

CALIFORNIA COASTAL COMMISSION  
NORTH COAST AREA  
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Th 5a<sup>RSM</sup>

October 25, 1996

TO: COASTAL COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter M. Douglas, Executive Director  
Steven F. Scholl, Deputy Director  
Jo Ginsberg, Coastal Planner

SUBJECT: **MENDOCINO COUNTY LOCAL COASTAL PROGRAM,  
TOWN SEGMENT IMPLEMENTATION PROGRAM:  
CERTIFICATION REVIEW:** Concurrence with the Executive  
Director's determination that the action of Mendocino County  
accepting the Commission's certification of the Mendocino County  
LCP Town Segment Implementation Program is legally adequate. (For  
Commission review of the meeting of November 14, 1996 in San Diego.)

BACKGROUND:

The Coastal Element of the Mendocino County General Plan includes the Mendocino Town Plan, a separate chapter that addresses issues and provides policies that apply only in the Town of Mendocino. In June of 1990, the Town plan was segmented from the Coastal Element for the balance of the County's coastal zone. The segmented Mendocino Town LCP consists of the Mendocino Town Plan; the Land Use Map for the Mendocino Town Plan; the Mendocino Town Zoning Code; and the Mendocino Town Zoning Map.

In January, 1992, the County of Mendocino submitted to the Commission for certification the Mendocino Town Local Coastal Program, consisting of Mendocino Town Plan Amendment No. 1-92 (Major) (amending the existing Town Plan), and the Mendocino Town LCP Implementation Program, consisting of the Mendocino Town Zoning Code and the Mendocino Town Zoning Map. On April 7, 1992, the Commission certified the Mendocino Town Local Coastal Program with suggested modifications to both the Land Use Plan and the Zoning Code.

The Mendocino County Board of Supervisors accepted the suggested modifications to the Mendocino Town Plan as adopted by the Coastal Commission and the Town Plan amendment eventually became effectively certified. However, the Board

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took no action on the Implementation Program (Zoning Ordinance) for the Town Plan, but directed that the Planning Department staff meet with the Mendocino Historical Review Board and the Coast Chamber of Commerce, and rewrite certain sections of the ordinance.

The Planning Department rewrote some portions of the ordinance, and the revised ordinance was approved by the County Board of Supervisors. In early 1995, the County of Mendocino submitted the revised Mendocino Town LCP Implementation Program to the Coastal Commission for certification. On April 12, 1995, the Commission certified the resubmitted Mendocino Town Local Coastal Program with suggested modifications.

County staff requested a one-year extension of time for final and effective certification of the Implementation Program to ensure adequate time for the County Board of Supervisors to take action to accept the Commission's suggested modifications. The Commission voted to extend the time for final and effective certification of the Mendocino Town LCP on September 13, 1995, extending the period during which the County could take action to accept the Commission's suggested modifications and agree to issue permits through October 12, 1996.

**EFFECTIVE CERTIFICATION:**

On October 23, 1995 the Mendocino County Board of Supervisors passed a resolution accepting the Commission's suggested modifications, and agreeing to issue coastal development permits within the Town once all necessary forms and procedures have been adopted and implemented (see Attachment B).

The County has recently submitted for the Executive Director's approval the notification forms and procedures for appealable development that the County intends to follow. As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine if the actions of the County, in response to the Commission's April 1995 certification with suggested modifications, are legally adequate to finalize Commission review of the LCP. The Executive Director has reviewed the County's actions and has determined that they are legally adequate.

Regulations Section 13544 further requires this determination to be reported to the Commission for Commission concurrence. The LCP is deemed certified if the Commission concurs with the Executive Director's determination.

The County will assume coastal development permit authority as soon as the LCP is "effectively certified." This "effective certification" will take place once notice of the effective certification of the LCP has been filed with the Secretary of the Resources Agency, pursuant to Regulations Section 13544.

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STAFF RECOMMENDATION

The staff recommends that the Commission concur with the determination of the Executive Director that the actions of Mendocino County accepting the Commission's certification of the LCP with suggested modifications are legally adequate.

9021p

November , 1996

Liz Henry, Chairperson  
Mendocino County Board of Supervisors  
Courthouse  
Ukiah, CA 95482

**SUBJECT: MENDOCINO COUNTY LCP, MENDOCINO TOWN  
SEGMENT IMPLEMENTATION PROGRAM:  
CERTIFICATION REVIEW**

Dear Chairperson Henry:

I have reviewed the County Board of Supervisors' Resolution No. 95-206 for effective certification of the Mendocino County LCP, Mendocino Town Segment Implementation Program with suggested modifications, resulting in the transfer to the County of coastal development permit authority, along with the County's forms and procedures for notification of appealable development from Raymond Hall. These materials fulfill the requirements of Section 13544 of Title 14 of the California Code of Regulations. In accordance with Section 13544(b) of those regulations, I have determined that the County's actions are legally adequate, and the County will assume permit authority for the Town of Mendocino once notice of effective certification of the LCP has been filed with the Secretary of Resources.

The Coastal Commission concurred with this determination at its meeting of November 14, 1996. If you have any questions, please contact Jo Ginsberg in our San Francisco office.

Please accept my congratulations on completion of this very significant Local Coastal Program.

Sincerely,

PETER M. DOUGLAS  
Executive Director

cc: Ray Hall  
Gary Berrigan

ATTACHMENT A

RESOLUTION NO. 95-206

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ACCEPTING  
MODIFICATIONS TO THE MENDOCINO COUNTY IMPLEMENTATION PROGRAM  
FOR THE TOWN OF MENDOCINO AS SUGGESTED BY THE  
STATE OF CALIFORNIA COASTAL COMMISSION

WHEREAS, the Board of Supervisors has requested the State Coastal Commission review the Implementation Program for the Town of Mendocino recognizing this portion of the Local Coastal Program would require formal adoption by the Board of Supervisors after approval by the Coastal Commission; and

WHEREAS, the State Coastal Commission has held its required public hearing on April 12, 1995 wherein the Coastal Commission adopted the Mendocino County Implementation Program for the Town of Mendocino with suggested modifications; and

WHEREAS, the modifications presented by the staff of Planning and Building Services conform to the modifications as suggested by the State Coastal Commission, and were the subject of a legally noticed public hearing by the Board of Supervisors on this 23rd day of October, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors accepts the suggested modifications of the State Coastal Commission as presented by the Planning and Building Services staff; and

BE IT FURTHER RESOLVED by the Mendocino County Board of Supervisors that the authority to permit development within the Coastal Zone of the Town of Mendocino will be accepted by the Board of Supervisors when all necessary forms and procedures are adopted and implemented.

The above resolution was introduced by Supervisor Peterson, seconded by Supervisor Henry, and PASSED AND ADOPTED this 23rd day of October, 1995, by the following vote of the Board of Supervisors of the County of Mendocino, State of California.

AYES: Supervisors Henry, Peterson, Sugawara  
NOES: Supervisors McMichael, Pinches  
ABSENT: None

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

*Seiji Sugawara*  
Chairman of said Board of Supervisors

ATTEST: JOYCE A. BEARD  
Clerk of said Board

By *Kristin VanPatten*  
DEPUTY

SUBJECT: DIVISION III OF TITLE 20  
MENDOCINO TOWN ZONING CODE

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

JOYCE A. BEARD  
Clerk of the Board

By: *Kristin VanPatten*  
DEPUTY

ATTACHMENT B