

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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Th9b

MEMORANDUM

Date: February 8, 2010

To: Commissioners and Interested Parties

From: Peter Douglas, Executive Director
Robert Merrill, District Manager – North Coast District
Melissa Kraemer, Coastal Program Analyst – North Coast District

Subject: **Addendum to Commission Meeting for Thursday, February 11, 2010
North Coast District Item Th 9b,
LCP Amendment Application No. MEN-MAJ-1-08 (Delamotte)**

Staff is proposing to make certain changes to the January 28, 2010 staff recommendation on Local Coastal Program Amendment Application No. MEN-MAJ-1-08 (Delamotte). The proposed amendment would change symbols on the Coastal Land Use Map designation for 92 acres of property to reflect that the lands are zoned for Timber Production and would rezone the parcel from Forest Lands District (FL-160) to Timberland Production District (TP-160). The January 28, 2010 staff report recommended certifying the LCP amendment as submitted. Staff continues to recommend that the Commission certify the proposed amendment to the Land Use Plan (LUP) as submitted. However, staff now recommends, for the reasons discussed below, that the Commission reject the proposed amendment to the Implementation Program (IP) as submitted, and certify it only if it is modified as suggested in this addendum.

Since publication of the staff report, staff realized that the zoning district standards of the County's IP do not clearly establish which of the identified uses allowed in the zoning districts would or would not be appealable to the Commission consistent with Section 30603(a) of the Coastal Act. Section 30603(a) directs, in applicable part, that "*After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:...(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map...*" (emphasis added). However, rather than designate one principally permitted use for purposes of appeal, the recognized permissible land uses within the zoning district standards of the County's IP list

numerous types of development and activities, as seen in Table 1 below (excerpted from Table 1 in the January 28, 2010 staff report):

Table 1: Comparison of Forest Lands (FL) and Timberland Production (TP) zoning districts development regulations in the certified Mendocino County LCP.

Development Regulation Category	CURRENT Zoning of Subject Property: Forest Lands District (FL)	PROPOSED Zoning of Subject Property: Timberland Production District (TL)
PRINCIPALLY Permitted Uses	<ul style="list-style-type: none"> • <u>Residential Use Types:</u> <ul style="list-style-type: none"> ◦ <i>Family Residential: Single Family;</i> ◦ <i>Vacation Home Rental.</i> • <u>Agricultural Use Types:</u> <ul style="list-style-type: none"> ◦ <i>Forest Production & Processing: Limited;</i> ◦ <i>Light Agriculture;</i> ◦ <i>Tree Crops.</i> • <u>Open Space Use Types:</u> <ul style="list-style-type: none"> ◦ <i>Passive Recreation.</i> 	<ul style="list-style-type: none"> • <u>Residential Use Types:</u> <ul style="list-style-type: none"> ◦ <i>Family Residential: Single Family;</i> ◦ <i>Vacation Home Rental.</i> • <u>Agricultural Use Types:</u> <ul style="list-style-type: none"> ◦ <i>Forest Production & Processing: Limited;</i> ◦ <i>Tree Crops.</i> • <u>Open Space Use Types:</u> <ul style="list-style-type: none"> ◦ <i>Passive Recreation.</i>

As Table 1 shows, the various types of principally permitted uses in the two zoning districts are not functionally related to one another so as to be viewed as multiple examples of effectively one use type or group, such as a main use together with customarily accompanying accessory and ancillary uses (e.g., single family residence, attached or detached garage, fences, and storage sheds). Thus, to more clearly establish which of the identified uses would or would not be appealable to the Commission for the subject property, staff recommends including a Suggested Modification in the TP zoning district chapter of the IP specifying that for purposes of appeals to the Commission, the principal permitted use for the subject property (APNs 126-180-10 & 126-180-11) is “Coastal Agricultural Use Types: Forest Production and Processing: Limited.” The suggested modification would not change what uses would require a local use permit under the County code and would not otherwise change the list of principal permitted uses as it appears in the TPZ zoning district standards. Thus, all uses currently listed as principal permitted uses in the zoning district would remain so and would continue to not require a local use permit. The effect of the suggested modification would be to clarify that coastal development permits granted by the County for development on the subject property of the listed principal permitted uses of “Family Residential: Single Family;” “Vacation Home Rental;” “Tree Crops;” and “Passive Recreation” are appealable to the Commission under Section 30603(a)(4), whereas coastal development permits granted for development of the “Forest Production & Processing: Limited” use are not appealable.

The motions and resolutions for certification of an Implementation Program amendment with suggested modifications are different than those for certification of an Implementation Program amendment as submitted. To facilitate Commission action on the amendment, a new set of motions and resolutions for the entire amendment (including both Land Use Plan and Implementation Plan motions and resolutions) reflecting the staff recommendation as modified is

included in this addendum. Please disregard the motions and resolutions in the staff report dated January 28, 2010.

I. REVISED MOTIONS & RESOLUTIONS

A. APPROVAL OF LUP AMENDMENT NO. MEN-MAJ-1-08 AS SUBMITTED:

MOTION I: I move that the Commission certify Land Use Plan Amendment No. MEN-MAJ-1-08 as submitted by the County of Mendocino.

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of this motion via a **YES** vote, thereby adopting the staff recommendation, will result in approval 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 CERTIFY THE LAND USE PLAN AMENDMENT:

The Commission hereby certifies Land Use Plan Amendment No. MEN-MAJ-1-08 as submitted by the County of Mendocino and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment 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 plan on the environment; or (2) there are no further 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. DENIAL OF IP AMENDMENT NO. MEN-MAJ-1-08, AS SUBMITTED:

MOTION II: I move that the Commission reject Implementation Program Amendment No. MEN-MAJ-1-08 for the County of Mendocino as submitted.

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of the motion via a “yes” vote, thereby adopting the staff recommendation, will result in a denial of the Implementation Program 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 II: TO REJECT CERTIFICATION OF THE
IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Program Amendment submitted for the County of Mendocino and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. Certification of the Implementation Program 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 of the Implementation Program as submitted.

**C. APPROVAL OF IMPLEMENTATION PROGRAM AMENDMENT NO.
MEN-MAJ-1-08 WITH SUGGESTED MODIFICATIONS:**

MOTION III: I move that the Commission certify Implementation Program Amendment No. MEN-MAJ-1-08 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 via a YES vote, thereby adopting the staff recommendation, will result in certification of the Implementation Program 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 III TO CERTIFY THE IMPLEMENTATION PROGRAM
WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Program Amendment for the County of Mendocino if modified as suggested on the grounds that the Implementation Program Amendment with the suggested modifications conforms with and is adequate to carry out the provisions of the Land Use Plan as certified. Certification of the Implementation Program 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 Program 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.

II. REVISIONS TO THE STAFF RECOMMENDATION

The revisions to the staff report dated January 28, 2010, including the modification of the motion, staff recommendation, and resolution for the IP amendment and modifications to related findings, are shown below. Text to be deleted is shown in ~~striketrough~~; text to be added appears in **bold double-underline**.

- ◆ *Add the following text to a new sub-section "II" within "Part One: Motions, Recommendations, & Resolutions" as follows:*

II. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PROGRAM

Text deletions and additions suggested by the Commission are formatted in ~~striketrough~~ and bold double-underlined text, respectively.

SUGGESTED MODIFICATION NO. 1: Section 20.364 of the Coastal Zoning Code shall be modified or appended as follows:

"CHAPTER 20.364 TP -- TIMBERLAND PRODUCTION DISTRICT

Sec. 20.364.005 Intent.

Sec. 20.364.010 Principal Permitted Uses for TP Districts.

Sec. 20.364.015 Conditional Uses for TP Districts.

Sec. 20.364.020 Minimum Lot Area for TP Districts.

Sec. 20.364.025 Maximum Dwelling Density for TP Districts.

Sec. 20.364.030 Minimum Front, Rear and Side Yards for TP Districts.

Sec. 20.364.035 Setback Exception.

Sec. 20.364.040 Building Height Limit for TP Districts.

Sec. 20.364.045 Maximum Lot Coverage for TP Districts.

Sec. 20.364.005 Intent.

This district is intended to encompass lands within the Coastal Zone which because of their soil types and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such. (Ord. No. 3785 (part), adopted 1991)

Sec. 20.364.010 Principal Permitted Uses for TP Districts.

The following use types are permitted in the Timberland Production District:

(A) Coastal Residential Use Types.
Family Residential: Single-family;
Vacation Home Rental.

(B) Coastal Agricultural Use Types.
Forest Production and Processing: Limited;
Tree Crops.

(C) Coastal Open Space Use Types.
Passive Recreation. (Ord. No. 3785 (part), adopted 1991)

For purposes of appeals to the California Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Code and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) for APNs 126-180-10 & 126-180-11 is “Coastal Agricultural Use Types: Forest Production and Processing: Limited.” Although this PPU is not appealable to the Coastal Commission pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Code or Section 30603(a)(4) of the Coastal Act, development on APNs 126-180-10 & 126-180-11 may be appealed to the California Coastal Commission pursuant to other applicable provisions of Section 20.544 of the Coastal Zoning Code and Section 30603 of the Coastal Act. All development other than this PPU is appealable to the California Coastal Commission pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Code and Coastal Act 30603(a)(4), as well as any other applicable provisions of Section 20.544 of the Coastal Zoning Code and Section 30603 of the Coastal Act.

Sec. 20.364.015 Conditional Uses for TP Districts.

...”

- ◆ *Modify the text of “Part Four: Amendments to the Implementation Program” on page 8 as follows:*

I. **ANALYSIS CRITERIA**

The standard of review for the proposed amendment to the Implementation Plan (IP) of the County of Mendocino LCP is whether the IP, as amended, conforms with and is adequate to carry out the certified LUP, as amended and modified herein. ~~For the reasons discussed in the findings below, the proposed IP amendment is consistent with and is adequate to carry out the certified LUP.~~

Section 30513 of the Coastal Act establishes the criteria for Commission action on proposed amendments to certified Implementation Programs (IP). Section 30513 states, in applicable part as follows:

...The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

II. FINDINGS FOR ~~APPROVAL~~ DENIAL OF IP AMENDMENT NO. MEN-MAJ-1-08 AS SUBMITTED AND CERTIFICATION IF MODIFIED

The Commission finds and declares as follows for IP Amendment No. MEN-MAJ-1-08:

...

- ◆ *Modify the text of sub-section “B: Implementation Conformity” within sub-section “II” of “Part Four: Amendments to the Implementation Program” on page 11 as follows:*

B. Implementation Conformity

For any proposed change to a property’s zoning designation to be certifiable, the implementing zoning designation must be shown to conform with its LUP counterpart and adequately carry out all applicable LUP policies. In this case, the proposed “Timberland Production” zoning district would implement the existing “Forest Lands” land use designation for the site. The TP zoning district allows for the same range of uses, as appears in the narrative description of the purpose and intent of TP lands as described in the “Forest Lands” classification. The change from FL to TP zoning district will not significantly change the kind or intensity of land use that is currently allowed under the current FL district standards. With the exception of tax deferment benefits provided under the TP designation, the standards of the FL and TP zoning districts are essentially the same, with the TP zoning district being somewhat more restrictive than the FL zoning district, as the TP district allows fewer uses and/or greater review of proposed uses through the use permit process (see Table 1 above). Consequently, there will be no change to the overall 160-acre-per dwelling-unit density permitted by the parcel’s FL zoning with the proposed amendment to TP.

~~Thus, given this consistency between LUP and zoning designations, the proposed TP zoning classification will conform with and be adequate to carry out the policies and standards of the LUP, as amended.~~

However, as seen in Table 1 above, the zoning district standards of the County’s IP do not clearly establish which of the identified uses allowed in the zoning districts

would or would not be appealable to the Commission consistent with Section 30603(a) of the Coastal Act. Section 30603(a) directs, in applicable part, that “After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:... (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map...” (emphasis added). The recognized permissible land uses within the zoning district standards of the County’s IP list numerous types of development and activities, not all of which are functionally related to one another so as to be viewed as multiple examples of effectively one use type or group, such as a main use together with customarily accompanying accessory and ancillary uses (e.g., single family residence, attached or detached garage, fences, and storage sheds).

Thus, to more clearly establish which of the identified uses would or would not be appealable to the Commission, the Commission imposes Suggested Modification No. 1, which modifies Section 20.364 of the Coastal Zoning Code to specify that for purposes of appeals to the Commission, the principal permitted use for APNs 126-180-10 & 126-180-11 is “Coastal Agricultural Use Types: Forest Production and Processing: Limited.” This use type is defined in CZC Section 20.336.020 as “the growing, harvesting, air drying or kiln drying, milling, packaging, packing, shipping and selling of forest products, produced on the premises or experimental tree farms and tree nurseries.” The suggested modification does not change what uses require a local use permit under the County code and do not otherwise change the list of principal permitted uses as it appears in the TPZ zoning district standards. Thus, all uses currently listed as principal permitted uses in the zoning district remain so and continue to not require a local use permit. The effect of the suggested modification is to clarify that coastal development permits granted by the County for development on the subject property of the listed principal permitted uses of “Family Residential: Single Family;” “Vacation Home Rental;” “Tree Crops;” and “Passive Recreation” are appealable to the Commission under Section 30603(a)(4) whereas coastal development permits granted for development of the “Forest Production & Processing Limited” use are not appealable.

Text deletions and additions suggested by the Commission are formatted in strikethrough and bold double-underlined text, respectively.

SUGGESTED MODIFICATION NO. 1: Section 20.364 of the Coastal Zoning Code shall be modified or appended as follows:

“CHAPTER 20.364
TP -- TIMBERLAND PRODUCTION DISTRICT

Sec. 20.364.005 Intent.

Sec. 20.364.010 Principal Permitted Uses for TP Districts.
Sec. 20.364.015 Conditional Uses for TP Districts.
Sec. 20.364.020 Minimum Lot Area for TP Districts.
Sec. 20.364.025 Maximum Dwelling Density for TP Districts.
Sec. 20.364.030 Minimum Front, Rear and Side Yards for TP Districts.
Sec. 20.364.035 Setback Exception.
Sec. 20.364.040 Building Height Limit for TP Districts.
Sec. 20.364.045 Maximum Lot Coverage for TP Districts.

Sec. 20.364.005 Intent.

This district is intended to encompass lands within the Coastal Zone which because of their soil types and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such. (Ord. No. 3785 (part), adopted 1991)

Sec. 20.364.010 Principal Permitted Uses for TP Districts.
The following use types are permitted in the Timberland Production District:

(A) Coastal Residential Use Types.

Family Residential: Single-family;
Vacation Home Rental.

(B) Coastal Agricultural Use Types.

Forest Production and Processing: Limited;
Tree Crops.

(C) Coastal Open Space Use Types.

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

For purposes of appeals to the California Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Code and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) for APNs 126-180-10 & 126-180-11 is "Coastal Agricultural Use Types: Forest Production and Processing: Limited." Although this PPU is not appealable to the Coastal Commission pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Code or Section 30603(a)(4) of the Coastal Act, development on APNs 126-180-10 & 126-180-11 may be appealed to the California Coastal Commission pursuant to other applicable provisions of Section 20.544 of the Coastal Zoning Code and Section 30603 of the Coastal Act. All development other than this PPU is appealable to the California Coastal Commission pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Code and Coastal Act 30603(a)(4), as well as any other applicable provisions of Section 20.544 of the Coastal Zoning Code and Section 30603 of the Coastal Act.

Sec. 20.364.015 Conditional Uses for TP Districts.

...”

- ◆ *Modify the text of sub-section “III: Conclusion” of “Part Four: Amendments to the Implementation Program” as follows:*

III. CONCLUSION

As discussed above, for the most part, the proposed zoning code amendment would conform with and be adequate to carry out the provisions of the County’s Land Use Plan as amended. However, the proposed change to CZC Section 20.544.020 as modified by the Commission in Suggested Modification No. 1 clarifies the principal permitted use for the subject property for the purposes of appeal to the Commission consistent with Coastal Act Section 30603(a)(4) and Section 20.544.020(B)(4) of the Coastal Zoning Code.

~~Based on the foregoing analysis,~~ **Therefore,** the Commission finds the proposed amendment to the County’s Implementation Program as ~~submitted~~ **modified,** ~~to be consistent~~ **conforms** with and **is** adequate to carry out the certified Land Use Plan, as amended, **consistent with Section 30513 of the Coastal Act.**

- ◆ *Replace Part Five: “California Environmental Quality Act,” with the following:*

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, the amendment request with incorporation of the suggested modifications is consistent with the California Coastal Act. The modification clarify which of the established uses in the TP zoning district would or would not be appealable to the Commission.

There are no other feasible alternatives or mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment. The Commission finds that approval of the LCP Amendment with the incorporation of the suggested modifications will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

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Th9b

Filed:	December 9, 2008
90 th Day:	March 9, 2009
Staff:	Melissa B. Kraemer
Staff Report:	January 28, 2010
Hearing Date:	February 11, 2010
Commission Action:	

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Robert Merrill, North Coast District Manager
Melissa B. Kraemer, Coastal Planner

SUBJECT: **County of Mendocino LCP Amendment No. MEN-MAJ-1-08 (Delamotte)**
Land Use Plan and Zoning Amendment to change APNs 126-180-10 & -11 from Forest Lands (FL-160) to Timberland Production (TP-160).
Meeting of February 11, 2010 in Oceanside.

SYNOPSIS:

1. Description of Proposed LCP Amendment & Background

On November 21, 2008 Mendocino County submitted LCP Amendment Application No. MEN-MAJ-1-8 (Delamotte) to change symbols on the Coastal Land Use Map designation for 92 acres of property to reflect that the lands are zoned for Timber Production, and to rezone the parcel from Forest Lands District (FL-160) to Timberland Production District (TP-160). The subject site is located on the south side of the Navarro River, approximately one mile east of the Highway One bridge over the river, off of Cameron Road, approximately four miles southeast of Albion (APNs 126-180-10 & -11). The impetus for the change is long-term tax benefits to the property owner.

The Board of Supervisors locally approved the plan and zoning reclassifications for the project on September 9, 2008 and submitted the subject LCP amendment for certification by the Commission. On February 4, 2009 the Commission approved a one-year extension of the period in which the Commission must act on the proposal, changing the deadline for Commission action from March 9, 2009 to March 9, 2010.

2. Summary of Staff Recommendation

The staff recommends that the Commission, upon completion of a public hearing, **approve the requested LCP amendment as submitted**. The proposed change to the Land Use Plan map as proposed is consistent with all applicable Chapter 3 policies of the Coastal Act. The proposed revision to the parcel's zoning from Forest Lands (FL-160) to Timberland Production (TP-160) would similarly conform with and adequately carry out the policies of the amended LUP insofar as the proposed TP zoning district regulations would directly implement the policies of the Forest Lands (FL) land use designation by establishing development standards for the various uses specifically identified under the corresponding LUP designation.

The motions to adopt the staff recommendation are found on pages 3 and 4.

3. Analysis Criteria

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving guidance as to the kinds, locations, and intensities of coastal development. The Implementation Program (IP) of an LCP typically sets forth zone districts and site development regulations through legally enforceable ordinances, which are the final refinement specifying how coastal development is to proceed on a particular parcel. The LUP must be consistent with the Coastal Act. The IP must conform with and be adequate to carry out the policies of the LUP.

In this case, the proposed LCP amendment affects both the LUP and IP components of the Mendocino County LCP. The LUP portion of the County's LCP affected by the subject LCP amendment consists of changes to symbols on the Coastal Land Use Map No. 19 of the certified Mendocino County LCP reflecting that APNs 126-180-10 & -11 are zoned as Timber Production. The existing land use classification of the property as "Forest Lands" will remain unchanged. The proposed IP amendment would effectuate changes to the zoning of APNs 126-180-10 & -11 as illustrated on the certified Coastal Zoning Code Map No. 54-D, certified as Section 20.304.040 of the Coastal Zoning Code, changing the zoning district from Forest Lands (FL-160) to Timberland Production (TP-160). No changes to the text of the LUP or the IP would result from the proposed LCP amendment.

This analysis evaluates the policies and standards of the Coastal Act and the LCP directly affected by the subject land use plan and zoning changes. Subsequent development that might be proposed will require a coastal development permit and will need to be reviewed by the County for conformance to the certified LCP, as amended.

4. Additional Information.

For further information, please contact Melissa Kraemer at the North Coast District Office at (707) 445-7833. Correspondence should be sent to the District Office at the above address.

PART ONE: MOTIONS, RECOMMENDATIONS, & RESOLUTIONS

I. MOTIONS, STAFF RECOMMENDATIONS, & RESOLUTIONS FOR LCP AMENDMENT NO. MEN-MAJ-1-08

A. APPROVAL OF LUP AMENDMENT NO. MEN-MAJ-1-08 AS SUBMITTED:

MOTION I: I move that the Commission certify Land Use Plan Amendment No. MEN-MAJ-1-08 as submitted by the County of Mendocino.

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of this motion will result in approval 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 CERTIFY THE LAND USE PLAN AMENDMENT:

The Commission hereby certifies Land Use Plan Amendment No. MEN-MAJ-1-08 as submitted by the County of Mendocino and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment 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 plan on the environment; or (2) there are no further 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. APPROVAL OF IP AMENDMENT NO. MEN-MAJ-1-08, AS SUBMITTED:

MOTION II: I move that the Commission reject the Implementation Program for the County of Mendocino as submitted.

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **NO** vote. Following the staff recommendation will result in certification of the Implementation Program as submitted and the adoption of the following resolution and findings. Passage of the motion via a “yes” vote, thereby rejecting the staff recommendation, will result in a denial of the Implementation Program as submitted. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION II: TO CERTIFY THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby certifies the Implementation Program for the County of Mendocino as submitted and adopts the findings set forth below on grounds that the Implementation Program conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, and certification of the Implementation Program will meet the requirements of 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 Program on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

PART TWO: AMENDMENT DESCRIPTION & BACKGROUND

I. Description of Amendment & Site Conditions

The proposed LCP amendment entails changes to symbols on the Coastal Land Use Map No. 19 of the certified Mendocino County LCP reflecting that 92-acres of property, consisting of APNs 126-180-10 & -11, are zoned as Timber Production. The existing land use classification of the property as “Forest Lands” will remain unchanged. The proposed IP amendment would effectuate changes to the zoning of APNs 126-180-10 & -11 as illustrated on the certified Coastal Zoning Code Map No. 54-D, certified as Section 20.304.040 of the Coastal Zoning Code, changing the zoning district from Forest Lands (FL-160) to Timberland Production (TP-160). No changes to the text of the LUP or the IP would result from the proposed LCP amendment.

The project site is located on the south side of the Navarro River, approximately one mile east of the Highway One bridge over the river, off of Cameron Road, approximately four miles southeast of Albion (see Exhibit Nos. 1-2). Elevations on the subject property range from 40 to 680 feet above mean sea level. The aspect is generally northern, and the property is visible from Navarro Ridge Road.

Currently a single family residence and a second residence above the garage are located on APN 126-180-10, an approximately 42-acre parcel (Exhibit No. 3). In addition, there are on-site water and septic systems on the parcel. APN 126-180-11, which is approximately 50-acres in size, is vacant and undeveloped. Access to parcel -10 is from Navarro Ridge Road, approximately 0.5-mile from its intersection with State Highway One. Access to parcel -11 is via Cameron Road.

The entire 92-acre property is covered under Non-Industrial Timber Management Plan (NTMP) No. 1-94NTMP-014MEN and meets timber stocking standards as set forth in Section 4561 of the California Public Resources Code and the Forest Practice Rules adopted by the State Board of Forestry for the coast district in which the property is located (Exhibit No. 4). NTMPs provide for the long-term sustainable management of forest lands, with typical re-entry periods of 10 years and with harvest levels never exceeding growth levels.

In general, the Timberland Production (TP) zone district is more restrictive than the Forest Lands (FL) zone district, as the TP zoning allows fewer uses and/or greater review of proposed uses through the use permit process, as summarized in Table 1 below (see Part Four, page 9).

II. Public Participation & Commission Review

The proposed LCP amendment was the subject of local public hearings before the Mendocino County Planning Commission and the County Board of Supervisors. All of these public hearings were properly noticed to provide for adequate public participation. The LCP amendment submittal was determined to be complete and deemed submitted by the North Coast District Office on December 9, 2008. Copies of the Board of Supervisors' adopting ordinances and resolution of transmittal to the Commission are attached as Exhibit No. 9. On February 4, 2009 the Commission approved a one-year extension of the deadline on which the Commission must act on the proposal, changing the deadline for Commission action from March 9, 2009 to March 9, 2010.

PART THREE: AMENDMENTS TO THE LAND USE PLAN

I. ANALYSIS CRITERIA

The standard of review for the proposed amendment to the Land Use Plan (LUP) portion of the Mendocino County LCP is the Chapter 3 policies of the Coastal Act. As submitted, the proposed LUP amendment is consistent with the policies of Chapter 3 of the Coastal Act.

II. FINDINGS FOR APPROVAL OF LAND USE PLAN AMENDMENT NO. MEN-MAJ-1-08 AS SUBMITTED

The Commission finds and declares as follows for LUP Amendment No. MEN-MAJ-1-08:

A. Amendment Description

The County of Mendocino has submitted an application for an amendment to the Land Use Plan (LUP) portion its certified Local Coastal Program (LCP) to change symbols on Coastal Land Use Map No. 19 of the certified LUP reflecting that 92 acres of property, consisting of APNs 126-180-10 & -11, are zoned as Timber Production. The existing land use classification of the property as "Forest Lands" will remain unchanged.

Currently, as shown on Coastal Land Use Map No. 19 (Exhibit No. 5), the property is bounded by lands designated as "FL" to the west and south, as "RL" (Range Lands) to the southwest and north (across the river), and as "RR-5-DL" (Rural Residential, one dwelling unit per 5 acres, Development Limitations Combining District) to the east.

Chapter 2 of the certified LUP, which contains the descriptions of the various Land Use Classifications, describes Map Code “FL” (“Forest Lands – Coastal”) as follows (emphasis added) (and see Exhibit No. 7):

Intent: *The Forest Lands classification is intended to be applied to lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products. The classification includes lands eligible to be zoned Timberland Production (TPZ); intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of timber resource lands.*

Principal Permitted Use on Forest Lands Designated Timber Production Zone: *Forest production and processing and associated uses including: one single family dwelling and home occupations.*

Conditional Permitted Uses on Forest Lands Designated Timber Production Zone: *Light agriculture; cottage industry; dwelling groups; campgrounds where designated by an * on the Land Use Maps; major impact services and utilities (i.e. power generating facilities, sewage disposal facilities, sanitary landfills and water treatment plants); farm employee housing, farm labor camps; extraction of sand, shale and gravel. Uses determined to be related to and compatible with forestry; conservation, processing and development of natural resources; recreation and utility installations. No use permit shall be granted for areas designated FL in TPZ until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products.*

Principal Permitted Use on Forest Lands Not Designated Timber Production Zone: *Forest production and processing and associated uses including: one single family dwelling, home occupations and light agriculture.*

Conditional Permitted Uses on Forest Lands Not Designated Timber Production Zone: *Cemetery; animal sales and services (i.e. horse stables, kennels); farm employee housing and farm labor camps (for tree farming purposes); cottage industry; dwelling groups; major impact services and utilities (i.e. power generating facilities, sewage disposal facilities, sanitary landfills and water treatment plants); onshore oil and gas development; off-site alternative energy facilities; electrical transmission and distribution lines (see Policy 3.11-9), natural gas pipelines (see Policy 3.11-5); campgrounds where designated by an * on the Land Use Maps; outdoor sports and recreation; extraction of sand, shale and gravel. Uses determined to be related to and compatible with forestry; conservation processing and development of natural resources; recreation and utility installations. No use permit shall be granted for areas designated FL until a specific finding has been made that the proposed use is compatible with the long term protection of timber resource lands.*

Maximum Dwelling Density: *One dwelling unit per 160 acres not to exceed four dwelling units in TPZ district.*

Minimum Parcel Size: *160 acres.*

The LUP maps show various features besides LUP classifications, such as designated “highly scenic areas,” certain resource areas, and some property lines. The LUP maps also depict boundaries of lands zoned “TP.” The underlying “FL” LUP designation is implemented both by the Forest Lands zoning district and the Timber Production zoning district. The proposed change to the LUP map simply is to add the TP zoning boundary to the map without changing the applicable LUP designation. Thus, the existing FL land use designation as described above that

applies to the property will not change, and the proposed map change for the subject property will not result in any changes to the allowable uses under the LUP.

B. Consistency with Relevant Coastal Act Policies

Coastal Act Section 30231 states as follows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with the surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. [Emphasis added.]

Coastal Act Section 30240 states as follows:

- (a) *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.*
- (b) *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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Coastal Act Section 30243 states as follows:

The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities. [Emphasis added.]

Coastal Act Section 30250 states, in applicable part, as follows:

- (a) *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.* In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. [Emphasis added.]

Coastal Act Section 30251 states as follows:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. 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, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. [Emphasis added.]

As discussed above, currently a single family residence and a second residence above the garage are located on APN 126-180-10, an approximately 42-acre parcel. In addition, there are on-site water and septic systems on the parcel. APN 126-180-11, which is approximately 50 acres in size, is vacant and undeveloped. As further discussed above, the subject site is forested and is currently covered under Non-Industrial Timber Management Plan (NTMP) No. 1-94NTMP-014MEN. The site meets timber stocking standards as set forth in Section 4561 of the California Public Resources Code and the Forest Practice Rules adopted by the State Board of Forestry for the coast district in which the property is located. NTMPs provide for the long-term sustainable management of forest lands, with typical re-entry periods of 10 years and with harvest levels never exceeding growth levels.

As described above, the proposed amendment to Coastal Land Use Map No. 19 will not result in any changes to the allowable uses for the subject property under the certified LUP. Since there is no resulting increase in land use density, the LUP amendment will not create any additional demand on coastal resources, will not result in cumulative impacts, and thus is consistent with Section 30250 of the Coastal Act. In addition, the taxation deferment benefits of the TP designation will reduce the annual tax burden on the owner, reducing the likelihood of the property owner having to prematurely convert the use of the property from timberland to less compatible uses to meet property tax responsibilities. Furthermore, timber harvesting is currently, and will continue to be, a principally permitted use on the subject property, which will also serve to protect the use of the land for timber production. Therefore, the LUP amendment is consistent with the requirements of Section 30243 of the Coastal Act that the long-term productivity of soils and timberland shall be protected.

III. CONCLUSION

Based on the foregoing analysis, the Commission finds the proposed amendment to the County's Land Use Plan as submitted to be consistent with the Chapter 3 policies of the Coastal Act.

PART FOUR: AMENDMENTS TO THE IMPLEMENTATION PROGRAM

I. ANALYSIS CRITERIA

The standard of review for the proposed amendment to the Implementation Plan (IP) of the County of Mendocino LCP is whether the IP, as amended, conforms with and is adequate to carry out the certified LUP, as amended and modified herein. For the reasons discussed in the findings below, the proposed IP amendment is consistent with and is adequate to carry out the certified LUP.

II. FINDINGS FOR APPROVAL OF IP AMENDMENT NO. MEN-MAJ-1-08 AS SUBMITTED

The Commission finds and declares as follows for IP Amendment No. MEN-MAJ-1-08:

A. Amendment Description

The County of Mendocino has submitted an application for an amendment to the Implementation Plan (IP) portion of its certified Local Coastal Program (LCP) to reclassify the zoning designation of 92 acres of property from Forest Lands District (FL-160) to Timberland Production District (TP-160), as shown on certified Coastal Zoning Code Map No. 54-D (incorporated by reference in Section 20.304.040 of the IP) (Exhibit No. 6). There will be no changes to the IP text.

As discussed above, the entire 92-acre property is covered under Non-Industrial Timber Management Plan (NTMP) No. 1-94NTMP-014MEN and meets timber stocking standards as set forth in Section 4561 of the California Public Resources Code and the Forest Practice Rules adopted by the State Board of Forestry for the coast district in which the property is located. NTMPs provide for the long-term sustainable management of forest lands, with typical re-entry periods of 10 years and with harvest levels never exceeding growth levels.

In general, the Timberland Production (TP) zone district is more restrictive than the Forest Lands (FL) zone district, as the TP zoning allows fewer uses and/or greater review of proposed uses through the use permit process, as summarized in Table 1 below (and see Exhibit No. 8).

Table 1: Comparison of Forest Lands (FL) and Timberland Production (TP) zoning districts development regulations in the certified Mendocino County LCP.

Development Regulation Category	CURRENT Zoning of Subject Property: Forest Lands District (FL)	PROPOSED Zoning of Subject Property: Timberland Production District (TL)
PRINCIPALLY Permitted Uses	<ul style="list-style-type: none"> <u>Residential Use Types:</u> <ul style="list-style-type: none"> Family Residential: Single Family; Vacation Home Rental. <u>Agricultural Use Types:</u> <ul style="list-style-type: none"> Forest Production & Processing: Limited; Light Agriculture; Tree Crops. <u>Open Space Use Types:</u> <ul style="list-style-type: none"> Passive Recreation. 	<ul style="list-style-type: none"> <u>Residential Use Types:</u> <ul style="list-style-type: none"> Family Residential: Single Family; Vacation Home Rental. <u>Agricultural Use Types:</u> <ul style="list-style-type: none"> Forest Production & Processing: Limited; Tree Crops. <u>Open Space Use Types:</u> <ul style="list-style-type: none"> Passive Recreation.
CONDITIONALLY Permitted Uses	<ul style="list-style-type: none"> <u>Residential Use Types:</u> <ul style="list-style-type: none"> Family Residential: Dwelling Groups; Family Residential: Cluster Development; Farm Employee Housing; Farm Labor Housing. <u>Civic Use Types:</u> <ul style="list-style-type: none"> Alternative Energy Facilities: On-site; Alternative Energy Facilities: Off-site; Cemetery Services; Community Recreation; Major Impact Services & Utilities; Minor Impact Utilities. <u>Commercial Use Types:</u> <ul style="list-style-type: none"> Agricultural Sales & Services; Animal Sales & Services: Auctioning; 	<ul style="list-style-type: none"> <u>Residential Use Types:</u> <ul style="list-style-type: none"> Family Residential: Dwelling Groups; Farm Employee Housing; Farm Labor Housing. <u>Civic Use Types:</u> <ul style="list-style-type: none"> Alternative Energy Facilities: On-site; Alternative Energy Facilities: Off-site; Community Recreation; Major Impact Services & Utilities; Minor Impact Utilities. <u>Commercial Use Types:</u> <ul style="list-style-type: none"> Cottage Industries.

Development Regulation Category	CURRENT Zoning of Subject Property: Forest Lands District (FL)	PROPOSED Zoning of Subject Property: Timberland Production District (TL)
	<ul style="list-style-type: none"> o <i>Animal Sales & Services: Horse Stables;</i> o <i>Animal Sales & Services: Kennels;</i> o <i>Animal Sales & Services: Veterinary (Large Animals);</i> o <i>Animal Sales & Services: Veterinary (Small Animals);</i> o <i>Commercial Recreation: Outdoor Sports & Recreation;</i> o <i>Cottage Industries.</i> • <u>Agricultural Use Types:</u> <ul style="list-style-type: none"> o <i>Forest Production & Processing: General;</i> o <i>Forest Production & Processing: Commercial Woodlots;</i> o <i>General Agriculture;</i> o <i>Horticulture;</i> o <i>Row & Field Crops;</i> o <i>Packing & Processing: Fisheries Byproducts.</i> • <u>Open Space Use Types:</u> <ul style="list-style-type: none"> o <i>Active Recreation</i> • <u>Extractive Use Types:</u> <ul style="list-style-type: none"> o <i>Mining & Processing;</i> o <i>Onshore Oil & Gas Development Facilities.</i> • <u>Natural Resources Use Types:</u> <ul style="list-style-type: none"> o <i>Fish & Wildlife Habitat Management;</i> o <i>Watershed Management.</i> 	<ul style="list-style-type: none"> • <u>Agricultural Use Types:</u> <ul style="list-style-type: none"> o <i>Forest Production & Processing: General;</i> o <i>Forest Production & Processing: Commercial Woodlots;</i> o <i>General Agriculture;</i> o <i>Horticulture;</i> o <i>Light Agriculture;</i> o <i>Row & Field Crops.</i> • <u>Open Space Use Types:</u> <ul style="list-style-type: none"> o <i>Active Recreation</i> • <u>Extractive Use Types:</u> <ul style="list-style-type: none"> o <i>Mining & Processing.</i> • <u>Natural Resources Use Types:</u> <ul style="list-style-type: none"> o <i>Fish & Wildlife Habitat Management;</i> o <i>Watershed Management.</i>
Minimum Lot Area	160 acres	160 acres
Maximum Density	One (1) unit per one hundred sixty (160) acres except as provided pursuant to Section 20.316.020 (Farm Employee Housing), Section 20.316.025 (Farm Labor Housing), Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach) and Section 20.460.040 (Family Care Unit). In no case shall there be more than four (4) dwellings per parcel whether single family residential, farm employee housing, farm labor housing, accessory living unit or family care unit, except where Chapter 20.412 "Clustering Development Combining District" applies.	One (1) unit per one hundred sixty (160) acres except as provided pursuant to Section 20.316.020 (Farm Employee Housing), Section 20.316.025 (Farm Labor Housing), Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach) and Section 20.460.040 (Family Care Unit). In no case shall there be more than four (4) dwellings per parcel whether single family residential, farm employee housing, farm labor housing, accessory living unit or family care unit, except where Chapter 20.412 "Clustering Development Combining District" applies.
Minimum Front Yard	50 feet	50 feet
Minimum Rear Yard	50 feet	50 feet
Minimum Side Yards	50 feet	50 feet
Building Height Limit	Twenty-eight (28) feet above natural grade for non-Highly Scenic Areas and for Highly Scenic Areas east of Highway One. Eighteen (18) feet above natural grade for Highly Scenic Areas west of Highway One	Twenty-eight (28) feet above natural grade for non-Highly Scenic Areas and for Highly Scenic Areas east of Highway One. Eighteen (18) feet above natural grade for Highly Scenic Areas west of Highway One

Development Regulation Category	CURRENT Zoning of Subject Property: Forest Lands District (FL)	PROPOSED Zoning of Subject Property: Timberland Production District (TL)
	unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Thirty-five (35) feet above natural grade for uninhabited accessory structures not in an area designated as a Highly Scenic Area (See Section 20.504.015(C)(2)).	unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Thirty-five (35) feet above natural grade for uninhabited accessory structures not in an area designated as a Highly Scenic Area (See Section 20.504.015(C)(2)).
Maximum Lot Coverage	Twenty (20) percent for parcels less than two (2) acres in size. Fifteen (15) percent for parcels from two (2) to five (5) acres in size. Ten (10) percent for parcels over five (5) acres in size.	Twenty (20) percent for parcels less than two (2) acres in size. Fifteen (15) percent for parcels from two (2) to five (5) acres in size. Ten (10) percent for parcels over five (5) acres in size.

B. Implementation Conformity

For any proposed change to a property’s zoning designation to be certifiable, the implementing zoning designation must be shown to conform with its LUP counterpart and adequately carry out all applicable LUP policies. In this case, the proposed “Timberland Production” zoning district would implement the existing “Forest Lands” land use designation for the site. The TP zoning district allows for the same range of uses, as appears in the narrative description of the purpose and intent of TP lands as described in the “Forest Lands” classification. The change from FL to TP zoning district will not significantly change the kind or intensity of land use that is currently allowed under the current FL district standards. With the exception of tax deferment benefits provided under the TP designation, the standards of the FL and TP zoning districts are essentially the same, with the TP zoning district being somewhat more restrictive than the FL zoning district, as the TP district allows fewer uses and/or greater review of proposed uses through the use permit process (see Table 1 above). Consequently, there will be no change to the overall 160-acre-per dwelling-unit density permitted by the parcel’s FL zoning with the proposed amendment to TP.

Thus, given this consistency between LUP and zoning designations, the proposed TP zoning classification will conform with and be adequate to carry out the policies and standards of the LUP, as amended.

III. CONCLUSION

Based on the foregoing analysis, the Commission finds the proposed amendment to the County’s Implementation Program as submitted to be consistent with and adequate to carry out the certified Land Use Plan, as amended.

PART FIVE: CALIFORNIA ENVIRONMENTAL QUALITY ACT

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, the amendment request 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. Vicinity Map
3. Assessor's Parcel Map
4. Orthophoto
5. Land Use Plan Map
6. Zoning Map
7. Excerpts, Mendocino County Land Use Plan
8. Excerpts, Mendocino County Coastal Zoning Code
9. County Resolution and Ordinance for the Delamotte LCP Amendment

EXHIBIT NO. 1

**LCP AMENDMENT
APPLICATION NO.**

MEN-MAJ-1-08 (Delamotte)

REGIONAL LOCATION MAP

Subject site

Mendocino

LOCATION MAP

1 0 1 2
miles



County of Mendocino

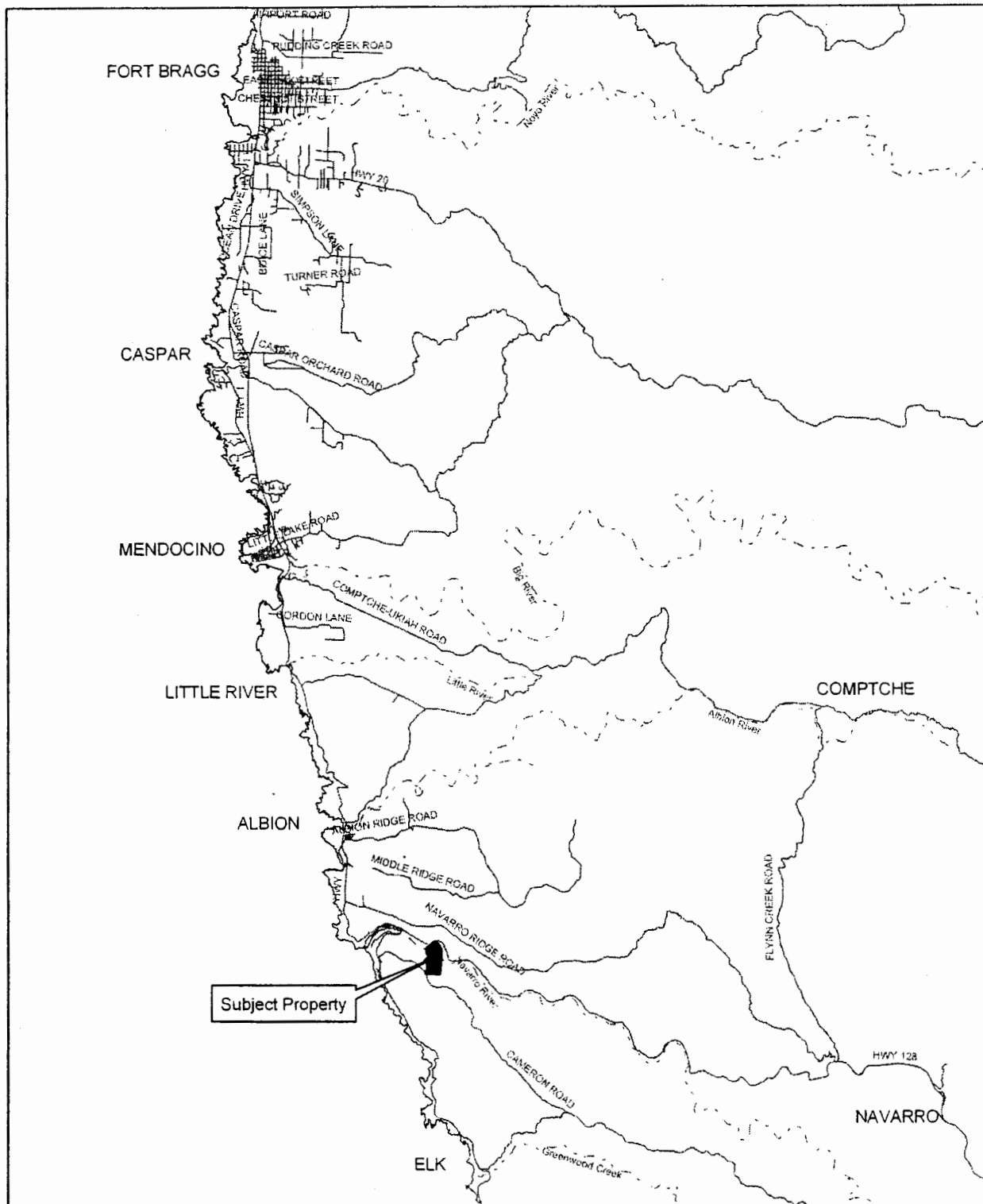


EXHIBIT NO. 2

APPLICATION NO.

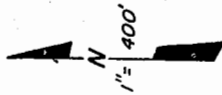
MEN-MAJ-1-08 (Delamotte)

MENDOCINO COUNTY LCP
AMENDMENT

VICINITY MAP



126-18



Por. Sec. 3 T.15N. R.17W. M.D.B.&M.

104-014
104-043

104-043 104-014

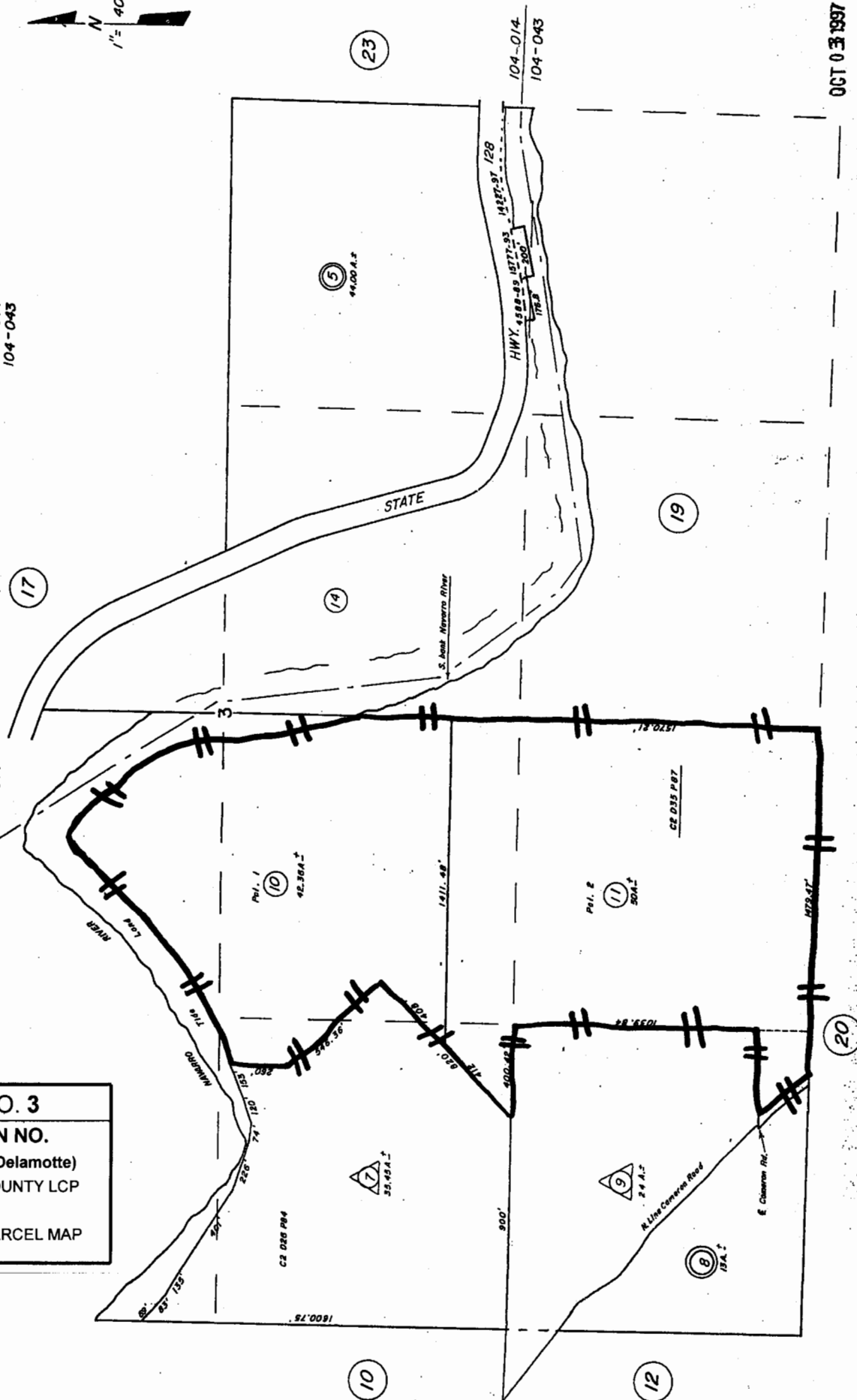
EXHIBIT NO. 3

APPLICATION NO.

MEN-MAJ-1-08 (Delamotte)

MENDOCINO COUNTY LCP
AMENDMENT

ASSESSOR'S PARCEL MAP



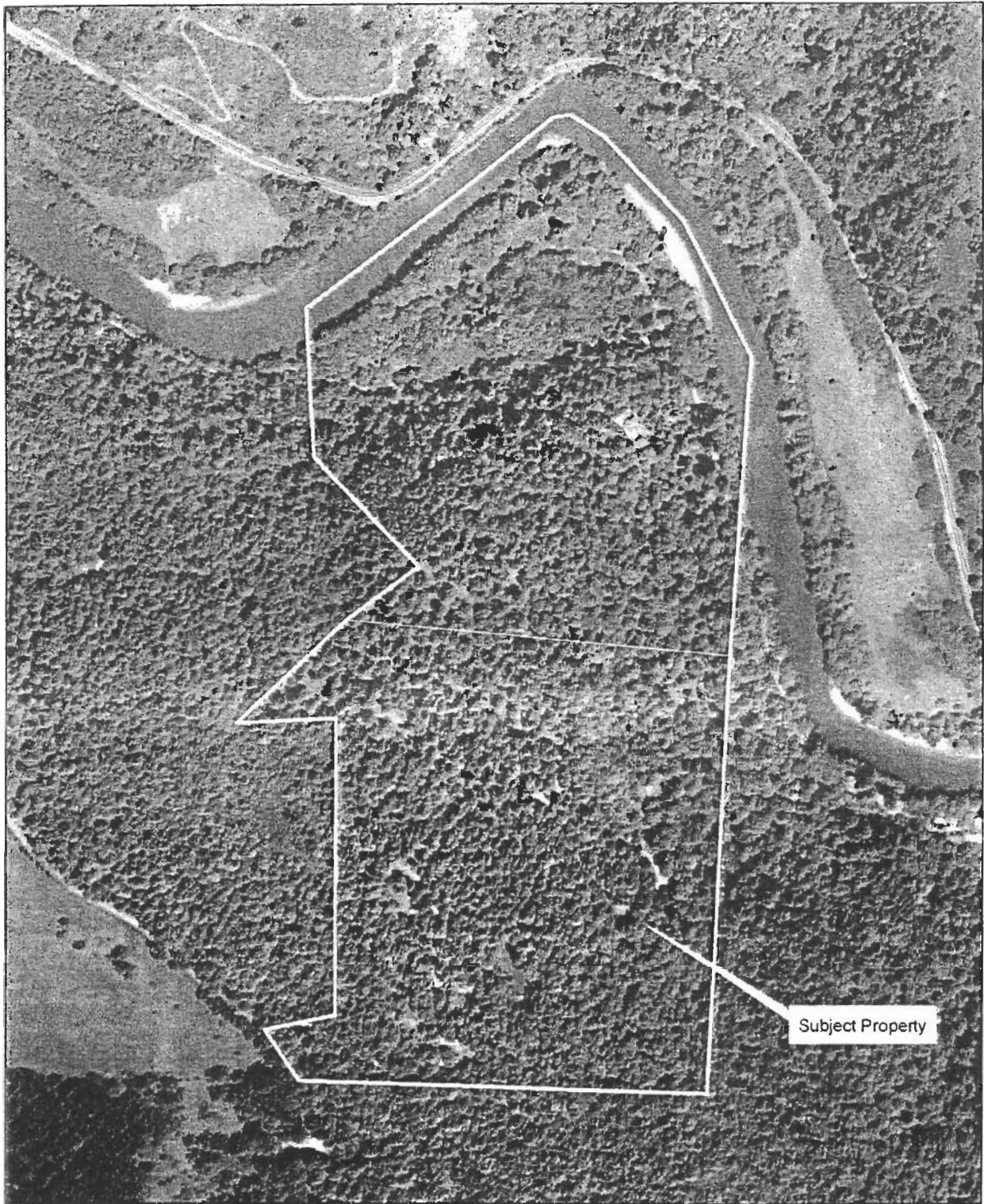
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Assessor's Map

County of Mendocino, Calif.

March, 1971

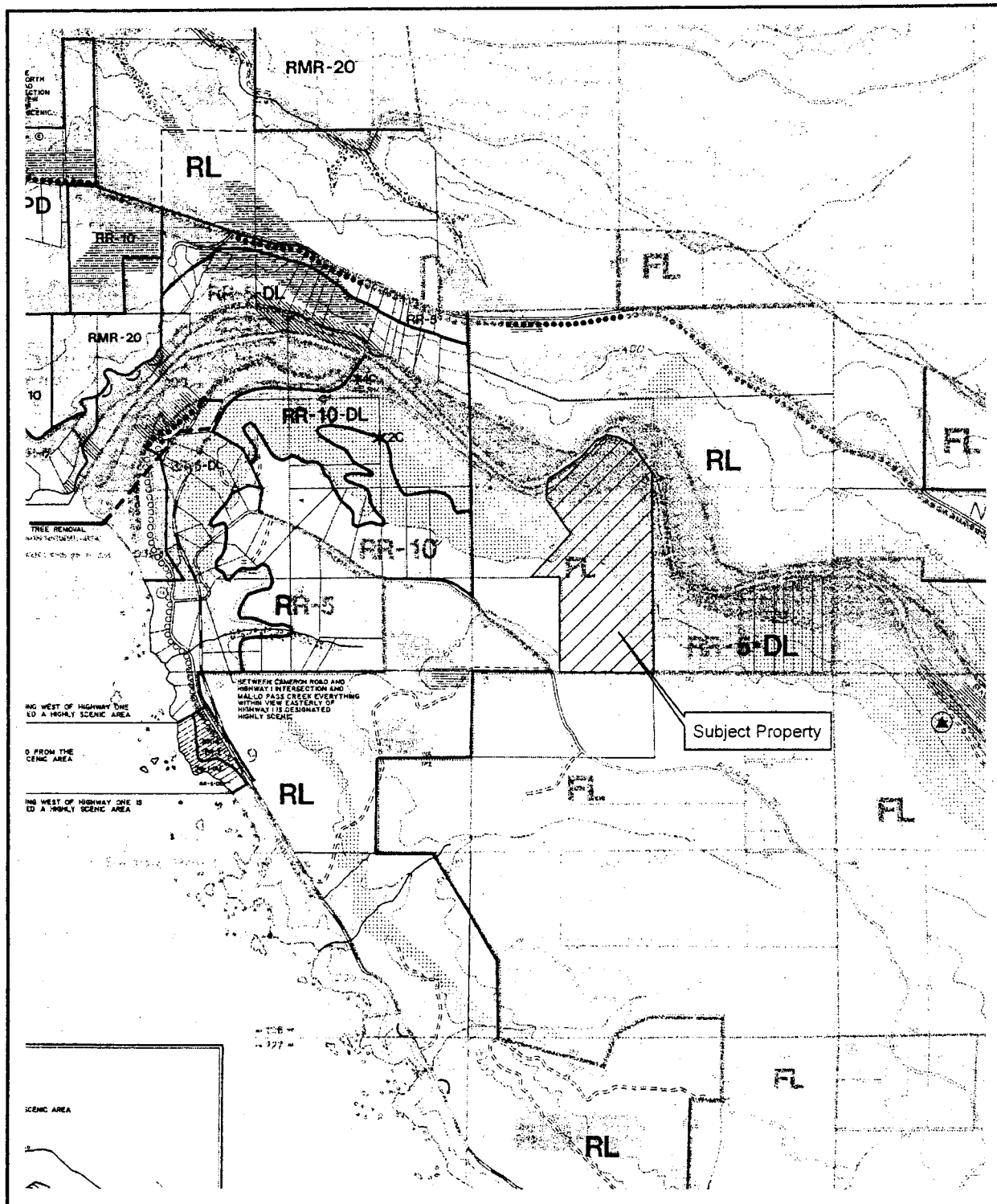
NOTE: This map was prepared for assessment purposes only. No liability is assumed for the data delineated.



ORTHOPHOTO - August 2005

EXHIBIT NO. 4
APPLICATION NO.
MEN-MAJ-1-08 (Delamotte)
MENDOCINO COUNTY LCP
AMENDMENT
ORTHOPHOTO





COASTAL PLAN LAND USE MAP No. 19

EXHIBIT NO. 5

APPLICATION NO.

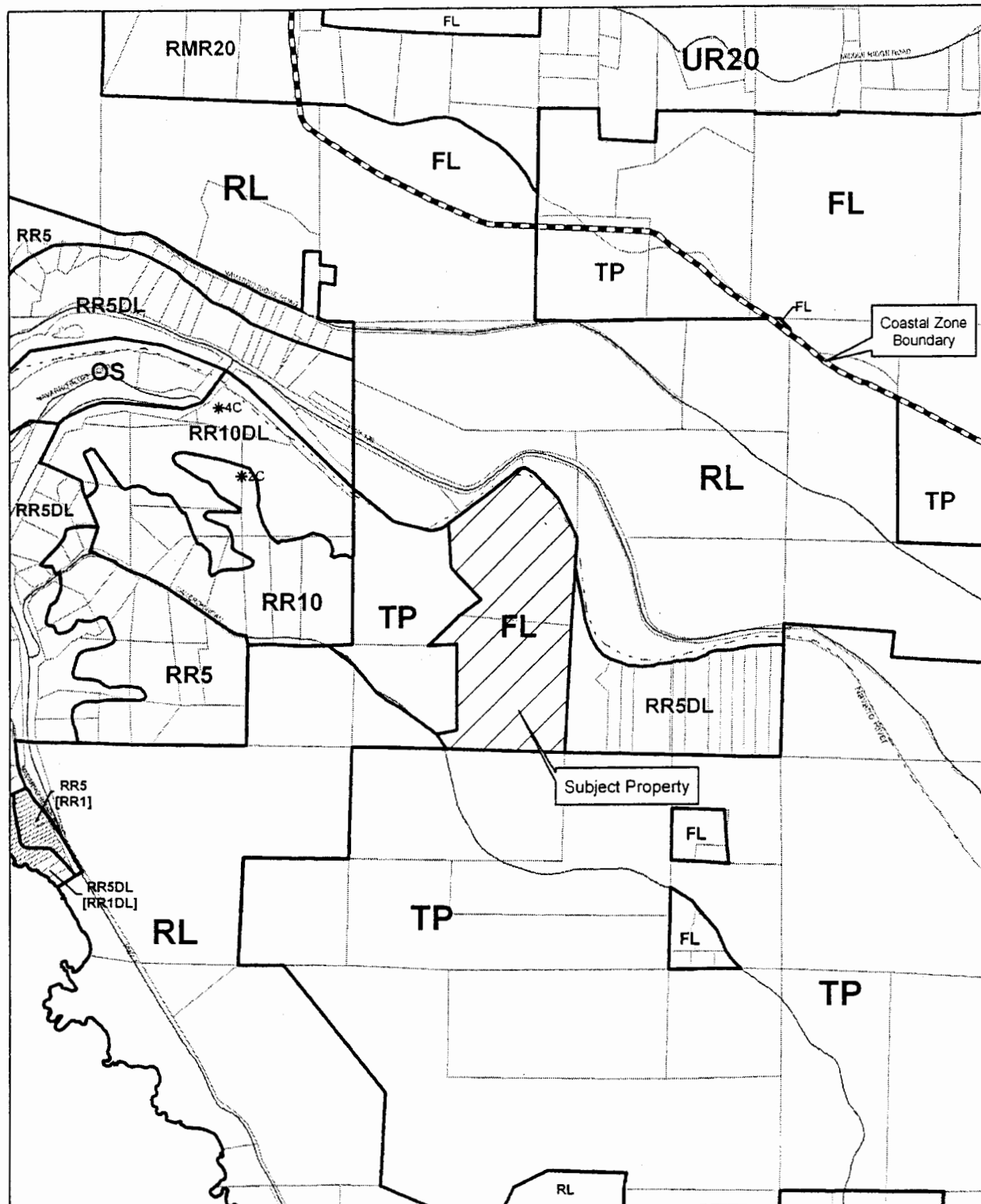
MEN-MAJ-1-08 (Delamotte)

**MENDOCINO COUNTY LCP
AMENDMENT**

ZONE USE PLAN MAP

Not To Scale





ZONING DISPLAY MAP

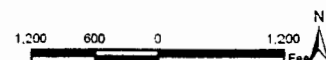
EXHIBIT NO. 6

APPLICATION NO.

MEN-MAJ-1-08 (Delamotte)

MENDOCINO COUNTY LCP
AMENDMENT

ZONING MAP





-MENDOCINO COUNTY COASTAL ELEMENT-



2. THE LAND USE PLAN (CONTINUED)

2.2 DESCRIPTION OF LAND USE PLAN MAP DESIGNATION^c (CONTINUED)

LAND USE CLASSIFICATIONS (CONTINUED)

FOREST LANDS - COASTAL

Map Code: FL

EXHIBIT NO. 7

APPLICATION NO.

MEN-MAJ-1-08 (Delamotte)
MENDOCINO COUNTY LCP
AMENDMENT
EXCERPTS, MENDOCINO
COUNTY LAND USE PLAN
(1 of 7)

Intent: The Forest Lands classification is intended to be applied to lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products. The classification includes lands eligible to be zoned Timberland Production (TPZ); intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of timber resource lands.

Principal Permitted Use on Forest Lands Designated Timber Production Zone: Forest production and processing and associated uses including: one single family dwelling and home occupations.

Conditional Permitted Uses on Forest Lands Designated Timber Production Zone: Light agriculture; cottage industry; dwelling groups; campgrounds where designated by an * on the Land Use Maps; major impact services and utilities (i.e. power generating facilities, sewage disposal facilities, sanitary landfills and water treatment plants); farm employee housing, farm labor camps; extraction of sand, shale and gravel. Uses determined to be related to and compatible with forestry; conservation, processing and development of natural resources; recreation and utility installations.

No use permit shall be granted for areas designated FL in TPZ until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products.

Principal Permitted Use on Forest Lands Not Designated Timber Production Zone: Forest production and processing and associated uses including: one single family dwelling, home occupations and light agriculture.

Conditional Permitted Uses on Forest Lands Not Designated Timber Production Zone: Cemetery; animal sales and services (i.e. horse stables, kennels); farm employee housing and farm labor camps (for tree farming purposes); cottage industry; dwelling groups; major impact services and utilities (i.e. power generating facilities, sewage disposal facilities, sanitary landfills and water treatment plants); onshore oil and gas development; off-site alternative energy



-MENDOCINO COUNTY COASTAL ELEMENT-



facilities; electrical transmission and distribution lines (see Policy 3.11-9), natural gas pipelines (see Policy 3.11-5); campgrounds where designated by an * on the Land Use Maps; outdoor sports and recreation; extraction of sand, shale and gravel. Uses determined to be related to and compatible with forestry; conservation processing and development of natural resources; recreation and utility installations.

No use permit shall be granted for areas designated FL until a specific finding has been made that the proposed use is compatible with the long term protection of timber resource lands.

Maximum Dwelling Density: One dwelling unit per 160 acres not to exceed four dwelling units in TPZ district.

Minimum Parcel Size: 160 acres.

Description of Land Use Plan Map Designations

Home Occupations

Cottage Industries

Nonconforming Uses

Nonconforming Lots

Development Limitations Combining District

Clustering Combining District

Planned Unit Development Combining District

Visitor Accommodations and Services Combining District

Agriculture Land Use Classification

Range Lands Land Use Classification

Open Space Land Use Classification

Rural Residential Land Use Classification

Remote Residential Land Use Classification

Suburban Residential Land Use Classification

Rural Village Land Use Classification

Fishing Village Land Use Classification

Commercial Land Use Classification

Industrial Land Use Classification

Public and Semi-Public Facilities Land Use Classification

Shoreline Access/Circulation

Natural Environment

Boundaries



CHAPTER 3 -- THE LAND USE PLAN: RESOURCES AND DEVELOPMENT ISSUES AND POLICIES

3.3 FORESTRY AND SOILS RESOURCES

Policies

Coastal Act Requirements

The Coastal Act protects timberlands for timber production. The Coastal Act requirements do not overlap or conflict with timber harvesting practices regulated by the California Division of Forestry.

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

Section 30106. "Development" means ...the removal or harvesting of major vegetation other than for agricultural purposes... and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973.

Section 30417 of the Coastal Act. Provided for the Coastal Commission to identify special treatment areas within the coastal zone and to make "recommendations designed to assist the State Board of Forestry in adopting rules and regulations which adequately protect the natural and scenic qualities of such special treatment areas."

Definitions

Coastal Commercial Timberland. Two definitions are used in California law. The Coastal Element employs a third definition suited to administration of the Land Use Plan.

In Government Code Section 51100 on TPZ eligibility, "Timberland" means privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or timber and compatible uses, and which is capable of producing an average annual volume of wood fiber of at least 15 cubic feet per acre.

In Public Resources Code 4526 on Board of Forestry management purposes, "Timberland" means land, other than land owned by the federal government, and land designated by the Board of Forestry as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

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-MENDOCINO COUNTY COASTAL ELEMENT-



For the Coastal Element, commercial timberland is defined as coastal (mixed coniferous) or redwood forest on sites rated IV or better. Resources maps delineating timberland for the Coastal Element were prepared from 1951 Soil-Vegetation Maps, California Division of Forestry and May, 1976 NASA U-2 color infrared photography. When new soils maps have been completed, they will replace the 1951 Soil-Vegetation Maps for the purpose of determining Coastal Commercial Timberland.

Timber Site Designations. The U.S. Forest Service and the California Department of Forestry have developed rankings for timberland areas based on the height that the dominant species reach at 100 years. The sites are classified in terms of their productive capability, i.e., the potential for growth and volume of deliverable timber. The classification system designates sites by Roman numerals in the following manner:

Timber Site Designation	Height at 100 Years (Feet)	Productive Capability
I	200	Extremely High
II	170	Very High
III	140	High
IV	110	Medium
V	80	Low

Coastal Timberland Unit of Commercial Size. See discussion under "Issues."

Conversion means the transforming of timberlands to uses other than timber growing.

Timber Processing and Related Facilities include sawmills, pulp mills, veneer mills, other timber processing plants, log decks, by-product storage sites, and related operating areas required for product processing.

Timberland Production Zone (TPZ). In 1976, the California Legislature passed the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act (AB 1258) to preserve commercial timberland and lessen pressures for conversion by changing the method of timberland taxation. AB 1258 required the County to establish zoning districts within which only timber harvesting, the production of forest products, and compatible uses are permitted and within which taxes levied against the land are based on the timber yield rather than on the value of standing timber. Compatible uses are defined as uses which do not significantly detract from growing and harvesting timber, including but not limited to:

- Management for watershed;
- Management for fish and wildlife habitat or hunting and fishing;
- Roads, landings, log storage areas, or other uses integrally related to the growing, harvesting and processing of forest products;

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-MENDOCINO COUNTY COASTAL ELEMENT-



- Erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities;
- Grazing.

In Mendocino County, the minimum TPZ parcel size specified by the zoning ordinance is 160 acres, but smaller adjoining parcels, a few smaller than 40 acres, were placed in the TPZ when the County Assessor prepared the initial property lists in 1977 and 1978. Since that time, no parcels have been added or removed from the TPZ because zoning changes are not permitted until the new General Plan is adopted.

As rezoning occurs in the County, owners of eligible land can request inclusion in the TPZ. An owner wishing his property removed from the TPZ must obtain rezoning from the Board of Supervisors following a public hearing and then must wait 10 years or, if permission for immediate withdrawal is granted, by the Board of Supervisors and Board of Forestry, pay a tax penalty.

Forestry Issues

Commercial timberland outside state parks covers 26 percent of the coastal zone. The forest products industry is the Mendocino coast's largest single employer, accounting for about 1,550 jobs in 1979. Large industrial forest products companies, including Georgia-Pacific, Louisiana-Pacific, and Masonite, own 3/5 of the private timberland between the Humboldt County line and Elk. Sixty percent of the private acreage is in TPZ and is assumed by the plan to be committed to management as timberland. For the remaining 14,200 timberland acres outside the TPZ, the Coastal Element must include a policy to limit division and conversion to other uses. If owners of timberlands smaller than 160 acres are to be prevented from converting their lands, it is reasonable that they be accorded the same tax benefits as owners of larger properties, now eligible for TPZ status.

Preservation of Commercial Timberland Units. Conversions of timberland are regulated by the State Board of Forestry (BOF). Regardless of zoning, an owner wishing to convert more than three acres of commercial timberland after harvesting but before meeting mandated stocking standards must file an application with the BOF and meet California Environmental Quality Act (CEQA) requirements. In reviewing the conversion application, the BOF considers such factors as the value of the timberland, potential adverse impacts on nearby timber or open space land, environmental constraints, and the feasibility of the proposed and new use. The BOF generally has approved applications for conversion unless strong objections are raised during the environmental review process.

Within the coastal zone, conversion of commercial timberland is subject to further restriction by the BOF. Section 1103.7 of the California Administrative Code, effective July 13, 1980, allows conversion of coastal commercial timberland only if:

- such conversion will not introduce or significantly intensify uses that are incompatible with timber growing on adjacent parcels, (per Cal. Administrative Code Section 1103.7)

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-MENDOCINO COUNTY COASTAL ELEMENT-



- the parcel is not within 500 feet of a TPZ parcel, or
- the parcel proposed for conversion conforms to applicable provisions of this plan and subsequent implementing ordinances.

The Coastal Act calls for protection, but even if there were no limitation on conversion, little existing timberland could be put to another use consistent with the coastal zone's environmental limitations and highway capacity.

Thus conversions of parcels, regardless of size are not to be permitted, however, the new BOF rules allow some conversions when the parcel is consistent with provisions of the Land Use Plan. The BOF could vary its requirements if a private landowner or the County appealed them as inappropriate, or it could amend its rules to make them consistent with the Local Coastal Plan.

The critical issue in regulating conversions is determining what constitutes a timberland unit of commercial size. The definition of a timberland unit of commercial size should operate to preserve more rather than less timberland. If no commercial timberland or agricultural land, including all grazing land, were developed, 15,000 acres of hardwood, scrub, and woodland would remain available for building homes--enough to house triple the current coastal population if one housing unit were built on each acre of open land.

Forty acres of commercial timberland is recommended as a minimum unit of commercial size by the LCP forestry consultant and is the minimum proposed by the Humboldt County LCP. However, the new BOF rules allow conversion only on parcels smaller than 15 acres.

Timberland-Residential Conflicts. Related to the issue of minimum parcel size is the problem of conflicts between forest management activities and adjacent land uses, primarily residential. Problems can include visual effects, noise, dust, traffic, water supply and access. A buffer is needed which shall be located on parcels slated for residential development. Since the Coastal Act established that timber production has priority over residential use in the coastal zone and since permissible population growth will not be large enough to necessitate building homes close to commercial timberlands, it is reasonable that the buffer be located on land adjacent to timberlands rather than on timberland.

The BOF policy of disapproving conversion of timberland parcels within 500 feet of a TPZ works both to create a buffer and to preserve the maximum amount of timberland in production. If parcels that cannot be converted are granted TPZ status, these TPZ eventually could include the entire timber resource area. Owners of the smaller parcels often intend them for residential use and they should not be in the TPZ. However, owners of larger parcels should not be prevented from making the same use of their land as their neighbors on smaller residential parcels. An alternative approach to the BOF's 500-foot development limit would be to establish a 200-foot building setback along the TPZ boundary. This setback would accomplish some of the buffer function of the BOF rule, while allowing owners of timberland parcels some flexibility in use of their land.

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-MENDOCINO COUNTY COASTAL ELEMENT-



Soil Erosion. Protection of forest soils from erosion and elimination of erosion's adverse effects on coastal resource is a shared goal of industrial forest managers and environmentalists, but there is disagreement on the adequacy of the standards designed to prevent erosion. Some environmentalists claim that inadequate standards and enforcement of timber harvest rules are allowing unnecessary erosion, stream degradation, and disruption of wildlife habitat. Industrial forest managers believe that current practices are sufficient, pointing out that they have a stake in maintaining the productivity of forest lands.

In June, 1980, the BOF completed its report to the State Water Resources Control Board mandated by Section 208 of the Clean Water Act. The BOF found a need for changes in existing forest practice rules, changes in procedures for implementing and enforcing the rules, revised or new legislation, and a significantly expanded research effort. The BOF recommends itself as the agency responsible for administering Section 208 for silvicultural activities (#32, California State Board of Forestry).

Section 30240 of the Coastal Act requires that "environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values,..." while Section 30404 calls on the Coastal Commission to periodically "submit recommendations (to the BOF and other state agencies) designed to encourage it to carry out its functions in a manner consistent with (the Act)." If the recommendations are not implemented, the agency must explain why. If there is evidence that current practices are causing significant disruption of habitat values, agency rules should be amended by the BOF or Mendocino County should enact supplemental regulations to halt disruptive practices.



-MENDOCINO COUNTY PLANNING AND BUILDING SERVICES-
DIVISION II OF TITLE 20—COASTAL ZONING CODE



**CHAPTER 20.510
TIMBER RESOURCES**

Sec. 20.510.005 Applicability.
Sec. 20.510.010 Purpose.
Sec. 20.510.015 General Criteria.
Sec. 20.510.020 Buffer Areas.

EXHIBIT NO. 8

APPLICATION NO.
MEN-MAJ-1-08 (Delamotte)
MENDOCINO COUNTY LCP
AMENDMENT
EXCERPTS, MENDOCINO
COUNTY COASTAL ZONING
CODE (1 of 7)

Sec. 20.510.005 Applicability.

This Chapter shall apply to all lands designated FL and TP, and lands adjacent to FL and TP, within the County of Mendocino's Coastal Zone. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.510.010 Purpose.

The purpose of this Chapter is to insure that the long-term productivity of timber soils and timberlands shall be protected and maintained in timber production to assure the protection of the area's principal economic base. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.510.015 General Criteria.

An owner of property may file an application for rezoning to Timber Production pursuant to Chapter 22.07 of the Mendocino County Code. No permit shall be issued to convert lands zoned TP to non-forest uses, without complying with Chapter 22.07 of the Mendocino County Code and making supplemental findings pursuant to Chapter 20.532. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.510.020 Buffer Areas.

Development adjacent to lands designated as FL or TP is subject to Section 20.524.010(B)(1)(e) or Section 20.524.020(B)(5) and the following:

(A) Development Adjacent to Parcels Designated FL or TP.

(1) No new dwellings in a residential area shall be located closer than two hundred (200) feet from a parcel designated as FL or TP unless there is no other feasible building site on the parcel.

(2) New parcels created adjacent to parcels designated as FL or TP shall be a minimum of ten (10) acres, however, parcels designated Clustering Development Combining District (:CL) or Planned Unit Development Combining District (:PD) may be developed at a density specified by the base zone provided that any dwelling is not closer than two hundred (200) feet from the property line of the parcel designated as FL or TP or at the furthest feasible point from said property line. (*Ord. No. 3785 (part), adopted 1991*)



**-MENDOCINO COUNTY PLANNING AND BUILDING SERVICES-
DIVISION II OF TITLE 20--COASTAL ZONING CODE**



**CHAPTER 20.360
FL -- FOREST LANDS DISTRICT**

Sec. 20.360.005 Intent.
Sec. 20.360.010 Principal Permitted Uses for FL Districts.
Sec. 20.360.015 Conditional Uses for FL Districts.
Sec. 20.360.020 Minimum Lot Area for FL Districts.
Sec. 20.360.025 Maximum Dwelling Density for FL Districts.
Sec. 20.360.030 Minimum Front, Rear and Side Yards for FL Districts.
Sec. 20.360.035 Setback Exception.
Sec. 20.360.040 Building Height Limit for FL Districts.
Sec. 20.360.045 Maximum Lot Coverage for FL Districts.

Sec. 20.360.005 Intent.

This district is intended to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products. The district includes lands eligible to be zoned Timberland Production (TP), as well as intermixed smaller parcels and other contiguous lands necessary for the production and efficient management of timber resource lands. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.360.010 Principal Permitted Uses for FL Districts.

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

(A) Coastal Residential Use Types.

Family Residential: Single Family;
Vacation Home Rental.

(B) Coastal Agricultural Use Types.

Forest Production and Processing: Limited;
Light Agriculture;
Tree Crops.

(C) Coastal Open Space Use Types.

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

Sec. 20.360.015 Conditional Uses for FL Districts.

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



**-MENDOCINO COUNTY PLANNING AND BUILDING SERVICES-
DIVISION II OF TITLE 20--COASTAL ZONING CODE**



(A) Coastal Residential Use Types.

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

(B) Coastal Civic Use Types.

Alternative Energy Facilities: On-site;
Alternative Energy Facilities: Off-site;
Cemetery Services;
Community Recreation;
Major Impact Services and Utilities;
Minor Impact Utilities.

(C) Coastal Commercial Use Types.

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

(D) Coastal Agricultural Use Types.

Forest Production and Processing: General;
Forest Production and Processing: Commercial Woodlots;
General Agriculture;
Horticulture;
Row and Field Crops;
Packing and Processing: Fisheries Byproducts.

(E) Coastal Open Space Use Types.

Active Recreation.

(F) Coastal Extractive Use Types.

Mining and Processing;
Onshore Oil and Gas Development Facilities.



**-MENDOCINO COUNTY PLANNING AND BUILDING SERVICES-
DIVISION II OF TITLE 20--COASTAL ZONING CODE**



(G) Coastal Natural Resource Use Types.

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

Sec. 20.360.020 Minimum Lot Area for FL Districts.

One hundred sixty (160) acres. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.360.025 Maximum Dwelling Density for FL Districts.

One (1) unit per one hundred sixty (160) acres except as provided pursuant to Section 20.316.020 (Farm Employee Housing), Section 20.316.025 (Farm Labor Housing), Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach) and Section 20.460.040 (Family Care Unit). In no case shall there be more than four (4) dwellings per parcel whether single family residential, farm employee housing, farm labor housing, accessory living unit or family care unit, except where Chapter 20.412 "Clustering Development Combining District" applies. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.360.030 Minimum Front, Rear and Side Yards for FL Districts.

Fifty (50) feet each. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.360.035 Setback Exception.

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.360.040 Building Height Limit for FL Districts.

Twenty-eight (28) feet above natural grade for non-Highly Scenic Areas and for Highly Scenic Areas east of Highway One. Eighteen (18) feet above natural grade for Highly Scenic Areas west of Highway One unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Thirty-five (35) feet above natural grade for uninhabited accessory structures not in an area designated as a Highly Scenic Area (See Section 20.504.015(C)(2)). (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.360.045 Maximum Lot Coverage for FL Districts.

Twenty (20) percent for parcels less than two (2) acres in size. Fifteen (15) percent for parcels from two (2) acres to five (5) acres in size. Ten (10) percent for parcels over five (5) acres in size. (*Ord. No. 3785 (part), adopted 1991*)



-MENDOCINO COUNTY PLANNING AND BUILDING SERVICES-
DIVISION II OF TITLE 20--COASTAL ZONING CODE



CHAPTER 20.364
TP -- TIMBERLAND PRODUCTION DISTRICT

Sec. 20.364.005 Intent.

Sec. 20.364.010 Principal Permitted Uses for TP Districts.

Sec. 20.364.015 Conditional Uses for TP Districts.

Sec. 20.364.020 Minimum Lot Area for TP Districts.

Sec. 20.364.025 Maximum Dwelling Density for TP Districts.

Sec. 20.364.030 Minimum Front, Rear and Side Yards for TP Districts.

Sec. 20.364.035 Setback Exception.

Sec. 20.364.040 Building Height Limit for TP Districts.

Sec. 20.364.045 Maximum Lot Coverage for TP Districts.

Sec. 20.364.005 Intent.

This district is intended to encompass lands within the Coastal Zone which because of their soil types and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.364.010 Principal Permitted Uses for TP Districts.

The following use types are permitted in the Timberland Production District:

(A) Coastal Residential Use Types.

Family Residential: Single-family;
Vacation Home Rental.

(B) Coastal Agricultural Use Types.

Forest Production and Processing: Limited;
Tree Crops.

(C) Coastal Open Space Use Types.

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

Sec. 20.364.015 Conditional Uses for TP Districts.

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

(A) Coastal Residential Use Types.



**-MENDOCINO COUNTY PLANNING AND BUILDING SERVICES-
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Family Residential: Dwelling Groups;
Farm Employee Housing;
Farm Labor Housing.

(B) Coastal Civic Use Types.

Alternative Energy Facilities: On-site;
Alternative Energy Facilities: Off-site;
Community Recreation;
Major Impact Services and Utilities;
Minor Impact Utilities.

(C) Coastal Commercial Use Types.

Cottage Industries.

(D) Coastal Agricultural Use Types.

Forest Production and Processing: General;
Forest Production and Processing: Commercial Woodlots;
General Agriculture;
Horticulture;
Light Agriculture;
Row and Field Crops.

(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*)

Sec. 20.364.020 Minimum Lot Area for TP Districts.

One hundred sixty (160) acres. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.364.025 Maximum Dwelling Density for TP Districts.



**-MENDOCINO COUNTY PLANNING AND BUILDING SERVICES-
DIVISION II OF TITLE 20--COASTAL ZONING CODE**



One (1) unit per one hundred sixty (160) acres except as provided pursuant to Section 20.316.020 (Farm Employee Housing), Section 20.316.025 (Farm Labor Housing), Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach) and Section 20.460.040 (Family Care Unit). In no case shall there be more than four (4) dwellings per parcel whether single family residential, farm employee housing, farm labor housing, accessory living unit or family care unit, except where Chapter 20.412 "Clustering Development Combining District" applies. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.364.030 Minimum Front, Rear and Side Yards for TP Districts.

Fifty (50) feet each. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.364.035 Setback Exception.

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet. (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.364.040 Building Height Limit for TP Districts.

Twenty-eight (28) feet above natural grade for non-Highly Scenic Areas and for Highly Scenic Areas east of Highway One. Eighteen (18) feet above natural grade for Highly Scenic Areas west of Highway One unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Thirty-five (35) feet above natural grade for uninhabited accessory structures not in an area designated as a Highly Scenic Area (See Section 20.504.015(C)(2)). (*Ord. No. 3785 (part), adopted 1991*)

Sec. 20.364.045 Maximum Lot Coverage for TP Districts.

Twenty (20) percent for parcels less than two (2) acres in size. Fifteen (15) percent for parcels from two (2) acres to five (5) acres in size. Ten (10) percent for parcels over five (5) acres in size. (*Ord. No. 3785 (part), adopted 1991*)



MINUTE ORDER
BOARD OF SUPERVISORS
COUNTY OF MENDOCINO, STATE OF CALIFORNIA

MEETING DATE: September 9, 2008

SUPERVISORS PRESENT: Supervisors Delbar, Wattenburger, Pinches, Smith, and Colfax

SUPERVISORS ABSENT: None

Agenda Item No. 7f2 – Noticed Public Hearing – Discussion and Possible Action Regarding Rezone No. R 3-2007 (Delamotte) which would Rezone Property from Forestland-160 (FL160) to Timber Production-160 (TP160), within the Coastal Zone

Melvin and Arlene Delamotte (Owner); Patrick Hovland (Agent)

REQUEST: Coastal Plan Map Amendment and Rezone of Assessor Parcel No. 126-180-10 and 126-180-11 from Forestland – 160 Acre Minimum (FL160) to Timber Production Zone – 160 Acre Minimum

LOCATION: Within the Coastal Zone, Approximately 4± Miles Southeast of Albion, Lying North Off of Cameron Road (CR 516) and Approximately 1± Mile East of Its Intersection with State Highway 1 and on the South Side of Navarro River, Located at 30951 Navarro Road; APN 126-180-10 and 126-180-11

Presenter/s: Chair Wattenburger provided an overview of the public hearing process. Proper Notice was established by the Clerk and the PUBLIC HEARING WAS OPENED.

Mr. Frank Lynch, Chief Planner, Planning and Building Services, introduced the matter, reporting that the applicant proposes to rezone approximately 92.36± acres from Forestland-160 to Timber Production-160, within the coastal zone. He referenced the Planning Commission's unanimous recommendation to the Board to approve the request, noting that since the property is within the Coastal Zone, the Board's action would be tentative pending approval of the California Coastal Commission, and then will come back to the Board for final certification as it will result in an amendment to the Coastal Plan.

Supervisor Pinches sought clarification about the benefit to the applicant, to which Mr. Lynch referenced long-term tax benefits, describing tax differences between forestland and timber production zoning. Supervisor Delbar inquired as to when the land was last harvested and long-term harvesting plans.

Public Comment: Mr. Patrick Hovland, representing the Applicant, briefly responded to Board member questions.

THE PUBLIC HEARING WAS CLOSED.

EXHIBIT NO. 9

APPLICATION NO.
MEN-MAJ-1-08 (Delamotte)
MENDOCINO COUNTY LCP
AMENDMENT
COUNTY RESOLUTION &
ORDINANCE FOR LCP
AMENDMENT (1 of 4)

Board Action: Upon motion by Supervisor Colfax, seconded by Supervisor Delbar, and carried unanimously; IT IS ORDERED that the Board of Supervisors makes the environmental and General Plan findings contained within the above Planning Commission motion to tentatively adopt a Negative Declaration and Ordinance No. 4204 recommending approval to the California Coastal Commission of rezoning R 3-2007, Delamotte, the rezoning of Assessor's Parcel No. 126-180-10 and 126-180-11 from Forestland-160 acre minimum (FL-160) to Timber Production-160 acre minimum (TP-160), authorizing the Chair to sign same --

ORDINANCE NO. 4204

ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY - REZONE NO. R 3-2007 (DELAMOTTE) ASSESSOR'S PARCEL NO. 126-180-10 AND 126-180-11 FROM FORESTLAND-160 (FL160) TO TIMBER PRODUCTION-160 (TP160), WITHIN THE COASTAL ZONE

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 16th day of September, 2008.

KRISTI FURMAN
Clerk of the Board of Supervisors

By: Adrienne Moore
Deputy

ORDINANCE NO. 4204

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY - REZONE NO. R 3-2007 (DELAMOTTE) WHICH WOULD REZONE PROPERTY FROM FORESTLAND-160 (FL160) TO TIMBER PRODUCTION-160 (TP160), WITHIN THE COASTAL ZONE

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 No. 126-180-10 and 126-180-11 which are reclassified from FL: 160 (Forestland-160 acre minimum) to TP: 160 (Timber Production-160 acre minimum) as shown on attached Exhibit A.

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

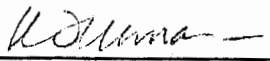
Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 9th day of September, 2008, by the following vote:

AYES: Supervisors Delbar, Pinches, Smith, Colfax, and Wattenburger
NOES: None
ABSENT: None

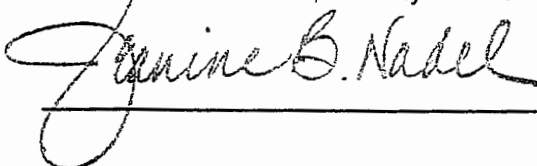
WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.


JIM R. WATTENBURGER, Chair
Mendocino County Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of the Board



APPROVED AS TO FORM:
JEANINE B. NADEL, County Counsel



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

KRISTI FURMAN
Clerk of the Board

By: 

CASE#: R 3-2007
OWNER: Delamotte, Melvin A. and Arlene Trustees

EXHIBIT A



OWNER: de la MOTTE, Melvin
AGENT: HOVLAND, Patrick
CASE #: R 3-2007
APN: 126-180-10 & 126-180-11

 REZONE FROM FL TO TP

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Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES. they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of September 2007)

