



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

3.9 LOCATING AND PLANNING NEW DEVELOPMENT

[Narrative](#)

Coastal Element Policies: Locating and Planning New Development

3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:

- each community's desired amount and rate of growth.
- providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

3.9-2 The criteria for new land divisions permitted by the land use plan, outside of the urban/rural boundaries, shall be consistent with each of the following standards:

- a. The new parcels to be created shall be no smaller than the minimum parcel sizes designated on the Land Use Maps. The parcel sizes designated on the maps are equal to or larger than the existing modal, or most common size in the same land use classification consistent



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with parcel size requirements of Section 30250(a) of the Act, thereby eliminating the need for determination of allowable parcel size on a case by case basis.

It is the express intent of this policy that all considerations for compliance with Section 30250(a) of the Act have been met at the time of adoption of the Land Use Maps.

- b. No new parcels shall be created unless 50% of the existing usable parcels within the surrounding area have been developed. Usable in this context shall be determined on the basis of parcels that can be physically developed under applicable land use regulations. For purposes of this provision the "surrounding area(s)" are defined below:
 1. All of that area within the Coastal Zone from the Humboldt County line to Ten Mile River excluding lands within the Rural Village land use classification.
 2. All of that area within the Coastal Zone from the Ten Mile River to the Northern Boundary of City of Fort Bragg excluding lands within the Rural Village land use classification.
 3. All of that area within the Coastal Zone from the southern urban/rural boundary of the City of Fort Bragg to the Navarro River excluding lands within the Rural Village and Fishing Village land use classifications and within the town plan boundary of the Town of Mendocino.
 4. All of that area within the Coastal Zone from the Navarro River south to Hearn Gulch and Iversen Road excluding Iversen Landing Subdivision, lands within the Rural Village land use classification and lands within the city limits of Point Arena.
 5. All of that area within the Coastal Zone from Hearn Gulch and Iversen Road south to the Gualala River, including Iversen Landing Subdivision, and excluding those lands within the Commercial land use classification and the Gualala Town Plan boundary.



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In using the criteria for each land division, the area used in each case shall be the area in which the land division falls.

- c. In addition to meeting the above criteria, it is understood that land divisions must comply with all other applicable policies of the Land Use Plan and Section 30250(a) of the Coastal Act.

- 3.9-3 Compliance with the provision of Coastal Act Section 30250(a), prescribes that land divisions outside the urban/rural boundary can be permitted only where 50 percent of the usable parcels in the area have been developed, shall be achieved by ordinance provisions to be prepared as part of Phase III of the LCP, the implementation program.
- 3.9-4 Following approval of each 500 additional housing units in the coastal zone, or every 5 years, whichever comes first, the Land Use Plan shall be thoroughly reviewed to determine:
- Whether the Highway 1 capacity used by non-resident travel and visitor accommodations is in scale with demand or should be increased or decreased.
 - Whether the plan assumptions about the percentage of possible development likely to occur are consistent with experience and whether the allowable buildout limits should be increased or decreased.
 - Whether any significant adverse cumulative effects on coastal resources are apparent.
- 3.9-5 Land on the urban side of an urban/rural boundary shall not be subject to the rural land division criteria of Section 30250(a) of the Coastal Act.
- 3.9-6 The County may allow clustering in the Agriculture, Rangeland, Forest Land (not in TPZ), Rural Residential-10 and Remote Residential land use designations without divisions of land. (see Policy 3.9-8)
- 3.9-7 Density transfers within a land use designation on an ownership may be allowed, but density transfers between land use designations on an adjacent parcel under the same ownership shall be allowed only as follows: Once the density rights are used, there shall be no further development or division. To insure there is no further development or divisions, a deed restriction shall be recorded (the contents of which shall be acceptable to the Commission) prior to the issuance of a permit to transfer



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any density rights.

<u>From</u>	<u>To</u>
Agriculture	Rangeland, Forest Land (not in TPZ), Remote Residential, Rural Residential-10
Rangeland	Forest Land (not in TPZ), Remote Residential, Rural Residential-10
Forest Land	Rangeland, Remote Residential, Rural Residential-10

3.9-8 Subject to the phasing set forth in Policy 3.9-2 above a use permit shall be required for a cluster development and shall be granted only if:

1. At least 75 percent of the project area will remain in open space.
2. The open space area from which density or development was transferred shall be protected from future development or division by means such as contracts with the County, coupled with conservation easements, open space conservation agreements, or other appropriate legal mechanisms. Such contracts, easements, agreements, or other legal mechanisms will contain language, which is acceptable to the Commission and will be recorded in a manner which insures the long-term protection of the resources.
3. The proposed project is compatible with adjacent farm, range or forest uses and will not interfere with accepted management practices on these lands.
4. The proposed clusters will not inhibit resource management of the remaining open space, are near existing access routes and are not in hazard areas.
5. The proposed cluster development will be served adequately by essential public facilities and services such as highways, streets, police and fire protection and schools.
6. Site disturbance will be minimized by clustering, road location along contours and building site selection.
7. Applicable development standards for the zoning ordinance can be



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met.

8. In order to insure the preservation of the valuable site resource, the proposed clustering shall utilize the minimum amount of prime land.