

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

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RECORD PACKET COPY

W21a

DATE: February 15, 2002

TO: Commissioners and Interested Parties

FROM: Steve Scholl, Deputy Director
Robert S. Merrill, District Manager

SUBJECT: **MENDOCINO COUNTY LCP AMENDMENT NO. MEN-MAJ-2-98 (GUALALA TOWN PLAN) CERTIFICATION REVIEW:**
Concurrence with the Executive Director's determination that the action of the County of Mendocino accepting the Commission's certification of LCP Amendment No. MEN-MAJ-2-98 (GUALALA TOWN PLAN) is legally adequate. For Commission review at the meeting of March 6, 2002 in Monterey).

A. BACKGROUND:

The Commission acted on Mendocino County LCP Amendment No. MEN-MAJ-2-98 (GUALALA TOWN PLAN) on September 16, 1999. The amendment would establish a Gualala Town Plan (GTP) consisting of: (1) proposed revisions to the text and land use maps of the Coastal Element of the County's General Plan (LUP) providing specific goals and policies guiding development in Gualala and the southernmost portion of the Mendocino County coastal zone; (2) an associated change to the zoning maps; and (3) an ordinance amendment providing revisions as necessary to maintain consistency with the proposed general plan and zone changes, incorporate four newly-created zoning districts, and provide for development of a limited number of second residential units in the GTP planning area.

The Commission rejected the amendment as submitted, but certified the proposed amendment to the LCP if modified with numerous suggested modifications. Some of the main suggested modifications included: (a) deletion of the proposed expansion of the urban boundary; (b) requiring that applications for new development in the three new Mixed Use districts be referred to the Gualala Municipal Advisory Council (GMAC) to allow GMAC the opportunity to comment on the conformance of the proposed

MENDOCINO COUNTY LCP AMENDMENT NO. MEN-MAJ-2-98 (GUALALA TOWN PLAN)

CERTIFICATION REVIEW

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development with the new design guidelines included in the GTP; (c) adding a new section on Visitor-Serving Facilities that requires the protection of visitor-serving and recreational facilities; (d) adding a new chapter in the Policy Section of the GTP for Water and Sewer Services with provisions requiring that adequate water and sewer services be available to serve new development; (e) adding a requirement that when the North Gualala Water Company reaches 80 percent of service capacity, the County shall not approve coastal development permits for developments that require water hookups unless certain actions have been taken to expand water service capacity consistent with the Endangered Species Act or other applicable laws; (f) adding language in the Zoning Code that specifies what the Principal Permitted Uses are in various zoning districts for purposes of appeals to the Coastal Commission; (g) adding a requirement in the Zoning Code that coastal permits for new bluff top development must be conditioned to prohibit the construction of seawalls; (h) adding provisions to the Runoff Standards section of the Coastal Zoning Ordinance requiring that best management practices be required for coastal development projects to control polluted runoff, and that commercial projects, residential subdivisions, and parking lot developments be required to capture and infiltrate or treat all runoff from the development from all but the largest storms; and (i) adding provisions to the Land Use Plan environmentally sensitive habitat area (ESHA) buffer policy requiring that the adjacent upland transitional habitat function of the buffer be considered in any determination to reduce the width of a required ESHA buffer below 100 feet.

B. EFFECTIVE CERTIFICATION:

On January 15, 2002, the Board of Supervisors held a public hearing and adopted Resolution No. 02-019 which acknowledges receipt of the Commission's resolution of certification, accepts and agrees to the Coastal Commission's modifications, and agrees to issue permits in conformance with the modified LCP. The Board also held a public hearing and adopted Ordinance No. 4083 amending Division II of Title 20 (Coastal Zoning Code) and Ordinance No. 4082 amending the applicable zoning map. Adoption of these ordinances formally approves the necessary changes to the County's Implementation Program (see Exhibit Nos. 2-4). Adopted Ordinance No. 4082 contains a provision stating that the ordinance shall become effective 30 days from the date of its adoption and certification by the Coastal Commission.

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that Mendocino County's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of the Mendocino County LCP Amendment No. MEN-MAJ-2-98 (GUALALA TOWN PLAN) shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V). Note that the Notice of Certification is generally filed within a 30-day period after

MENDOCINO COUNTY LCP AMENDMENT NO. MEN-MAJ-2-98 (GUALALA
TOWN PLAN)
CERTIFICATION REVIEW
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Commission concurrence with the Executive Director's determination which coincides with the 30-day period specified by the County in Ordinance No. 4082 as the effective date of the ordinance.

C. STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the determination of the Executive Director that the action of the County of Mendocino accepting the Commission's certification of Mendocino County LCP Amendment No. MEN-MAJ-2-98 (GUALALA TOWN PLAN) is legally adequate, as noted in the attached letter, Exhibit No. 1 (to be sent after Commission concurrence).

March 7, 2002

Ray Hall, Planning Director
Mendocino County Department of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

**SUBJECT: Effective Certification of Mendocino County's Local Coastal Program
Amendment No. MEN-MAJ-2-98 (GUALALA TOWN PLAN)**

Dear Mr. Hall:

The Executive Director of the Coastal Commission has reviewed Board of Supervisors Resolution No. 02-019 and Ordinance Nos. 4083 and 4082 for effective certification of Mendocino County LCP Amendment No. MEN-MAJ-2-98 (GUALALA TOWN PLAN). The County's resolution and ordinances indicate that the County acknowledges receipt of an accepts the Commission's resolution for certification with suggested modifications and that the County agrees to issue permits in conformance with the modified Local Coastal Program.

The Executive Director has found that the County's resolution and ordinances fulfill the requirements of Section 13544.5(a) of the California Code of Regulations. In accordance with Sections 13544(b) and 13544.5(b) of the regulations, the Director has determined that the County's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of March 6, 2002 in Monterey. Commission approval and the amendment process are not complete. If you have any questions, please contact either me or Bob Merrill in our Eureka office.

Sincerely,

STEVEN F. SCHOLL
Deputy Director

EXHIBIT NO. 1
APPLICATION NO. MEN-MAJ-2-98
GUALALA TOWN PLAN
LETTER TO COUNTY

RESOLUTION NO. 02-019

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
MENDOCINO TO AMEND THE LOCAL COASTAL PROGRAM OF
THE MENDOCINO COUNTY GENERAL PLAN

WHEREAS, the County of Mendocino has adopted the Coastal Element of its General Plan; and

WHEREAS, the Coastal Element has been certified by the California Coastal Commission; and

WHEREAS, the County established the Gualala Municipal Advisory Council that developed and recommended adoption of the Gualala Town Plan, including Coastal Element Amendments, Zoning Code revisions and changes to Land Use and Zoning maps, as part of the County's Coastal Element; and

WHEREAS, the County Planning Commission has held a public hearing on the proposed amendment and submitted its recommendation to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has held a public hearing on the amendment and has determined that the County's Local Coastal Program should be amended to include the Gualala Town Plan, Coastal Element Amendments, Land Use and Zoning Map Amendments and Zoning Code Amendments; and

WHEREAS, on September 16, 1999, the California Coastal Commission approved certification of Local Coastal Program Amendment 2-98 if modified as suggested with suggested modifications to the Land Use Plan portion of the amendment and to the Implementation Plan portion of the amendment and later transmitted the resolutions of certification and the suggested modifications that were received by Planning and Building Services staff.

NOW THEREFORE, BE IT RESOLVED that it is the intent of the Board of Supervisors of the County of Mendocino that the Gualala Town Plan be adopted amending the Local Coastal Program of the Mendocino County General Plan as proposed by the Gualala Municipal Advisory Council, and as further revised by the Planning Commission and Board of Supervisors at its public hearings, including suggested modifications certified by the California Coastal Commission and accepted by the Board of Supervisors; and

BE IT FURTHER RESOLVED, that the Board of Supervisors accepts and agrees to the suggested modifications adopted by the California Coastal Commission; and

BE IT FURTHER RESOLVED, that the Board of Supervisors has adopted the necessary ordinances to implement Local Coastal Program Amendment 2-98 including Ordinance No. 4083 amending Division II of Title 20 (Coastal Zoning Code) and Ordinance No. 4082 amending the applicable zoning map as shown in the exhibit attached to said ordinance; and

EXHIBIT NO.	2
APPLICATION NO.	MEN-MAJ-2-98
GUALALA TOWN PLAN	
COUNTY RESOLUTION	(1 of 2)

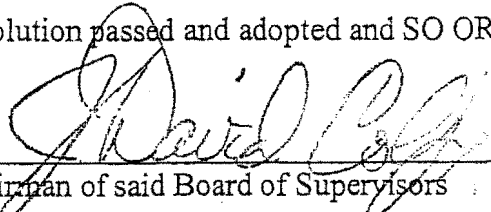
BE IT FURTHER RESOLVED, that the Planning and Building Services staff is directed to forward the amendment included herein to the California Coastal Commission for effective certification, and

BE IT FURTHER RESOLVED, that the Local Coastal Program, as proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

The above resolution was introduced by Supervisor Campbell, seconded by Supervisor Lucier, and PASSED AND ADOPTED this 15th day of January, 2002, by the following vote of the Board of Supervisors of the County of Mendocino, State of California:

AYES: Supervisors Shoemaker, Lucier, Colfax and Campbell
NOES: Supervisor Delbar
ABSENT: None

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



Chairman of said Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of said Board

By Kristi Furman

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

KRISTI FURMAN
Clerk of the Board
By: Janette Kan
DEPUTY

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST:
KRISTI FURMAN Clerk of the Board of Supervisors of the County of Mendocino, State of California

By: Janette Kan
Deputy

2022

ORDINANCE NO. 4083

AN ORDINANCE AMENDING DIVISION II OF TITLE 20 OF THE MENDOCINO COUNTY CODE - MENDOCINO COUNTY COASTAL ZONING CODE

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

Section 20.352.005 of Chapter 20.352 (Establishment of Coastal Districts) of Division II of Title 20 of the Mendocino County Code is amended to read as follows:

Sec. 20.352.005 Zoning Districts Established

The several classes of zoning districts into which the County's Coastal Zone may be divided are as follows:

- AG Agricultural District
- FL Forest Lands District
- TP Timberland Production District
- RL Range Lands District
- OS Open Space District
- RR Rural Residential District
- RMR Remote Residential District
- SR Suburban Residential District
- RV Rural Village District
- FV Fishing Village District
- C Commercial District
- I Industrial District
- PF Public & Semipublic Facilities District
- GVMU Gualala Village Mixed Use
- GHMU Gualala Highway Mixed Use
- GPD Gualala Planned Development
- GI Gualala Industrial

EXHIBIT NO.	3
APPLICATION NO.	MEN-MAJ-2-98
GUALALA TOWN PLAN	
ORDINANCE NO. 4083	
(EXCERPT ONLY)	
(1 of 2)	

Chapter 20.405 (Gualala Village Mixed Use District "GVMU") is added to Division II of Title 20 of the Mendocino County Code to read as follows:

**CHAPTER 20.405
GUALALA VILLAGE MIXED USE DISTRICT "GVMU"**

Sec. 20.405.005 Intent of the GVMU District

The intent of this district is to provide for commercial and residential development which is compatible with existing commercial uses; to create a

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

David Coyle
Chairman of said Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of said Board

By *Kristi Furman*

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

APPROVED AS TO FORM:

H. PETER KLEIN, COUNTY COUNSEL

By *Frank Zott Jr., Deputy*

KRISTI FURMAN
Clerk of the Board
By: *Kristi Furman*
DEPUTY

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST:
KRISTI FURMAN, Clerk of the Board of Supervisors of the County of Mendocino, State of California

By: *Kristi Furman*
Deputy

2 of 2

ORDINANCE NO. 4082

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY

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

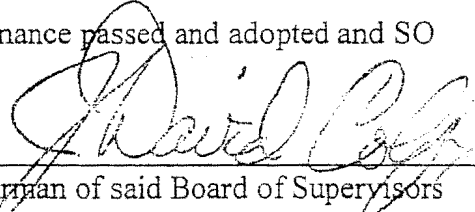
Pursuant to Division II of Title 20, Chapter 20.548 of the Mendocino County Code, the base zoning of real property within boundaries of the Gualala Town Plan are hereby changed as listed in attached Exhibit A and as shown in attached Figure 3.2 The ordinance changing the base zoning shall not change the combining district classifications.

This ordinance shall become effective 30 days from the date of its adoption and certification by the California Coastal Commission.

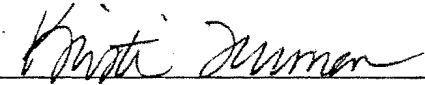
Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 15th day of January, 2002, by the following vote:

AYES: Supervisors Shoemaker, Lucier, Campbell, Colfax
NOES: Supervisor Delbar
ABSENT: None

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

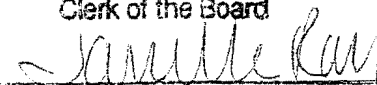

Chairman of said Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of said Board

By 

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

KRISTI FURMAN
Clerk of the Board

By: 
DEPUTY

APPROVED AS TO FORM:

H. PETER KLEIN, COUNTY COUNSEL

By , DEPUTY

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST:
KRISTI FURMAN, Clerk of the Board of Supervisors of the County of Mendocino, State of California

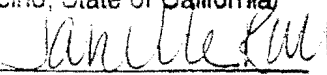
By: 
Deputy

EXHIBIT NO. 4
APPLICATION NO. MEN-MAJ-2-98
GUALALA TOWN PLAN
ORDINANCE NO. 4082

