

CALIFORNIA COASTAL COMMISSION

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Filed:	March 20, 1999
90 th Day:	June 18, 2000
Staff:	Eric Oppenheimer
Staff Report:	April 21, 2000
Hearing Date:	May 10, 2000
Commission Action:	

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Steve Scholl, Deputy Director
Robert S. Merrill, North Coast District Manager
Eric Oppenheimer, Coastal Planner

SUBJECT: Mendocino County LCP Amendment No. 1-99, Part B (Major), (Meeting of May 10, 2000, in Santa Rosa)

SYNOPSIS

Amendment Description

The County of Mendocino is requesting certification of LCP Amendment No. 1-99 (Part B) to the County's certified Implementation Plan that would allow certain coastal development permit applications currently authorized to be acted on by the Coastal Permit Administrator or Planning Director to instead be referred by the Coastal Permit Administrator or Planning Director to the Planning Commission or Board of Supervisors for action.

Summary of Staff Recommendation

The staff recommends that the Commission, upon completion of a public hearing, **certify the amendment request as submitted.** The amendment seeks to allow certain coastal development permit applications currently authorized to be acted on by the Coastal Permit Administrator or Planning Director to instead be referred by the Coastal Permit Administrator or Planning Director to the Planning Commission or Board of Supervisors for action. The proposed amendment conforms with and adequately carries out the Land Use Plan (LUP) as the LUP does not specifically require that coastal development permits be considered by the Coastal Permit Administrator or Planning Director as opposed to the Planning Commission or the Board of

**MENDOCINO COUNTY LCP AMENDMENT
NO. 1-99 (PART B) (MAJOR)
PAGE 2**

Supervisors, nor does the LUP specify a required location for public hearings. Therefore, the Implementation Plan as amended, would conform with and carry out the LUP. The Motion and resolution for certification are found on Page 2.

Analysis Criteria

To approve the amendment to the Implementation Plan (IP), the Commission must find that the Implementation Plan, as amended, conforms with and is adequate to carry out the Land Use Plan (LUP) of the County's certified LCP.

Additional Information:

For further information, please contact Bob Merrill at the North Coast District Office (707) 445-7833. Correspondence should be sent to the District Office at the above address.

**I. STAFF RECOMMENDATION, MOTIONS, AND FINDINGS FOR LCP
AMENDMENT NO. 1-99, (Part A) MAJOR**

MOTION : I move that the Commission reject Implementation Program Amendment No. 1-99 (Part B) for the County of Mendocino as submitted.

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION :

The Commission hereby certifies Implementation Program Amendment No. 1-99 (Part B) for the County of Mendocino as submitted and adopts the findings set forth below on grounds that, as modified, the Implementation Program conforms with and is adequate to carry out the provisions of the Land Use Plan as certified, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

**MENDOCINO COUNTY LCP AMENDMENT
NO. 1-99 (PART B) (MAJOR)
PAGE 3**

II. FINDINGS TO APPROVE THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

A. Description of Proposed Amendment

The County of Mendocino is seeking to modify the County's Coastal Zoning Ordinance by granting the Coastal Permit Administrator (CPA) and the Director of the Department of Planning and Building Services the authority to refer coastal development permit applications to the Planning Commission or the Board of Supervisors, for action.

The proposed amendment involves text changes to Zoning Code Section 20.532.045. This Zoning Code section is contained within Zoning Code Chapter 20.532 (Coastal Development Permit Regulations-General), which sets forth the procedures and requirements for obtaining coastal development permits. The proposed amendment would modify County Zoning Code Section 20.532.045 as follows:

Sec. 20.532.045 Authority to Act on Coastal Development Permit

Upon completion of project review and evaluation, action to approve, conditionally approve, or deny a coastal development permit shall be taken by the Coastal Permit Administrator in the case of principal permitted uses and administrative permits and by the Planning Commission in the case of conditional use permits and divisions of land. When a Coastal Development Standard Permit is required, action to approve, conditionally approve or deny a Standard Development Permit shall be taken by the Director or his designee. *The coastal Permit Administrator or Director may refer any Coastal Development Permit to the Planning Commission or Board of Supervisors for consideration and the permit shall be processed in accordance with Section 20.536.010.* (underlined and italicized indicates modified text)

The code section referred to at the end of the amended language, Coastal Zoning Code Section 20.536.010(B) **Coastal Development Permit Hearing and Notice Requirements** states in relevant part that:

The approving authority shall hold at least one public hearing on each coastal development application for an appealable development or for a non-appealable development which requires a public hearing pursuant to other provisions of this Division. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. The hearing shall occur no earlier than ten calendar following the mailing of the notice..."

The above quoted Coastal Zoning Code Section 20.536.010(B) sets forth the notice and hearing requirements for the review of coastal permits and other parts of Section 20.536.010 set forth public hearing notice requirements as well as the procedures for submitting Notices Of Final Actions on permit applications acted on by the County. Coastal Zoning Code Section 20.532.015 establishes the various

**MENDOCINO COUNTY LCP AMENDMENT
NO. 1-99 (PART B) (MAJOR)
PAGE 4**

types of coastal development permits that the County issues to authorize different types of developments. These permits include Coastal Development Administrative Permits, Coastal Development Use Permits, Coastal Development Variances, Coastal Development Standard Permits, and Exemptions.

Under the current Zoning Ordinance, decisions on Coastal Development Standard Permits rest with the Planning Director or his/her designee. In practice, the Planning Director typically designates the Coastal Permit Administrator to act on Coastal Development Standard Permits. In addition, the Zoning Ordinance states that the Coastal Permit Administrator acts on administrative permits and on coastal development permits for principally permitted uses during a public hearing. Projects requiring conditional use permits or land divisions are automatically heard by the Planning Commission. Public hearings on permit applications to be acted on by the Coastal Permit Administrator are typically held locally on the coast, although there is no requirement in the Zoning Code as to where any coastal development permit hearing must be held. Planning Commission and Board of Supervisors hearings are typically held inland in Ukiah, although the Planning Commission does occasionally meet on the coast. While there is no formal policy regarding the location of Planning Commission meetings, the Planning Commission tries to schedule their hearings at locations that correspond to the areas affected by their actions.

Pursuant to Coastal Zoning Code Section 20.544.015(A) decisions on applications for coastal development permits granted by the Coastal Permit Administrator or the Planning Director can be appealed to the Planning Commission or Board of Supervisors. Decisions by the Planning Commission can also be appealed to the Board. Consistent with Title 14 California Code of Regulations Section 13573, approvals of coastal development permits for appealable developments granted by any County decision making authority (e.g. Coastal Permit Administrator, Board of Supervisors, etc.) can be appealed directly to the Coastal Commission.

The proposed amendment is intended to expedite the processing of coastal development permits for certain projects with significant public interest or controversy, by allowing the Coastal Permit Administrator and Planning Director hearing processes to be bypassed and applications to be referred directly by either the Coastal Permit Administrator or Planning Director to the Planning Commission or Board of Supervisors for action. County staff indicates the kinds of applications that would likely be referred to the Planning Commission or Board in this manner are projects that would likely be appealed to these reviewing authorities regardless of the outcome of the Coastal Permit Administrator or Planning Director hearings. The Commission notes that decisions made by the Coastal Permit Administrator or Planning Director are made by a single individual and not a board or commission. The County asserts that by bypassing the Coastal Permit Administrator or Planning Director hearing process, permit applicants will not be subjected to the time delays associated with scheduling and conducting multiple hearings at the local level.

The Commission notes that Coastal Zoning Code Chapter 20.536 does not include provisions which specify a required location for public hearing for actions on coastal development permits. The proposed amendment could result in fewer public hearings being held on the coast, as under the proposed amendment, the Coastal Permit Administrator would not necessarily act on every coastal development

**MENDOCINO COUNTY LCP AMENDMENT
NO. 1-99 (PART B) (MAJOR)
PAGE 5**

permit for principally permitted uses. However, the proposed amendment would only affect hearings for the subset of actions that the Coastal Permit Administrator and Planning Director are authorized to act on. The location of Planning Commission and Board of Supervisor hearings would remain discretionary.

B. LCP Amendment Analysis.

Section 30006 of the Coastal Act states that:

The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

To approve the amendment, the Commission must find that the amended Implementation Plan will conform with and adequately carry out the provisions of the LUP as certified. Section 1.4 of the LUP discusses how implementing measures that conform with and are adequate to carry out the provisions of the LUP must be proposed by the County and certified by the Commission. However, there are no provisions in the LUP that establish specific policies on hearing procedures. Policies that establish hearing procedures are typically considered as a procedural implementation measures established through Zoning Ordinances. LUP's typically focus on the substantive policies guiding whether new development should be permitted or not.

Under the County's existing permitting process, applications for certain kinds of coastal development permits must initially be considered by the Coastal Permit Administrator or the Planning Director or his designee. Decisions made by the Coastal Permit Administrator or the Planning Director for controversial projects are often appealed to the Planning Commission or Board of Supervisors. Under the proposed amendment, the County Planning Director or Coastal Permit Administrator would have the authority to refer decisions on any coastal development application directly to the Planning Commission or Board of Supervisors, effectively bypassing the initial public hearing held either by the Coastal Permit Administrator or the Planning Director or his designee that is usually held on the coast. County staff have indicated that the processing time for certain applications could be reduced by as much as 30 to 60 days by referring these projects directly to the Planning Commission or the Board of Supervisors.

The Commission notes that there is strong public support to maintain the existing requirement that coastal development permits for all principally permitted uses initially be considered by the Coastal Permit Administrator. There is also public concern that directly referring decisions for certain developments to the Planning Commission or Board will essentially result in a reduction in the opportunity for public participation in the coastal planning process as public hearings on such developments may be fewer and will be held in inland areas of the County (Exhibit No. 2). It takes approximately 1 to 1.5 hours to drive one way from the coast to Ukiah, where the Planning Commission and Board of Supervisors usually meet. The proposed amendment in effect could result in an a reduction in the overall number public hearings for coastal development permits that are held on the coast. Another potential concern is that referring controversial projects directly to the Planning Commission or Board of Supervisors would also result in one less opportunity for a public hearing on controversial developments. If coastal development

**MENDOCINO COUNTY LCP AMENDMENT
NO. 1-99 (PART B) (MAJOR)
PAGE 6**

permit applications are referred directly to the Planning Commission or the Board of Supervisors, decisions on such cases will have to be made without the benefit of the Coastal Permit Administrator's, Planning Director's, or in some cases, the Planning Commission's prior decisions on these applications and with at least one less opportunity for the public to testify about their concerns.

However, as noted above, the standard of review the Commission must employ in its review of the proposed Implementation Plan amendment is whether the Implementation Plan as amended, conforms with and adequately carries out the Land Use Plan. The County's certified LCP does not contain any policies that require the County to hold Coastal Permit Administrator hearings in any specific geographic location (e.g. on the coast). Alternatively, there are no LCP policies that preclude the County from holding Board of Supervisors or Planning Commission hearings on the coast. Furthermore, there are no LUP policies that specifically require that developments be considered by the Coastal Permit Administrator as opposed to the Planning Commission or Board of Supervisors.

The Commission notes that pursuant to Section 20.536.010(B) of the Coastal Zoning Ordinance, which would not be affected by the amendment, all coastal permit applications that currently require a public hearing will continue to require at least one public hearing and the hearing must be conducted in accordance with local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints. The Commission also notes that the proposed amendment would only affect hearings for the subset of actions that the Coastal Permit Administrator and Planning Director are authorized to act on. Permits identified for Planning Commission review would continue to be initially reviewed by the Planning Commission.

Therefore, the Commission finds the County's Implementation Plan, as amended, conforms with and is adequate to carry out the requirements of the certified Land Use Plan.

III. CEQA:

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

As discussed in the findings above, the amendment request as submitted is consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

Exhibits:

1. County Resolution
2. Correspondence

EXHIBIT NO. 1
APPLICATION NO.
MENDOCINO COUNTY LCP AMENDMENT NO. 1-99 (Part B)
COUNTY RESOLUTIONS

**BOARD OF SUPERVISORS
APRIL 12, 1999**

**4. #OA 3-98 (NUMEROUS OWNERS) MENDOCINO COUNTY (APPLICANT) -
INTRODUCTION AND WAIVE READING OF ORDINANCE**

LOCATION: The Coastal Zoning code applies to all of the unincorporated areas within the Coastal Zone of Mendocino County. **REQUEST:** Amend the Mendocino County Zoning Code, Title 20 - Division II, Chapter 20.532 "Coastal Development Permit Regulations - General", Section 20.532.045 "Authority to Act on Coastal Development Permit" by adding language which would authorize the Department of Planning and Building Services to bypass the Coastal Permit Administrator hearing and schedule the review of a Coastal Development Permit for a Planning Commission and/or Board of Supervisors hearing.

Director Hall presented the staff report and delineated the circumstances which led to the development of the proposal to amend this code section. He described the current application review process, stated the proposed change, and reviewed the responses to the issues raised by the Coastal Commission.

THE PUBLIC HEARING WAS OPENED. Correspondence received by the Clerk was routed to the Board. Members of the public spoke to the issue. THE PUBLIC HEARING WAS CLOSED.

Lengthy discussion ensued relative to process and access to records. It was recommended that records pertaining to coastal projects be kept at the coast, even if it meant having duplicate files, so that coastal residents can have access.

Upon motion by Supervisor Lucier, seconded by Supervisor Delbar and carried, 3-2, with Supervisors Colfax and Shoemaker dissenting, IT IS ORDERED that the Board of Supervisors hereby tentatively approves the proposed ordinance #OA 3-98 as a "minor amendment" to be forwarded to the California Coastal Commission based upon the following findings: 1) An initial study has been completed consistent with the County's Environmental Review Guidelines. No significant environmental impacts are identified; and 2) The project is consistent with the Local Coastal Program and is in the public interest as the proposed amendment will facilitate a timely and streamlined application review procedure; If approved by the Coastal Commission, proposed ordinance #OA 3-98 will be brought back to the Board for introduction and subsequent adoption. Coastal Zoning Code Section 20.532.045 will be modified to read as follows (revisions underlined): "Upon completion of project review and evaluation, action to approve, conditionally approve, or deny a coastal development permit shall be taken by the Coastal Permit Administrator in the case of principal permitted uses and administrative permits and by the Planning Commission in the case of conditional use permits and divisions of land. When a coastal development standard permit is required, action to approve, conditionally approve or deny a standard development permit shall be taken by the Director or his designee. The coastal Permit Administrator or Director may refer any coastal development permit to the Planning Commission or Board of Supervisors for consideration and the permit shall be processed in accordance with Section 20.536.010."

**BOARD OF SUPERVISORS
ACTION AGENDA SUMMARY - PLANNING MATTERS**

TO: BOARD OF SUPERVISORS
FROM: PLANNING & BUILDING SERVICES

DATE SUBMITTED: 4/2/99
REPLY NECESSARY: YES NO
INFORMATION ONLY: YES NO

AGENDA DATE: April 12, 1999

AGENDA #: _____

AGENDA TITLE: Ordinance Amendment #OA 3-98

BRIEF SUMMARY: County initiated ordinance amendment which would add language to Mendocino County Zoning Code, Title 20-Division II, Chapter 20.532 "Coastal Development Permit Regulations-General", Section 20.532.045 "Authority to Act on Coastal Development Permit." The proposed ordinance revision would authorize the Coastal Permit Administrator or Department of Planning and Building Services Director to bypass the Coastal Permit Administrator hearing and schedule review of a Coastal Development Permit directly for a Planning Commission or Board of Supervisors hearing.

PREVIOUS ACTION: On March 4, 1999, by a 6-1 vote, the Planning Commission recommended approval of #OA 3-98 as proposed by staff.

STAFF RECOMMENDATION: Uphold the recommendation of the Planning Commission.

RECOMMENDED MOTION: The Board of Supervisors approves #OA 3-98 as a "minor amendment" to be forwarded to the California Coastal Commission based upon the following findings:

1. An initial study has been completed consistent with the County's Environmental Review Guidelines. No significant environmental impacts are identified; and
2. The project is consistent with the Local Coastal Program and is in the public interest as the proposed amendment will facilitate a timely and streamlined application review procedure; and
3. That the Board's action is final for projects approved by the Coastal Commission without suggested modifications.

Coastal Zoning Code Section 20.532.045 is modified to read as follows (revisions shown in italics):

"Upon completion of project review and evaluation, action to approve, conditionally approve, or deny a coastal development permit shall be taken by the Coastal Permit Administrator in the case of principal permitted uses and administrative permits and by the Planning Commission in the case of conditional use permits and divisions of land. When a coastal development standard permit is required, action to approve, conditionally approve or deny a standard development permit shall be taken by the Director or his designee. *The Coastal Permit Administrator or Director may refer any coastal development permit to the Planning Commission or Board of Supervisors for consideration and the permit shall be processed in accordance with Section 20.536.010.*"

ALTERNATIVE MOTION: The Board of Supervisors denies #OA 3-98 (Board to list specific reasons for denial).

RESOURCE PERSON: Falleri TO BE PRESENT ON CALL PHONE EXT: 4281

BOARD ACTION

DATE OF ACTION _____

- 1) Approved Approved as Revised
- 2) Denied
- 3) Referred to _____ Committee; Calendared for Board Agenda _____
- 4) Referred to Dept. for additional info. CAO to clarify by memo _____
- 5) Other _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 20.532.045
OF CHAPTER 20.532 OF DIVISION II OF TITLE 20
OF THE MENDOCINO COUNTY CODE
AUTHORITY TO ACT ON COASTAL DEVELOPMENT PERMIT**

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

Section 20.532.045 of Division II of Title 20 of the Mendocino County Code, Coastal Development Permit Regulations—General, is amended to read as follows:

Sec. 20.532.045 Authority to Act on Coastal Development Permit

Upon completion of project review and evaluation, action to approve, conditionally approve, or deny a coastal development permit shall be taken by the Coastal Permit Administrator in the case of principal permitted uses and administrative permits and by the Planning Commission in the case of conditional use permits and divisions of land. When a Coastal Development Standard Permit is required, action to approve, conditionally approve or deny a Standard Development Permit shall be taken by the Director or his designee. The Coastal Permit Administrator or Director may refer any Coastal Development Permit to the Planning Commission or Board of Supervisors for consideration and the permit shall be processed in accordance with Section 20.536.010.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 1999, by the following vote:

AYES
NOES:
ABSENT:

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

Chairman of said Board of Supervisors

ATTEST: JOYCE BEARD
Clerk of said Board

By _____

APPROVED AS TO FORM:

H. PETER KLEIN, COUNTY COUNSEL

By _____

CASE#: OA 3-98 - Coastal Development Permit Authority



FROG

Friends of the Garcia River

P.O. Box 916

Point Arena, Ca.

95468

Tel. 707-882-3086 - pdobbins@mcn.org

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CALIFORNIA
COASTAL COMMISSION

April 13, 1999

Mr. Robert Merrill,
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CAL 94105-2219

Dear Mr. Merrill,

I am representing the Friends of the Garcia River, FrOG. You will perhaps recall our correspondence in the past.

I am writing you today to ask that the Coast Commission not allow the inland supervisors, who largely represent developer interests to take away effective public input of the coastal citizens about their own communities. In recent years, access to proposed projects on the Mendocino Coast has stymied many poorly designed projects. Now, in order to achieve their ends, they are desiring to allow the county administrator to decide if coastal projects would skip the coastal review by eliminating local coastal hearings on "controversial" coastal zone projects. They passed a new ordinance that will give Planning Director Ray Hall complete discretion in sending selected projects directly to the Board of Supervisors, thereby eliminating half of the public comment time, and housing all paperwork in Ukiah, an hour and a half from the coast.

This decision was made in the name of "streamlining" for developers, although cutting public comment time and access to paperwork will certainly inhibit public involvement.

For Friends of the Garcia River,

Peter Y. Dobbins

EXHIBIT NO. 2
APPLICATION NO.
MENDOCINO COUNTY LCP AMENDMENT NO. 1-99 (PART B)
CORRESPONDENCE

Subj: Mendocino Co. Ordinance #OA 3-98
From: Betsy Holliday, Coastal Advocate
P.O. Box 1719
Mendocino, Ca. 65460
To: Robert Merrill, Calif. Coastal Commission
45 Fremont, Suite 2000
San Francisco, Ca. 94105-2219
cc: David Colfax, Supervisor 5th District
Rixanne Wehren, Coastal Land Trust

Dear Mr. Merrill,

April 21, 1999

Ordinance #OA 3-98, which passed the Board of Supervisors on the vote of the Fort Bragg Supervisor and one from an inland district seems to be the effort of some depraved persons to manipulate the coastal zone by removing access to the planning process to Ukiah, a sickening 1.5 hours of hairpin turns east of the coastal zone which would bear the burden of such planning. This action would all but eliminate the influence of the governed in the government, which would make many a developer very happy and fatten the purses of the governing. Some people are of a mind that won't rest until they get the whole planet paved. . .
** in the planning processes of local*

Public interest is ultimately private interests' protection against itself. This area of the coastline retains most of its visitor appeal solely because of the keen interest of its inhabitants in preserving its key flavor, that, being the open skyline, clean ocean, untrashed beaches and sweeping tapestries of rarified wildflowers and grasses that serve as the rightful home of our myriad fauna of the region.

Coastal residents are determined to prevent the unchecked expansion of industry and commercialization of its resource. The citizens of the coast delve deeply into the implications and consequences of proposed use and development of their region specifically because we believe that it serves the highest good to preserve this national treasure that graces our land. They do the rigorous investigation and make the public comment that signals the land's response, for you cannot find the inhabitant of the town of Mendocino southwards who doesn't live there because they love the natural beauty and unspoiled character of the region or have a business that thrives on those who come here for the sanctuary of nature.

I cannot urge you strongly enough to revoke this undemocratic ordinance and leave the planning process in the lap of those and that which will live out its destiny. Thank you, Mr. Merrill.

Sincerely,


Betsy Holliday

APR 23 1999

April 20, 1999

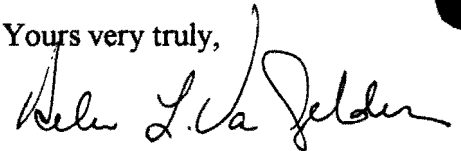
Robert Merrill
California Coastal Commission
45 Fremont, suite 2000
San Francisco, CA 94105-2219

Re: Mendo. Cnty. Ordinance #OA 3-98

Dear Mr. Merrill:

I am writing concerning Mendocino County's recent proposal to eliminate coastal hearings on "controversial" coastal zone development projects. I understand that, at the discretion of the Planning Director, the hearings and the paperwork will be moved inland to Ukiah. This will make it extremely difficult for coastal residents to review development proposals, to attend hearings, and to make comments. (Ukiah is about one and a half hours from the coast over a winding mountain road.) As a homeowner in Fort Bragg, I am adamantly opposed to this proposal. For years developers have been designing projects that have a significant effect on the local coastal population, environment, and quality of life. It is essential that we have the opportunity to participate in decisions on these projects. Please vote against this proposal.

Yours very truly,



Helen L. Van Gelder
120 Livingston St.
Fort Bragg, CA 95437

Cc: Mendocino County Board of Supervisors

April 20, 1999

Robert Merrill
California Coastal Commission
45 Fremont Suite 2000
San Francisco, California 94109

Dear Mr. Merrill and California Coastal Commission Members,

I am writing in reference to Mendocino County Ordinance #0A3-98.

I have been a resident of Mendocino County for over 28 years. During these years I have observed how many decisions concerning the coast are determined in Ukiah. I feel that it is important to keep local review of coastal development on the coast. This ordinance does not give the community enough time to study a plan that may be important for local residents to review. We are the ones who must live with the decisions concerning coastal development.

The Board of Supervisors, like the planning commission can bring important coastal decisions to the coast for coastal review. As members of the Coastal Commission I am sure you are aware of the importance of this decision.

Sincerely yours,


Susan Larkin

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AUG 09 1999

**Dr. Hillary Adams
1391 Cameron Road
Elk, California 95432**

CALIFORNIA
COASTAL COMMISSION

August 5, 1999

Ms. Jo Ginsberg
Coastal Planner
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Ms. Ginsberg:

I understand that the Mendocino Board of Supervisors has forwarded to the Coastal Commission Ordinance Amendment 3-98, concerning exceptions to hearings before the Coastal Permit Administrator. This ordinance amendment was passed by the Supervisors on a 3-2 vote. Many of us are concerned that the rules set forth in our certified Local Coastal Program are in jeopardy. We feel that the effort to amend the system as proposed will be harmful to that Program. I am writing in opposition to the approval of OA 3-98.

OA 3-98 runs counter to the intention of the Coastal Act and our certified Local Coastal Program. It would seriously increase the difficulty with which coastal residents are able to access information and express their opinions on important development issues that affect the Mendocino Coast from Point Arena to Westport. This is one of the finest remaining coastal viewsheds in California.

OA 3-98 is backed by developers and supported by a Planning Department chief, Ray Hall, who is, in my opinion, overly sympathetic to developers. Mr. Hall has recently been taking the role of Coastal Permit Administrator himself in order to smooth the way for developers, a role he has seldom taken in the past. There are several members of the Planning Staff who are trained and competent in this job, and who have interpreted the rules fairly in the past. The developers wish to bypass the Coastal Permit Administrator's hearing on the coast when their issues are controversial. They prefer to go directly to the Board of Supervisors, because a majority of that Board are presently sympathetic to intensive coastal development.

The Coastal Permit Administrator's hearing serves three important functions: 1) it allows time and opportunity for the community to become familiar with the project, 2) it allows a shorter hearing process, more easily attended by persons living on the coast than does the Supervisor's meeting, and 3) it gives a level of expertise concerning the coastal permit process, and the laws which govern coastal development, that is important for both the public and the Supervisors.

It is already difficult for coastal residents who live outside of Fort Bragg.

where the coastal planning office is located, to look up information and attend meetings concerning coastal development. From my home near Greenwood/Elk, the trip to Fort Bragg takes 45 minutes by car. However, the meetings usually have only one agenda item and typically last no more than two hours. The atmosphere tends to be relaxed, and there is opportunity for discussion.

A trip over the mountains to Ukiah for a Supervisor's Meeting, on the other hand, is something almost no one from the coast can manage, unless they are paid to attend or are retired. The trip takes 1 1/2 hours from my home. The agendas are lengthy, and there is little regard for the public's time. On several occasions last year, when controversial issues were appealed to the Supervisors, I spent an entire day, from 9:00 a.m. to 6:00 p.m., at the Supervisors' meeting waiting to be heard. There have been occasions when such items are continued to the next meeting, even though the public has waited all day. The process in the past has been very poor. There is no limit to the time the developer can speak. Developers are allowed an exhaustive time for rebuttal, whereas those in opposition are allowed no rebuttal at all. The process and atmosphere are friendly to developers and unfriendly to the general public. People who work are penalized by the process. They must make an extraordinary effort to attend, since the meetings are always held in the daytime. If working people do arrange for time off, they often must leave before their agenda item is heard. If they send letters, these may be read by staff, but there is seldom time to circulate them to the Supervisors or place the letters in their packets unless copies are sent to each Supervisor. Few people are able to make that arrangement.

One of the arguments set forth as a reason to by-pass the Coastal Permit Administrator is the fee that a developer must pay if his project is denied by the Administrator. The fee is close to \$700.00. I agree that the fee is outrageous, but it does more harm to the general public, which must appeal if the Coastal Permit Administrator approves the plan, than to the developer, who is usually quite capable of paying the fee. I remember one occasion when our community organization had to spend a great deal of time trying to raise the fee in order to appeal a project. In my opinion, the fee should be reduced, for everyone's sake, to a reasonable amount: \$50.00, or at most \$100.00. However, the solution to the problem is to reduce the fee, not to bypass the Coastal Permit Administrator process.

The Coastal Permit Administrator's hearing gives an opportunity for many more people to be able to hear the developer's presentation and express their opinions personally. It allows the public to take an active role in the process. Please support the Coastal Act and our certified Local Coastal Program by denying OA 3-98.

Sincerely,

Hillary Adams
Dr. Hillary Adams

