

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
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# Th 6a

DATE: April 28, 2011

TO: Commissioners & Interested Parties

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

SUBJECT: **MENDOCINO COUNTY LCP AMENDMENT NO. MEN-MAJ-1-08**  
**Delamotte LUP & IP Amendments to change APNs 126-180-10 & -11 from Forest Lands (FL-160) to Timberland Production (TP-160)**  
Concurrence with the Executive Director's determination that the action of Mendocino County accepting the Commission's certification of LCP Amendment No. MEN-MAJ-1-08 is legally adequate (for Commission review at the meeting of May 12, 2011 in Santa Rosa).

A. BACKGROUND:

The Commission acted on Mendocino County LCP Amendment No. MEN-MAJ-1-08 on February 11, 2010. As submitted, Mendocino County LCP Amendment No. MEN-MAJ-1-08 would have amended both the County's certified Land Use Plan (LUP) and Implementation Plan (IP) 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).

At its February 11, 2010 meeting, the Commission certified the LUP amendment as submitted but denied the IP amendment as submitted. The Commission then adopted one suggested modification to the proposed IP amendment that, if accepted by the County, would allow the amendment to be certified.

The Commission found 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 for the TP zoning district which 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, the Commission adopted Suggested Modification No. 1 as follows (text deletions and additions suggested by the Commission are formatted in ~~strike through~~ 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.*

...”

On July 22, 2010 the Commission extended the expiration date of its approval with suggested modifications and the six-month time limit for Mendocino County to accept and agree to the Commission’s certification of Mendocino County LCP Amendment No. MEN-MAJ-1-08 with suggested modifications for a period not to exceed one year, to August 11, 2011.

**B. EFFECTIVE CERTIFICATION:**

On March 22, 2011, the Mendocino County Board of Supervisors held a public hearing and adopted Ordinance No. 4273 acknowledging receipt of the Commission’s resolution of certification, accepting and agreeing to the Coastal Commission’s modifications, agreeing to issue permits in conformance with the modified LCP, and formally approving the necessary changes to the County’s Local Coastal Program (see Attachment B).

As provided in Section 13544 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that Mendocino County’s actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of Mendocino County LCP Amendment No. MEN-MAJ-1-08 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

**C. STAFF RECOMMENDATION:**

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the County of Mendocino to accept the Commission’s certification of

Mendocino County LCP Amendment No. MEN-MAJ-1-08 (Delamotte)

Certification Review

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Mendocino County LCP Amendment No. MEN-MAJ-1-08 to adopt the necessary changes to the County's Local Coastal Program are legally adequate, as noted in the attached letter, Attachment A (to be sent after Commission concurrence).

**Attachments:**

- A. Draft Notification of Effective Certification Letter
- B. Board Ordinance No. 4273

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
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May \_\_, 2011

Ignacio Gonzalez, Director  
County of Mendocino – Department of Planning & Building Services  
501 Low Gap Road, Rom 1440  
Ukiah, CA 95482

SUBJECT: Effective Certification of Mendocino County LCP Amendment No. MEN-MAJ-1-08 (Delamotte) – Amendments to Land Use Plan & Implementation Program

Dear Mr. Gonzales:

The Executive Director of the Coastal Commission has reviewed Board of Supervisors Ordinance No. 4273 for effective certification of the Mendocino County LCP Amendment No. MEN-MAJ-1-08 (Delamotte).

The County's ordinance indicates that the County acknowledges receipt of and accepts the Commission's resolution for certification and that the County agrees to issue permits in conformance with the modified certified local coastal program.

The Executive Director has found that the County's ordinance fulfills the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(b) of the regulations, the Director has determined that the County's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of May 12, 2011 in Santa Rosa. Commission approval and the amendment process are now complete. If you have any questions, please contact me at (707) 445-7833.

Sincerely,

Melissa B. Kraemer  
Coastal Planner

**ATTACHMENT A**  
**Mendocino County LCP Amendment No. MEN-MAJ-1-08**  
**Effective Certification**

ORDINANCE NO. 4273

AN ORDINANCE TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#R 3-2007 DELAMOTTE)

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

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

Said zoning change encompasses the property described by Assessor's Parcel Number 126-180-10 and 126-180-11, approximately 92± acres of property. The amendment as modified would change symbols on the Coastal Land Use Map No. 19 designation to reflect that the lands rezoned from Forestland-160 (FL:160) to Timber Production-160 (TP:160).

For purposes of appeals to the California Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Code and Section 30602(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) for APN's 126-180-10 & 126-180-11 is "Coastal Agricultural Use Type: Forest Production and Processing: Limited." Although the PPU is not appealable to the Coastal Commission pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Code or Section 20603(a)(4) of the Coastal Act, development on APN, 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.

This Ordinance shall not become effective or operative until the California Coastal Commission approves said Local Coastal Plan amendment/zoning change.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 22<sup>nd</sup> day of March, 2011, by the following vote:

AYES: Supervisors Brown, McCowen, Pinches, Smith, and Hamburg  
NOES: None  
ABSENT: None

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

*Kendall Smith*

Kendall Smith  
Chair of said Board of Supervisors

ATTEST:  
Carmel Angelo  
Clerk of said Board

By *Kristine Hauke*  
Deputy

APPROVED AS TO FORM

Jeanine Nadel, County Counsel

By: *[Signature]*  
Deputy

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