

Resolution Number PC 2018-0039

County of Mendocino
Ukiah, California

NOVEMBER 27, 2018

GP_2006-0008/R_2006-0012 WILLIAM & TONA MOORES

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, RECOMMENDING DENIAL TO THE BOARD OF SUPERVISORS OF GENERAL PLAN AMENDMENT GP_2006-0008 AND REZONING R_2006-0012 FOR APNS 131-110-04 AND 36, 132-210-37, 38, 39, 40, AND 41, AND 132-320-06, 07, 24, 26, 27, 42, 43, AND 45 AND RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL FOR REZONING R_2006-0012 FOR APNS 131-110-07, 16, 17 AND PORTIONS OF APNS 132-210-37, 38, 39, 40, AND 41 .

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 ("Department"), within both the Coastal Zone and Inland Zone, between 3 and 4± miles north of Manchester, consisting of properties on either side of Highway 1, within the general region of the Irish Beach Subdivision on APNs: 131-110-04, 07, 16, 17, and 36, 132-210-37, 38, 39, 40, and 41, and 132-320-06, 07, 24, 26, 27, 42, 43, & 45), 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 Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project and all interested persons were given an opportunity to hear and be heard regarding the Project, and at which time the Commission initially recommended denial of the Project to the Board of Supervisors; and

WHEREAS, the Applicant subsequently worked with staff of the Department to consider changes to certain aspects of the Project, which final changes are specified in the staff memorandum accompanying this resolution; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on the revised Project on November 27, 2018, 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 California Code of Regulations Section 15265(c), Adoption of Coastal Plans and Programs, the burden of CEQA compliance is shifted from the local agency to the California Coastal Commission. The California Coastal Commission's program of certifying local coastal programs and long range land use development plans has been certified under Section 21080.5, Public Resources Code, and pursuant to Section 15264 (Timberland Preserves) local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51000 et seq., and 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 in the Northwest Area and Southeast Area consisting of APNs 131-110-04 and 36, and 132-210-37, 38, 39, 40, and 41 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 in the Northwest Area, Irish Beach Subdivision Area and Southeast Area consisting of APNs 131-110-04 and 36, 132-320-06, 07, 24, 26, 27, 42, 43, and 45 and 132-210-37, 38, 39, 40, and 41 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.
3. The proposed Project in the Northwest Area, Irish Beach Subdivision Area and Southeast Area consisting of APNs 131-110-04 and 36, 132-320-06, 07, 24, 26, 27, 42, 43, and 45 and 132-210-37, 38, 39, 40, and 41 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.
4. The proposed portion of the project in the Northeast Area consisting of rezoning of APN 131-110-07 in the Coastal Zone from FL160 to TP 160 and the rezoning of a portion of APNs 131-110-16 and 131-110-17 in the Inland Zone from RL160 to TP 160 is consistent with the General Plan including the Coastal Element, the Inland Zoning Code (Title 20 – Division I) and Coastal Zoning Code (Title 20 – Division II) and Chapter 22.07 Timberland Production Zoning.
5. The proposed portion of the project in the Southeast Area consisting of rezoning of portions of APNs 132-210-37, 38, 39, 40 and 41 from RL160 to TP160 is consistent with the General Plan including the Coastal Element, Coastal Zoning Code (Title 20 – Division II) and Chapter 22.07 Timberland Production Zoning.

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 General Plan Amendment GP_2006-0008 and Rezoning R_2006-0012 request in the Northwest Area, Irish Beach Subdivision Area and Southeast Area consisting of APNs 131-110-04 and 36, 132-320-06, 07, 24, 26, 27, 42, 43, and 45 and 132-210-37, 38, 39, 40, and 41 (not including proposed rezones to TP160), and approval for Rezoning R_2006-0012 in the Northeast Area consisting of APNs 131-110-07, and portions

of APNs 131-110-16, and 17 and in the Southeast Area consisting of portions of APNs 132-210-37, 38, 39, 40 and 41 from RL160 to TP160.

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: ADRIENNE THOMPSON
Administrative Services Manager

By: _____

BY: BRENT SCHULTZ
Director

MADOLIN HOLTkamp, CHAIR
Mendocino County Planning Commission

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