

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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A-1-MEN-22-0016 (Caltrans District 1, Mendocino County)

December 16, 2022

APPENDICES

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Appendix A: Substantive File Documents

Substantive File Documents:

Appeal File No. A-1-MEN-22-0016

Mendocino County's Local Record for CDP No. CDP_2019-0034

Mendocino County's Certified Local Coastal Program

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Appendix B: Excerpts from the Mendocino County LCP Related to Visual Resources Contention

Relevant Land Use Plan (LUP) Policies

LUP Policy 3.5-1 states:

State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road.

The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

LUP Policy 3.5-2 states, in applicable part:

...

Other communities and service centers along the Mendocino Coast including Westport, Caspar, Little River, Albion, Elk and Manchester shall have special protection to the extent that new development shall remain within the scope and character of existing development by meeting the standards of implementing ordinances.

LUP Policy 3.5-3 states, in applicable part:

The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

....

New development should be subordinate to natural setting and minimize reflective surfaces. All proposed divisions of land and boundary line adjustments within "highly scenic areas" will be analyzed for consistency of potential future development with visual resource policies and shall not be allowed if development of resulting parcel(s) could not be consistent with visual policies.

Relevant Implementation Plan (IP) Standards

IP Section 20.504.015 states, in applicable part:

Highly Scenic Areas

...

(C) Development Criteria.

(1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

(2) In highly scenic areas west of Highway 1 as identified on the Coastal Element land use plan maps, new development shall be limited to eighteen (18) feet above natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.

(3) New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.

...

(12) Power distribution lines shall be placed underground in designated "highly scenic areas" west of Highway 1 and in new subdivisions. East of Highway 1, power lines shall be placed below ridgelines if technically feasible.

IP Section 20.504.020 states, in applicable part:

Special Communities and Neighborhoods

...

(B) The communities and service centers, designated as CRV or CFV, of Westport, Caspar, Albion, Elk and Manchester, and the additional areas of Little River, Anchor Bay and Gualala, as described below, shall have special protection as set forth in Section 20.504.020(C):

....

(C) Development Criteria.

(1) The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.

(2) New development shall be sited such that public coastal views are protected.

(3) The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been

identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.

(4) Building materials and exterior colors shall be compatible with those of existing structures.

(D) The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

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Appendix C: Excerpts from the Mendocino County LCP Related to ESHA Contention

Relevant Land Use Plan (LUP) Policies

LUP Policy 3.1-4 states:

As required by the Coastal Act, development within wetland areas shall be limited to:

1. Port facility construction or expansion, Section 30233(a)(1).
2. Energy facility construction or expansion, Section 30233(a)(1).
3. Coastal-dependent industrial facilities such as commercial fishing facilities, construction or expansion, Section 30233(a)(1).
4. Maintenance or restoration of dredged depths or previously dredged depths in: navigational channels, turning basins, vessel berthing and mooring areas, and associated with boat launching ramps.
5. In wetland areas, only entrance channels for new or expanded boating facilities may be constructed, except that in a degraded wetland, other boating facilities may be permitted under special circumstances, Section 30233(a)(3). New or expanded boating facilities may be permitted in estuaries, Section 30233(a)(4).
6. Incidental public services purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
7. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
8. Nature study purposes and salmon restoration projects.
9. Aquaculture, or similar resource dependent activities excluding ocean ranching. (See Glossary)

In any of the above instances, the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes, shall be permitted in accordance with all other applicable provisions of this plan. Such requirements shall include a finding that there is no feasible less environmentally damaging alternative and shall include mitigation measures required to minimize adverse environmental effects, in accordance with Sections 30233 and 30607, and other provisions of the Coastal Act.

LUP Policy 3.1-7 states:

A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards:

1. It shall be sited and designed to prevent impacts which would significantly degrade such areas;
2. It shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and
3. Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.

LUP Policy 3.1-10 states:

Areas where riparian vegetation exists, such as riparian corridors, are environmentally sensitive habitat areas and development within such areas shall be limited to only those uses which are dependent on the riparian resources. All such areas shall be protected against any significant disruption of habitat values by requiring mitigation for those uses which are permitted. No structure or development, including dredging, filling, vegetation removal and grading, which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the Riparian Corridor except for:

- Channelizations, dams, or other substantial alterations of rivers and streams as permitted in Policy 3.1-9;
- pipelines, utility lines and road crossings, when no less environmentally damaging alternative route is feasible;
- existing agricultural operations;
- removal of trees for disease control, public safety purposes, or for firewood for the personal use of the property owner at his or her residence. Such activities shall be subject to restrictions to protect the habitat values.

LUP Policy 3.1-11 states:

The implementation phase of the LCP shall include performance standards which shall be consistent with California Coastal Commission's Statewide Interpretive Guidelines for Wetlands and other wet Environmentally Sensitive Habitat Areas dated February 4, 1981, and required mitigation measures applicable to allowable development within Riparian Corridors. These standards and measures shall minimize potential development impacts such as increased runoff, sedimentation, biochemical degradation, increased stream temperatures and loss of shade caused by development. When development activities require removal or disturbance of riparian vegetation, replanting with appropriate native plants shall be required at a minimum ratio of 1:1.

LUP Policy 3.1-13 states:

All diking, dredging, and filling activities shall comply with the provisions of Sections 30233 and 30607.1 of the Coastal Act. Dredging, when consistent with these provisions and where necessary for the maintenance or restoration of the tidal flow and continued viability of the wetland habitat, shall be subject to the following conditions:

- Dredging shall be limited to the smallest area feasible; shall be modified by mitigation measures to lessen environmental disruption; and shall maintain or enhance the functional capacity of the wetland.
- Dredging in breeding and nursery areas and during periods of fish migration and spawning shall incorporate all mitigation measures recommended by the Department of Fish and Game to assure maximum protection of species and habitats.
- Designs for dredging and excavation projects shall incorporate all mitigation measures recommended by the Regional Water Quality Control Board and regulated to prevent unnecessary discharge of refuse, petroleum spills, and dispersal of silt materials.

Relevant Implementation Plan (IP) Standards

IP Section 20.496.015 states, in applicable part:

ESHA—Development Application Procedures.

(A) Determining Extent of ESHA. The Coastal Permit Administrator shall review, with the assistance of land use maps, all permit applications for coastal developments to determine whether the project has the potential to impact an ESHA. A project has the potential to impact an ESHA if:

- (1) The development is proposed to be located on a parcel or proximate to a parcel identified on the land use plan map with a rare and/or endangered species symbol;

- (2) The development is proposed to be located within an ESHA, according to an on-site investigation, or documented resource information;
- (3) The development is proposed to be located within one hundred (100) feet of an environmentally sensitive habitat and/or has potential to negatively impact the long-term maintenance of the habitat, as determined through the project review.

Development proposals in ESHA's including but not limited to those shown on the coastal land use maps, or which have the potential to impact an ESHA, shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of the sensitive resource, to document potential negative impacts, and to recommend appropriate mitigation measures. The biological survey shall be submitted for the review and approval of the Coastal Permit Administrator prior to a determination that the project application is complete. The biological survey shall be prepared as described in Section 20.532.060, "Environmentally Sensitive Habitat Area—Supplemental Application Procedures."....

...

(D) Development Approval. Such development shall only be approved if the following occurs:

- (1) All members of the site inspection team agree to the boundaries of the sensitive resource area; and
- (2) Findings are made by the approving authority that the resource will not be significantly degraded by the development as set forth in Section 20.532.100(A)(1).

(E) Denial of Development. If findings cannot be made pursuant to Section 20.532.100(A)(1), the development shall be denied.

IP Section 20.496.020 states, in applicable part:

ESHA—Development Criteria

(A) Buffer Areas. A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.

- (1) Width. The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area.

Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.

Standards for determining the appropriate width of the buffer area are as follows:

(a) Biological Significance of Adjacent Lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting).

Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the wetland, stream, or riparian habitat that is adjacent to the proposed development.

(b) Sensitivity of Species to Disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:

- (i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;
- (ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;
- (iii) An assessment of the impact and activity levels of the proposed development on the resource.

(c) Susceptibility of Parcel to Erosion. The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.

(d) Use of Natural Topographic Features to Locate Development. Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly,

bluff faces should not be developed, but shall be included in the buffer zone.

(e) Use of Existing Cultural Features to Locate Buffer Zones. Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.

(f) Lot Configuration and Location of Existing Development. Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.

(g) Type and Scale of Development Proposed. The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.

(2) Configuration. The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff)....

...

(4) Permitted Development. Development permitted within the buffer area shall comply at a minimum with the following standards:

(a) Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.

(b) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.

(c) Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of

the hydrologic capacity of these areas to pass a one hundred (100) year flood without increased damage to the coastal zone natural environment or human systems.

(d) Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.

(e) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.

(f) Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms.

(g) Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of one to one (1:1) to restore the protective values of the buffer area.

(h) Aboveground structures shall allow peak surface water flows from a one hundred (100) year flood to pass with no significant impediment.

(i) Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.

(j) Priority for drainage conveyance from a development site shall be through the natural stream environment zones, if any exist, in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system wherever possible. No structure shall interrupt the flow of groundwater within a buffer strip. Foundations shall be situated with the long axis of interrupted impermeable vertical surfaces oriented parallel to the groundwater flow direction. Piers may be allowed on a case by case basis.

(k) If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats.

IP Section 20.496.025 states, in applicable part:

Wetlands and Estuaries

(A) Development or activities within wetland and estuary areas shall be limited to the following:

...

(7) Incidental public service purposes which temporarily impact the resource including but not limited to burying cables and pipes, or inspection of piers, and maintenance of existing intake and outfall lines...

(B) Requirements for Permitted Development in Wetlands and Estuaries.

(1) Any proposed development that is a permitted development in wetlands and estuaries must meet the following statutory requirements, and supplemental findings pursuant to Section 20.532.100:

(a) There is no feasible, less environmentally damaging alternative;

(b) Where there is no feasible, less environmentally damaging alternative, mitigation measures have been provided to minimize adverse environmental effects.

(2) Dredging. If the development involves dredging, the Coastal Permit Administrator shall request the Department of Fish and Game to review dredging plans for developments in or adjacent to wetlands or estuaries. The Department may recommend measures other than those listed in this Chapter to mitigate disruptions to habitats or to water circulation.

Mitigation measures shall include at least the following:

(a) Dredging shall be limited to the smallest area feasible.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to habitats and to water circulation and shall maintain or enhance the functional capacity of any wetlands.

(c) Limitations on the timing of the operation, the type of operations, the quantity of dredged material removed, and the location of the spoil site.

(d) Dredging in breeding and nursery areas and during periods of fish migration and spawning shall incorporate all mitigation measures recommended by the California Department of Fish and Game to assure maximum protection of species and habitats.

(e) Dredge spoils suitable for beach replenishment shall, where feasible, be transported to appropriate beaches where public access would not be significantly adversely affected or into suitable long-shore current systems. Dredge spoils shall not be deposited in riparian areas or wetlands.

(f) Other mitigation measures may include opening up areas to tidal action, removing dikes, improving tidal flushing, or other restoration measures.

(g) Designs for dredging and excavation projects shall incorporate all mitigation measures recommended by the Regional Water Control Board and regulated to prevent unnecessary discharge of refuse, petroleum spills and disposal of silt materials.

(3) Diking or Filling. If a development involves diking or filling of a wetland, required minimum mitigation measures shall include the following:

(a) If an appropriate restoration site is available, the applicant shall acquire and restore an equivalent area of equal or greater biological productivity and dedicate the land to a public agency or otherwise permanently restrict its use for open space purposes. The site shall be purchased before the dike or fill development may occur and, at a minimum, restoration must occur simultaneously with project construction, or

(b) The applicant may, in some cases, be permitted to open equivalent areas to tidal action. This method of mitigation would be appropriate if the applicant already owned filled, diked areas which themselves were not environmentally sensitive but would become so, if such areas were opened to tidal action or provided with other sources of surface water.

(c) If no appropriate restoration sites under options (a) or (b) are available because the applicant is unable to find a willing seller, the applicant shall pay an in-lieu fee of sufficient value to an appropriate public agency for the purchase and restoration of an area of equivalent productive value or equivalent surface area. Such replacement site shall be purchased before the dike or fill development permit is issued.

This option shall be allowed only if the applicant is unable to find a willing seller of a potential restoration site. The in lieu fee shall reflect the additional costs of acquisition, including litigation, as well as the cost of restoration. If the public agency's restoration project is not already approved, the public agency may need to be a co-applicant for a Coastal Development Permit to provide adequate assurance that conditions can be imposed to ensure purchase and restoration of the mitigation site prior to issuance of the permit.

(d) Such mitigation measures shall not be required for temporary or short term fill or diking; provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time and that such activities will not cause permanent damage to wetland or estuarine ecosystems.

(4) Diking, filling, or dredging of a wetland or estuary shall maintain or enhance the functional capacity of the wetland or estuary. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the

functional capacity is being maintained, the applicant shall demonstrate all of the following:

- (a) That the development will not alter present plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project;
- (b) That the development will not harm or destroy a species or habitat that is rare or endangered;
- (c) That the development will not harm a species or habitat that is essential to the natural biological functioning of the wetland or estuary;
- (d) That the development will not significantly reduce consumptive (e.g., fishing, aquaculture, and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem.

IP Section 20.496.035 states:

Riparian Corridors and Other Riparian Resource Areas

(A) No development or activity which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the riparian corridor or in any area of riparian vegetation except for the following:

- (1) Channelizations, dams or other alterations of rivers and streams as permitted in Section 20.496.030(C);
- (2) Pipelines, utility lines and road and trail crossings when no less environmentally damaging alternative route is feasible;
- (3) Existing agricultural operations;
- (4) Removal of trees for disease control, public safety purposes or personal use for firewood by property owner.

(B) Requirements for development in riparian habitat areas are as follows:

- (1) The development shall not significantly disrupt the habitat area and shall minimize potential development impacts or changes to natural stream flow such as increased runoff, sedimentation, biochemical degradation, increased stream temperatures and loss of shade created by development;
- (2) No other feasible, less environmentally sensitive alternative exists;
- (3) Mitigation measures have been incorporated into the project to minimize adverse impacts upon the habitat;
- (4) Where development activities caused the disruption or removal of riparian vegetation, replanting with appropriate native plants shall be required at a minimum ratio of one to one (1:1) and replaced if the survival rate is less than seventy-five (75) percent.

IP Section 20.532.060 states:

Environmentally Sensitive Habitat Area—Supplemental Application Procedures
Additional project information shall be required for development within an Environmentally Sensitive Habitat Area (ESHA) and may be required for any development within five hundred (500) feet of an ESHA if the development is determined to have the potential to impact an ESHA. Additional requirements may include one or more of the following:

(A) Topographic Base Map. The base map shall be at a scale sufficiently large to permit clear and accurate depiction of vegetative associations and soil types in relation to any and all proposed development (normally the scale required will be 1" = 200'). Contour intervals should be five (5) feet, and the map shall contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date). The map shall show the following information:

- (1) Boundary lines of the applicant's property and adjacent property, including assessor's parcel numbers, as well as the boundaries of any tidelands, submerged lands or public trust lands;
- (2) Names and locations of adjacent or nearby roads, streets or highways, and other important geographic, topographic and physical features;
- (3) Location and elevation of any levees, dikes or flood control channels;
- (4) Location, size and invert elevation of any culverts or tide gates.

(B) Inundation Map. For nontidal wetlands, a map should be prepared indicating permanent or seasonal patterns of inundation (including sources) in a year of normal rainfall.

(C) Vegetation Map. Location and names of plant species (e.g., *Salicornia virginica*) and vegetation associations (e.g., saltmarsh). This map shall be prepared by a qualified ecologist or botanist.

(D) Soils Map. If no soil survey is available, a soils map shall be prepared by a qualified soils scientist, and should show the location of soil types and include a physical description of their characteristics.

(E) Report of Compliance. A report based upon an on-site investigation which demonstrates that the development meets all of the criteria specified for development in, and proximate to, an environmentally sensitive habitat area including a description and analysis of the following performed by a qualified professional:

- (1) Present extent of the habitat, and if available, maps, photographs or drawings showing historical extent of the habitat area.
- (2) Previous and existing ecological conditions.
 - (a) The life history, ecology and habitat requirements of the relevant resources, such as plants, fish and wildlife, in sufficient detail to permit a biologist familiar with similar systems to infer functional relationships (the maps described in above may supply part of this information).
 - (b) Restoration potentials.

- (3) Present and potential adverse physical and biological impacts on the ecosystem.
- (4) Alternatives to the proposed development, including different projects and alternative locations.
- (5) Mitigation measures, including restoration measures and proposed buffer areas.
- (6) If the project includes dredging, explain the following:
 - (a) The purpose of the dredging.
 - (b) The existing and proposed depths.
 - (c) The volume (cubic yards) and area (acres or square feet) to be dredged.
 - (d) Location of dredging (e.g., estuaries, open coastal waters or streams).
 - (e) The location of proposed spoil disposal.
 - (f) The grain size distribution of spoils.
 - (g) The occurrence of any pollutants in the dredge spoils.
- (7) If the project includes filling, identify the type of fill material to be used, including pilings or other structures, and specify the proposed location for the placement of the fill, the quantity to be used and the surface area to be covered.
- (8) If the project includes diking, identify on a map the location, size, length, top and base width, depth and elevation of the proposed dike(s) as well as the location, size and invert elevation of any existing or proposed culverts or tide gates.
- (9) If the project is adjacent to a wetland and may cause mud waves, a report shall be prepared by a qualified geotechnical engineer which explains ways to prevent or mitigate the problem.
- (10) Benchmark and survey data used to locate the project, the lines of highest tidal action, mean high tide, or other reference points applicable to the particular project.
- (11) Other governmental approvals as required and obtained. Indicate the public notice number of Army Corps of Engineers permit if applicable.

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Appendix D: Excerpts from the Mendocino County LCP Related to Public Access Contention

Relevant Land Use Plan (LUP) Policies

LUP Policy 3.6-5 states:

Acquisition methods such as bequests, gifts, and outright purchases are preferred by the County when obtaining public access from private landowners. Other suitable voluntary methods such as a non-profit land trust may be helpful and should be explored in the future. If other methods of obtaining access as specified above have not occurred, developers obtaining coastal development permits shall be required prior to the issuance of the coastal development permit to record an offer to dedicate an easement for public access purposes (e.g. vertical, lateral, parking areas, etc.) where it is delineated in the land use plan as a condition of permit approval. The offer shall be in a form and content approved by the Commission and shall be recorded in a manner approved by the Commission before the coastal development permit is issued.

Vertical accessways from the sites of all existing ocean front visitor accommodations and services and from all sites in which visitor accommodations and services are designated as the principal permitted use shall be considered to be designated as such in the Land Use Plan, and appropriate provisions implementing this policy shall be required in conjunction with all new or expanded developments on such sites. (For the purpose of this section, the blufftop area is that area between Highway 1 and the beach or ocean.)

LUP Policy 3.6-8 states:

Easements for lateral shoreline accessways shall extend landward 25 feet from mean high tide or to the toe of the bluff or the first line of terrestrial vegetation if the width of the beach is greater than 25 feet. Lateral blufftop accessway easements shall be at least 25 feet in width. However, the passageway within the easement area may be reduced to the minimum necessary to avoid: (1) adverse impacts on habitat values identified in the plan; or (2) encroachment closer than 20 feet from an existing residence; or (3) hazardous topographic conditions. Bluff retreat (erosion) shall be considered and provided for the life of the development when planning lateral accessways.

LUP Policy 3.6-10 states:

All accessways shall be located and designed to minimize the loss of privacy or other adverse impacts on adjacent residences and other land uses.

LUP Policy 3.6-18 states:

Along sections of the highway where development intensity will result in pedestrian use, or where this is the siting of the County designated coastal trail, a 15-foot accessway measured from the right-of-way of Highway 1 shall be offered for dedication as a condition of permit approval if the topography is deemed suitable for pathway development. Coastal trail includes trails identified in Table 3.6-1 and portions of Highway 1 and Usal Road that are necessary to connect these trail segments. All such access offers that have been recorded shall be offered to Caltrans for acceptance. Prevailing acquisition methods for acquiring public right-of-way by Caltrans shall apply to this section.

LUP Policy 3.6-20 states:

Paved 4 foot shoulders should be provided by Caltrans along the entire length of Highway 1 wherever construction is feasible without unacceptable environmental effects.

LUP Policy 3.8-6 states:

It shall be a goal of the Transportation Section to achieve, where possible and consistent with other objectives of The Coastal Act and plan policies for Highway 1, a road bed with a vehicle lane width of 16 feet including the shoulder to achieve a 32 foot paved roadway (12-foot vehicle lane and 4-foot paved shoulder). The minimum objective shall be a 14-foot vehicle lane width (10-foot vehicle lane and 4-foot paved shoulder). New widening projects shall be allocated, first to safety and improved capacity needs and secondly to paved shoulders.

Relevant Implementation Plan (IP) Standards

IP Section 20.528.010 states, in applicable part:

Minimum Access Locations

(A) In specified areas identified in Chapter 4 of the Coastal Element or as indicated on land use maps, prior to the issuance of a coastal development permit, an offer to dedicate an easement for public access shall be recorded unless required public access has otherwise been secured as provided herein.

...

(D) Along sections of the highway where development intensity will result in pedestrian use, or where this is the siting of the County designated coastal trail, a fifteen (15) foot accessway along both sides of the highway, measured from the right-of-way of Highway 1 shall be offered as a condition of permit approval, if the topography is suitable.

IP Section 20.528.040 states, in applicable part (emphasis added):

Procedures for Conveyance of Title.

(A) Prior to issuance of the coastal development permit, the landowner shall record in the official records of the County Recorder of Mendocino County an offer to dedicate an easement as a condition of project approval as follows....

Coastal Act Chapter 3 Public Access Policies

Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a) states, in applicable part:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected.

Section 30214 states, in applicable part:

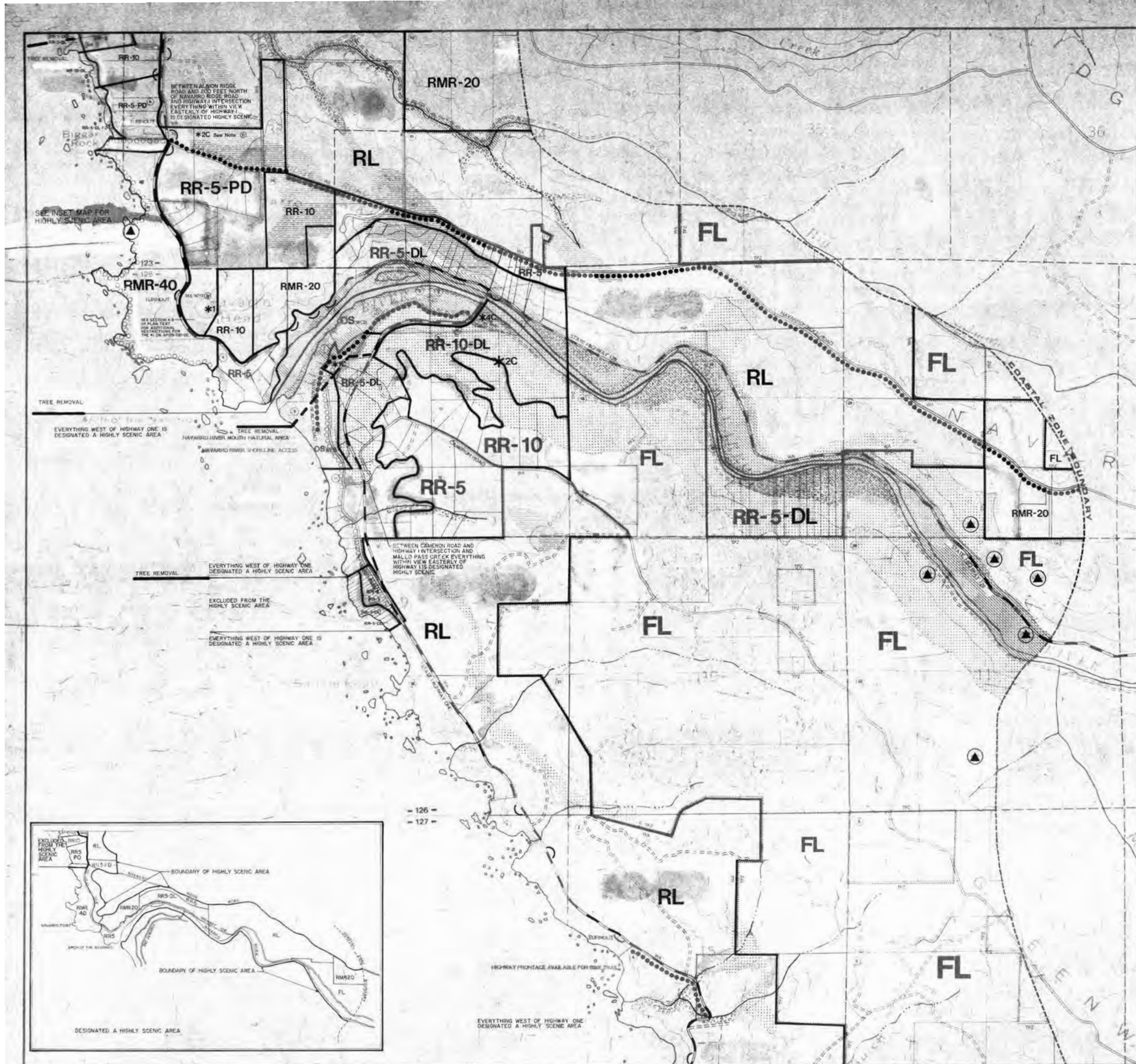
(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of

access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution....

LCP Map 19 and Symbol Legend:



COUNTY OF MENDOCINO COASTAL ZONE

ADOPTED BY BOARD OF SUPERVISORS
AUGUST 17, 1983

CHAIRMAN

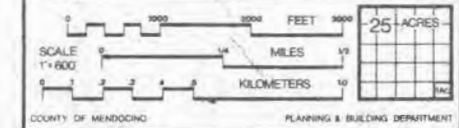
REVISED
APRIL 9, 1984
JULY 3, 1985
AMENDMENTS
JULY 9, 1990
AUGUST 26, 1996
OCTOBER 27, 1997

CERTIFIED BY THE COASTAL COMMISSION
NOVEMBER 20, 1985

- (c) Development of the site with more than twelve visitor units will require an amendment to the Local Coastal Plan.
 - (b) Recommended removal of open space requirement on parcel number 126-010-02 as condition of Coastal Commission permit number 80-P78.
 - (d) PD for access roads only. For safe ingress and egress.
- TIMBER AND AGRICULTURE BUFFER POLICIES (3.3-9 & 3.2-13)** - Will affect parcels adjacent to Timber Preserve Zones (TPZ) and Agriculture Preserves (WA) and will be considered along with other policies of this plan prior to any further development.

CRITICAL GROUNDWATER AREA - Density may be increased only upon proof of water service or a positive hydrological study. (See policy 3.8-9 & 3.8-10)

DATE	REVISIONS	KEY MAP



COUNTY OF MENDOCINO PLANNING & BUILDING DEPARTMENT




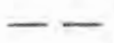
MAP 19
OF 31 MAPS

Navarro

COASTAL ZONE LAND USE CLASSIFICATION

AG Agriculture Lands suited for and appropriately retained for crop production. Minimum parcel size - 40 acres.	-DL Development Limitations Slopes over 30 percent, bluff erosion, or landslides may prevent or limit development. A use is indicated should the parcel be determined developable. Example: RR15 -DL.
FL Forest Lands Lands suited for and appropriately retained for grazing and harvesting timber. Minimum new parcel size - 160 acres.	RV Rural Village Small community within which mixed residential and commercial development is consistent with village character. Text specifies principles for location of uses and intensity of development in each village.
RL Range Lands Lands suited for and appropriately retained for grazing and forage for livestock and some timber producing areas. Minimum new parcel size - 160 acres.	FV Fishing Village Fishing-related commercial and industrial uses (other commercial and residential uses as special permits).
OS Open Space Lands not suited for development or lands most valuable in their undeveloped natural state. See text for other limiting factors.	*1 Visitor Accommodation and Services (Located outside commercial rural village and fishing village) Principal or existing use: Inn, Hostel, Motel, Campground or RV, Restaurant, Retail, Day Use, Resort, Golf Course, Hotel, Spa, Marina, Boat, or Motor Home, Resort, or Camp. Resort - #5C.
RMR Remote Residential Lands having constraints for commercial agriculture, timber production or grazing which are more suitable for small scale farming and low density agricultural/residential uses. Minimum new parcel 20 or 40 acres as mapped.	C Commercial Retail stores, services, and offices.
RR- Rural Residential Lands suited for local small scale agriculture. Minimum new parcel size of 1, 2, 5, 10 acres as mapped. See text for additional limiting factors.	I Industrial Light manufacturing, processing, distribution.
SR Suburban Residential Minimum new parcel size in square feet with community water and/or sewage disposal systems. See text.	PF Public and Semi-Public Facilities Schools, churches, cemeteries, community building, federal government lands used for public purposes.
-PD Planned Unit Development One housing unit per acre, or industrial unit per minimum acreage specified, in accord with approved plan to retain open space character and resource protection.	
RR-5 [RR-2] Critical Groundwater Area Density may be increased to the bracketed land use classification only upon proof of public water or a positive hydrological study. See policy 3.8-9 & 3.8-10.	

SHORELINE ACCESS/CIRCULATION

 Shoreline Access Existing	 View Turnout
 Shoreline Access Proposed	 Proposed road alignment

NATURAL ENVIRONMENT

 Prime Agricultural Land As defined by Gov. Code Sec. 51071 (c).	 Rare or Endangered Plant Habitat Designated by California Native Plant Society.
 Pygmy Vegetation Stunted forest typically on hills or blackrock soils.	 Rare or Endangered Wildlife Habitat Approximate location of species considered rare, endangered, or threatened by the U.S. Fish and Wildlife Service or the California Department of Fish and Game.
 Pygmy-type Vegetation Stunted forest mainly on Coastal terrace soils.	 Special Treatment Area Timber harvest rules including provisions to protect scenic qualities.
 Riparian Vegetation Woody vegetation associated with the banks of waterways and requiring or tolerating soil moisture in excess of that available in adjacent uplands.	 Flooding Area having a 1 percent chance of flooding in a given year (USGS 1974; HUD 1978).
 Wetlands Lands covered permanently or periodically with shallow water, including marshes, mudflats, and tics.	
 Dunes	

BOUNDARIES

 Urban/Rural Boundary The rural land division policy of Coastal Act Sec. 30250 applies on the rural side.	 Timber Preserve Zone Use restricted to timber production.
 Water District Publicly regulated district providing water for more than one user.	 Williamson Act Contract restricting use to agriculture.
 Sewer District Publicly regulated district providing sewage disposal for more than one user.	

MENDOCINO TOWN LAND USE CLASSIFICATIONS

OS Open Space Lands whose ownership, alternative use is shown where public disposition is proposed.	MU Mixed Use Residential, office, limited retail, recreational density same as RR, with maximum floor area ratio to exceed 20% of the parcel size. Residential uses shall occupy 50% of floor area of a two-story building and 85% of a single story building. Maximum lot coverage shall not exceed 25% with 10% of the parcel being reserved for the main building.
RR-1 Rural Residential One housing unit per 40,000 sq. ft.	C Commercial Retail stores, offices, visitor accommodations and of Learning Street. Minimum new parcel size of 12,000 sq. ft. Building coverage not to exceed 20% of parcel with maximum floor area equal to parcel size. 6,000 sq. ft. store area, maximum.
SR-20,000 Suburban Residential Minimum new parcel size 20,000 sq. ft. One housing unit per parcel.	PF Public and Semi-Public Facilities Schools, churches, cemeteries, community buildings and the uses which are dedicated to public purposes.
-PD Planned Development	***** Existing Access
R+ Town Residential One housing unit per acre, or industrial unit per minimum acreage specified, in accord with approved plan to retain open space character and resource protection.	* Visitor Accommodations Inns, houses, motels, hotels. *B Ball and bracket, units of four rooms or less.
RM Multi-Family Residential On parcels greater than 12,000 sq. ft. the first housing unit on 6,000 sq. ft. of parcel area with second and third units allowed on each additional 3,000 sq. ft. and a fourth and fifth unit allowed on each additional 3,000 sq. ft. with a maximum of five units per parcel. Minimum new parcel, 12,000 sq. ft.	

NATURAL ENVIRONMENT

 Riparian Vegetation Woody vegetation associated with the banks of waterways and requiring or tolerating soil moisture in excess of that available in adjacent uplands.	 Special Treatment Area Timber harvest rules including provisions to protect scenic qualities.
 Wetlands Lands covered permanently or periodically with shallow water, including marshes, mudflats, and tics.	 Flooding Area having a 1 percent chance of flooding in a given year (USGS 1974; HUD 1978).
 Rare or Endangered Plant Habitat Designated by California Native Plant Society.	

Map prepared by the Mendocino County Planning Department

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



Appendix E: Excerpts from the Mendocino County LCP Related to Application Completeness Contention

Relevant Implementation Plan (IP) Standards

IP Section 20.532.035 states, in applicable part (emphasis added):

Application Check

(A) The Planning and Building Services Department shall review all applications for completeness and accuracy before the applications are accepted and officially filed as complete.

...

(C) The application shall be deemed complete and accepted unless the department finds that the application is not complete and notifies the applicant of such finding by mail within thirty (30) calendar days after receipt of the application. If the application is determined to be incomplete, the department shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.

...

(F) If the application is not completed by the applicant within one (1) year after original receipt of the application, it will be deemed withdrawn. A new application may be submitted in accordance with Section 20.532.025 of this Division.

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Appendix F: Excerpts from the Mendocino County LCP Related to Public Noticing Contention

Relevant Implementation Plan (IP) Standards

IP Section 20.532.025 states, in applicable part:

Application and Fee

...

The application shall include the following information:

...

(D) Stamped envelopes addressed to each owner of property situated within three hundred (300) feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and Assessor's parcel numbers of same. Where the applicant is the owner of all properties within three hundred (300) feet of the project site, stamped envelopes shall be provided and addressed to owners, of property situated within three hundred (300) feet of the applicant's contiguous ownership.

(E) Stamped envelopes addressed to each occupant of property situated within one hundred (100) feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and Assessor's parcel numbers of same. Where the applicant is the owner of all properties within one hundred (100) feet of the project site, stamped envelopes shall be provided and addressed to each occupant of property situated within one hundred (100) feet of the applicant's contiguous ownership.

(F) Stamped, addressed envelopes and a list of names and addresses of all other parties known to the applicant to have an interest in the proposed development...

IP Section 20.536.015 states, in applicable part:

Coastal Development Permit Hearing and Notice Requirements.

...

(C) Notice. At least ten (10) calendar days prior to the first public hearing on the development proposal, the Coastal Permit Administrator shall provide notice by first class mail of a pending application for a development subject to this section. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions, to all property owners within three hundred (300) feet of the perimeter of the parcel on which the development is proposed, to all occupants of property

within one hundred (100) feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership....