

RESOLUTION NO. 19-144

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT APPLICATION TO THE CALIFORNIA COASTAL COMMISSION

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, and 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 Planning and Building Services staff to consider changes to certain aspects of the Project; 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, on November 27, 2018 the Planning Commission adopted Resolution No. PC 2018-0039, a copy of which was included with the agenda packet for this item, making its report and recommendation to the Board of Supervisors for 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, on December 18, 2018 the Board of Supervisors was scheduled to hold a duly noticed public hearing on the Project, but at which time the Board of Supervisors continued the project to a date uncertain as requested by the Applicant; and

WHEREAS, on March 19, 2019 the Board of Supervisors held a duly noticed public hearing on the Project, at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally and in writing regarding the Project; all interested persons were given the opportunity to hear and be heard; and

WHEREAS, the Department of Planning and Building Services prepared this resolution because the California Coastal Commission cannot accept the County's submitted Local Coastal Program Amendment (LCPA) without a resolution from the Board authorizing the submittal of the application.

NOW, THEREFORE, BE IT RESOLVED, based on the evidence in the record before it, that the Mendocino County Board of Supervisors makes the following determinations and findings:

1. The recitals set forth in the above resolution are true and correct and incorporated herein by this reference.
2. 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 application materials do not provide sufficient 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).
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 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 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.

5. 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.
6. 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 the Board of Supervisors, for Coastal Act purposes, denies 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 131-110-36, 132-320-06, 132-320-07, 132-320-24, 132-320-26, 132-320-27, 132-320-42, 132-320-43, 132-230-45, 132-210-37, 132-210-38, 132-210-39, 132-210-40, and 132-210-41 (not including proposed rezones to Timberland Production), and

BE IT FURTHER RESOLVED, that the Board of Supervisors, for Coastal Act purposes, approves Rezoning R_2006-0012 to Timberland Production (TP160) in the Northeast Area consisting of APN 131-110-07 and portions of APNs 131-110-16 and 131-110-17 and in the Southeast Area consisting of portions of APNs 132-210-37, 132-210-38, 132-210-39, 132-210-40, and 132-210-41, based upon the facts and findings contained in the staff report and attachments, which rezones will be separately adopted by Ordinance; and

BE IT FURTHER RESOLVED, that the Board of Supervisors directs Planning and Building Services staff to submit the LCPA consisting of amendments to the Coastal Zoning Map of the Mendocino County Coastal Zoning Code, Title 20, Division II, to the California Coastal Commission for certification of the County of Mendocino Local Coastal Program; and

BE IT FURTHER RESOLVED, that, pursuant to Public Resources Code Section 21080.9 and CEQA Guidelines Section 15265 environmental review of zoning changes for parcels subject to Title 20, Division II of the Mendocino County Code will be performed as part of the California Coastal Commission certification of the zoning changes for parcels subject to Title 20, Division II of the Mendocino County Code; and

BE IT FURTHER RESOLVED, the County of Mendocino intends that the amendment to the Local Coastal Program consisting of amendments to the Coastal Zoning Map of the Mendocino County Coastal Zoning Code, Title 20, Division II (which zoning exhibits are attached as Exhibits A and B), as adopted separately by Ordinance, will take effect automatically upon the Commission approval unless the Commission suggests modifications, in which case, the Board of Supervisors will take action to consider adoption of the suggested modifications; and

BE IT FURTHER RESOLVED, that the County agrees to issue coastal development permits subject to the amendments to the Coastal Zoning Map of the Mendocino County Coastal Zoning Code, Title 20, Division II in a manner fully in conformity with the California Coastal Act of 1976; and

BE IT FURTHER RESOLVED, The Board of Supervisors designates the Clerk of the Board of Supervisors as the custodian of the documents and other materials which constitutes the record of proceedings upon which the Board of Supervisors' decision herein is based. These documents may be found at the Office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Room 1010, Ukiah, CA 95482.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor McCowen, and carried this 19th day of March, 2019, by the following vote:

AYES: Supervisors Brown, McCowen, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

CARRE BROWN, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy