amendment No. MEN-MAJ-1-02 PART D (Major),
Wages Creek Campground/Westport Cemetery District; (Meeting of March 17,
2005)**

SYNOPSIS

Amendment Description

Mendocino County LCP Amendment No. MEN-MAJ-1-02 proposed site-specific changes to provisions of the County's certified Local Coastal Program (LCP) affecting four different locations within the coastal zone, Parts A-D. This staff recommendation addresses Part D of the amendment. Commission hearings on Parts A and B of the amendment were held at the February 18, 2005 Commission meeting, and Part C will be held at a future Commission meeting. Part D of the changes proposed by Amendment No. MEN-MAJ-1-02 is as follows:

1. PART D (GP 1-2002/R 1-2002, WAGES CREEK CAMPGROUND/WESTPORT CEMETARY DISTRICT) APN 013-240-34 and APN 013-240-43. Change the coastal plan land use classification and zoning map designations for APN 013-240-34 and APN 013-240-43 located approximately 1 mile north of Westport, lying west of Highway 1, in the vicinity of Wages Creek to conform to approved boundary line adjustments approved under CDB 79-98 as follows: Change the coastal plan land use classification and rezone a ½ acre portion of APN 013-240-34, owned by the Westport Cemetery District, from Remote Residential (RMR-20) to Public Facility (PF), an approximately ¼-acre portion of APN 013-240-43, owned by the cemetery, from RMR-20 to PF, an approximately 3 ½-acre portion of APN 013-240-43, owned by the cemetery, from Open Space (OS) to PF, and an

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approximately ½-acre portion of APN 13-240-43, owned by the Wages Creek Campground, from OS to RMR-20.

Summary of Staff Recommendation

The staff recommends that the Commission, upon completion of a public hearing, **deny Part D (Wages Creek Campground/Westport Cemetery District) of the amendment request as submitted and certify the amendment request with suggested modifications.** The amendment would change the coastal plan land use classifications and rezone portions of these properties in conformance with a prior boundary line adjustment approved by the County. Coastal Development Boundary Adjustment (CDB) #79-98 authorized, among other things, the following: (1) transfer of portions of blufftop property south of Wages Creek, currently designated as Open Space and owned by the Westport Cemetery, to Wages Creek Campground for the development of a new septic system and (2) transfer of a portion of the campground property, currently designated RMR-20, adjacent and just north of the existing cemetery to the cemetery for future expansion (exhibit no. 4).

This LUP and zoning amendment is proposed with the goal of making each parcel one land use designation (i.e. campground = Remote Residential and cemetery = Public Facility) (exhibit nos. 5 and 6). Half acre and ¼-acre portions of cemetery land would change from Remote Residential (RMR-20) to Public Facility (PF), a 3-½ acre portion of cemetery land would change from Open Space (OS) to PF, and a ½-acre portion of campground land would change from OS to RMR-20. The County's submittal does not indicate the proposed redesignations are needed to accommodate future development plans, other than the construction of a walkway extending south from the cemetery for use by visitors to the cemetery.

A large portion of the land area currently designated as OS is a narrow strip of bluff top land that is unsuitable for many kinds of development. Re-designation of the Open Space to Public Facility and Remote Residential- 20 acre minimum on this narrow strip of bluff top would create expectations that a wide range of uses allowable under the Public Facility and Remote Residential designations would be appropriate for this area when in fact development of these uses would likely conflict with the visual protection, geologic hazard, new development, and Highway One policies of the Coastal Act.

The narrow bluff top area is designated as highly scenic and affords sweeping views from Highway One towards the ocean and the Lost Coast area. Given the wide ranging views that are afforded through the site, the lack of existing vegetative cover that would provide opportunities to screen future development, and the limited space available to site future development in a manner that would avoid blockage of views, only very limited development of the site could be made subordinate to the character of the setting consistent with Section 30251 of the Coastal Act.

In addition, the narrowness of the blufftop strip between the highway and the bluff edge suggests that bluff retreat over the expected economic life of most developments would be a major concern. Thus development of the range of uses that would be allowed by the proposed LCP amendment would likely contribute to geologic instability, inconsistent with Section 30253 of the Coastal Act.

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Furthermore, no evidence was submitted with the LCP amendment that demonstrates that the site would have adequate services including groundwater, septic capacity, and Highway One traffic capacity to serve the range of uses that would be accommodated by the proposed redesignation of the property. Staff notes that the future cemetery walkway that the submittal indicates may be proposed in the future for the bluff top strip is a use that is allowable as a conditional use under the existing Open Space designation. Therefore, Staff recommends that the Commission impose Suggested Modification No. 1, which requires Open Space lands at this site to remain designated as Open Space in the LUP. Suggested Modification No. 2 directs the County to similarly retain the lands at the site currently zoned as Open Space under Open Space zoning to ensure conformance with the LUP as modified.

As modified, the proposed LUP amendment will have no adverse impacts on coastal resources and is consistent with the Coastal Act. In addition, as modified, the proposed zoning district allows for the same range of principally permitted and conditional uses as the proposed LUP designation as modified. Therefore, the proposed Implementation Plan amendment will conform with and adequately carry out the LUP as proposed to be amended.

Analysis Criteria

To approve the amendment to the Land Use Plan (LUP), the Commission must find that the LUP, as amended, will remain consistent with the Chapter 3 policies of the Coastal Act. To approve the amendments to the zoning ordinance, the Commission must find that the Implementation Plan (IP), as amended, will conform with and is adequate to carry out the LCP.

Additional Information:

For further information, please contact Ruby Pap at the North Central Coast District Office (415) 904-5268. Correspondence should be sent to the North Coast District Office at the above address.

RESOLUTIONS AND SUGGESTED MODIFICATIONS

**I. MOTIONS, STAFF RECOMMENDATIONS, AND RESOLUTIONS FOR LCP
AMENDMENT NO. MEN-MAJ-1-02 PART D (WAGES CREEK
CAMPGROUND/WESTPORT CEMETERY DISTRICT)**

A. DENIAL OF LUP AMENDMENT NO. MEN-MAJ-1-02 PART D, AS SUBMITTED:

MOTION I: *I move that the Commission Certify Land Use Plan Amendment No.
MEN-MAJ-1-02 PART D as submitted by the County of Mendocino.*

STAFF RECOMMENDATION TO DENY:

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Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION I TO DENY CERTIFICATION OF LUP AMENDMENT NO. MEN-MAJ-1-02 PART D AS SUBMITTED:

The Commission hereby denies Land Use Plan Amendment No. MEN-MAJ-1-02 Part D (Wages Creek Campground/Westport Cemetery District) as submitted by the County of Mendocino and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures, which could substantially lessen any significant adverse impact, which the land use plan amendment may have on the environment.

B. CERTIFICATION OF LUP AMENDMENT NO. MEN-MAJ-1-02 PART D WITH SUGGESTED MODIFICATIONS:

MOTION II: *I move that the Commission certify Land Use Plan Amendment No. MEN-MAJ-1-02 Part D for the County of Mendocino if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

RESOLUTION II TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies Land Use Plan Amendment No. MEN-MAJ-1-02 Part D (Wages Creek Campground/Westport Cemetery District) for the County of Mendocino if modified as suggested and adopts the findings set forth below on the grounds that the land use plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the land use plan amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the land use plan amendment may have on the environment.

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SUGGESTED MODIFICATION NO. 1

All areas encompassed in APNs 13-240-34 and 43 on Wages Creek Campground and Westport Cemetery District properties currently designated Open Space on the LUP maps shall remain designated as Open Space.

C. DENIAL OF IMPLEMENTATION PLAN AMENDMENT NO. MEN-MAJ-1-02 PART D (WAGES CREEK CAMPGROUND/WESTPORT CEMETERY DISTRICT), AS SUBMITTED:

MOTION III: *I move that the Commission reject Implementation Program Amendment No. MEN-MAJ-1-02 PART D for the County of Mendocino as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a YES vote. Passage of this motion will result in rejection of the implementation plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION III TO DENY CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT NO. MEN-MAJ-1-02 PART D AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment No. MEN-MAJ-1-02 PART D (Wages Creek Campground/Westport Cemetery District) as submitted for the County of Mendocino and adopts the findings set forth below on grounds that the implementation plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

D. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT NO. MEN-MAJ-1-02 PART D (WAGES CREEK CAMPGROUND/WESTPORT CEMETERY DISTRICT) WITH SUGGESTED MODIFICATIONS:

MOTION IV: *I move that the Commission certify Implementation Plan Amendment No. MEN-MAJ-1-02 PART D for the County of Mendocino if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a YES vote. Passage of this motion will result in certification of the implementation program amendment with suggested modifications and the adoption of the

following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION IV TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Plan Amendment Part D (Wages Creek Campground/Westport Cemetery District) for the County of Mendocino if modified as suggested and adopts the findings set forth below on grounds that the implementation plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the implementation plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

SUGGESTED MODIFICATION NO. 2:

All areas encompassed in APNs 13-240-34 and 43 on Wages Creek Campground and Westport Cemetery District properties currently zoned Open Space shall remain zoned as Open Space.

II. DESCRIPTION OF SITE AND LCP AMENDMENT

Part D (GP 1-2002/R 1-2002, Wages Creek Campground/Westport Cemetery District)

The proposal would change the coastal plan land use classification and zoning map designations for APN 013-240-34 and APN 013-240-43 located at located approximately 1 mile north of Westport, lying west of Highway 1, in the vicinity of Wages Creek to conform to approved boundary line adjustments approved under CDB 79-98 as follows: Change the coastal plan land use classification and rezone a ½ -acre portion of APN 013-240-34, owned by the cemetery, from Remote Residential (RMR-20) to Public Facility (PF), an approximately ¼-acre portion of APN 013-240-43, owned by the cemetery, from RMR-20 to PF, an approximately 3 ½-acre portion of APN 013-240-43, owned by the cemetery, from Open Space (OS) to PF, and an approximately ½-acre portion of APN 13-240-43, owned by the campground, from OS to RMR-20 (exhibit nos. 5 and 6).

In 1999, the Westport Cemetery District and the Wages Creek Campground obtained Coastal Development Boundary Adjustment (CDB) #79-98 from Mendocino County. The permit authorized, among other things, the (1) transfer of portions of bluff top property south of Wages Creek, owned by the Westport Cemetery and currently designated as Open Space to Wages Creek Campground for the development of a new septic system and (2) transfer of a portion of the campground property, currently designated RMR-20, adjacent and just north of the existing cemetery to the cemetery for future expansion (exhibit no. 4). Coastal Development Permit #21-98,

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approved simultaneously by the County, authorized, among others, the campground to install the new septic system leach field. The Commission also approved Coastal Development Permit #1-99-008 in 2000, which authorized, among others, the construction of campground improvements and the adjustment of property boundary lines in those areas of the site that extended into the Commission's jurisdiction. Work has since been completed at the site, including the installation of the leachfield and new fencing around the north end of the cemetery following the adjusted boundary line between the cemetery and campground properties.

This LUP and zoning amendment is proposed with the goal of making each parcel one designation (campground = Remote Residential and cemetery = Public Facility) (exhibit nos. 5 and 6). Prior to the boundary line adjustment (CDB #79-98) and this amendment request, the existing land use designations and zoning did not follow parcel boundaries. For example, the cemetery owned portions of lands designated RMR-20, Open Space, and Public Facility. This amendment, which was precipitated by the boundary line adjustment, would change the land use designation and zoning of properties that shifted ownership as described above, ½ -acre from RMR-20 to Public Facility (campground ownership transferred cemetery ownership) and ½ -acre of Open Space to RMR-20 (cemetery ownership transferred to campground ownership). Further, it would change land use designations and zoning of portions of these properties that did not shift ownership, in order to make the entire cemetery property one designation (Public Facility) and the entire campground property one designation (RMR-20). This includes 3.5 -acres of bluff top land owned by the cemetery, which would change from Open Space to Public Facility to conform to the rest of the parcel, and an additional ¼ -acre portion of land owned by the cemetery, which would change from RMR 20 to Public Facility. The amendment request submitted by the County does not indicate that the property owners have any additional plans for development of the property affected by the redesignation. However, the cemetery owners have indicated their intent to use the strip of bluff top land extending south from the burial ground adjacent to Highway One as a walking path for friends and relatives of those interred in the cemetery.

Changing the portion of land currently designated Open Space to Public Facility (on Westport Cemetery land) and Remote Residential (on Wages Creek Campground land), would allow for a range of principally permitted and conditional uses. The Mendocino Coastal Zoning Code states that the principal permitted uses for Public Facility districts are Coastal Open Space use types, more specifically, "passive recreation" (Section 20.404.010). However, the conditional uses for Public Facility districts under Section 20.404.015 are:

(A) Coastal Civic Use Types.

Administrative Services: Government;
Alternative Energy Facilities: On-site;
Ambulance Services;
Cemetery Services;
Clinic Services;
Community Recreation;
Cultural Exhibits and Library Services;
Day Care Facilities/Small Schools;
Educational Facilities;

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*Fire and Police Protection Services;
Group Care;
Lodge, Fraternal and Civic Assembly;
Major Impact Facilities;
Major Impact Services and Utilities;
Minor Impact Utilities;
Religious Assembly.*

(B) Coastal Commercial Use Types.

Recycling Centers. (Ord. No. 3785 (part), adopted 1991)

The Mendocino Coastal Zoning Code Section 20.380.010 states that the principal permitted uses for Remote Residential districts are:

A) Coastal Residential Use Types.

*Family Residential: Single-family;
Vacation Home Rental.*

(B) Coastal Agricultural Use Types.

*Light Agriculture;
Row and Field Crops;
Tree Crops.*

(C) Coastal Open Space Use Types.

Passive Recreation. (Ord. No. 3785 (part), adopted 1991)

The Conditional uses for RMR districts, under Section 20.380.015 are:

(A) Coastal Residential Use Types.

*Family Residential: Dwelling Groups;
Family Residential: Cluster Development;
Mobile Home Parks.*

(B) Coastal Civic Use Types.

*Alternative Energy Facilities: On-site;
Cemetery Services;
Community Recreation;
Educational Facilities;
Group Care;
Lodge, Fraternal and Civic Assembly;
Major Impact Services and Utilities;
Minor Impact Utilities;
Religious Assembly.*

(C) Coastal Commercial Use Types.

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*Animal Sales and Services: Horse Stables;
Cottage Industries.*

(D) Coastal Agricultural Use Types.

*Animal Waste Processing;
Forest Production and Processing: Commercial Woodlots;
Forest Production and Processing: Limited;
Horticulture;
Packing and Processing: Fisheries Byproducts;
Packing and Processing: Limited.*

(E) Coastal Open Space Use Types.

Active Recreation.

(F) Coastal Extractive Use Types.

Mining and Processing.

(G) Coastal Natural Resource Use Types.

*Fish and Wildlife Habitat Management;
Watershed Management. (Ord. No. 3785 (part), adopted 1991)*

III. LAND USE PLAN FINDINGS

A. Standard of Review

To approve the amendments to the LUP, the Commission must find that the LUP, as amended, will remain consistent with the Chapter 3 policies of the Coastal Act.

B. 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.

The area affected by the proposed LUP amendment is located within a designated "highly scenic area," on a relatively narrow strip of land between Highway One and the ocean. Significant ocean and coastal views are afforded across this strip of land to travelers on Highway One, as the strip of land is generally devoid of trees and structures of any size that would block views. In addition, the site is located partially along a curve of the highway where northbound travelers are afforded sweeping views both to the west towards the ocean and north towards the mountainous Lost Coast area of northern Mendocino and southern Humboldt counties.

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The portion of the property now owned by Wages Creek Cemetery would be re-designated to Public Facility (PF) from Open Space (OS), and a portion of property now owned by Wages Creek Cemetery would be re-designated from Open Space (OS) to Remote Residential-20 acre minimum (RMR-20). As noted above, the County indicates that the redesignation of the properties involved is proposed with the goal of designating each parcel with one designation and eliminating split zoning of the parcels, rather than with the goal of accommodating major new development plans. The only future improvements that have been discussed is the potential development of a walking path along the strip of bluff top land extending south from the burial ground adjacent to Highway One for friends and relatives of those interred in the cemetery.

The Commission notes that retaining all the areas that are currently designated Open Space in Open Space, would accommodate all of the current and intended land uses on these portions of land. Campgrounds and their accessory uses, including septic systems, are a conditional use for Open Space districts. Therefore, any needed future repairs or expansion of the campground's new septic system could be accommodated under the existing OS designation. The development of a walking path for use by friends and relatives of those interred in the cemetery would also be accommodated by the Open Space designation because passive recreation is a principally permitted use and active recreation, which is defined to include recreational trails, is a conditionally permitted use in the Mendocino Coastal Zoning Code. Therefore this use could be facilitated by a Coastal Development Permit or a Coastal Development Use Permit under the current designations.

The proposed new designations of Public Facility and Remote Residential would allow for a wide range of potential developments that would be difficult to make subordinate to the character of this setting consistent with Section 30251 of the Coastal Act. Given the wide ranging views that are afforded through the site, the lack of existing vegetative cover that would provide opportunities to screen future development, and the limited space available to site future development in a manner that would avoid blockage of views, only very limited development of the site could be made subordinate to the character of the setting consistent with Section 30251. While a coastal development permit would be required for any development within the RMR-20 zone, and a coastal development use permit would be required for any development in the Public Facilities zone, and view impacts could be assessed at that stage. Re-designation of the Open Space to Public Facility and Remote Residential- 20 acre minimum on this narrow strip of bluff top would create expectations that a wide range of uses allowable under the Public Facility and Remote Residential designations would be appropriate for this area when in fact development of these uses would likely conflict with the visual protection policies of the Coastal Act. Retaining those areas currently designated as Open Space in Open Space provides stronger protection for this highly scenic area, as the OS designation would limit the allowable uses of the site to development that could more easily be made subordinate to the character of the setting. Therefore, the Commission finds that the proposed LUP amendment is inconsistent with Section 30251 of the Coastal Act and must be denied. However, if modified to retain those areas currently designated as Open Space in that classification, the amendment would not allow for additional development west of Highway One that would block views or be insubordinate to the character of its setting in this highly scenic area beyond that development that would currently be accommodated by the certified LUP and therefore would be consistent with Section 30251 of the Coastal Act. Therefore, the Commission imposes Suggested Modification No. 1, which requires the currently designated Open Space lands at the site

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to remain designated as Open Space. As modified, the Commission finds that the LUP amendment is consistent with Section 30251.

C. Geologic Stability

Section 30253 of the Coastal Act states that new development shall minimize to risks to life and property in areas of high geologic hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

The bluff area currently designated as Open Space is subject to bluff retreat. The top of the bluff in this area is relatively narrow, varying in width from approximately 200 feet at its widest point to just tens of feet in other places. No geotechnical studies were submitted with the amendment request so the exact rate of bluff retreat is unknown. However, the narrowness of the blufftop strip between the highway and the bluff edge suggests that bluff retreat over the expected economic life of most developments would be a major concern, especially for a cemetery where graves would presumably need to remain protected for a much longer period of time than the typical 75-year lifespan of a home and other development.

As discussed previously, re-designation of the Open Space to Public Facility and Remote Residential- 20 acre minimum would accommodate a wide range of potential new uses and development. Commission certification of this redesignation of land use from Open Space to Public Facility and Remote Residential would create expectations that many of these additional uses would be appropriate for this area when in fact such development may conflict with the geologic hazard policies of the Coastal Act. Therefore, the Commission finds that the amendment proposal is inconsistent with Section 30253 of the Coastal Act, and must be denied. However, if modified to retain those areas currently designated as Open Space in that classification, the amendment would not allow for additional development west of Highway One that would contribute to geologic instability beyond that development that would currently be accommodated by the certified LUP and therefore would be consistent with Section 30253 of the Coastal Act. Therefore, the Commission imposes Suggested Modification No. 1, which requires the currently designated Open Space lands at the site to remain designated as Open Space. As modified, the Commission finds that the LUP amendment is consistent with Section 30253.

D. 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.

Changing the current Open Space designation to RMR 20 and Public Facility could open up the site to additional development currently not permitted under the Open Space designation, including a range of Coastal Civic Use types such as clinics, libraries, and educational facilities under the Public Facilities designation, and a range of coastal residential, coastal commercial, and coastal

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civic use types. Information on the adequacy of public services, such as water supply and sewage disposal, to support such potential uses has not been submitted as part of this amendment. Further, the site is located within an area mapped as Critical Water Resources by the Coastal Groundwater Study. Therefore, the Commission finds that the amendment proposal is inconsistent with Section 30250 of the Coastal Act, as the amendment would allow for a range of potential uses of the site in an area that has not been demonstrated could accommodate the uses in a manner that would not adversely affect coastal resources and must be denied. However, if modified to retain those areas currently designated as Open Space in that classification, the amendment would not allow for additional development west of Highway One beyond that development that would currently be accommodated by the certified LUP and therefore would be consistent with Section 30250 of the Coastal Act. Therefore, the Commission imposes Suggested Modification No. 1, which requires the currently designated Open Space lands at the site to remain designated as Open Space. As modified, the Commission finds that the LUP amendment is consistent with Section 30250

E. Highway One Traffic Capacity.

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.

Highway capacity has been 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. 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 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

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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 study projected 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 County also has initiated additional studies to determine where appropriate density increases could be allowed without overtaxing Highway One's limited capacity.

The Commission has adopted findings in its actions on previous LCP amendments stating that proposed LCP changes that would result in increases in residential density on a first-come, first-served basis would not ensure that highway capacity would 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 would 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.

During its review of Mendocino LCP Amendment No. 1-98(Major) during the Commission meeting of September 9, 1998, the Commission expressed concern regarding the approval of any future density-increasing LCP amendments without having the benefit of the complete review called for by LUP policy 3.4-9. Although a comprehensive review of the Land Use Plan has not yet been completed, the County is progressing toward the development of such a study specified by LUP policy 3.4-9.

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PAGE 14**

The portion of the proposed amendment located just west, and accessed by Highway One, would adjust the land use plan map and zoning map designation to conform to a previously approved Boundary Line Adjustment. The portion of the property now owned by Wages Creek Cemetery would be re-designated to Public Facility (PF) from Open Space (OS), and a portion of property now owned by Wages Creek Cemetery would be re-designated from Open Space (OS) to Remote Residential-20 acre minimum (RMR-20), both creating a potential for density increases in the future, as described above (Section III(b)). An analysis of the traffic impacts to Highway One of this potential future development was not submitted as part of this application. Therefore the Commission finds the proposed amendment as submitted is inconsistent with Sections 30254 and 30250 of the Coastal Act and must be denied because the proposed amendment does not ensure that highway capacity would be reserved for higher priority coastal land uses. However, if modified to retain those areas currently designated as Open Space in that classification, the amendment would not allow for additional development west of Highway One that would affect Highway One capacity beyond that development that would currently be accommodated by the certified LUP and therefore would be consistent with Sections 30254 and 30250 of the Coastal Act. Therefore, the Commission imposes Suggested Modification No. 1, which requires the currently designated Open Space lands at the site to remain designated as Open Space. As modified, the Commission finds that the LUP amendment is consistent with Sections 30254 and 30250.

IV. IMPLEMENTATION PROGRAM FINDINGS:

The proposed rezoning of the Wages Creek Campground/Westport Cemetery District site would change the land use classification and rezone $\frac{3}{4}$ -acre of Remote Residential –20 acre minimum to Public Facility, 3.5 -acres of Open Space to Public Facility, and $\frac{1}{2}$ -acre of Open Space to Remote Residential – 20 acre minimum; the affect of which would make the northern property of Wages Creek Campground one designation (Remote Residential – 20 acre minimum), and the southern property of Westport Cemetery District one designation (Public Facility). In both cases, the proposed zoning districts allow for the same range of principally permitted and conditional uses as the LUP designations that apply to the property as amended.

As discussed in the findings above for certification of the LUP amendment, re-designation of the Open Space to Public Facility and Remote Residential- 20 acre minimum would create expectations that certain kinds of uses would be appropriate for this area that would, in fact, be inconsistent with Coastal Act policies. Therefore, Suggested Modification No. 1 requires that the LUP amendment be modified so that Open Space lands at this site remain in Open Space. To ensure that the proposed amendment to zoning map conforms with and carries out the LUP map as modified, the Commission imposes Suggested Modification No. 2. Suggested Modification No. 2 requires Open Space lands at this site to remain zoned as Open Space in the Implementation Plan.

V. California Environmental Quality Act (CEQA):

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:

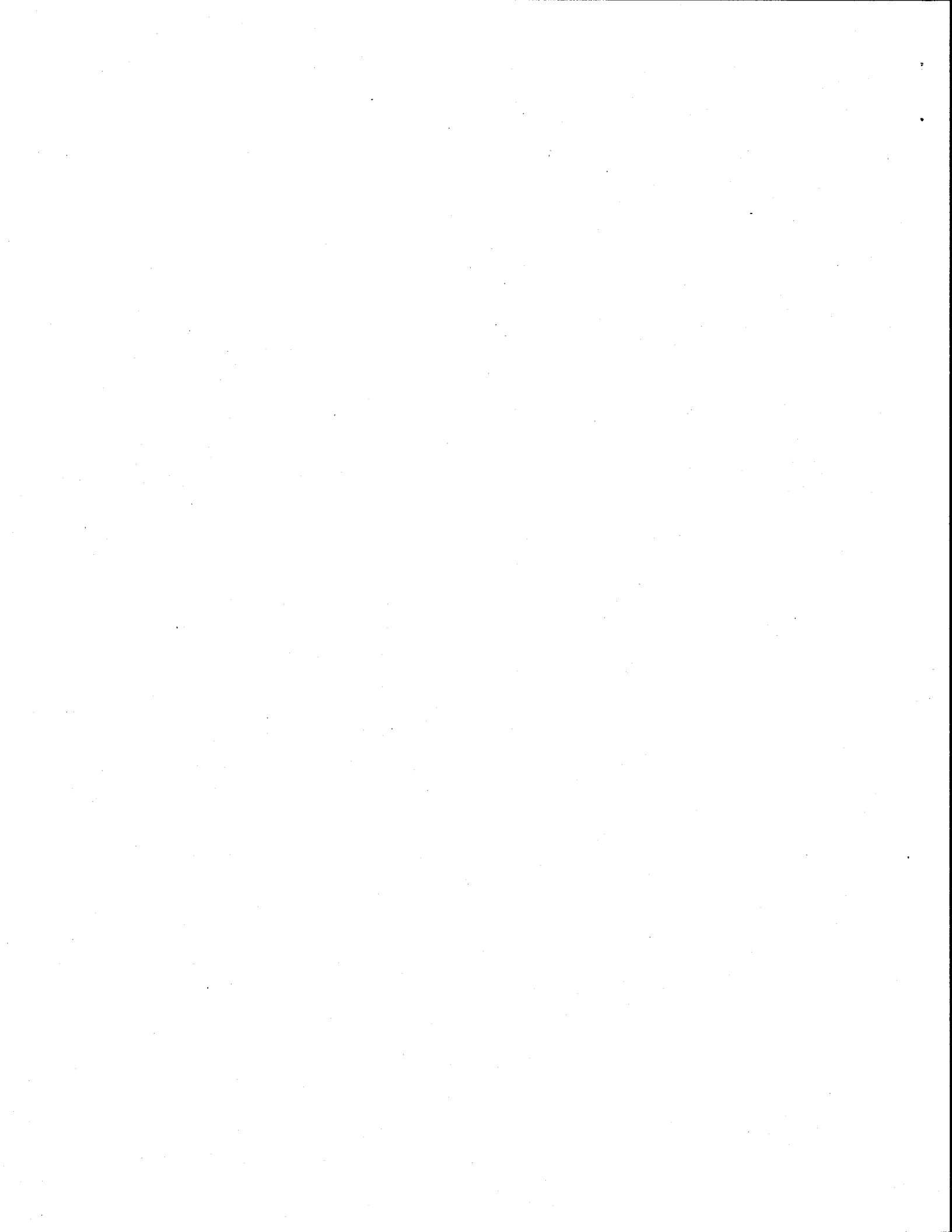
**MENDOCINO COUNTY LCP AMENDMENT
NO. MEN-MAJ-1-02 Part D (MAJOR)
PAGE 15**

...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, Part D of the amendment request as modified is consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

Exhibits:

1. Regional Location Map
2. Resolution of Submittal
3. County Resolution and Ordinance
4. Boundary Line Adjustment Exhibit
5. Existing Land Use and Zoning
6. Proposed Change to Land Use and Zoning

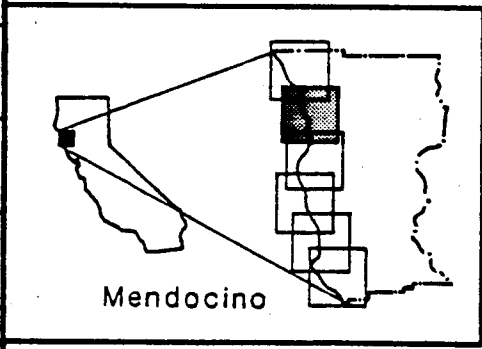


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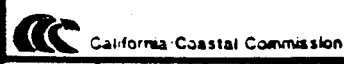
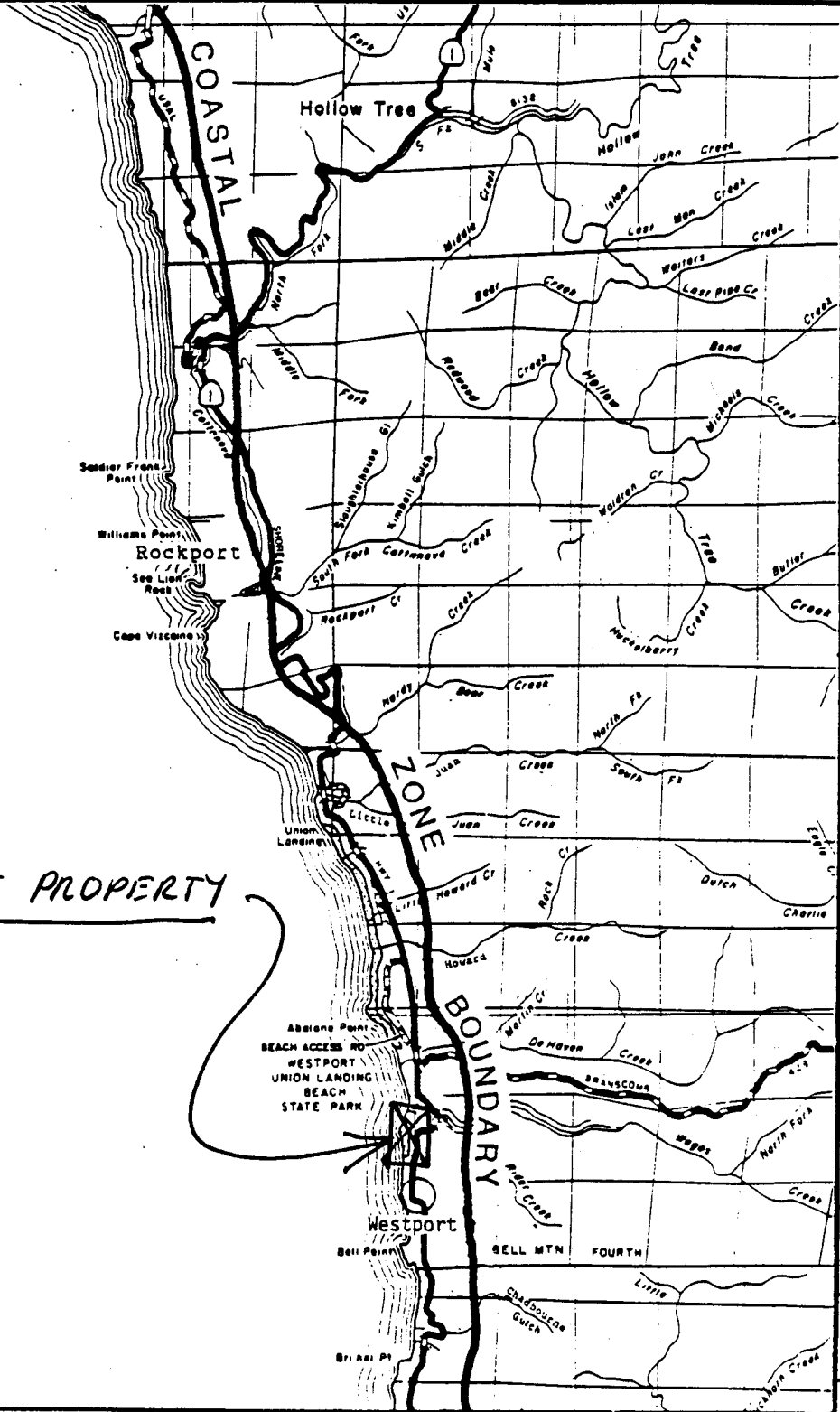
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EXHIBIT NO. 1
APPLICATION NO.
MEN-MAJ-1-02
(major), Part D
REGIONAL LOCATION
MAP

SUBJECT PROPERTY



Mendocino



LOCATION MAP



2002 Exhibit



MINUTE ORDER
BOARD OF SUPERVISORS
COUNTY OF MENDOCINO STATE OF CALIFORNIA

EXHIBIT NO. 2
APPLICATION NO.
MEN-MAJ-1-02
(major), Part D
COUNTY RESOLUTION
OF SUBMITTAL

DATE: May 14, 2002

SUPERVISORS PRESENT: Supervisors Delbar, Shoemaker, Lucier, Campbell, Colfax

SUPERVISORS ABSENT: None

10D. PLANNING MATTERS

- 3) **2002 North and South of Navarro River Coastal Zone Cleanup Amendments (Consisting of the aforementioned Projects):**
(Continued from April 23, 2002)

THE PUBLIC HEARING WAS OPENED AND SUBSEQUENTLY CLOSED as no one present wished to address the item. *(See motion above establishing proper notice).*

Upon motion by Supervisor Campbell, seconded by Supervisor Delbar, and carried unanimously; IT IS ORDERED that the Board of Supervisors approves the 2002 North and South of Navarro River Coastal Clean-Up Group, consisting of GP 11-2001, GP 12-2001, GP 1-2002 and GP 2-2002 and related projects R 12-2001, R 13-2001 and R 1-2002, for submittal to the Coastal Commission, based on the following:

- 1. Environmental Finding: An Initial Study has been prepared concluding that no significant unmitigated environmental impacts will occur as the result of the approval of the 2002 North and South of Navarro River Coastal Clean-Up Amendment Group and related amendments; and
- 2. General Plan Finding: The proposed projects are consistent with the General Plan and Local Coastal Program and are in the public interest as stated in the project record.

Further, the Board adopts the following Resolutions and Ordinances, which shall become effective upon approval by the California Coastal Commission without suggested modification:

RESOLUTION NO. 02-101

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (GP 11-2001 - HANNA/DICKSON/MENDOCINO COUNTY)

RESOLUTION NO. 02-102

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (GP 12-2001)

RESOLUTION NO. 02-103



RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (GP 1-2002)

RESOLUTION NO. 02-104

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (GP 2-2002)

ORDINANCE NO. 4094

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY (R 12-2001)

ORDINANCE NO. 4095

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY (R 13-2001)

ORDINANCE NO. 4096



AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY (R 1-2002)

STATE OF CALIFORNIA)
) ss.
COUNTY OF MENDOCINO)

I, KRISTI FURMAN, Clerk of the Board of Supervisors, in and for the County of Mendocino, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 23rd day of May, 2002.

KRISTI FURMAN
Clerk of the Board of Supervisors

By Sindi Bullenfeld
Deputy

EXHIBIT NO. 3
APPLICATION NO. MEN-MAJ-1-02 (major), Part D COUNTY RESOLUTION AND ORDINANCE

RESOLUTION NO: 02-103

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MENDOCINO TO AMEND THE LOCAL COASTAL PROGRAM FOR
MENDOCINO COUNTY (#GP 1-2002/#R 1-2002 - WAGES CREEK
CAMPGROUND AND WESTPORT CEMETERY DISTRICT)**

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 1-2002 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.

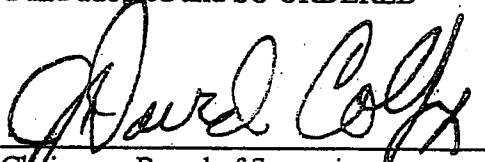
BE IT FURTHER RESOLVED, that the Local Coastal Program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

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 Campbell, seconded by Supervisor Delbar and carried this 14 day of May, 2002 by the following roll call vote:

AYES: Supervisors Delbar, Shoemaker, Lucier, Campbell, Colfax
NOES: None
ABSENT: None

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


Chairman, Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of the Board

By: Kristi Furman

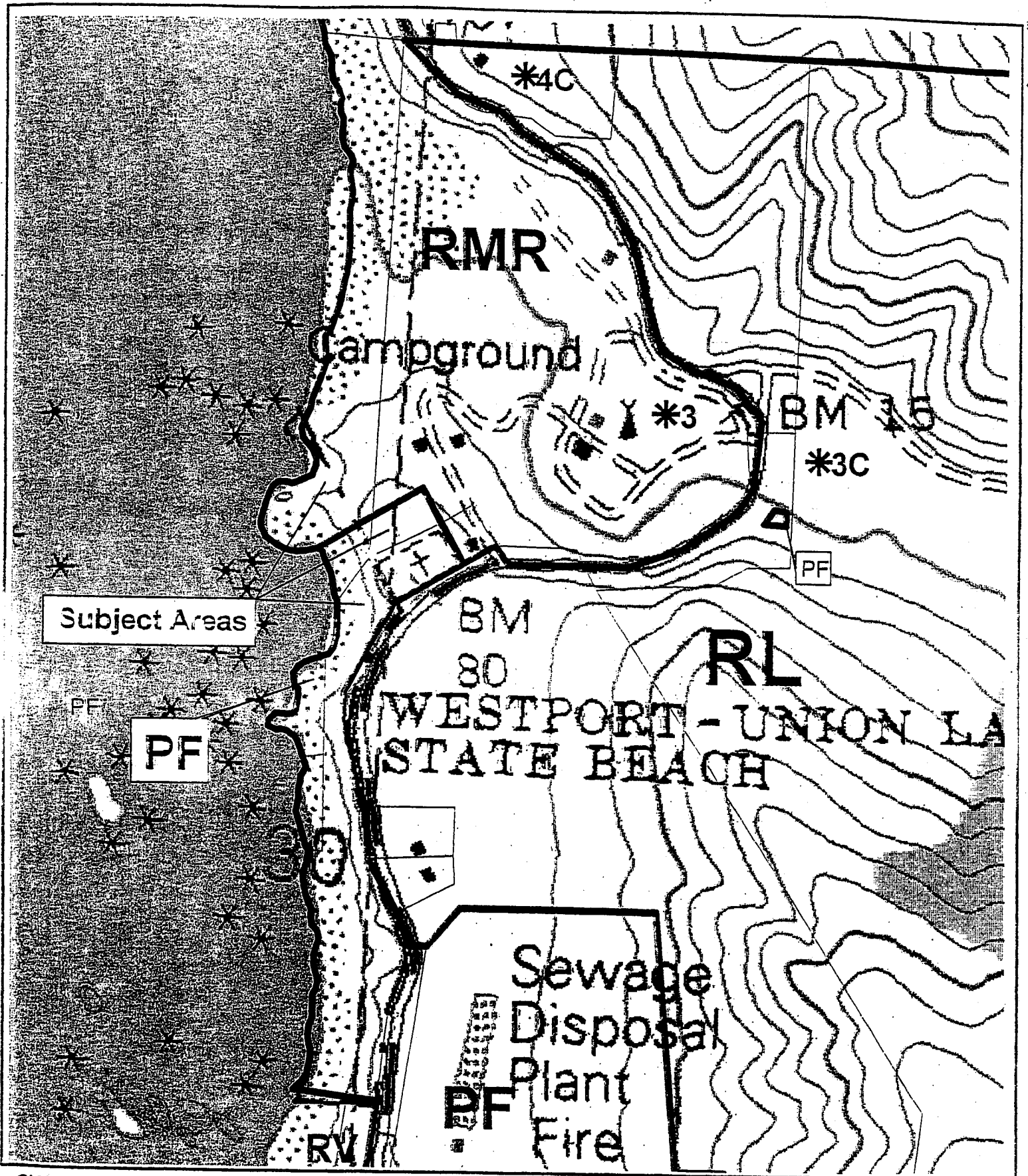
#GP 1-2002/#R 1-2002 – Wages Creek Campground/Westport Cemetery District

whereby being in accordance to the provisions of Government Code Section 25103, delivery of this document has been made.

KRISTI FURMAN
Clerk of the Board

By: Janell Row

DEPUTY



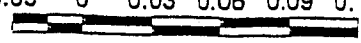
OWNER: Wages Creek Campground and Westport Cemetery District
 APPLICANT: Mendocino County
 AGENT: Planning and Building Services
 CASE #: GP 1-02 XXXXXXXXXX
 APN: 013-240-34 and 013-240-43

3 of 5

LAND USE

EXHIBIT A

0.03 0 0.03 0.06 0.09 0.12 Miles



ORDINANCE NO. 4096

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.

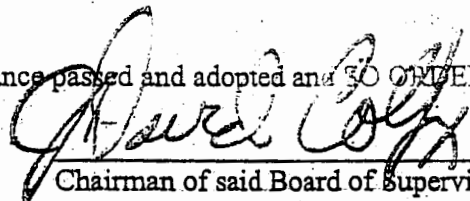
Said zoning change encompasses portions of the property described by Assessor's Parcel Numbers 013-240-34 and 013-240-43 which are reclassified from RMR (Remote Residential District: Twenty acres) to PF (Public and Semipublic Facilities District), OS (Open Space District) to PF (Public and Semipublic Facilities District) and OS (Open Space District) to RMR (Remote Residential District: Twenty acres) with no change to the existing FP Combining District, 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 modifications.

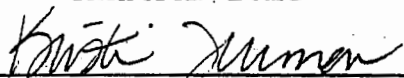
Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 14 day of May, 2002, by the following vote:

AYES: Supervisors Delbar, Shoemaker, Lucier, Campbell, Colfax
NOES: None
ABSENT: None

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

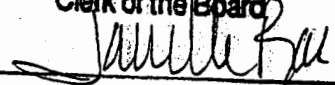

Chairman of said Board of Supervisors

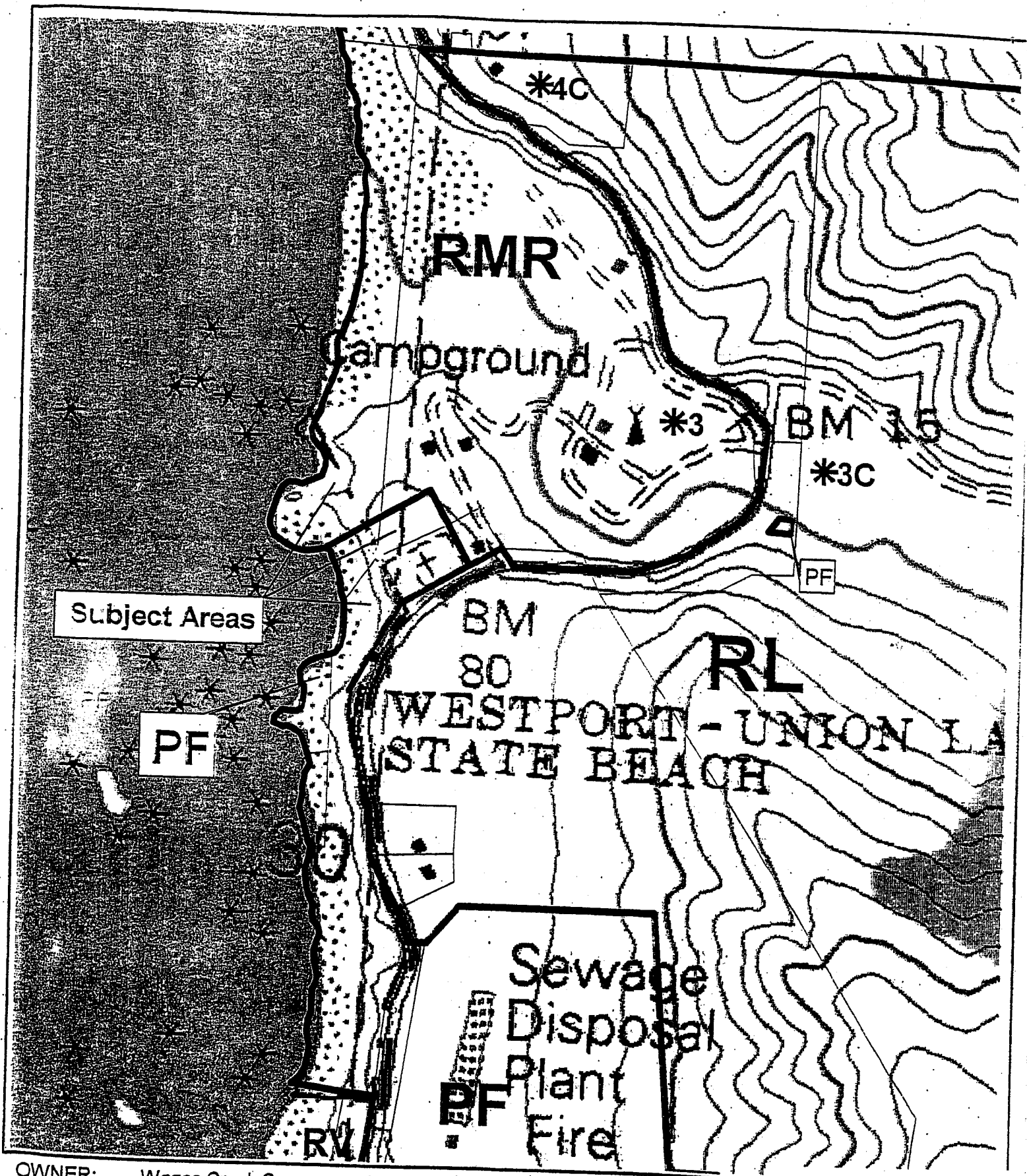
ATTEST: KRISTI FURMAN
Clerk of said Board

By 

CASE#: #R 1-2002
OWNER: WAGES CREEK CAMPGROUND
WESTPORT CEMETERY DISTRICT

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

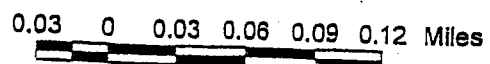
KRISTI FURMAN
Clerk of the Board
By: 
DEPUTY



OWNER: Wages Creek Campground and Westport Cemetery District
 APPLICANT: Mendocino County
 AGENT: Planning and Building Services
 CASE #: [REDACTED] R 1-02
 APN: 013-240-34 and 013-240-43

5 of 5

EXHIBIT A
 ZONING

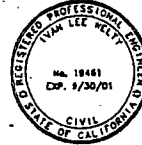


**STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT
& COASTAL DEVELOPMENT BOUNDARY LINE ADJUSTMENT**

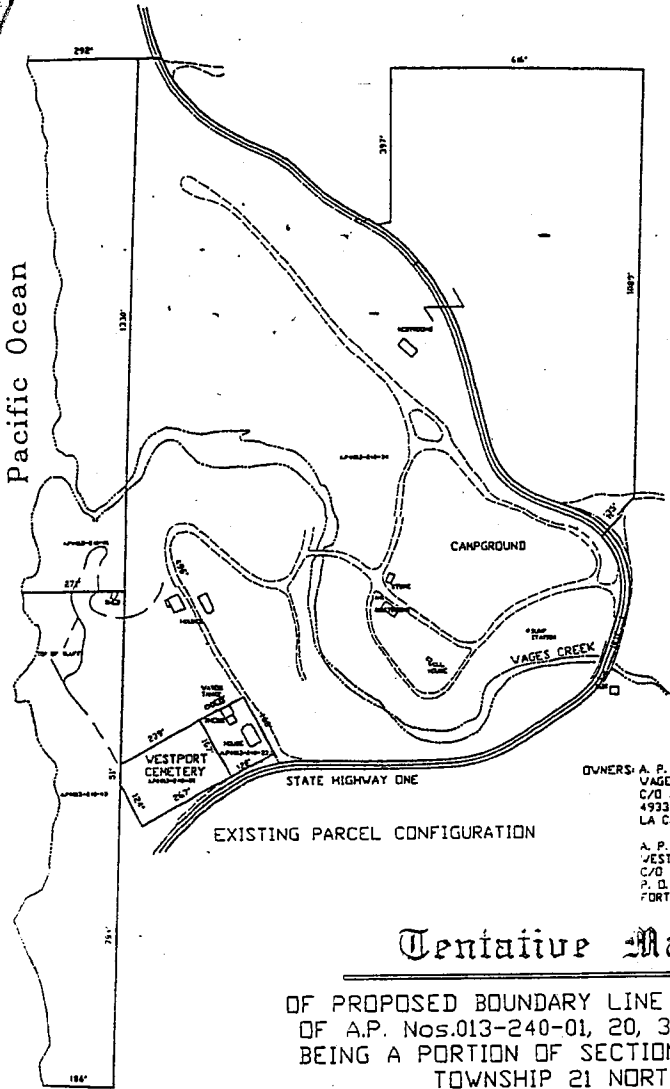
**CDP #21-98/CDB #79-98
August 26, 1999
CPA-10**

PREPARED BY: I. L. VELTY & ASSOCIATES
702 A NORTH MAIN STREET
FORT BRAGG, CALIFORNIA 95437
PHONE: (707) 964-8865

Ivan Lee Velty
IVAN LEE VELTY R.C.E.19641



**EXHIBIT NO. 4
APPLICATION NO.
MEN-MAJ-1-02
(major), Part D
MAP OF BOUNDARY LINE
ADJUSTMENT (CDB # 79-98)**



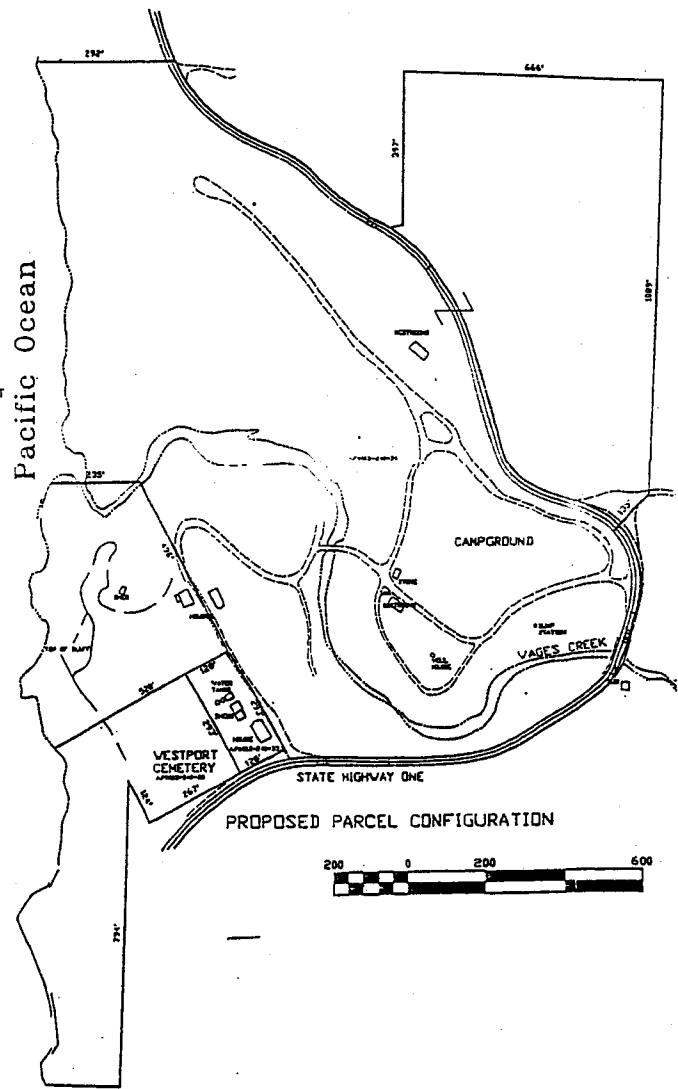
OWNERS: A. P. # 013-240-33 & 34
VAGES CREEK CAMPGROUND, LLC
C/O JEFFREY Z. B. SPRINGER
4932 INDIANOLA WAY
LA CANADA, CA. 91011

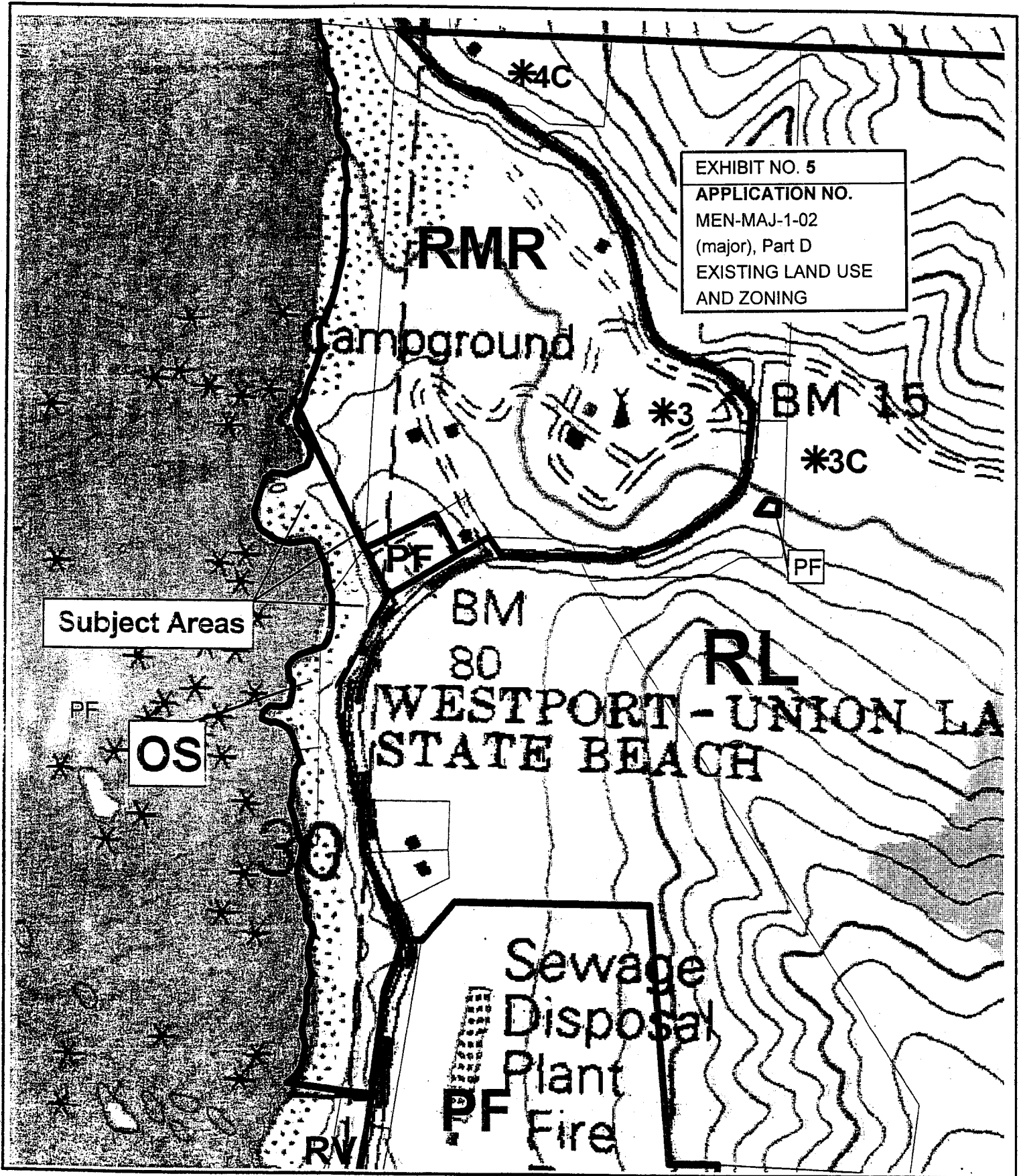
A. P. # 013-240-01 20 & 43
VESTPORT-TEN MILE CEMETERY DISTRICT
C/O JAMES SUNDSTRÖM
P. O. BOX 2543
FORT BRAGG, CA. 95437

Tentative Map

OF PROPOSED BOUNDARY LINE ADJUSTMENT
OF A.P. Nos.013-240-01, 20, 33, 34 & 43,
BEING A PORTION OF SECTIONS 29 & 30,
TOWNSHIP 21 NORTH,
RANGE 17 WEST, M.D.B.&M.

MENDOCINO COUNTY, CALIFORNIA





OWNER: Weges Creek Campground and Westport Cemetery District
 APPLICANT: Mendocino County
 AGENT: Planning and Building Services
 CASE #: GP 1-02 and R 1-02
 APN: 013-240-34 and 013-240-43

**EXISTING
 LAND USE AND ZONING**

0.03 0 0.03 0.06 0.09 0.12 Miles



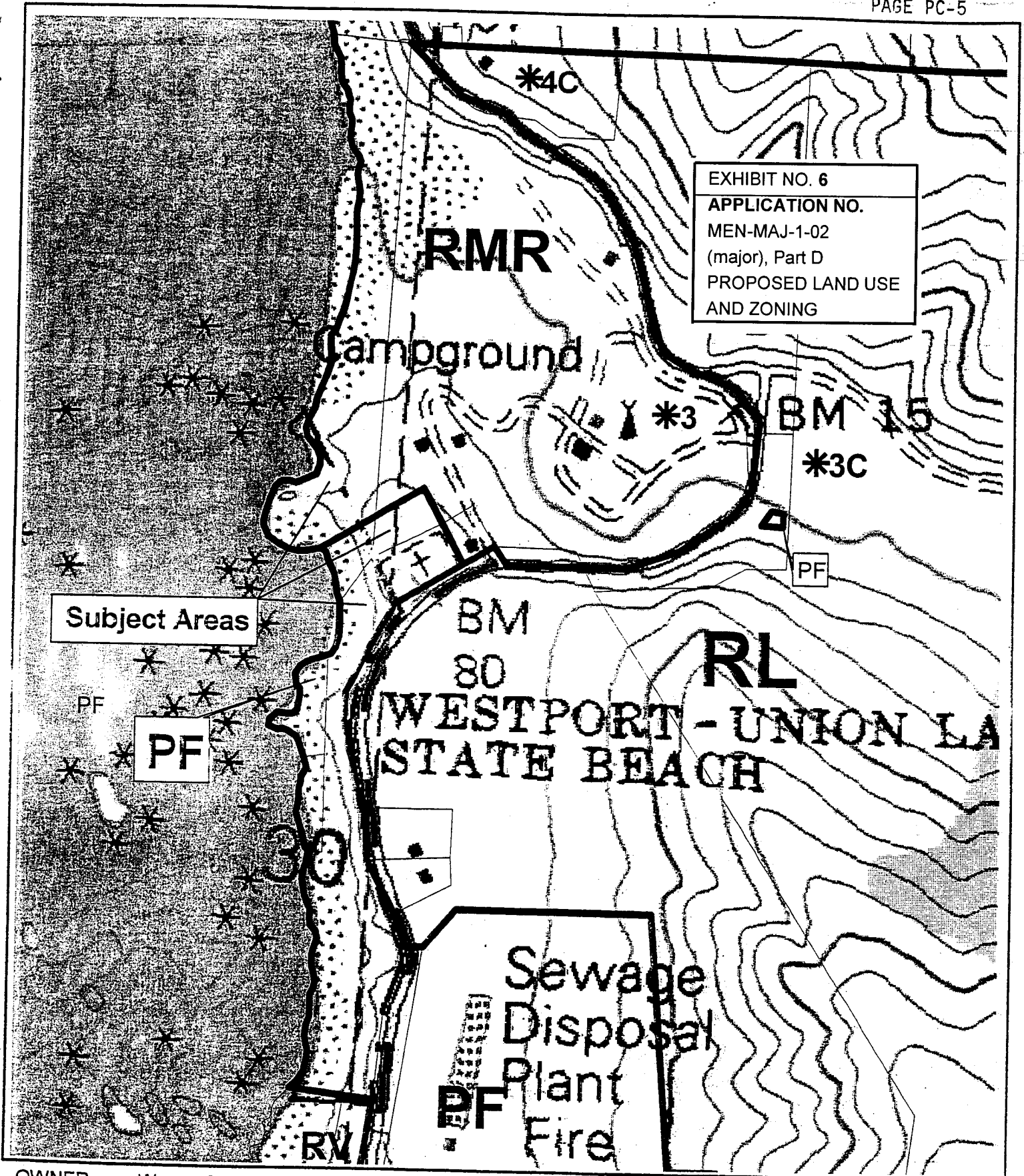


EXHIBIT NO. 6
 APPLICATION NO.
 MEN-MAJ-1-02
 (major), Part D
 PROPOSED LAND USE
 AND ZONING

Subject Areas

OWNER: Weges Creek Campground and Westport Cemetery District
 APPLICANT: Mendocino County
 AGENT: Planning and Building Services
 CASE #: GP 1-02 and R 1-02
 APN: 013-240-34 and 013-240-43

**PROPOSED
 LAND USE AND ZONING**

0.03 0 0.03 0.06 0.09 0.12 Miles



