



**PLANNING COMMISSION STAFF REPORT
GENERAL PLAN/REZONE**

**APRIL 6, 2017
GP_2006-0008 AND R_2006-0012**

SUMMARY

OWNER/APPLICANT: WILLIAM & TONA MOORES
3880 SLEEPY HOLLOW
SANTA ROSA, CA 95404

REQUEST: Amendment to the Coastal Land Use map for a variety of parcels which would include:
Coastal Zone: Amend from: RL160 *2C to RR5:PD [RR1:PD]; RR5:PD [RR1:PD] to RR5:PD [RR2:PD]; RL160 to RL160*2C/FL160.
Rezone from: RL160:FP*2C to RR5:PD:FP [RR1:PD:FP]; R5:PD [RR1:PD] to RR5:PD [RR2:PD]; FL160 to TP160; RL160 to TP160; RL160 to RL160:*2C/TP.
Inland: Rezone from RL 160 to TP 160.

DATE DEEMED COMPLETE: 3/21/2016

LOCATION: Within the Coastal Zone, between 3 and 4+/- miles north of Manchester, consisting of property on either side of Highway 1, within the general region of the Irish Beach Subdivision; Multiple Addresses assigned.

TOTAL ACREAGE: 227 ± Acres

GENERAL PLAN: Multiple General Plan Classifications

ZONING: Multiple Zoning Districts

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Statutory Exemption- Pursuant to California Code of Regulations (CCR) Section 15061(b)(4), and Public Resource Code (PRC) Section 21080(b)(5), the project is exempt from CEQA, therefore no further environmental review is necessary.

RECOMMENDATION: Denial

STAFF PLANNER: Bill Kinser

PROJECT DESCRIPTION: The project request is comprised of General Plan Amendment and Rezoning changes on 18 separate parcels as detailed in Table 1, and in the subarea sections for each component of the request. See attached General Plan Amendment and Rezoning Display Map, which shows the different locations of the project request in the Irish Beach area. As shown in the Water District and LCP Urban Area Boundary Map, all the parcels except for APNs 130-110-04 and 130-110-36 are located within the Irish Beach Water District. Eight (8) of the 18 parcels are located within the Urban/Rural Boundary; the request for the eight (8) parcels within the boundary is for a less intensive land use classification (RR5:PD [RR1:PD] to RR5:PD [RR2:PD]). The reduced density within the Urban/Rural Boundary would be countered by an increase in density on parcels that are currently located in the rural area.

SETTING: The project is located in the Irish Beach area and the different parts of the project are divided into four areas for analysis. The four areas are the Northwest Area, the Irish Beach Subdivision Area, the

Southeast Area and the Northeast Area. All of the areas are located in the Irish Beach Water District service area with the exception of the Northwest Area, which is located in the Irish Beach Water District sphere of influence. Only the Irish Beach Subdivision Area is located within the existing Urban/Rural Boundary (See attached maps).

The Location Map and ESRI Imagery show the regional location of the subject parcels; other detailed maps show the aerial view of each of the four subareas; Topography and Estimated Slope of the subject parcels, respectively. The slopes on the individual parcels vary considerably. Many of the parcels are located in mountainous areas and have large areas with slopes above 15%. Two (2) parcels are located along the coast, west of Highway 1. The two parcels located along the coast (Northwest Area) are the only properties located in the Highly Scenic Area. The two properties in the Northwest Area and the three westernmost parcels in the Irish Beach Subdivision Area are located in Marginal Water Resources areas while the rest of the parcels are located in Critical Water Resources Bedrock.

Table 1: Components of GP 8-2006 and R 12-2006					
Parcel Number	Acreage	Existing GP Designation	Proposed GP Designation	Existing Zoning District	Proposed Zoning District
Nothwest Area: Description of Request for APNs 130-110-04 and 130-110-36.					
130-110-04	17.00	RL: VAS* 2C	RR-5-PD [RR-1-PD], Include within Urban/Rural Boundary	RL	RR:L-5[RR:L-1:PD] & add a Commercial Zone
130-110-36	0.24	RL: VAS* 2C	RR-5-PD [RR-1-PD], Include within Urban/Rural Boundary	RL	RR:L-5[RR:L-1:PD] & add a Commercial Zone
Irish Beach Subdivision Area: Description of Request for APNs 132-320-06, 07, 24, 26, 27, 42, 43, and 45.					
132-320-06	2.7	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]
132-320-07	2.5	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]
132-320-24	2.2	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]
132-320-26	4.0	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]
132-320-27	2.4	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]
132-320-42	4.1	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]
132-320-43	4.7	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]
132-320-45	2.2	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]	RR 5:PD[RR 1:PD]	RR 5:PD[RR 2:PD]
Southeast Area: Request for APNs 132-210-37, 38, 39, 40, and 41.					
132-210-37	4	RL 160	RL 160*2C/FL 160	RL 160	RL 160*2C/TP 160
132-210-38	27	RL 160	RL 160*2C/FL 160	RL 160	RL 160*2C/TP 160
132-210-39	25	RL 160	RL 160*2C/FL 160	RL 160	RL 160*2C/TP 160
132-210-40	27	RL 160	RL 160*2C/FL 160	RL 160	RL 160*2C/TP 160
132-210-41	29	RL 160	RL 160*2C/FL 160	RL 160	RL 160*2C/TP 160
Northeast Area: Request for APNs 131-110-07, 16, and 17.					
131-110-07	40.0	FL160	FL160	FL160	TP160
131-110-16 (Coastal)	14.0	FL 160	No Change	TP 160	No Change
131-110-16 (Inland)	4.0	RL 160	RL 160	RL 160	TP 160
131-110-17 (Coastal)	14.0	FL 160	No Change	TP 160	No Change
131-110-17 (Inland)	4.0	RL 160	RL 160	RL 160	TP 160

Most of the properties are located in High Fire Hazard zones; four parcels in the Irish Beach Subdivision Area are located in Very High Fire Hazard Zone.

None of the parcels in the request are currently under Williamson Act contract, although many of the properties are located adjacent to lands under contract. The Northwest Area parcels are bounded by land in Williamson Act contracts to the north and east. The Southeast Area, adjacent to the area proposed for relocation of the Inn and for residential development, is bounded by lands under Williamson Act contract to the south. Two (2) of the parcels are in Timber Production Zones.

The Irish Beach Water District (IBWD) provides treated water to landowners within Irish Beach. The District was formed in 1967 for the purpose of providing water to the community of Irish Beach. The District encompasses 1,294 acres comprised of approximately 460 parcels, 200 of which are developed (Mendocino LAFCo, May 2, 2016). Population and growth expectations in the community of Irish Beach are characterized in the following paragraph from the 2016 LAFCo report.

Given Irish Beach's relatively isolated location and limited development potential, it's unlikely to experience significant population increases in the next few decades. In the application for formation of the District in the late 1960s, a build-out population of 1,200 was estimated. However, the area has experienced little growth with only 200 of the 460 parcels currently developed. Additionally, the occupancy rate has been reduced substantially since the 1960s, which further reduces the projected build-out population. While the District has undergone a number of annexations since its formation, little to no development has occurred within those areas (Mendocino LAFCo, May 2, 2016).

APPLICANT'S STATEMENT: The Applicant's statement is included in Appendix 1. Different parts of the Applicant's statement are provided in the analysis for the four subareas.

RELATED APPLICATIONS: There have been multiple applications for development of property within and outside the Irish Beach Subdivision over the past 50+ years including ReSubdivisions, Boundary Line Adjustments, Certificates of Compliance, Rezonings and General Plan Amendment requests. Many have included parcels subject to the current proposal with several being either denied or withdrawn due to lack of sufficient information provided by the applicant.

- **Coastal Development Permit (CDP) 47-2007.** CDP 47-2007 sought after the fact approval to remove approximately 39 trees, widen and grade a pre-existing narrow logging road, and implement erosion control measures to rectify a grading violation on property southeast of the Irish Beach Subdivision. Additional improvements requested included the conversion of an existing test well to a production well, and installation of utilities and infrastructure such as water tanks, water lines and control cables for a new water system. The project was presumably undertaken in anticipation of obtaining approval for part of the subject amendment (allowance for a 20-unit inn development at the site). CDP 47-2007 was only partially approved permitting the development up to that point (subject to conditions) but denying completion of the project.
- **Coastal Development ReSubdivision (CDReS) 1-2006.** CDReS 1-2006 is a Coastal Development ReSubdivision (CDReS #1-2006) of a parcel located within the Irish Beach Subdivision. The project involves two (2) parcels totaling approximately 8.46 acres which are proposed to be divided into four (4) lots ranging from 2 to 2.46 acres. The project raised concerns due to potential wetlands and Point Arena Mountain Beaver habitat destruction. In relation to the subject amendment, this project area includes lands that are requested to have the land use and zoning changed resulting in parcels that potentially could not be further divided.
- **CDP_8-2014 (Deruiter).** Approved September 9, 2014 (APN: 132-210-44). Request to: construct a 2,823 square foot residence, a 463 square foot garage, a 1,082 square foot barn/storage building, a 640 square foot guest cottage, each with attached patios and decks. Associated developments are a new septic system, a 385 foot gravel driveway, a new propane tank, underground utilities (phone, electric, water) and a new water storage tank from the existing permitted well. An estimated 80 cubic yards of grading will be required to accommodate the new driveway, house, and barn.
- **Certificate of Compliance (CC)_19-82.** Approved July 8, 2006 (APN: 131-110-04). Certificate of Compliance recognizing accessor's parcel number 131-110-04 as a 17 acre legal parcel. Supersedes document recorded March 9, 1983 in Book 1391, Page 115.
- **Coastal Development Boundary Line Adjustment (CDB)_6-2003.** Completed June 11, 2004 (APNs: 131-110-31, -35, -26, 132-110-17, -28). Request to reconfigure three parcels, creating 40±, 40±, and 62.5± acre parcels.
- **Use Permit (U)_8-91 / V_5-91.** (Withdrawn June 1, 1995 – Incomplete Application)(APN: 131-110-04) Request to: establish a 20-unit Inn and a 60 seat restaurant and bar, 640 square feet of retail space,

conference room and managers residence. Variance requested from required 50 foot setback to establish a 6 foot setback.

- **General Plan (GP) 5-86/R_6-86 & GP_1-87.** Denied July 8, 1987 (APNs: 131-110-22, 132-210-32, -33, -34). Request to: re-designate 6 acres of a 196-acre parcel (APN: 132-210-32) from rangeland to commercial; re-designate the remaining 294 acres in Site 2 from rangeland to residential; and relocate the urban-rural boundary south of Irish Gulch.
- **B_79-84.** (Completed January 8, 1985) (APNs: 132-210-05, -14, -21, -22, -25, and portion of 132-210-28). Request to combine the subject parcels into one parcel as to the descriptions recorded in Book 1486 Pages 623 through 627.
- **B_80-82.** (Withdrawn May 3, 1984) Boundary line adjust 8 parcels.
- **B_6-81.** (Completed July 6, 1981) (APNs: 131-110-18, -19, 132-21-13, -14, -15, -16-, -20, -21, -22, -23, -24). Boundary line adjustment to make 4 parcels of 157, 110, 110, and 196 acres.
- **B_80-34** (Completed September 12, 1980) (APNs: 132-21-18, -21, -22, -23, -24). Boundary line adjust 15 acres from 115 to a 101 acre parcel.
- **CC 216-78.** Certificate of Compliance recognizing accessor's parcel numbers 131-110-04 and 131-110-13 as one legal parcel.

SURROUNDING LAND USE AND ZONING: The land use for the subject parcels and surrounding parcels is shown in the attachments. None of the parcels outside the current Urban/Rural Boundary have Rural Residential (RR) or Suburban Residential (SR) land use classifications. The zoning districts track the land use classifications; only areas within the Urban/Rural Boundary have RR or SR zoning districts. The Adjacent Parcel map shows the ownership of parcels in the Irish Beach area. The LCP Map 22 (Mallo Pass Creek) shows the subject parcels relative to existing and proposed shoreline access and different boundaries including Urban/Rural Boundary and Irish Beach Water District Boundary. The LCP Land Capabilities shows agricultural and timberland land capabilities and natural hazards.

PUBLIC SERVICES:

Access: Multiple Points of Access from Highway 1

Fire District: Redwood Coast Fire Protection District

Water District: Irish Beach Water District, Sewer District: None, School District: Manchester

AGENCY COMMENTS: On March 22, 2016, project referrals were sent to the following responsible or trustee agencies for comment on the General Plan Amendment and Rezoning requests. A summary of the submitted agency comments is listed below. Comments that would trigger a project modification or denial are discussed in full as key issues in the following section.

Table 2: Referral Agency Responses

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Planning (Ukiah)		Comment	4/7/16
Department of Transportation		No Comment	3/31/16
Environmental Health-FB/Ukiah			
Building Inspection (FB)		No Comment	6/17/16
Assessor		No Response	
Farm Advisor		No Response	
Agricultural Commissioner		No Response	
Forestry Advisor		No Response	
County Water Agency		No Response	
Archaeological Commission]		No Response	
Sonoma State University-NWIC		No Response	
US Fish and Wildlife Service		No Response	
Native Plant Society		No Response	
State Clearinghouse		No Response	

Caltrans		No Response	
CalFire		No Response	
Department of Fish and Game		No Response	
Coastal Commission		Response	3/22/17
Department of Conservation		No Response	
LAFCO		No Response	
Irish Beach Water District		Comment	4/25/16
Redwood Coast Fire District		No Response	

PROJECT BACKGROUND: Application was made for the subject request in October 2006. The following month, a letter was sent to the applicant (dated November 29, 2006) explaining that the request would be put on hold until such time that “staffing resources [were] adequate to proceed.”

In October 2007, the Department of Planning and Building reiterated the policy that Amendment applications would not be processed through 2007 due to reduced staffing. Applications would continue to be accepted for such requests, but applicants were to be advised of the situation. In addition, applicants were also to be advised of current Coastal Commission policy that Coastal Amendments would not be viewed favorably in cases involving an increase in density within the Coastal Zone until “the County has completed, and the Coastal Commission has certified, an LCP update.”

On April 8, 2008, the Board of Supervisors directed Staff to defer to applicants as to whether or not they wish[ed] to pursue their projects.” As before, applicants were to be made aware that potential approval by the County might still encounter difficulties at the Coastal Commission level. An email from the applicant dated July 3, 2008, was sent requesting that the County process the application despite the potential pitfalls. The application request was revised to omit the change in land use on portions of APNs 132-210-37, 38, 39, 40 and 41 from RL to RR-10-CR*2C and to request that the only change on a portion of these parcels be to add the *2C designation. In 2015, the project was reassigned to the Planning and Building Services Fort Bragg office from the Ukiah office.

I. KEY ISSUES

The Key Issues section focuses on the proposed changes within the four areas identified in Table 1. These can be summarized as the Northwest Area, the Irish Beach Subdivision Area, the Southeast Area, and the Northeast Area (attached). The proposed general plan and rezoning requests in the Northwest, Irish Beach Subdivision, and Southeast Areas are intertwined, with the reduction of potential residential units in the Irish Beach Subdivision distributed to the Northwest and Southeast Areas and the Visitor Accommodations and Services Combining District relocated from the Northwest Area to the Southeast Area. Staff analysis examines the requested changes for the four (4) areas, although there is overlap between areas embedded in the request.

The analysis for each of the four (4) areas concentrates on how the proposed change in the land use classification and/or zoning district conforms to the Coastal Element of the General Plan (MCCE), the Mendocino County Coastal Zoning Code (Division II of Title 20), the Coastal Act, and the Basic Principles of the Mendocino General Plan. For the Northwest, Irish Beach Subdivision and Southeast Areas, the emphasis is placed on policies related to the following issues:

- Premature expansion of the Irish Beach Urban/Rural Boundary;
- Transfer of density between non-adjacent parcels;
- Concentration of development within Urban/Rural Boundary
- Conversion of agricultural lands; and
- The need for the request.

For the Northeast Area, the key issue is the conformity of the zoning district change to Timber Production (TP). The Southeast Area also has a requested change in land use classification from RL 160 to FL 160 and from the RL 160 zoning district to TP zoning district for portions of parcels.

The applicant has provided a variety of supplemental reports and correspondence related to Environmentally Sensitive Habitat Areas (ESHAs), geotechnical conditions, timber resources, agricultural land capabilities,

water resources, septic capability and other features (Appendix 2 - Bibliography). Most of these reports are dated and many are deficient. Few of the reports would be accepted for a coastal development permit or coastal development use permit. However, the core issues in determining the consistency and conformity of the requested General Plan reclassifications and zoning district changes generally do not hinge on the timeliness or adequacy of the supplemental reports and many of the issues that would be critical to analysis of a coastal development permit or coastal development use permit (e.g., ESHAs, water resources, septic capability) are not discussed or discussed briefly. The key issues associated with the proposed changes in each of the four (4) areas are examined below.

1. Northwest Area Reclassification and Rezoning of Range Lands Property (APNs 131-110-04 and 131-110-36).

1.A Request.

The request for the Northwest Area includes the transfer of a Visitor Accommodation and Services (VAS) Combining District (*2C) from Assessor Parcel Numbers 131-110-04 and 131-110-36, located directly north of the Irish Beach Subdivision west of Highway 1, to property under the same ownership located in the Southeast Area, southeast of the subdivision. The proposal additionally seeks to have 17 acres reclassified from Range Lands (RL:VAS *2C) to Rural Residential – 5 acre minimum (including a variable 1 acre minimum subject to water availability) with a Planned Development Combining District (RR-5-PD [RR-1-PD]). Corresponding rezoning from Range Lands to RR:L-5PD[RR:L-1:PD] is also proposed. Further, a portion of the property is to be zoned Commercial PD to accommodate a real estate rental/sales office and related parking. Finally, the Applicant requests that the parcels be included within the Urban/Rural Boundary.

Excerpts from the Applicant's Statement regarding the request for the Northwest Area are shown below.

- 1) *AP # 131-110-04 & 36 are to be included within the U/R boundary. These parcels are under contract to be served by the State Water District and are designated under the Coastal Plan for development. ... Future Coastal Plan changes or permit applications for 131-110-04 & 36 and 132-210-37 thru 41 which do not result in utilization of more new residential density than 17 units of density described in paragraph 3 below shall not be considered density increase applications under the 10/6/08 Coastal Plan or under a Coastal Plan existing after adoption of this Coastal Plan Amendment. One purpose of this amendment is to transfer the existing Coastal Plans' 17 units of density in residential units described in Paragraph 3 below to 131-110-04 and 36 and to the *2C Inn designated area. This amendment creates no density increase.*
- 2) *AP 131-110-04 & 36 are to be rezoned from Range Land to RR1-PD with a Coastal Commercial-PD zone applicable to only a small portion of the site next to Hwy #1 for a rental reception-real estate office- parking facility. The *2C shall be transferred to Assessor's Parcels #132-210-37 thru 41;*

1.B Site Description.

The two parcels in the Northwest Area are comprised of primarily coastal bluff top (presumed developable area) vegetated with coastal grasses and some scrub. The remainder of the property is made up of steep to near vertical slopes descending towards the Pacific Ocean. The Northwest Area map provides an aerial view of the two properties. The Applicant has provided a map of the potentially developable area of the two parcels, which is described as 2.99 acres. The developable area is comprised of a triangular area in the southeast corner of the site. Staff finds the potentially developable area based on Attachment Q to be closer to one (1) acre. For purposes of this report it is assumed that an area in the southeast corner is developable.

1.C Analysis.

1.C.(1). Removal of Visitor Accommodation and Services (VAS) Combining District (*2C) Designation.

MCCE Policies 3.7-4 and 3.7-4.1 provide the requirement for a LUP amendment for a new visitor serving facility (3.7-4) and for transference of a visitor serving facility designation from one location to another.

*3.7-4 Proposed sites or areas for additional visitor serving facilities are designated and reserved by a number indicating a category of VSF described in this section subject to the granting of a conditional use permit (*C). Precise intensity of the proposed visitor*

accommodations and development standards shall be specified in the Zoning Regulations and regulated so that the use will be compatible with existing uses, public services and environmental resources.

Any visitor serving facility not shown on the LUP Maps shall require an LUP amendment except in Rural Village (RV) and Commercial (C) Land Uses. No development more intense than a single family residence shall be allowed on such a site, and then only if it is sited in such a location and manner that a visitor serving facility may still be placed on the site.

3.7-4.1 Transference from one location to another of a visitor serving facility designation shown on the Land Use Plan maps shall require a Land Use Plan amendment. If an existing facility is being relocated, operation of the existing facility shall not continue beyond commencement of operations at the new site.

The Mendocino County Coastal Element (MCCE) Chapter 4 provides descriptions of the Land Use Plan for each of the thirteen Planning Areas along the coast. The description for Irish Beach specifically addresses APNs 131-110-04 and 131-110-36 and states that “A site west of the highway adjoining the subdivision on the north would be ideal for visitor serving uses” (MCCE Chapter 4, Section 4.11 Mallo Pass Creek to Iverson Road Planning Area). Although the site has limitations for development (e.g., bluff top setbacks, Highly Scenic Area), the applicant has not provided evidence that this site could not accommodate an Inn nor has the applicant applied for and been denied a request for an Inn at this location. The MCCE limits the maximum size for an Inn to twenty (20) units; the MCCE Visitor Accommodation and Services (VAS) Combining District (*2C) does not designate minimum number of units for an Inn or establish that each Inn is allowed the maximum of twenty (20) units. Removal of the VAS Combining District for this site would also result in reduced access to the coast, one of the primary goals of the Coastal Act. The Coastal Act Section 30001.5 sets five goals for all Land Use Plans for the coastal zone. Goal (c) states “Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.”

1.C.(2). Reclassification from Range Lands (RL:VAS *2C) to Rural Residential – 5 acre minimum (including a variable 1 acre minimum subject to water availability).

The reclassification of APNs 131-110-04 and 131-110-36 from Range Land to Rural Residential (RR5PD)[RR1PD] would increase the residential development potential of the site from one residential unit (with an Inn) to potentially multiple residential units and a commercial area for a real estate office. The RR5PD[RR1PD] designation would allow development of lot sizes of 12,000 square feet in conjunction with expansion of the Urban/Rural Boundary and provision of central water services by Irish Beach Water District. The number of lots that could be accommodated on the site would be limited by the actual developable area, with an unlikely maximum of up to 17 lots based on the total acreage of the site and the requested PD designation.

The applicant has provided a map showing a conceptual developable area (attached). Development on the site would be limited by bluff top setbacks established through updated geotechnical evaluation, septic system capacity, the Highly Scenic Area designation, which could limit building heights, Environmentally Sensitive Habitat Areas (ESHAs), water availability, and other limitations. Despite the uncertainty with regard to the number of residential units that could be developed on the site, the potential number of residential units that could be allowed would increase with the reclassification from Range Land to RR5PD[RR1PD].

MCCE Chapter 3, Section 3.9 discusses issues associated with locating and planning new development. It states:

The Coastal Act's mandates for new development emphasize three ideas:

- *Concentrate development*
- *Avoidance of adverse cumulative impacts on coastal resources*
- *Maintenance and enhancement of public access to the coast*

The requested reclassification from Range Lands to RR5PD[RR1PD] would be contrary to each of the three

ideas. Reclassification of the site to RR5PD[RR1PD] would increase residential development potential of the site and increase the area within the Urban/Rural Boundary. Expansion of the Irish Beach Urban/Rural Boundary is not warranted and would not concentrate development. Staff estimates that of the 471 parcels in the Irish Beach Water District area, 196 parcels or approximately 42 percent have been developed. In addition, by transferring the *2C designation to another undeveloped property, the request is increasing the cumulative impacts on coastal resources by enlarging the area that could be developed at higher density and intensity uses. Finally, by replacing the RL *2C designation with RR5PD[RR1PD] the request potentially reduces access to the coast.

More specific policy direction is provided by Policy 3.2-16 pertaining to conversion of Range Lands to non-agricultural uses and Policy 3.9-1 pertaining to the location of new development. Relative to Policy 3.2-16, the applicant has not provided analysis consistent with Policy 3.2-16 that continued or renewed agricultural use of the parcels is not feasible, that conversion would preserve prime agricultural land, or that conversion would concentrate development consistent with Coastal Act Section 30250 (MCCE Policy 3.9-1). As shown in the attached, Lands in Williamson Act Contract map, the subject parcels are bounded on the north and east by parcels under Williamson Act contracts.

3.2-16 All agricultural lands designated AG or RL shall not be divided nor converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or (3) concentrate development consistent with Section 30250. Any such permitted division or conversion shall be compatible with continued agricultural use of surrounding parcels. "Feasible", as used in this policy, includes the necessity for consideration of an economic feasibility evaluation containing both the following elements:

- 1. An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of proposed local coastal program or an amendment to any local coastal program.*
- 2. An analysis of the operational expenses beyond the control of the owner/operator associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program. For purposes of this policy, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal plan.*

Policy 3.2-16 requires that conversion of Range Land shall be compatible with continued agricultural use of surrounding parcels. Conversion of this site from Rangelnd to RR5PD[RR1PD] would not be compatible with the continued agricultural use of surrounding parcels. Approval of this request could open the door to conversion of any parcel located adjacent to the Urban/Rural Boundary. Although the parcel is adjacent to the Urban/Rural Boundary, any conversion of Range Lands to non-agricultural uses combined with an expansion of the Urban/Rural Boundary should be based on the need for additional developable land within the Urban/Rural Boundary. The level of development within the Irish Beach Urban/Rural Boundary does not necessitate expansion of the Urban/Rural Boundary.

Policy 3.9.1 calls for new development to be in or in close proximity to existing areas able to accommodate it and references Section 30250(a) of the Coastal Act.

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.*

Although this Northwest Area is adjacent to the Irish Beach urban area, it does not follow that any property in close proximity to existing areas able to accommodate new development is ripe for inclusion within the Urban/Rural Boundary. Given the level and rate of development in Irish Beach, expansion would be premature and unwarranted. Irish Beach has averaged development of approximately four (4) residential units per year since inception in the mid-1960s. There are approximately 275 undeveloped lots in the subdivision or enough lots to accommodate development for another 68 years given the average rate of development over the past 50 years. Encroachment into agricultural lands simply because a site is in close proximity to areas able to accommodate it would eventually lead to more requests for urban land uses in agricultural areas and would negate the principle of concentrated development. If expansion of the Urban/Rural Boundary is allowed for this site, it could be argued that expansion is acceptable on all other properties located adjacent to Urban/Rural Boundaries.

Coastal Act Policies 30242 and 30250 serve as the basis for MCCE Policies 3.2-16 and 3.9-1 and are listed below.

Section 30242 Lands suitable for agricultural use; conversion

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30250 Location; existing developed area

(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.

In addition to being at variance with the MCCE, the request does not conform to the Overall Planning Principles of the Mendocino County General Plan. The first General Plan Overall Planning Principle, Principle 2-1a states the following:

Principle 2-1a: Conservation of Mendocino County's natural resources, farmland, forest land, and open spaces are essential to the rural quality of life desired by residents and visitors alike.

- Planned growth and compact development forms are essential to conserving environmental resources, farmland and open spaces.*
- Direct new commercial and residential growth to cities and community areas where development can be supported by existing or planned infrastructure and public services, and environmental impacts can be minimized.*

1.C.(3). Zone a Portion of APNs 131-110-04 and 131-110-36 to Commercial PD to Accommodate a Real Estate Rental/Sales Office and Related Parking. [Note: Currently the real estate office is located on a parcel within the Irish Beach Subdivision zoned Rural Residential: 5-acre minimum (including variable smaller Suburban Residential densities subject to water availability) at the corner of Noyo Way and Highway 1. The site was established prior to adoption of the LCP, and commercial use has never been permitted through any sanctioned action of the County.]

The requested rezoning of a portion of APNs 131-110-04 and 131-110-36 to Commercial PD is inconsistent with and does not conform to the MCCE, Coastal Act or Planning Principles of the MCGP for the same reasons as detailed above for expansion of the Urban/Rural Boundary for residential development. The

existing location is non-conforming but is centrally located within the Irish Beach Urban/Rural Boundary. Expanding the existing urban area to allow a Commercial use is inconsistent with MCCE Policy 3.91 and Coastal Act Section 30250. Further, there are numerous vacant lots within Irish Beach that might serve as a location for the commercial use. Staff is not convinced that the only viable location for the real estate office is outside the existing Urban/Rural Boundary of Irish Beach.

1.C.(4). The Applicant is requesting that APNs 131-110-04 and 131-110-36 be included within the Urban/Rural Boundary. As discussed above, the expansion of the Urban/Rural Boundary to encompass the two parcels is inconsistent with and does not conform to the intent of the Mendocino County Coastal Element, the Coastal Act and the Overall Planning Principles of the Mendocino County General Plan. Expansion of the Urban/Rural Boundary disperses development rather than concentrates it, and the need for expansion is not present at this time.

1.C.(5). The Applicant is also requesting that *"The perimeter setback under the zone to be applied to AP 131-110-04 and 36 as described will apply to habitable structures but does not apply to open parking and decks. Frontages not directly on 2-lane highway #1 shall be treated as side yard setbacks."* Staff advises that these types of requests would be handled as part of the coastal development permit or coastal development use permit processes, or through a variance.

1.D Recommendation.

Staff recommends denial for the Northeast Area of:

- 1) The request to transfer of a Visitor Accommodation and Services (VAS) Combining District (*2C) from Assessor Parcel Numbers 131-110-04 and 131-110-36, located directly north of the Irish Beach Subdivision west of Highway 1, to property under the same ownership located in the Southeast Area, southeast of the subdivision.
- 2) The request to reclassify the land use on APNs 131-110-04 and 131-110-36 from Range Lands (RL:VAS *2C) to Rural Residential – 5 acre minimum (including a variable 1 acre minimum subject to water availability) with a Planned Development Combining District (RR-5-PD [RR-1-PD]).
- 3) The request to rezone on APNs 131-110-04 and 131-110-36 from Range Lands to RR:L-5PD[RR:L-1:PD].
- 4) The request to rezone portions of 131-110-04 and 131-110-36 from Range Lands to Commercial.
- 5) The request to include parcels 131-110-04 and 131-110-36 within the Urban/Rural Boundary.

2. Irish Beach Subdivision Area Reclassification and Rezoning from RR5PD[RR1PD] to RR5PD[RR2PD] on APNs 132-320-06, 132-320-07, 132-320-24, 132-320-26, 132-320-27, 132-320-42, 132-320-43, and 132-320-45.

2.A. Request

The request is to change the Mendocino County General Plan land use map classification from RR-5PD[RR-1PD] to RR-5PD[RR-2PD] and the Coastal Zoning map district from RR:5PD[RR:1PD] to RR:5PD[RR:2PD] on eight (8) parcels. The eight (8) parcels and their acreages are: 132-320-06 (2.7 acres), 132-320-07 (2.5 acres), 132-320-24 (2.2 acres), 132-320-26 (4.0 acres), 132-320-27 (2.4 acres), 132-320-42 (4.1 acres), 132-320-43 (4.7 acres), and 132-320-45 (2.2 acres).

Excerpts from the Applicant's Statement regarding the the request for the Irish Beach Subdivision Area are shown below.

- 3) *AP 132-320-42 (4.08ac) and -43(4.72ac) and -45(2.25ac) and -06(2.7ac) and -26((4ac) and -27((2.39ac) and -24(2.15ac) and -07(2.51ac) shall be rezoned from RR1-PD to RR2-PD. The total area reduced from RR1 zone to RR2 is therefore 24.8 acres. Thus this zone change reduces by 12 the number of assessor's parcels allowed to be created under the existing Coastal Plan in this area. **This paragraph's zone change reduction of 12 together with the 5 lot mergers already executed***

within the Irish Beach community (see Exhibit D attached) and recorded within the U/R area creates the ability to transfer those 17 possible parcels as described in this amendment without increasing Coastal Plan density in the area (emphasis added).

2.B Site Description.

The eight parcels are located on the eastern and western sides of the Irish Beach Subdivision Unit 9. The Irish Beach Subdivision Area map provides an aerial of the subdivision parcels proposed for change in land use and zoning.

2.C Analysis.

There are two facets to this part of the proposed request: 1) to reduce density within an existing subdivision and 2) to transfer the reduced density from this request and from 5 previous lot mergers to other properties within the Irish Beach area. As discussed in the previous section, MCCE Chapter 3, Section 3.9 identifies the key issues associated with locating and planning new development. It states:

The Coastal Act's mandates for new development emphasize three ideas:

- *Concentrate development*
- *Avoidance of adverse cumulative impacts on coastal resources*
- *Maintenance and enhancement of public access to the coast*

2.C(1). The Applicant is requesting that density be lowered in an area inside the Urban/Rural Boundary, where a subdivision has already been established, and central water services and roads have been developed. The request would disperse, not concentrate, development and increase adverse cumulative impacts on coastal resources. Policy 3.9-1 calls for "*new development to be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences.*" The request would take away potential development from an area that is consistent with and conforms to the intent of the Land Use Plan and place it in areas that are inconsistent with and do not conform to the intent of the Plan.

2.C(2) The second part of the request for the Irish Beach Subdivision Area is to transfer the density units gained from the reduced density in the subdivision to other properties within the Irish Beach area. The MCCE does not allow this type of transfer of density. Policy 3.9-7 addresses density transfers within a land use designation on an ownership and circumstances where density transfers between land use designations on adjacent parcels shall be allowed, but the MCCE does not provide for transfer of density to non-adjacent parcels or from parcels classified RR-5PD[RR-1PD]. Transfer of development rights is a planning tool that is typically used to preserve, not develop, rural agricultural lands; this request does the opposite.

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 any density rights.

<i>From</i>	<i>To</i>
<i>Agriculture</i>	<i>Rangeland, Forest Land (not in TPZ), Remote Residential, Rural Residential-10</i>
<i>Rangeland</i>	<i>Forest Land (not in TPZ), Remote Residential, Rural Residential-10</i>
<i>Forest Land</i>	<i>Rangeland, Remote Residential, Rural Residential-1</i>

Although of secondary importance to the issues of concentration of development and transfer of density, the question of whether the subject parcels could ever be developed at a higher density is relevant to the discussion. A major part of the rationale of the Applicant's request rests on the assumption that there would be no net increase in overall developable units in the Irish Beach area. This assumption cannot be proven

without more detailed evaluation of the eight parcels offered for lower density classification and the five lot mergers that have already occurred in the subdivision. Should the Applicant seek to further subdivide the parcels, feasibility studies would be required as part of the re-subdivision process. Without such studies, it is impossible to determine whether re-subdivision could be approved. Irish Beach Subdivision Unit 9 is developing slowly. Subdivided into 47 lots, approximately 43 of the lots remain vacant. The likelihood of further subdivision is questionable.

In summary, reduction of density in an approved subdivision inside the Urban/Rural Boundary is inconsistent with the intent of the MCCE to concentrate development. The request would disperse, not concentrate, future development, which is inconsistent with the MCCE.

2.D Recommendation.

Staff recommends denial of the request for the Irish Beach Subdivision Area to:

- 1) Change the Mendocino County General Plan land use map classification from RR-5PD[RR-1PD] to RR-5PD[RR-2PD] change the Coastal Zoning map district from RR:5PD[RR:1PD] to RR:5PD[RR:2PD] on eight (8) parcels. The eight (8) parcels are: 132-320-06, 132-320-07, 132-320-24, 132-320-26, 132-320-27, 132-320-42, 132-320-43, and 132-320-45.
3. **Southeast Area Reclassification of RL160 to RL160/FL160, Rezoning of RL160 Districts to RL160/TP, Transfer of *2C VAS Combining District and Expansion of the Urban/Rural Boundary on APNs 132-210-37, 132-210-38, 132-210-39, 132-210-40, and 132-210-41.**

3.A. Request.

The request for the Southeast Area includes: 1) the transfer of the Visitor Accommodation and Services (VAS) Combining District (*2C) from Assessor Parcel Numbers 131-110-04 and 131-110-36 to those portions of APNs 132-210-37, 38, 39, 40 and 41 keeping the RL 160 classification and zoning district; 2) expansion of the Urban/Rural Boundary to include APNs 132-210-37, 38, 39, 40, and 41; 3) change the land use designation from RL 160 to FL 160 on portions of APNs 132-210-37, 38, 39, 40 and 41; 4) change the zoning district from RL 160 to TP on portions of 132-210-37, 38, 39, 40 and 41; 5) transfer of up to 17 units of residential density from the Irish Beach Subdivision and 5 previous lot mergers to APNs 132-210-37, 38, 39, 40 and 41; 6) Apply 100-foot setbacks from the TP boundary from the Inn units in the RL160 *2C area; 7) require that the Applicant submit and the County record a map application to enable a single certificate of Compliance for the TP area and Certificates of Compliance within the RL160 *2C area for each recorded patent area.

Excerpts from the Applicant's Statement regarding the different part of the proposed changes in the Southeast Area.

- 1) *...The U/R boundary is also to include land (#132-210-37 thru 41) already within the State Water District Service Area that lies south of Irish Gulch except AP#132-210-42, 43 and 44. This U/R boundary change makes it coincide with the southeast boundary of the Water District Service Area and include the area containing the relocated Inn site Designation. Future Coastal Plan changes or permit applications for 131-110-04 and 36 and 132-210-37 thru 41 which do not result in utilization of more new residential density than 17 units of density described in paragraph 3 below shall not be considered density increase applications under the 10/6/08 Coastal Plan or under a Coastal Plan existing after adoption of this Coastal Plan Amendment. **One purpose of this amendment is to transfer the existing Coastal Plans' 17 units of density in residential units described in Paragraph 3 below to 131-110-04 and 36 and to the *2C Inn designated area** (emphasis added). This amendment creates no density increase.*
- 4) *An approximately 73 acre portion of AP 132-210-37 & 39 (29 ac) and 38 (27 ac) and 40 (27 ac) and 41 (29 acre) shall be rezoned from RL to TPZ (timber production) and an *2C applied to the remaining 39± acres of RL area as depicted on the Exhibit B zoning map and Exhibit F (record of survey map). The Commission staff has indicated that the transfer of the *2C designation to this 39± acre area is acceptable and consistent with coastal act requirements. Protecting the economic utilization of the forestland will be achieved by applying 100 ft. setbacks of the TPZ boundary from the*

*Inn units within the *2C area. The existing access roads into both sites (areas) are considered compatible with TPZ and Inn Site uses and they meet CDF and county road requirements. It was decided that the best way to insure that the forestland area is protected is to apply a TPZ zone to it and to provide that it be owned as a single legal parcel separate from the 39± acre *2C area. This Coastal Plan Amendment will implement that objective after the Amendment is adopted by requiring that the applicant submit and the County record a map application that is necessary to enable the issuance of a single Certificate of Compliance for the TPZ area and Certificates of Compliance within the *2C area for each recorded patent area which are to be depicted on the map to be recorded. Enabling the issuance of the Certificate of Compliance for the TPZ area shall be a processing step for issuance of a Use Permit for the *2C area.*

- 5) *Subsequent to adoption of this Plan Amendment and issuance of the Certificate of Compliance for the TPZ area the next step will be the application, approval and issuance of a Use Permit with an attached overall Illustrated Site Development Plan for the 39± acre *2C area. **It is part of this Plan Amendment that it is a contract zone amendment which provides that the content and design of the Illustrative Site Development Plan will include the *2C overlay zone designation allowed uses, owner-operator residential uses and will be consistent with a design controlled by the following:** 1) the actual demonstrated and proven physical constraints and capabilities of the 39± acre site including topography, septic soils characteristics, botanical, wildlife studies, and required TPZ, botanical and biological setbacks and geotechnical considerations; 2) **the on-site capabilities to accommodate the Illustrated Site Development Plan uses shall be demonstrated at the time an application for approval of a Site Development Plan and Use Permit is subsequently processed;** 3) **The plan may include but shall not exceed twenty (20) Inn Accommodation Units and owner-operator residence sites to own, manage, operate and maintain Inn units;** 4) the requirements of Section 20.436.025(A) of the existing coastal plan shall be deemed satisfied in the future, when feasibility of implementation of the entire Illustrated Site Development Plan has been demonstrated and a rental unit is developed and constructed which is shown on the Illustrated Site Development Plan for the Coastal Visitor Accommodations attached to an issued Use Permit for the 39± acre site (emphasis added). It is acknowledged that the applicant has submitted a proven water source supply capability from a spring and well drilled on the property as a precondition to processing this amendment.*
- 6) ***The number of additional assessor's parcels possible to be created under the Coastal Plan for this Irish Beach planning area prior to this plan amendment shall be the same possible within this planning area after the amendment is adopted, even though the location of the area of increase, if any, is modified as described above (emphasis added).** Thus a net effect of density changes under this plan amendment is a transfer of existing plan allowed density but not an increase in density.*

3.B Site Description.

The request includes five parcels totaling 112 acres located within the Irish Beach Water District and on the rural side of the LCP Urban/Rural Boundary in the southeastern area of Irish Beach. The proposed area for the Inn and residences is approximately 1,700 feet from the Urban/Rural Boundary. Elevations on the site range from approximately 400 to 800 feet, with slopes of 15° to 32° degrees over much of the site, but with slopes of 0° to 14° and 33° to 72° in some areas. The five parcels are bounded by timber production zones to the east and north. Lands under Williamson Act contract are located to the south of the parcels, adjacent to the proposed Inn and residential units.

3.C Analysis.

3.C(1). The Applicant is requesting a transfer of the *2C Inn designation from APNs 131-110-04 and 131-110-36 to APNs 132-210-37. The Applicant has not provided evidence (e.g., development limitations or denial of permit requests) that indicate the existing site cannot be developed with an Inn. Transferring the *2C designation to the new site under the proposed development scenario would result in reduced coastal access and would not concentrate development. Additionally, under the proposed development scenario, transferring the *2C Inn designation would result in cumulative impacts on coastal resources. A new *2C Inn designation at a specific location somewhere on 132-210-37 thru 41 could be consistent with the MCCE; however, the

Applicant is not requesting a new *2C Inn designation and the proposed development that would accompany the *2C Inn designation is inconsistent with the MCCE.

The proposed development scenario of up to twenty Inn units and an indeterminant number of owner-operator residential uses on Range Land is inconsistent with MCCE Policy 3.2-16, which states:

3.2-16 All agricultural lands designated AG or RL shall not be divided nor converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or (3) concentrate development consistent with Section 30250. Any such permitted division or conversion shall be compatible with continued agricultural use of surrounding parcels. "Feasible", as used in this policy, includes the necessity for consideration of an economic feasibility evaluation containing both the following elements:

- 1. An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of proposed local coastal program or an amendment to any local coastal program.*
- 2. An analysis of the operational expenses beyond the control of the owner/operator associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program. For purposes of this policy, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal plan.*

Without, at a minimum, a concept plan for the proposed development on the 39 acres to remain in Rangeland, it is presumed that continued agricultural use of the property will not be possible. The Applicant has not provided an economic feasibility evaluation. Based on the number of residential and Inn units that could be developed the project site could have a density of one (1) to two (2) dwelling units per acre versus the one (1) dwelling unit per 160 acres allowed under the Rangeland designation.

California Coastal Commission Staff commented (email from Bob Merrill, Northcoast District Manager to Bill Kinser, 3-22-17) on the proposed configuration for the 39 acre parcel and noted the following:

*Commission staff's second major concern with the proposed LCP amendment changes affecting the 39-acre site south of Irish Beach is with regard to the proposed transfer of residential uses to the site. The project description does not clearly indicate how the proposed designations and zoning districts for the site would accommodate residential uses and how much residential use would be accommodated. The 2010 version of the LCP amendment addressed in our 2010 email had a similar proposal to redesignate the 39-acre site to Remote Residential (RMR). The comments we provided with regard to establishing additional residential uses on the site are applicable to the current proposal. **Providing for residential uses at that location would result in the conversion of currently designated agricultural lands in a manner that would not be consistent with the conversion criteria of Sections 30241 and 30242 of the Coastal Act. In addition, transferring residential density from an area within the existing urban boundary of Irish Beach to this site located in the rural area would not be consistent with the provisions of Section 30250 of the Coastal Act that require that new development be concentrated in existing developed areas able to accommodate it (emphasis added).***

3.C(2). The second part of the request for the Southeast Area calls for expansion of the Urban/Rural Boundary to include APNs 132-210-37, 38, 39, 40, and 41. As stated previously, expansion of the Urban/Rural Boundary is unwarranted at this time given the amount and rate of development that has occurred within the Irish Beach Urban Area over the past fifty years. In addition, the need for the expansion of the Urban/Rural Boundary is based on the transfer of residential units from the Irish Beach Subdivision Area. Expansion of the Urban/Rural Boundary and dispersing development well beyond the current boundary line while at the same time de-concentrating development within the existing Urban/Rural Boundary is inconsistent with MCCE Policy 3.2-16 and Policy 3.9-1, Coastal Act policies, and Overall Planning Principle 2-1a of the Mendocino County General Plan.

A recent comment letter from the California Coastal Commission North Coast District Office for a coastal development permit for a single family house and associated structures on a nearby property (APN 132-210-44) is relevant to the request. The comment letter quoted previous Coastal Commission findings for the nearby site. The Commission's findings were in part: *"Furthermore, this land which is on the periphery of a designated urban area [Irish Beach] is subject to the tests of Section 30241(b) for conversion and they cannot be satisfied. Because the area is sparsely developed, there can be no question about completing a neighborhood. There is no indication that the current urban boundary in this sparsely developed area is unstable or would be further stabilized by creation of a new residential subdivision..."* (California Coastal Commission findings from hearing on 3-23-88 on LUP 1-87, quoted in letter from Tamara Gedik, Coastal Program Analyst, North Coast District Office, to Scott Perkins, Planner, Mendocino County regarding CDP 8-2014 (Deruiter)."

In summary, expansion of the Urban/Rural Boundary to include APNs 132-210-37, 38, 39, 40, and 41 is unwarranted and thus inconsistent with the MCCE.

3.C(3)&(4). The request for the Southeast Area includes a change the land use designation from RL 160 to FL 160 on portions of APNs 132-210-37, 38, 39, 40 and 41 and a change in the zoning district from RL 160 to TP on portions of the same parcels. Split land use designations and zoning districts on individual parcels are generally to be discouraged as they can create different development regulations for the same parcel and potential uncertainties in zone boundaries.

3.C.(5). Another part of the request for the Southeast Area is to allow the transfer of up to 17 units of residential density from the Irish Beach Subdivision and 5 previous lot mergers to APNs 132-210-37, 38, 39, 40 and 41. The transfer of density would not be consistent with MCCE Policy 3.9-7 primarily because the transfer would not be from an Agriculture, Rangeland or Forest Land designated property but from a property with a Rural Residential designation.

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 any density rights.

<i>From</i>	<i>To</i>
<i>Agriculture</i>	<i>Rangeland, Forest Land (not in TPZ), Remote Residential, Rural Residential-10</i>
<i>Rangeland</i>	<i>Forest Land (not in TPZ), Remote Residential, Rural Residential-10</i>
<i>Forest Land</i>	<i>Rangeland, Remote Residential, Rural Residential-1</i>

3.C(6)&(7). The final part of the request for APNs 132-210-37, 38, 39, 40 and 41 calls for applying 100-foot setbacks from the TP boundary from the Inn units in the RL160 *2C area and requiring that the Applicant submit and the County record a map application to enable a single certificate of Compliance for the TP area and Certificates of Compliance within the RL160 *2C area for each recorded patent area. The recommendation is to not transfer the *2C Inn designation to APNs 132-210-37, 38, 39, 40 and 41, therefore there is no need to apply the proposed setbacks. Any change from the setback requirements would typically be dealt with through a coastal development permit variance. Similarly, the Certificate of Compliance process is a separate process from the General Plan Amendment and Rezoning process.

3.D Recommendation.

Staff recommends denial of the request for the Southeast Area to:

- 1) Transfer of the Visitor Accommodation and Services (VAS) Combining District (*2C) from Assessor Parcel Numbers 131-110-04 and 131-110-36 to those portions of APNs 132-210-37, 38, 39, 40 and

- 41;
- 2) Expansion of the Urban/Rural Boundary to include APNs 132-210-37, 38, 39, 40, and 41;
 - 3) Change the land use designation from RL 160 to FL 160 on portions of APNs 132-210-37, 38, 39, 40 and 41;
 - 4) Change the zoning district classification from RL 160 to TP on portions of 132-210-37, 38, 39, 40 and 41;
 - 5) Transfer of up to 17 units of residential units of density from the Irish Beach Subdivision and 5 previous lot mergers to APNs 132-210-37, 38, 39, 40 and 41;
 - 6) Apply 100-foot setbacks from the TP boundary from the Inn units in the RL160 *2C area;
 - 7) Require that the Applicant submit and the County record a map application to enable a single certificate of Compliance for the TP area and Certificates of Compliance within the RL160 *2C area for each recorded patent area.

4. Northeast Area Rezoning of FL160 and RL160 to TP160 on APNs 131-110-047, 131-110-16, and 131-110-17.

4.A Request and Applicant's Statement.

The request is to rezone all or portions of three properties in the Northeast Area as follows: APN 131-110-07 from FL – Forest Lands to TP – Timberland Production Zone; and portions APNs 131-110-16 and 131-110-17 from RL – Rangeland to TP – Timberland Production Zone.

The Applicant's states in regard to this portion of the request that: *AP# 131-110-07 is to be rezoned from FL to TPZ. This change is proposed to apply the same zoning as is applied on adjacent, similarly forested land to the north and east. This change will not increase density or parcel count in the area [and] the county planning department recently advised that AP #131-110-16 and 131-110-17 are split zoned with TPZ applied to the westerly portion and RL applied to the easterly portion of each parcel. There is no physical change in the forested character of the entire of each parcel and therefore no basis for the RL zone. The proposal to apply the TPZ zone to the entire of each parcel is simply to make the zoning uniform and consistent with existing zoning on all 4 sides. This change will not increase density or parcel count in the area.*

4.B Site Description.

Parcel 131-110-07 is a 39 acre parcel with a Mendocino County General Plan designation of FL – Forest Lands 160. The existing zoning on the parcel FL – Forest Lands 160 and the requested zoning is TP – Timberland Production Zone 160. The parcel slopes down to the west with elevation ranging from approximately 900 feet in the east to 450 feet in the west. There is a ravine on the southern third of the property. Parcels to the north and east of the subject parcel have land uses and zoning of FL 160 and TP, respectively. To the south of the subject parcel are residential properties within the Irish Beach Subdivision that are designated and zoned RR5PD[RR1PD]. To the west of the subject property are properties designated and zoned RL 160. The applicant is the owner of the adjacent parcels to the north and east, which are zoned TP.

Parcels 131-160-16 and 131-160-17 are each approximately 18 acres and are split between the Coastal Zone and Inland Zone with roughly one third to one quarter of each parcel located in the Inland Zone. The parcels slope down to the west with elevation ranging from approximately 1120 feet in the east to 960 feet in the west. The request is to rezone the Inland Zone portion of the property from Rangeland to Timberland Production Zone. Surrounding parcels have land uses and zoning of FL 160 and TP, respectively. The applicant owns parcels to the north, south and west of the subject parcels.

A Timber Management Plan was prepared by Environmental Resource Management in 2008 (ERM, 2008), which included APNs 131-110-07, 131-110-16 and 131-110-17. APN 131-110-07 was logged in 1988 under Timber Harvest Plan (THP) 1-88-046 MEN and APNs 131-110-16 and 131-110-17 were logged in 1990 under THP 1-90-707 MEN. The Mangement Plan noted that the current uses of the parcels were timber production and recreation, and future timber harvests are planned (ERM, 2008).

Soils on APN 131-110-07 are: 141 – Ferncreek sandy loam, 2 to 9 percent slopes (7 acres); 172 - Irmulco Tramway complex, 9 to 30 percent slopes (12 acres); and 174 - Irmulco-Tramway complex, 50 to 75 percent slopes (20 acres). Soil types 172 and 174 are Class II and soil type 141 is Class III.

Soils on APNs 131-110-16 and 131-110-17 are: 172 - Irmulco Tramway complex, 9 to 30 percent slopes (14 acres); and 174 - Irmulco-Tramway complex, 50 to 75 percent slopes (4 acres). All the soils are Class II.

The properties meet the criteria of Mendocino County Code Sec. 22.07.030 - Timber Production Zone Criteria for Site Quality (Class III or better of soils) but are below the 40 acre minimum site size. However, the properties, in combination with other adjacent properties owned by the applicant in the TP District, would exceed the acreage requirements.

4.C Analysis.

Policy 3.3-4 of the Mendocino County Coastal Element addresses eligibility of parcels in Forest Lands for incorporation into a timber preserve that applies to APN 131-110-07. Mendocino County Code Section 22.07.020 provides the regulations governing creation of Timberland Production Zones. Given the information provided in the Timber Management Plan, the property would be eligible for incorporation into a timber preserve.

Policy 3.3-4: Parcels in timberland designated Forest Lands (FL) shall be eligible for incorporation into a timber preserve after meeting specific qualifications as defined by Mendocino County Code Sections 20.10.02, 20.10.04 (Ordinance 1780, 1976) and 22.07.010 as amended (Ordinance 3453, 1983) and Rule 1021, Title 18, California Administrative Code (Mendocino County Coastal Element, Chapter 3, Section 3.3 Forestry and Soils Resources).

Parcels 131-110-16 and 131-110-17 are partially in the Inland Zone. The parcels have a land use classification of Rangeland. The TP zoning district is one of the districts that implement the RL land use classification. The General Plan does not have a specific policy for changing the zoning on a property to TP. Principle 2-2c of the General Plan supports the County's resource based economy and protection and diversification of the County's agricultural and timber-based businesses.

Principle 2-2c: Support the county's resource-based economy and take actions that protect and enhance the county's diverse natural resources.

- *Support the protection and diversification of the county's agricultural and timber-based businesses.*

The requested zoning district for APN 131-110-07 is TP – Timberland Production. The TP 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"* (MCCZ Sec. 20.364.005). Discussed above, the Timber Management Plan prepared for the property indicates that the soil types and timber growing capabilities of the parcel are suited for growing, harvesting and production of timber.

There is only one difference between the Principal Permitted Uses in the requested TP District compared to the existing FL district: the FL Districts allows Light Agriculture as a principal permitted use whereas Light Agriculture is a conditional use in the TP District (Table 6.3). There is more variation between the Conditional Uses allowed in the two districts, with the FL District allowing many more conditional uses.

4.D Recommendation.

Staff recommends denial of the request for the Northeast Area to:

- 1) Rezone APN 131-110-07 from FL – Forest Lands to TP – Timberland Production, and
- 2) Rezone APN 131-110-16 and 131-110-17 from RL – Rangelands to TP – Timberland Production.

RECOMMENDATION

Deny the request to amend the Coastal Zone Map classifications and the request to rezone districts as listed below, without prejudice, based on the facts and findings contained in proposed Resolution.

Denial of the request for the Northeast Area to:

1. Transfer of a Visitor Accommodation and Services (VAS) Combining District (*2C) from Assessor Parcel Numbers 131-110-04 and 131-110-36, located directly north of the Irish Beach Subdivision west of Highway 1, to property under the same ownership located in the Southeast Area, southeast of the subdivision.
2. Reclassify the land use on APNs 131-110-04 and 131-110-36 from Range Lands (RL:VAS *2C) to Rural Residential – 5 acre minimum (including a variable 1 acre minimum subject to water availability) with a Planned Development Combining District (RR-5-PD [RR-1-PD]).
3. Rezone on APNs 131-110-04 and 131-110-36 from Range Lands to RR:L-5PD[RR:L-1:PD].
4. Rezone portions of 131-110-04 and 131-110-36 from Range Lands to Commercial.
5. Include parcels 131-110-04 and 131-110-36 within the Urban/Rural Boundary

Denial of the request for the Irish Beach Subdivision Area to:

1. Change the Mendocino County General Plan land use map classification from RR-5PD[RR-1PD] to RR-5PD[RR-2PD] change the Coastal Zoning map district from RR:5PD[RR:1PD] to RR:5PD[RR:2PD] on eight (8) parcels. The eight (8) parcels are: 132-320-06, 132-320-07, 132-320-24, 132-320-26, 132-320-27, 132-320-42, 132-320-43, and 132-320-45.

Denial of the request for the Southeast Area to:

1. Transfer of the Visitor Accommodation and Services (VAS) Combining District (*2C) from Assessor Parcel Numbers 131-110-04 and 131-110-36 to those portions of APNs 132-210-37, 38, 39, 40 and 41;
2. Expand the Urban/Rural Boundary to include APNs 132-210-37, 38, 39, 40, and 41;
3. Change the land use designation from RL 160 to FL 160 on portions of APNs 132-210-37, 38, 39, 40 and 41;
4. Change the zoning district classification from RL 160 to TP on portions of 132-210-37, 38, 39, 40 and 41;
5. Transfer of up to 17 units of residential units of density from the Irish Beach Subdivision and 5 previous lot mergers to APNs 132-210-37, 38, 39, 40 and 41;
6. Apply 100-foot setbacks from the TP boundary from the Inn units in the RL160 *2C area;
7. Require that the Applicant submit and the County record a map application to enable a single certificate of Compliance for the TP area and Certificates of Compliance within the RL160 *2C area for each recorded patent area.

Denial of the request for the Northeast Area to:

- 1) Rezone APN 131-110-07 from FL – Forest Lands to TP – Timberland Production, and
- 2) Rezone APN 131-110-16 and 131-110-17 from RL – Rangelands to TP – Timberland Production.

DATE

BILL KINSER, SENIOR PLANNER

Appeal Period: 10 Days

Appeal Fee: \$1820.00

ATTACHMENTS:

- (A) General Plan Amendment and Rezoning Display Map
- (B) Water District and LCP Urban Area Boundary
- (C) Location Map
- (D) ESRI Imagery
- (E) D1 Northwest Area
- (F) D2 Irish Beach Subdivision Area
- (G) D3 Southeast Area
- (H) D4 Northwest Area
- (I) Topographic Map (40-foot contours)
- (J) Estimated Slope
- (K) Highly Scenic/Tree Removal
- (L) Ground Water Resources
- (M) Fire hazard Zones and Responsibility Areas
- (N) Williamson Act Map
- (O) Timber Production Zones
- (P) General Plan Classifications
- (Q) Zoning Display Map
- (R) Adjacent Owner Map
- (S) LCP Map 22: Mallo Pass Creek
- (T) LCP Land Capabilities
- (U) Development Limitation Line for APNs 131-110-04 and 131-110-36
- (V) Irish Beach Vacant and Improved Lots

APPENDICES

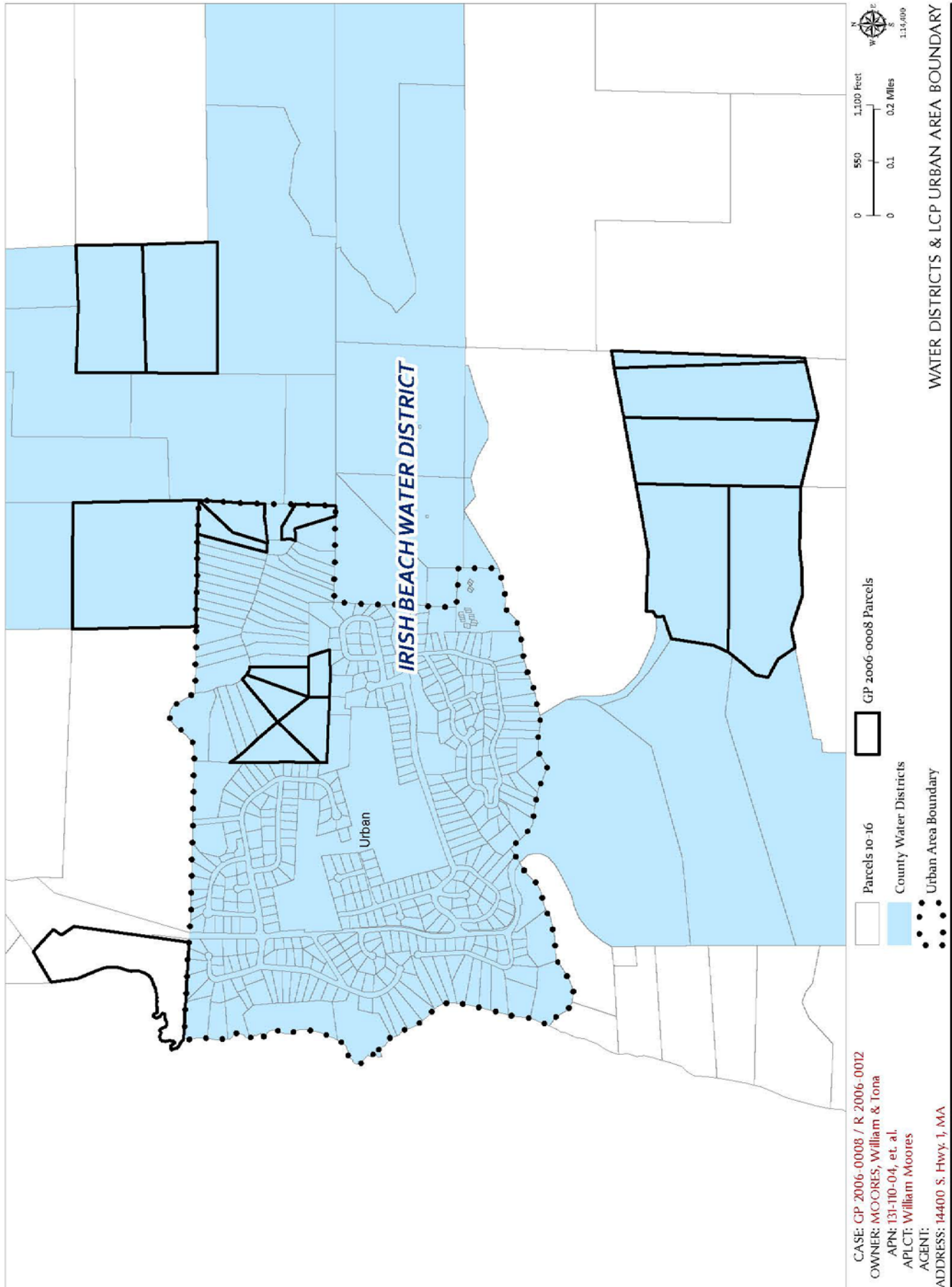
Appendix A: Applicants Statement

Appendix B: Bibliography

RESOLUTION AND CONDITIONS (Exhibit A):

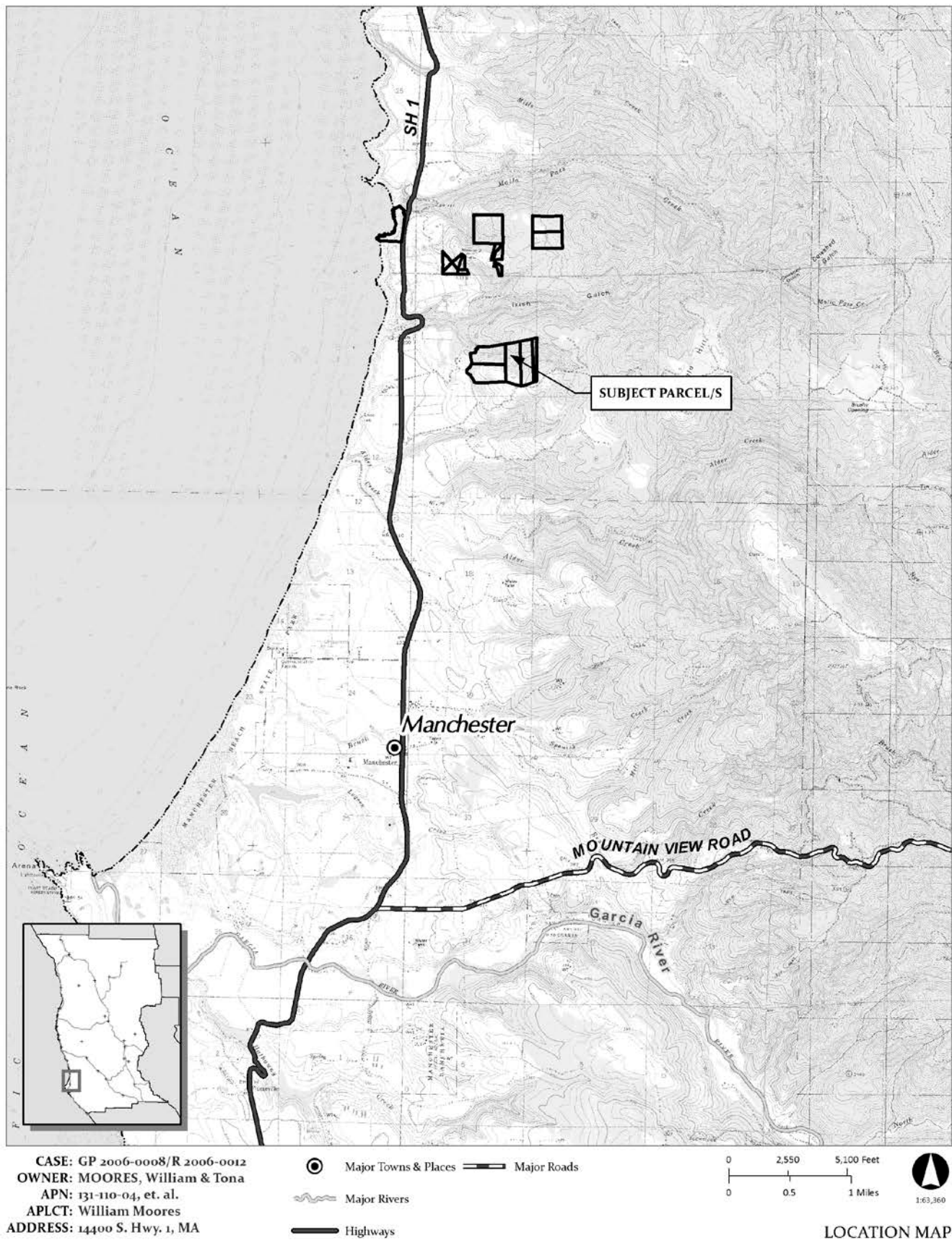


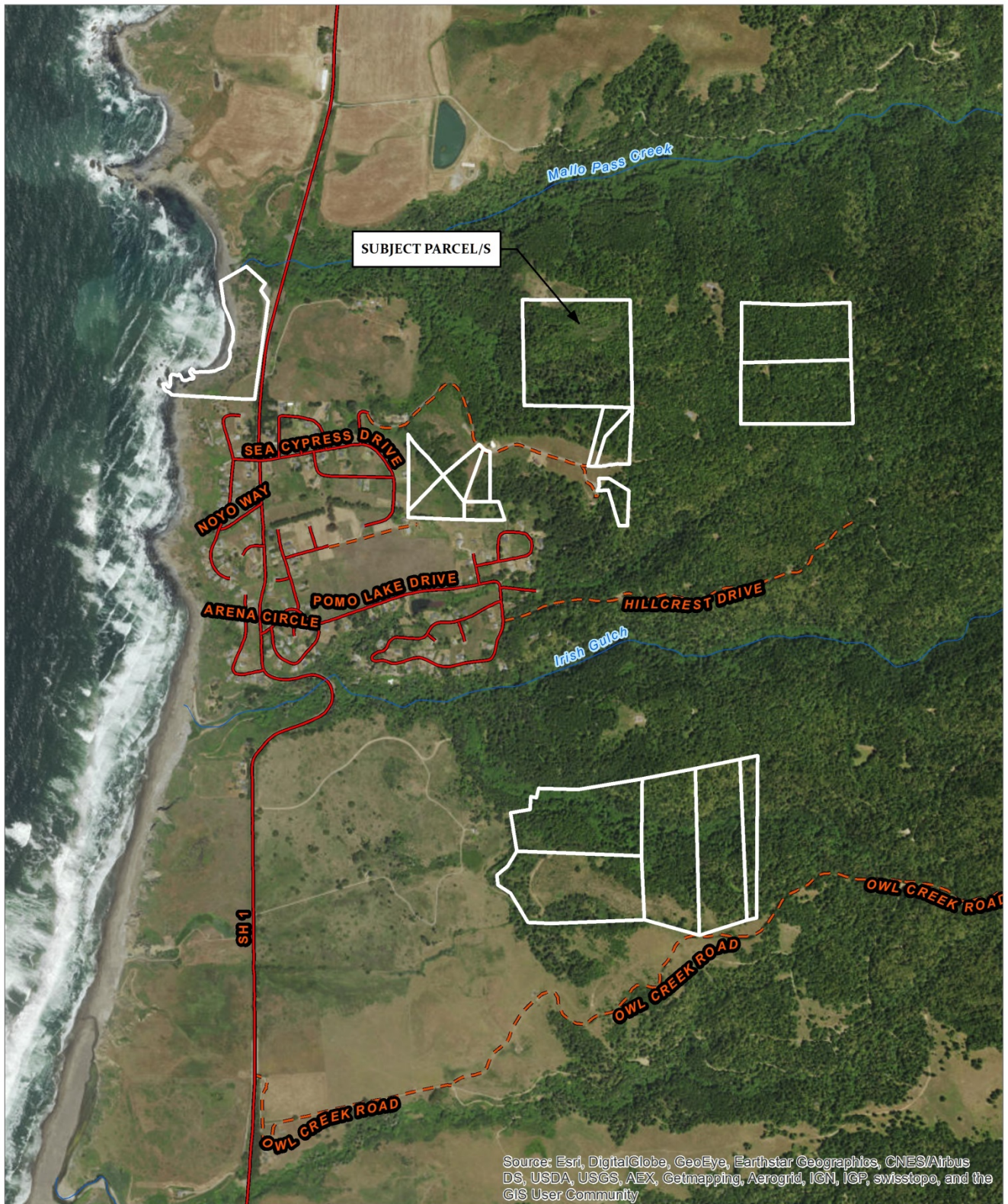
ZONING EXHIBIT



CASE: GP 2006 0008 / R 2006 0012
 OWNER: MOORES; William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 AGENT:
 ADDRESS: 14400 S. Hwy. 1, MA

Map produced by the Mendocino County Planning & Building Services, February, 2007
 All spatial data is approximate. Map provided without warranty of any kind.





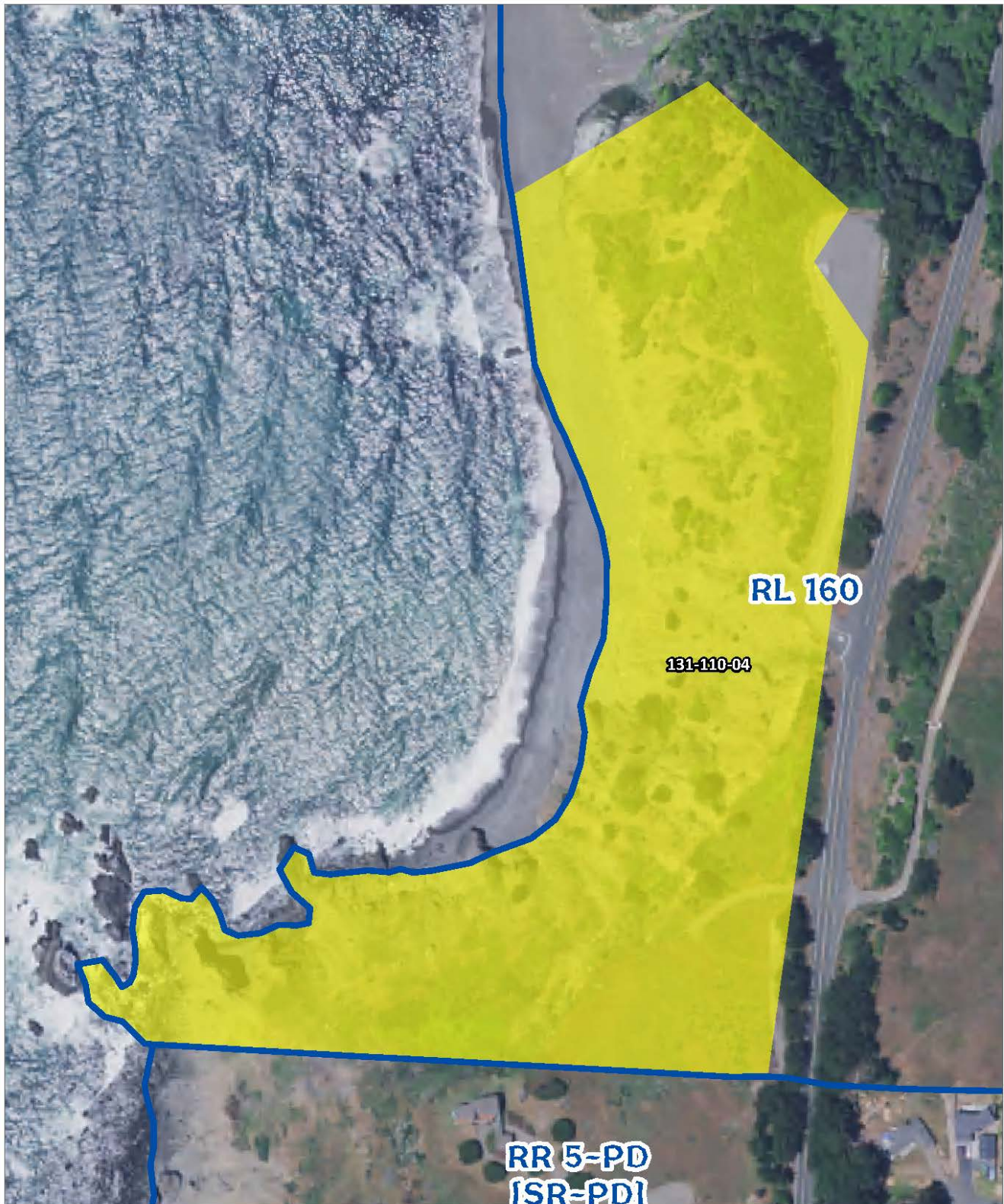
CASE: GP 2006-0008/R 2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

~ Named Rivers
 — Public Roads
 - - Private Roads

0 700 1,400 Feet
 0 0.125 0.25 Miles



ESRI IMAGERY



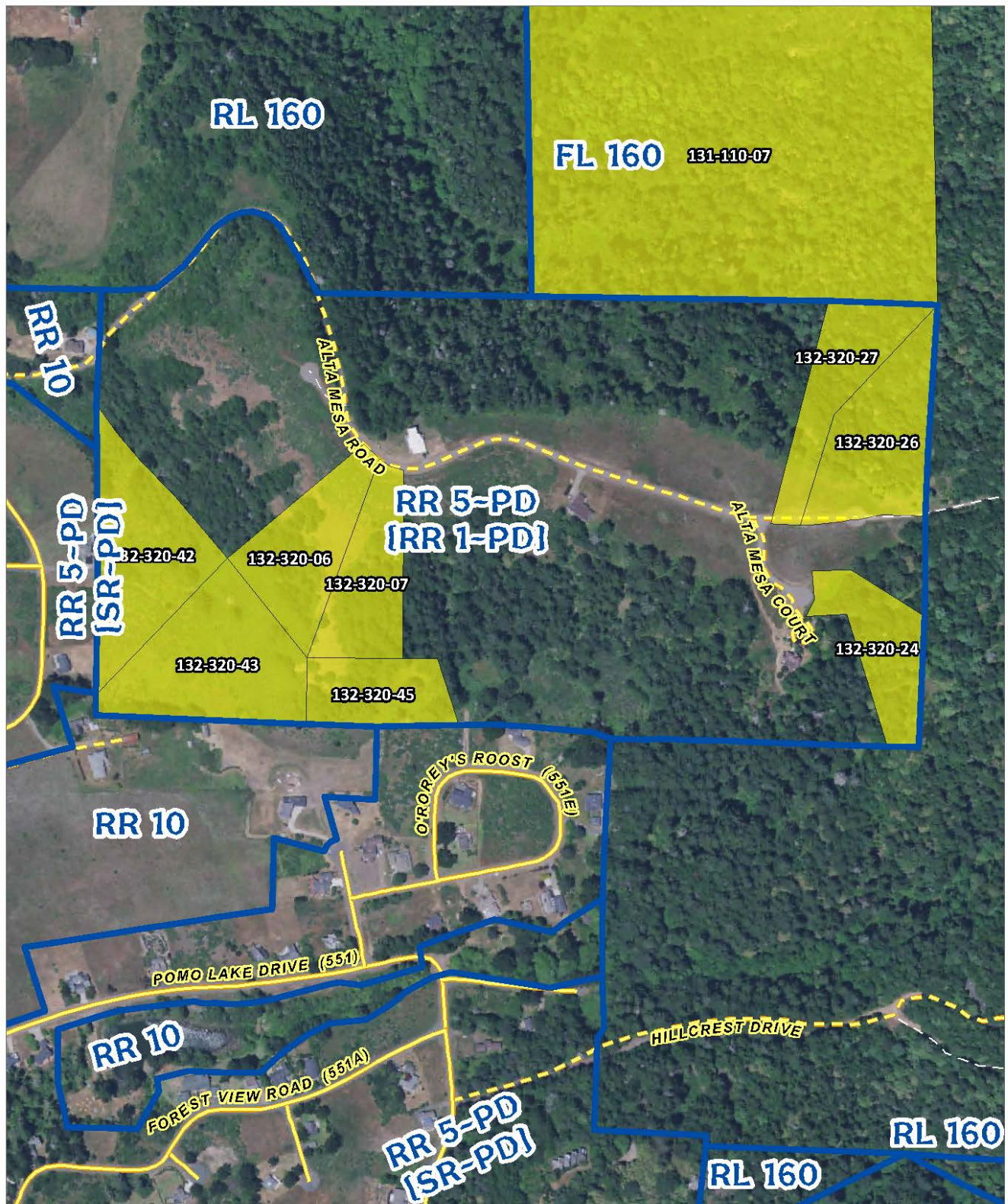
CASE: GP 2006-0008/R2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

0 100 200 Feet
 0 0.015 0.03 Miles



D1 - NORTHWEST AREA

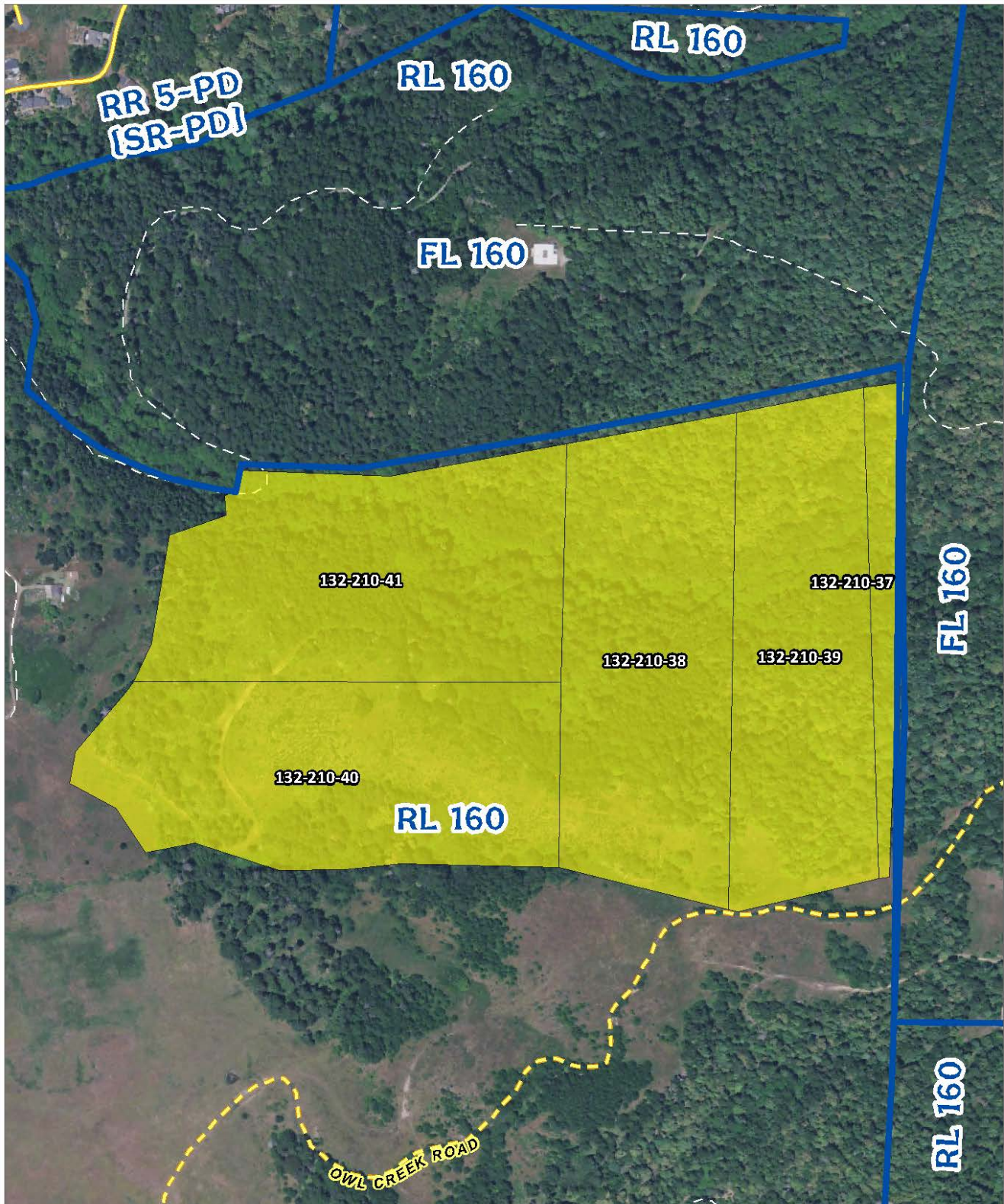
Map produced by the Mendocino County Planning & Building Services, March, 2017.
 All spatial data is approximate. Map provided without warranty of any kind.



CASE: GP 2006-0008/R2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

D2 - IRISH BEACH SUBDIVISION AREA

Map produced by the Mendocino County Planning & Building Services, March, 2017.
 All spatial data is approximate. Map provided without warranty of any kind.



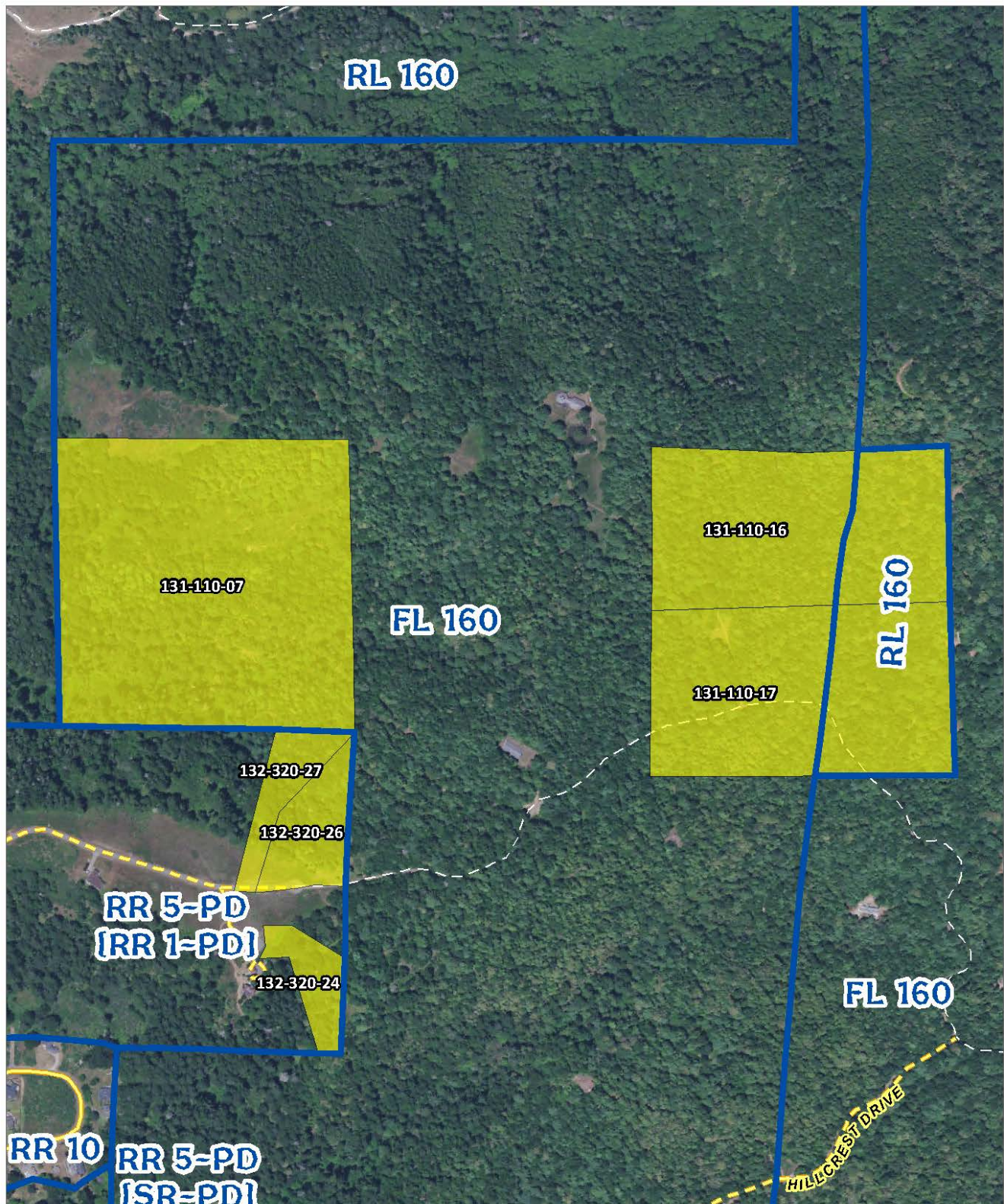
CASE: GP 2006-0008/R2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

0 250 500 Feet
 0 0.0425 0.085 Miles



D3 - SOUTHEAST AREA

Map produced by the Mendocino County Planning & Building Services, March, 2017.
 All spatial data is approximate. Map provided without warranty of any kind.



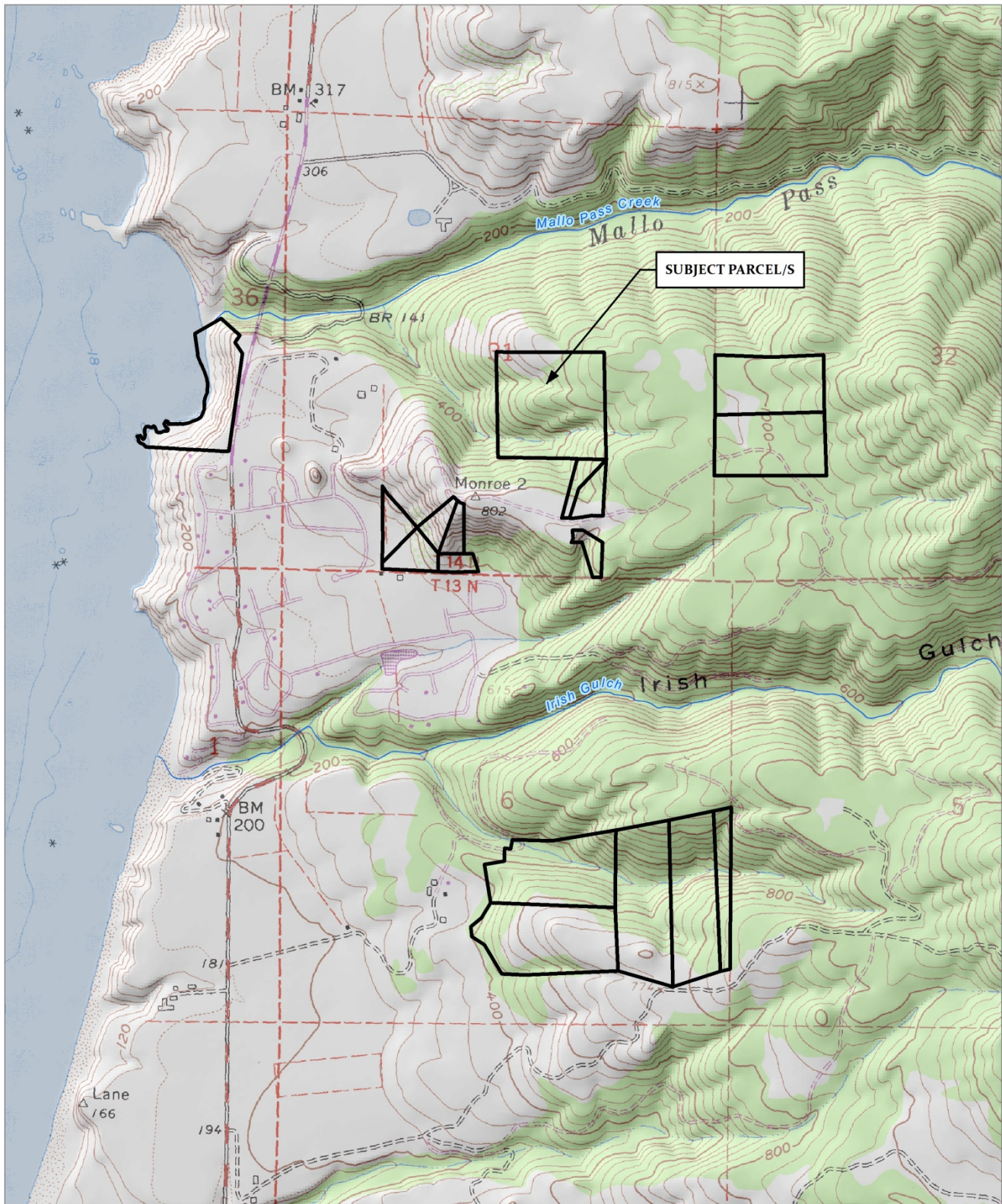
CASE: GP 2006-0008/R2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

0 275 550 Feet
 0 0.05 0.1 Miles



D4 - NORTHEAST AREA

Map produced by the Mendocino County Planning & Building Services, March, 2017.
 All spatial data is approximate. Map provided without warranty of any kind.



CASE: GP 2006-0008/R 2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

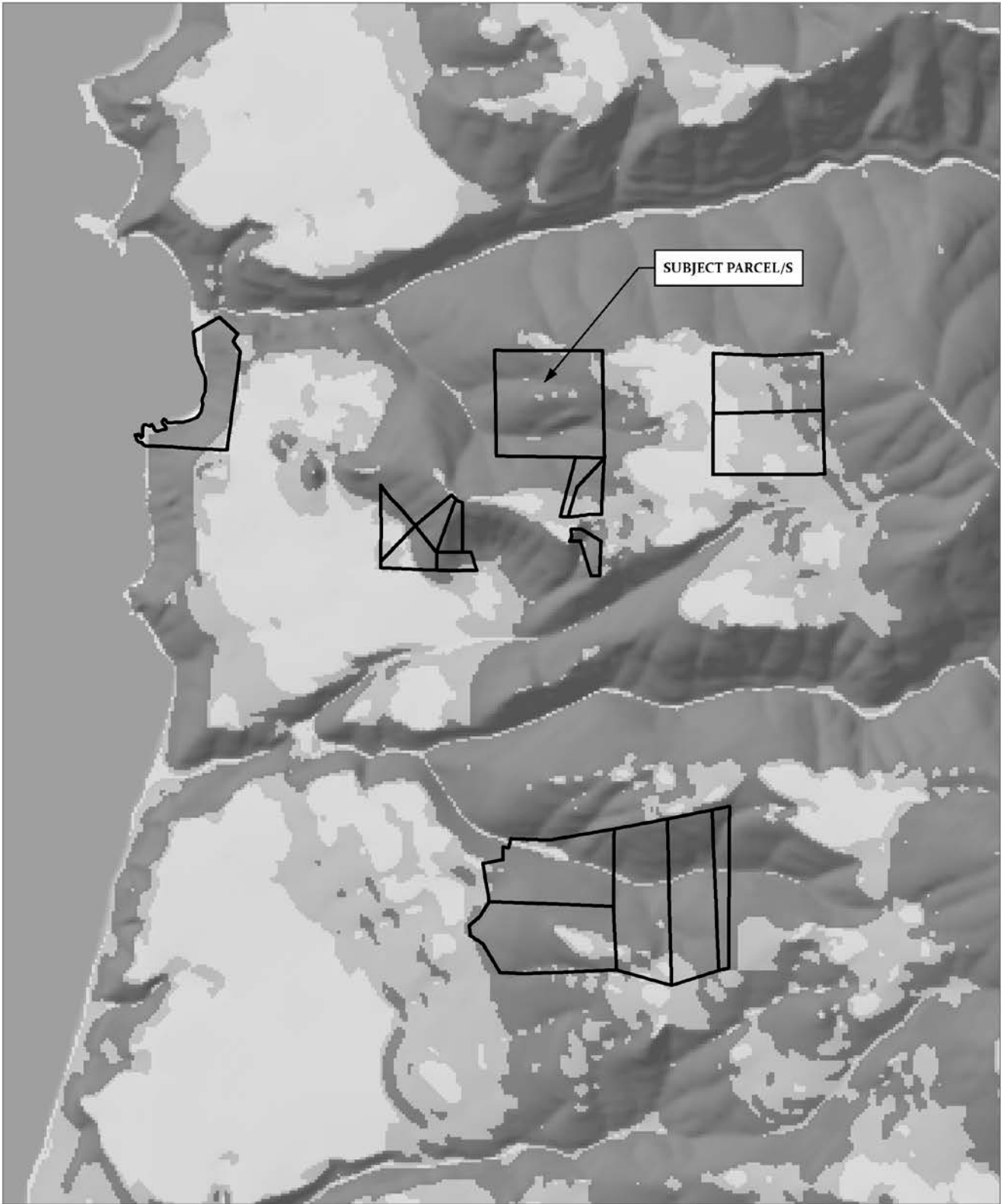
Named Rivers

0 700 1,400 Feet
 0 0.125 0.25 Miles

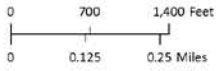
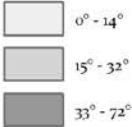


TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

Map produced by the Mendocino County Planning & Building Services, February, 2016
 All spatial data is approximate. Map provided without warranty of any kind.

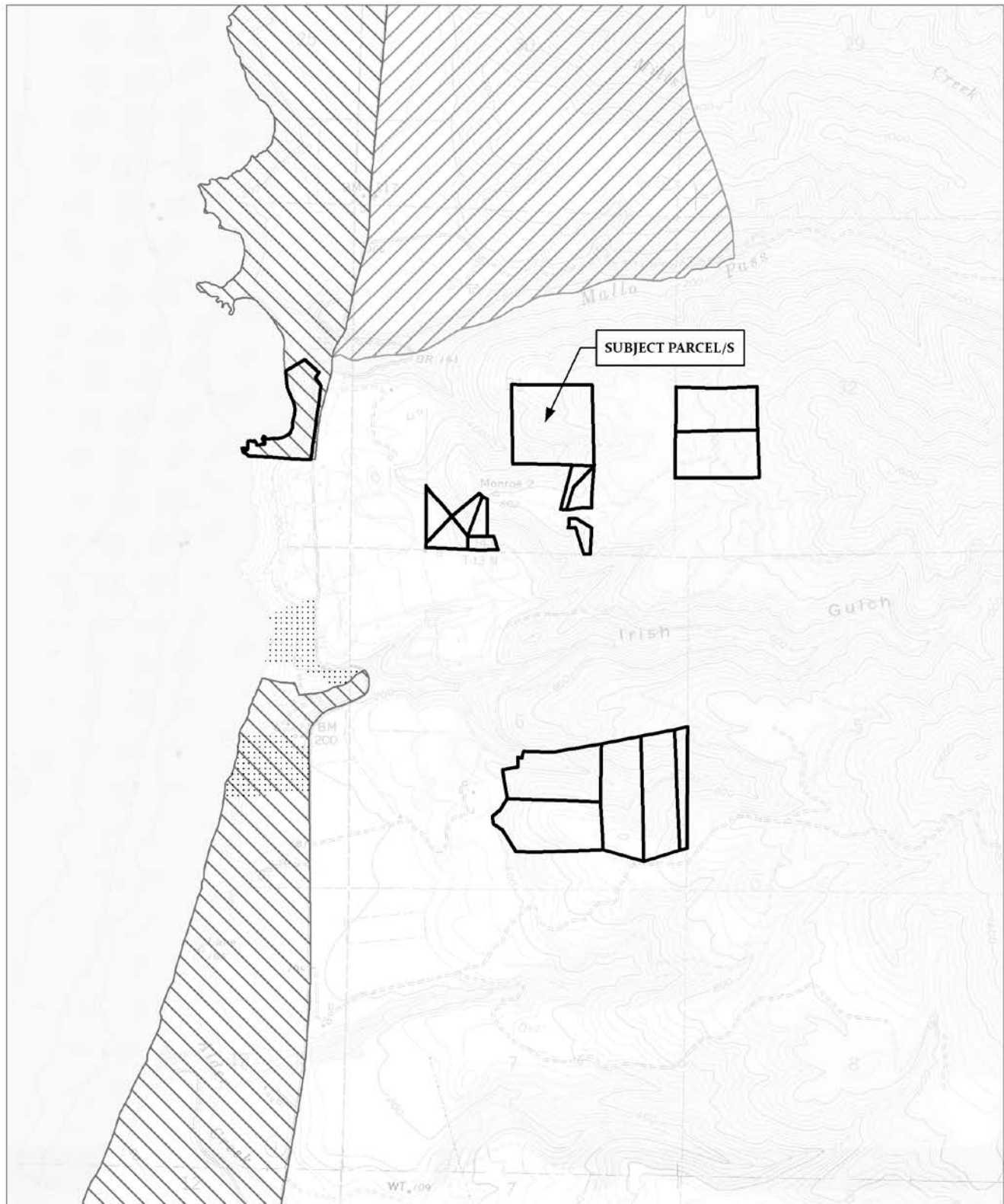


CASE: GP 2006-0008/R 2006-0012
OWNER: MOORES, William & Tona
APN: 131-110-04, et. al.
APLCT: William Moores
ADDRESS: 14400 S. Hwy. 1, MA






ESTIMATED SLOPE

Map produced by the Mendocino County Planning & Building Services, February, 2016
All spatial data is approximate. Map provided without warranty of any kind.



CASE: GP 2006-0008/R 2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

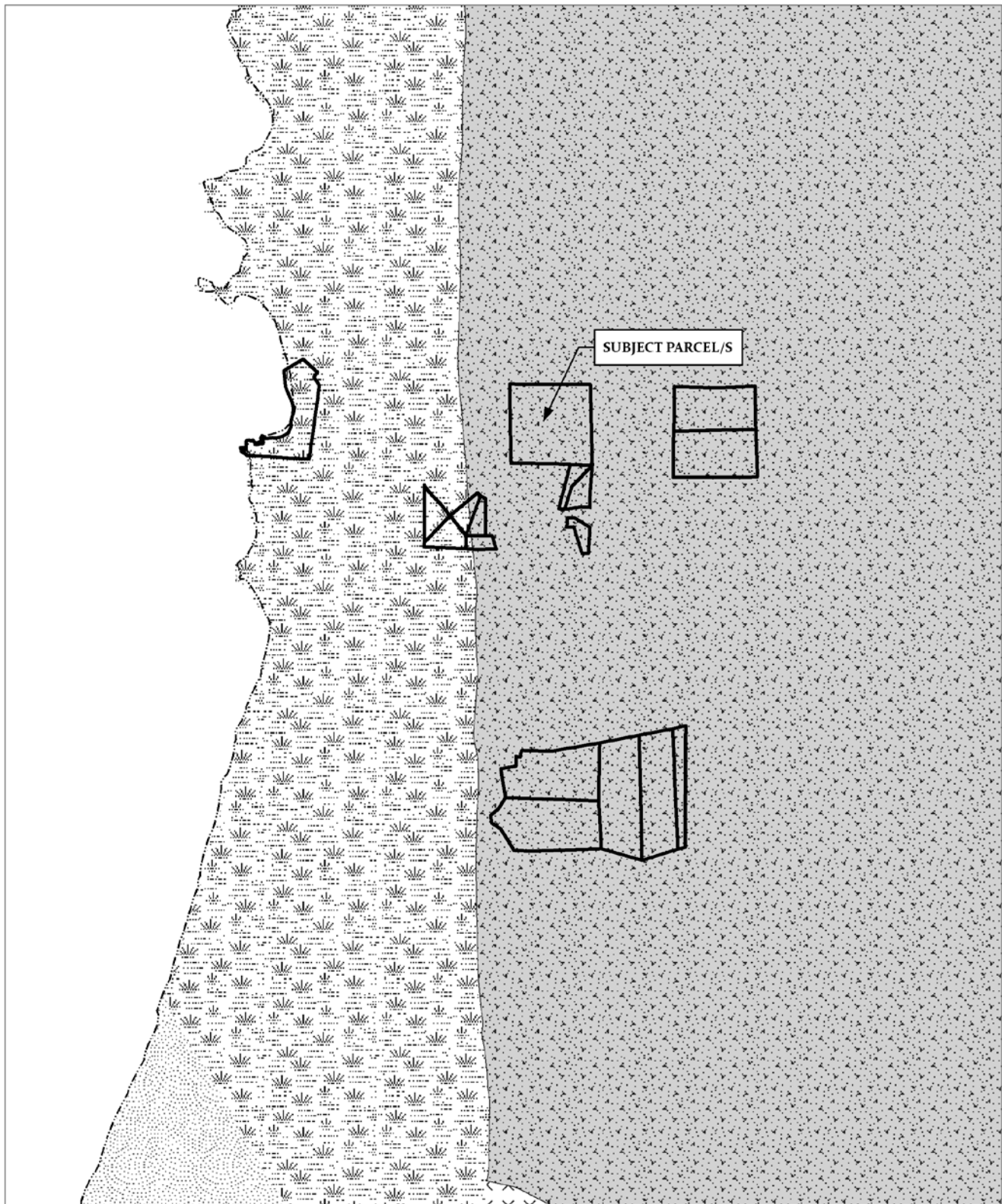
-  Tree Removal Area
-  Highly Scenic Area
-  Highly Scenic Area (Conditional)

0 950 1,900 Feet
 0 0.175 0.35 Miles



HIGHLY SCENIC & TREE REMOVAL AREAS

Map produced by the Mendocino County Planning & Building Services, February, 2016
 All spatial data is approximate. Map provided without warranty of any kind.



CASE: GP 2006-0008/R 2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

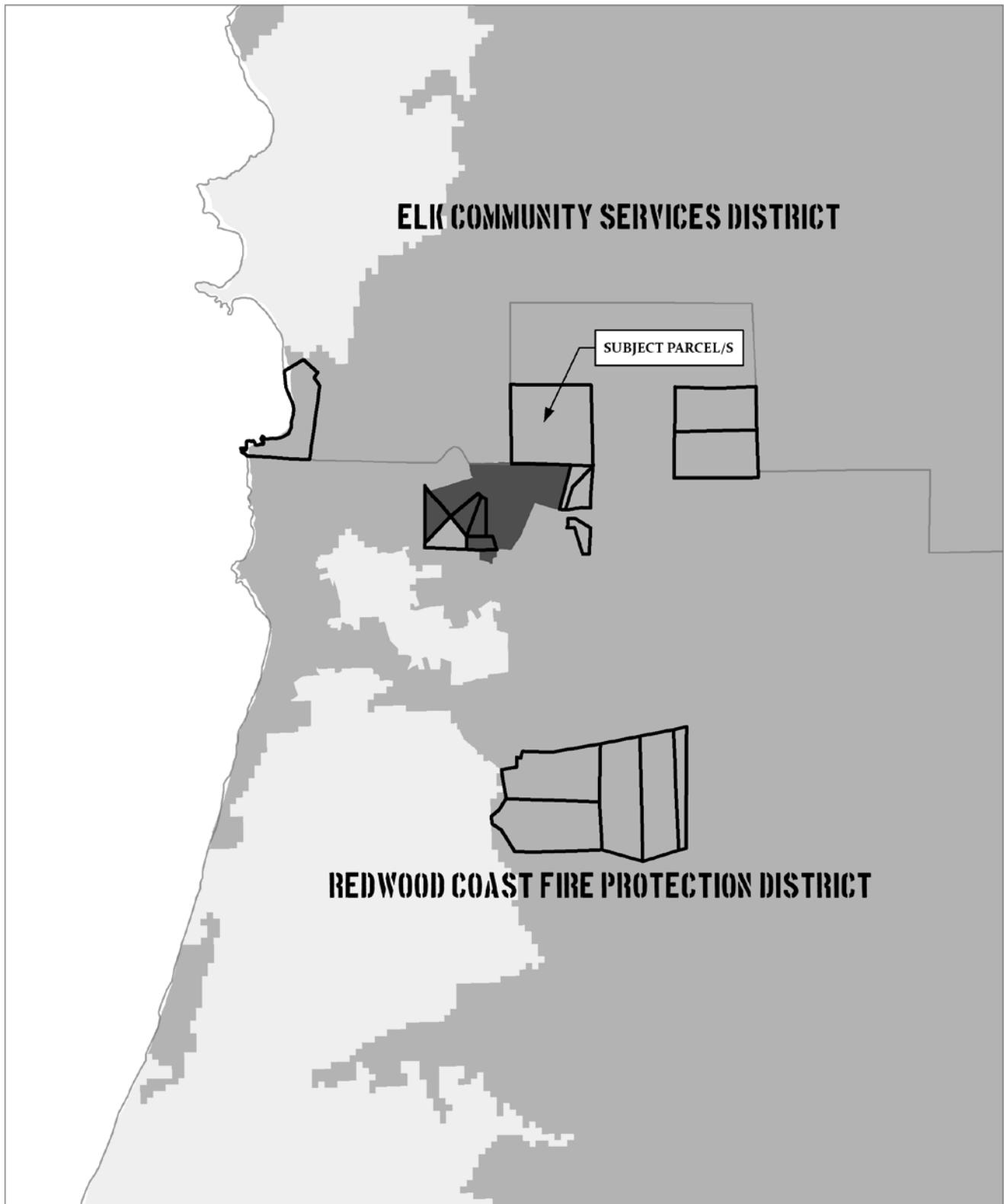
- ✕ ✕ Critical Water Areas
- ⋯ Sufficient Water Resources
- ⋯ Marginal Water Resources

Critical Water Resources Bedrock

0 950 1,900 Feet
 0 0.175 0.35 Miles



GROUND WATER RESOURCES



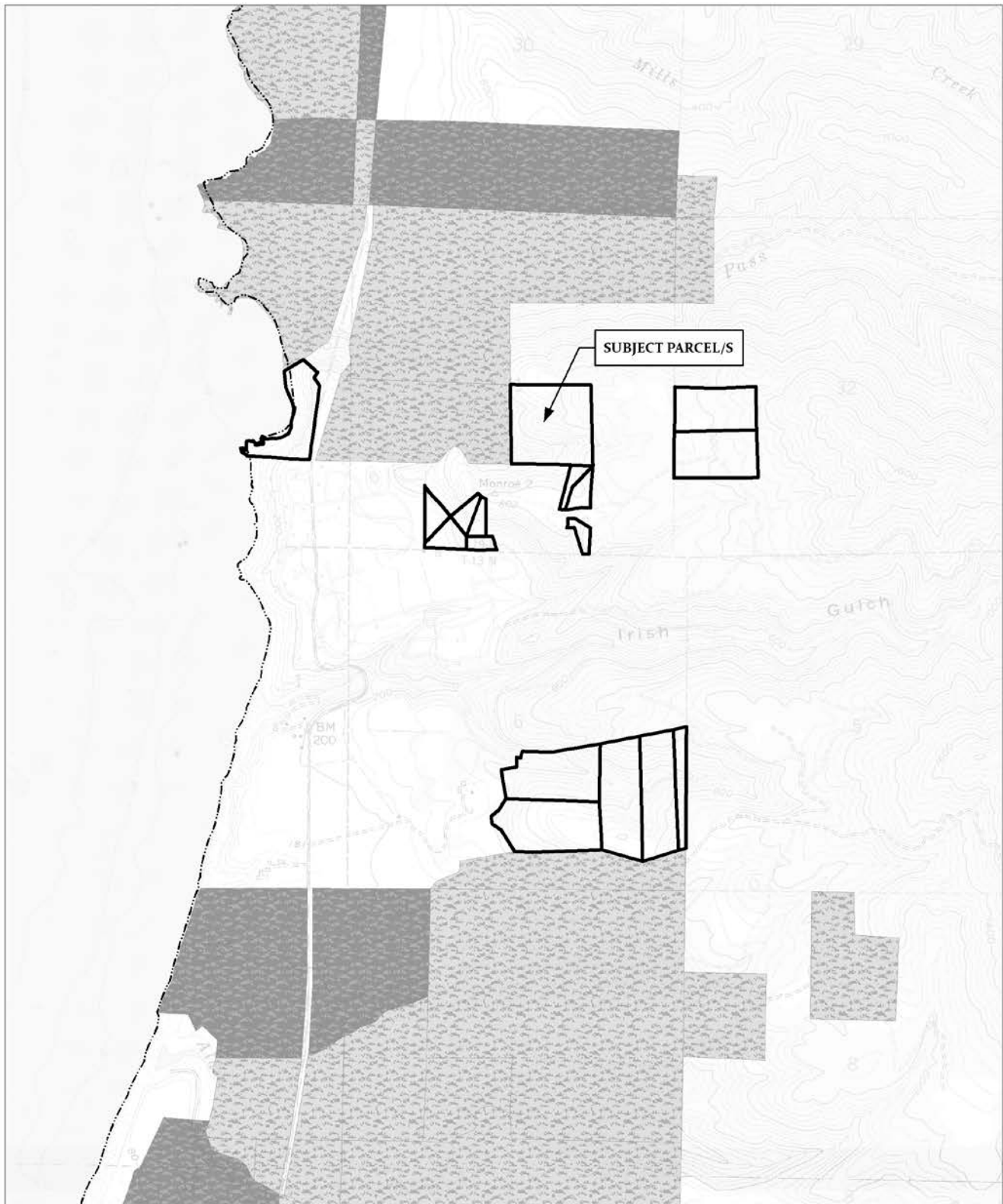
CASE: GP 2006-0008/R 2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

County Fire Districts
 Very High Fire Hazard
 High Fire Hazard
 Moderate Fire Hazard

0 950 1,900 Feet
 0 0.175 0.35 Miles



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA



CASE: GP 2006-0008/R 2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

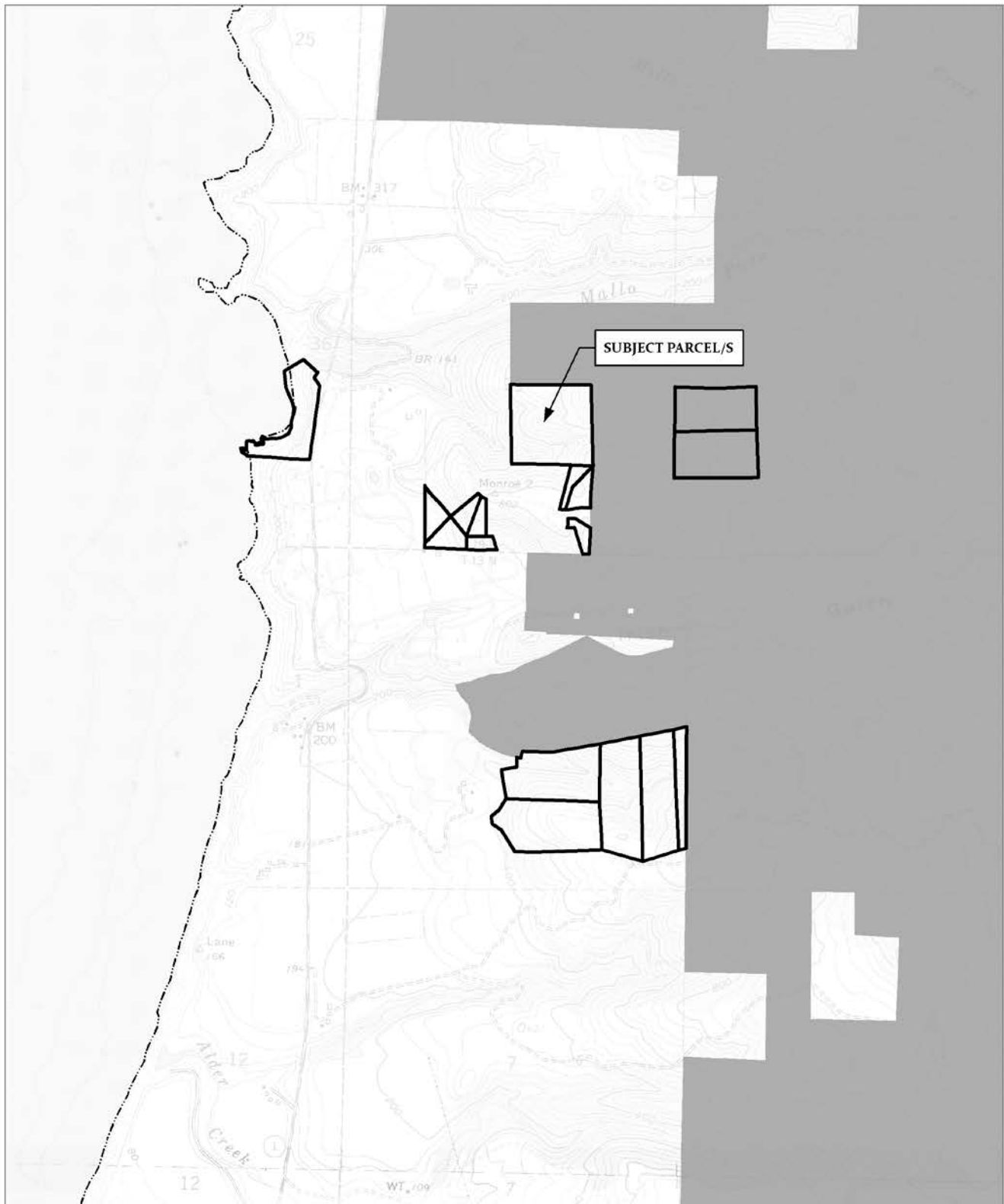
 Williamson Act 2015
 Prime Ag 2015
 Non-Prime Ag 2015

0 950 1,900 Feet
 0 0.175 0.35 Miles



LANDS IN WILLIAMSON ACT CONTRACTS

Map produced by the Mendocino County Planning & Building Services, February, 2016
 All spatial data is approximate. Map provided without warranty of any kind.

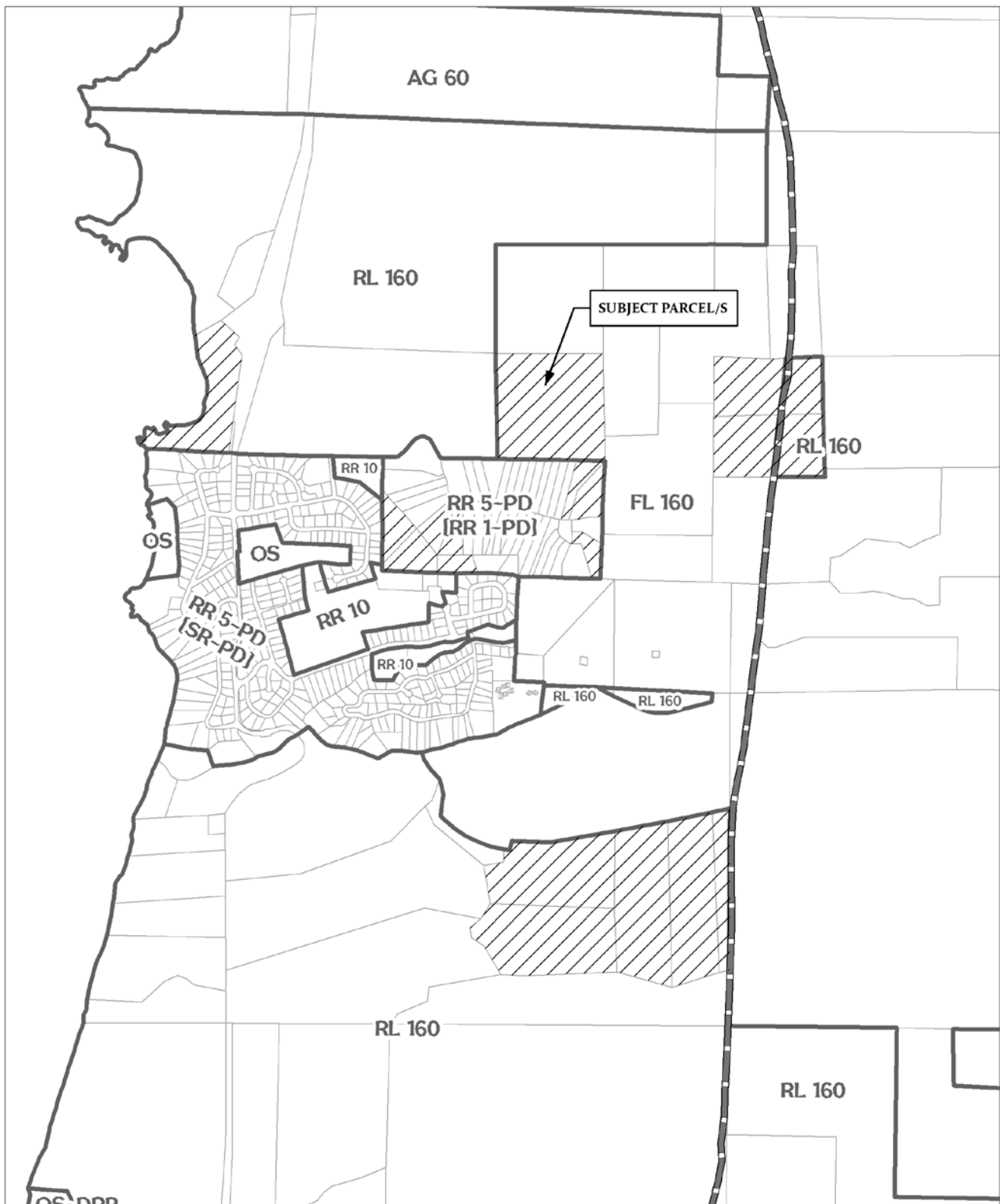


CASE: GP 2006-0008/R 2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

TPZ 2015



TIMBER PRODUCTION ZONES



CASE: GP 2006-0008/R 2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

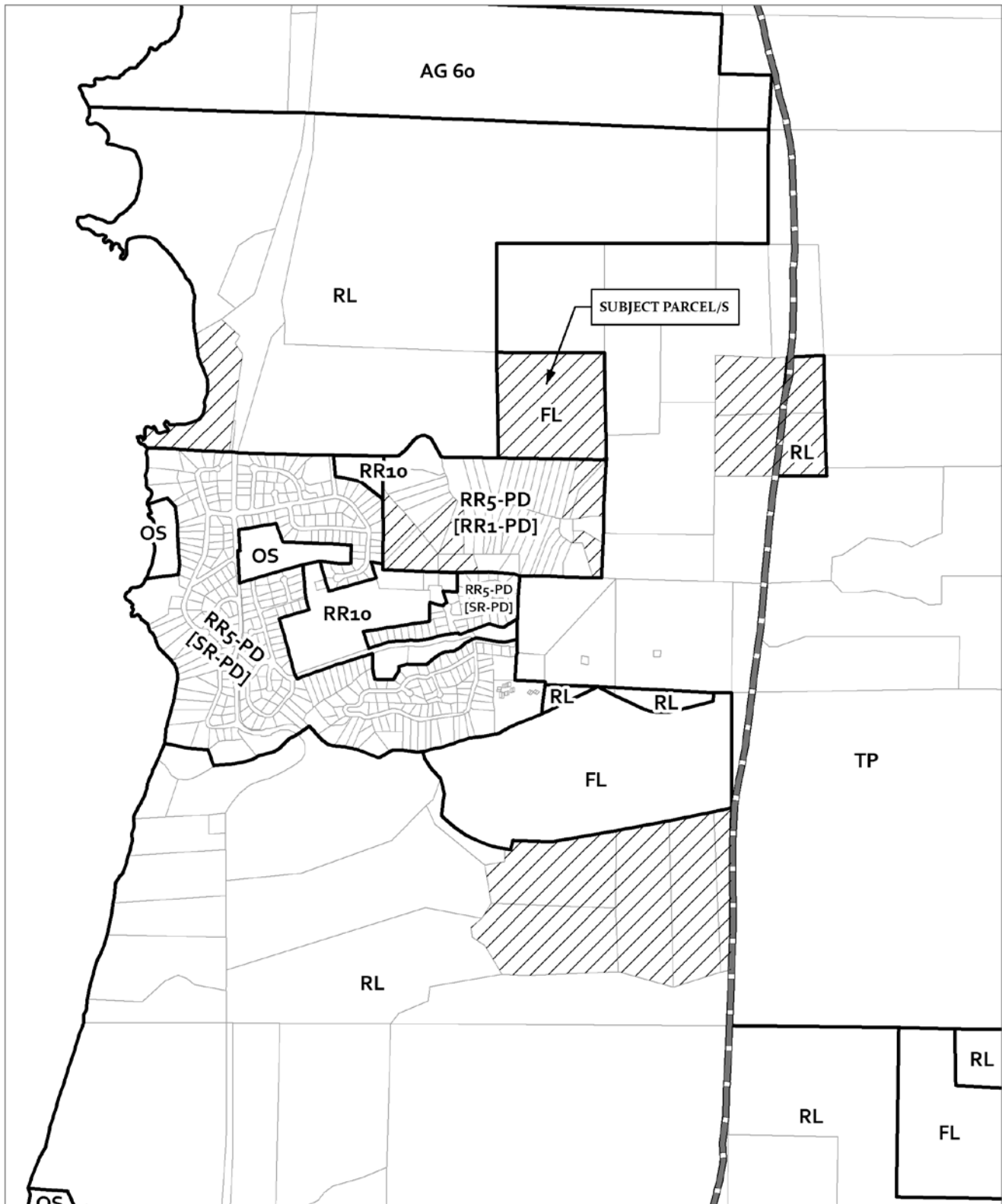
Coastal Zone Boundary

0 700 1,400 Feet
 0 0.125 0.25 Miles



GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, February, 2016
 All spatial data is approximate. Map provided without warranty of any kind.



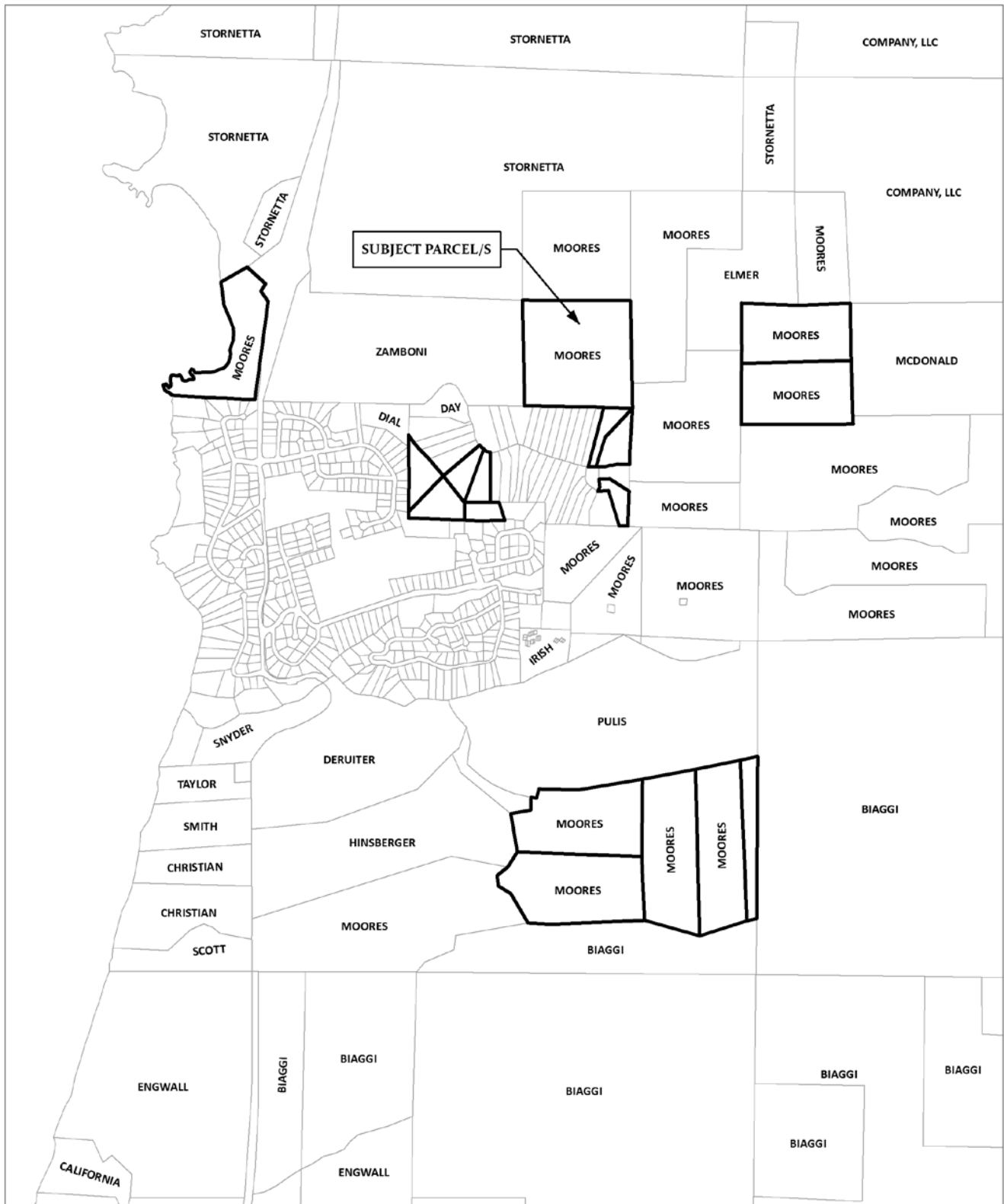
CASE: GP 2006-0008/R 2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA

Coastal Zone Boundary
 Zoning Master

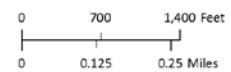
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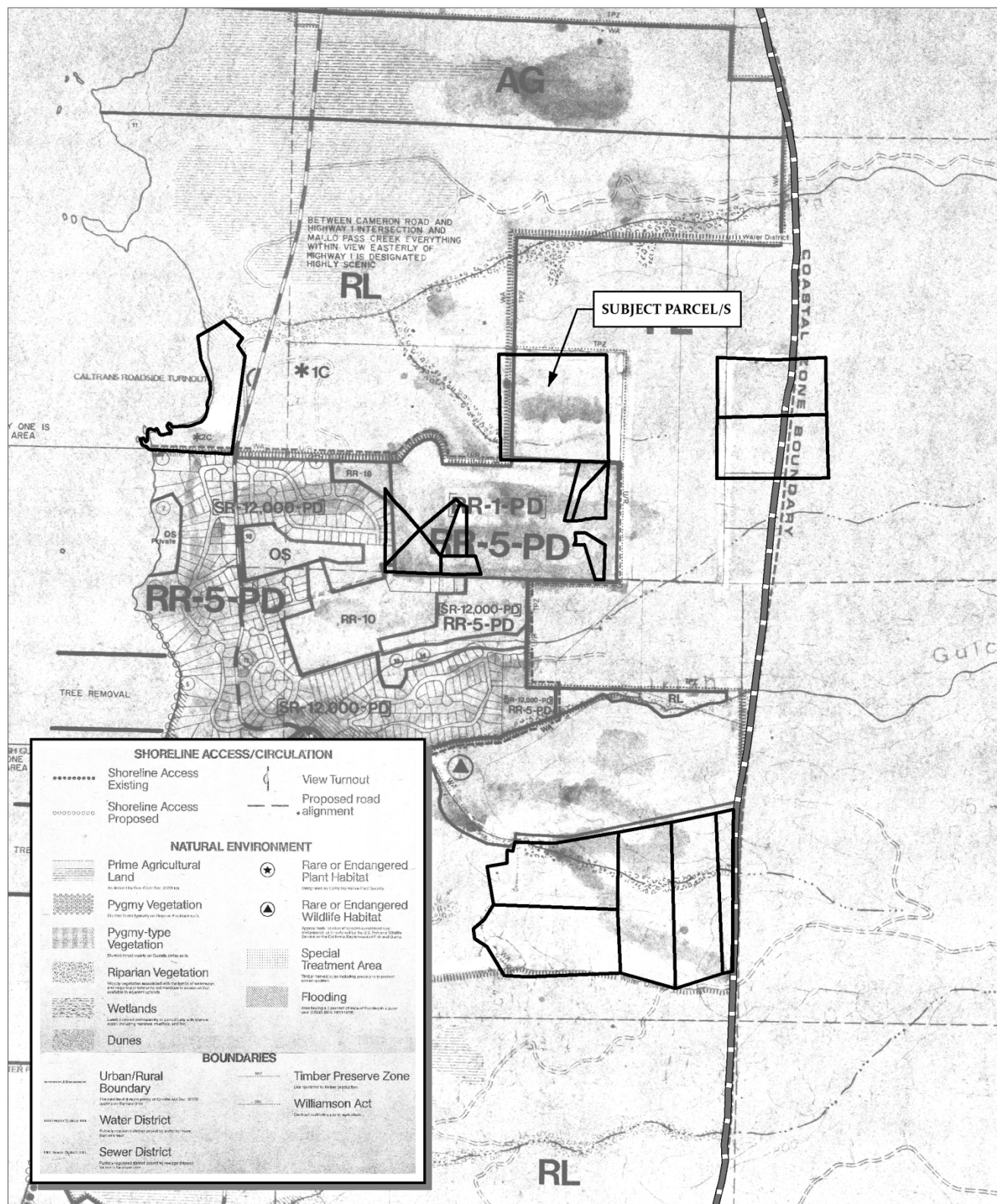
ZONING DISPLAY MAP



CASE: GP 2006-0008/R 2006-0012
 OWNER: MOORES, William & Tona
 APN: 131-110-04, et. al.
 APLCT: William Moores
 ADDRESS: 14400 S. Hwy. 1, MA




ADJACENT PARCELS



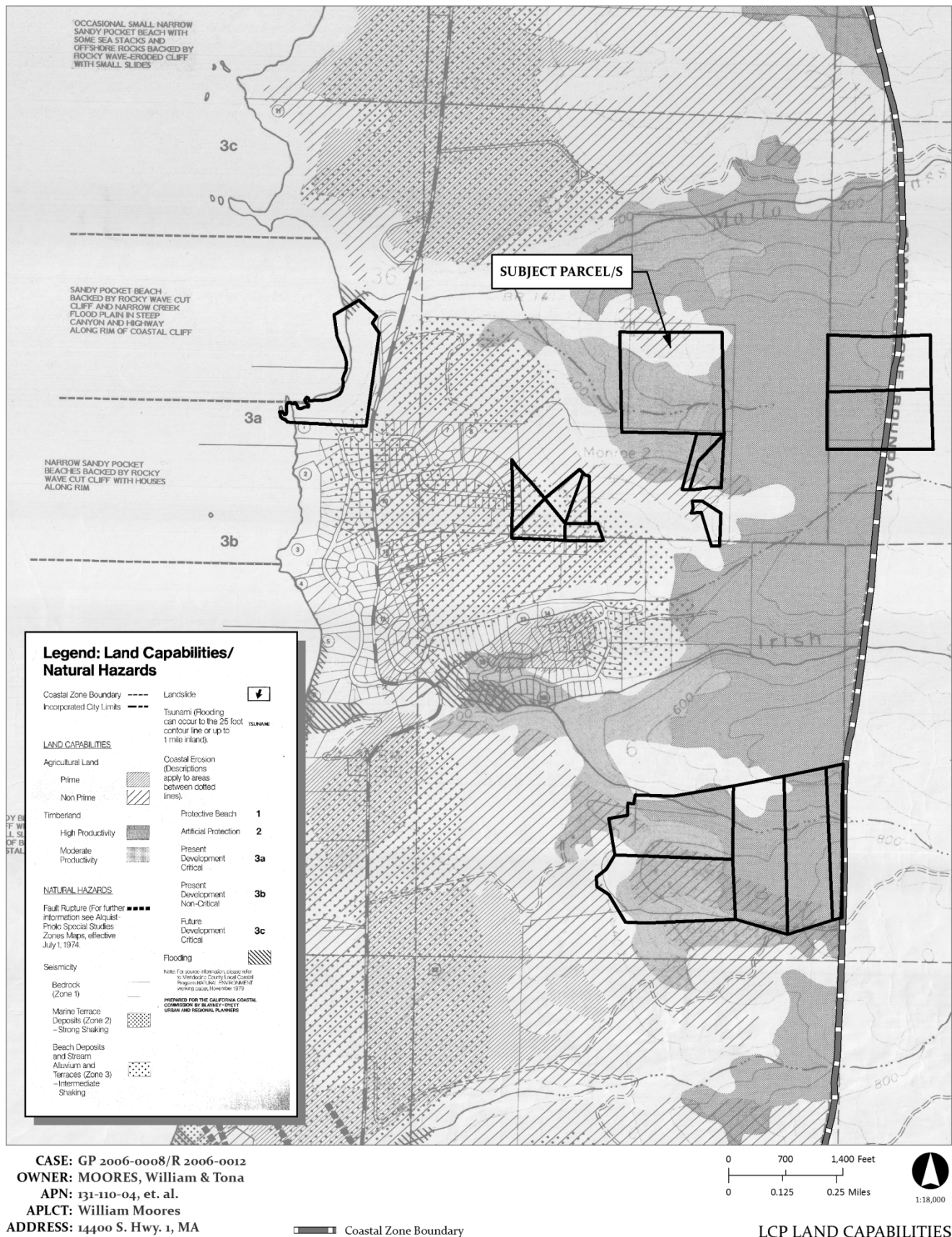
CASE: GP 2006-0008/R 2006-0012
OWNER: MOORES, William & Tona
APN: 131-110-04, et. al.
APLCT: William Moores
ADDRESS: 14400 S. Hwy. 1, MA

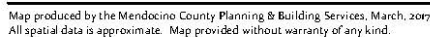
 Coastal Zone Boundary

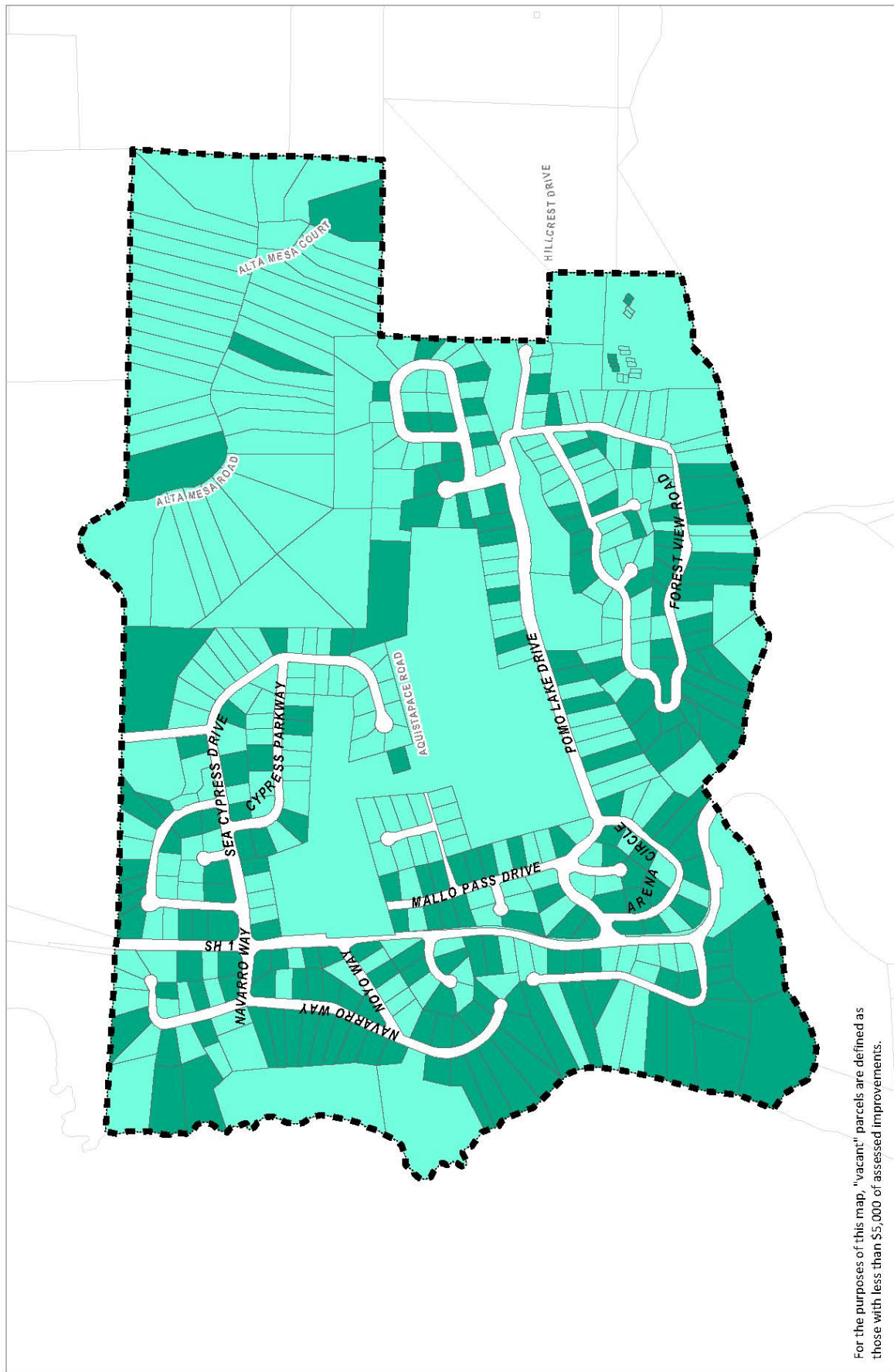
0 700 1,400 Feet
0 0.125 0.25 Miles


1:18,000

LCP MAP 22: MALLO PASS CREEK







For the purposes of this map, "vacant" parcels are defined as those with less than \$5,000 of assessed improvements.

Map produced by the Mendocino County Planning & Building Svcs. Dept., March, 2007
 Coordinate System: NAD 83, Calif. State Plane Zone II
 Projection: Conformal Conic
 Data Source: Aerial Imagery, US Dept. of Agriculture/ArcGIS Online mosaic
 Topographic Data: USGS 7.5 minute quad series Mount Diablo Base & Meridian
 Parcel numbers are for tax purposes only and do not represent legal or salable parcels.
 All spatial data is approximate. This map is not a substitute for a proper land survey.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

- Irish Beach Boundary
- Irish Beach Parcels
- Improved Parcels [198]
- Vacant Parcels [275]

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

Resolution Number _____

County of Mendocino
Ukiah, California
APRIL 6, 2017

GP_2006-0008/R_2006-0012 WILLIAM & TONA MOORES

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, RECOMMENDING DENIAL OF GENERAL PLAN AMENDMENT GP_2006-0008 AND REZONING R_2006-0012.

WHEREAS, the applicant, William & Tona Moores, filed an application for multiple properties for a General Plan Amendment (GP_2006-0008) and Rezoning (R_2006-0012) with the Mendocino County Department of Planning and Building Services, within both the Coastal Zone and Inland Zone, between 3 and 4+/- miles north of Manchester, consisting of property on either side of Highway 1, within the general region of the Irish Beach Subdivision, Supervisorial District 5, (the "Project"); and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, April 6, 2017, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, pursuant to Public Resources Code section 21080(b)(5), the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; "CEQA") does not apply to projects which a public agency rejects or disapproves; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, based on the evidence in the record before it, that the Planning Commission makes the following findings:

1. The proposed Project is inconsistent with and not in conformance with the Mendocino County General Plan Coastal Element policies addressing conversion of Range Lands to non-agricultural uses. The applicant has not provided evidence consistent with the requirements of Policy 3.2-16 that shows that continued or renewed agricultural use of the parcels is not feasible, that conversion would preserve prime agricultural land, or that conversion would concentrate development consistent with Public Resources Code section 30250 (Mendocino County Coastal Element Policy 3.9-1).
2. The proposed Project is inconsistent with and not in conformance with the Mendocino County General Plan Coastal Element Policy 3.9-7 regarding density transfers between non-adjacent parcels. The applicant is proposing density transfers from within the Urban/Rural Boundary to areas that are currently outside the boundary and not adjacent.
3. The proposed Project is inconsistent with and not in conformance with the Mendocino County General Plan Coastal Element Policy 3.9-1 regarding the location of new development in or in close proximity to areas able to accommodate it. The request would not concentrate development but would instead disperse development to areas distant from the existing Urban/Rural Boundary while concurrently reducing development potential within the existing Urban/Rural Boundary. Further, the amount and rate of development within the Irish Beach Urban/Rural Boundary does not warrant expansion of the Boundary. Any expansion at this time

would be premature and would result in unnecessary conversion of agricultural lands to urban-type development.

4. The proposed Project is inconsistent with and not in conformance with the Mendocino County General Plan's (MCGP) first Overall Planning Principle (Principle 2-1a), which stresses the importance of conserving Mendocino County's natural resources, farmland, forestland, and open spaces essential to the rural quality of life desired by residents and visitors and finds that planned growth and compact development forms are necessary to conserving environmental resources, farmland and open spaces and directs new commercial and residential growth to cities and community areas where it can be supported by infrastructure and services and environmental impacts minimized. The request directs new commercial and residential growth to areas outside the existing Urban/Rural Boundary and conflicts with the MCGP's principle of using planned growth and compact development areas to conserve environmental resources, farmland and open spaces.

BE IT FURTHER RESOLVED that the Planning Commission hereby finds that a denial of the Project, as recommended, is exempt from CEQA pursuant to Public Resources Code section 21080(b)(5).

BE IT FURTHER RESOLVED that, based on the findings of this resolution and the evidence in the record, the Planning Commission recommends to the Board of Supervisors denial of the Project, General Plan Amendment GP_2006-0008 and Rezoning R_2006-0012.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

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

ATTEST: VICTORIA DAVIS
Secretary to the Planning Commission

By: _____

BY: NASH GONZALEZ
Interim Director

MADELIN HOLTKAMP, CHAIR
Mendocino County Planning Commission
