

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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A-1-MEN-22-0014 (Caltrans District 1, Mendocino County)

February 10, 2023

APPENDICES

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Appendix A: Substantive File Documents

Substantive File Documents:

Appeal File No. A-1-MEN-22-0014

Mendocino County's Local Record for CDP No. CDP_2019-0024

Mendocino County's Certified Local Coastal Program

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Appendix B: Excerpts from the Mendocino County LCP Related to Land Division Contention

Relevant Implementation Plan (IP) Standards

IP Section 20.532.010 states:

Applicability.

Any person, partnership, corporation, state or local agency or special district proposing to undertake any development as defined in Section 20.308.035(D) shall obtain a coastal development permit in accordance with the provisions of this Chapter, in addition to any other permit or discretionary approval required by any local agency or special district or any State or Federal agency as authorized by law or ordinance. If a coastal development permit is required pursuant to this section, no building permit, water well permit, septic permit, business license, grading permit, transient occupancy registration certificate, encroachment permit, occupancy permit or other entitlement for use shall be issued prior to the issuance of a coastal development permit.

IP Section 20.308.035 states, in applicable part:

Definitions (D).

...

(D) "Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511)....

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

Relevant Implementation Plan (IP) Standards

IP Section 20.532.025 states, in applicable part (emphasis added):

Application and Fee.

...

(A) A description of the proposed development, including maps, plans, and other relevant data of the project site and vicinity in sufficient detail to determine whether the project complies with the requirements of these regulations.

Sufficient information concerning the existing use of land and water on or in the vicinity of the site of the proposed project, insofar as the applicant can reasonably ascertain for the vicinity surrounding the project site, should also be provided....

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 D: 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.

LUP Policy 3.5-4 states:

Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.

Minimize visual impact of development on hillsides by (1) requiring grading or construction to follow the natural contours; (2) resiting or prohibiting new development that requires grading, cutting and filling that would significantly and permanently alter or destroy the appearance of natural landforms; (3) designing structures to fit hillside sites rather than altering landform to accommodate buildings designed for level sites; (4) concentrate development near existing major vegetation, and (5) promote roof angles and exterior finish which blend with hillside. Minimize visual impacts of development on terraces by (1) avoiding development in large open areas if alternative site exists; (2) minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms; (3) provide bluff setbacks for development adjacent to or near public areas along the shoreline; (4) design development to be in scale with rural character of the area. Minimize visual impact of development on ridges by (1) prohibiting development that projects above the ridgeline; (2) if no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation; (3) prohibiting removal of tree masses which destroy the ridgeline silhouette. Nothing in this policy shall preclude the development of a legally existing parcel.

LUP Policy 3.5-5 states:

Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged. In specific areas, identified and adopted on the land use plan maps, trees currently blocking views to and along the coast shall be required to be removed or thinned as a condition of new development in those specific areas. New development shall not allow trees to block ocean views.

In circumstances in which concentrations of trees unreasonably obstruct views of the ocean, tree thinning or removal shall be made a condition of permit approval. In the enforcement of this requirement, it shall be recognized that trees often enhance views of the ocean area, commonly serve a valuable purpose in screening structures, and in the control of erosion and the undesirable growth of underbrush.

LUP Policy 3.5-9 states:

The location of all new access roads and driveways in rural areas shall be reviewed prior to any grading work to ensure safe location and minimum visual

disturbance. Direct access to Highway 1 shall not be permitted where it is feasible to connect to an existing or proposed public road or to combine access points for two or more parcels.

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 20.504.015 states, in applicable part:

Highly Scenic Areas

(A) The visual resource areas listed below are those which have been designated highly scenic and in which development shall be subordinate to the character of its setting:

...

(2) Portions of the Coastal Zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.

...

(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.

...

(6) Minimize visual impact of development on hillsides by the following criteria:

- (a) Requiring grading or construction to follow the natural contours;
- (b) Resiting or prohibiting new development that requires grading, cutting and filling that would significantly and permanently alter or destroy the appearance of natural landforms;
- (c) Designing structures to fit hillside sites rather than altering landform to accommodate buildings designed for level sites;
- (d) Concentrate development near existing major vegetation; and
- (e) Promote roof angles and exterior finish which blend with hillside.

(7) Minimize visual impacts of development on terraces by the following criteria:

- (a) Avoiding development, other than farm buildings, in large open areas if alternative site exists;
- (b) Minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms;
- (c) Provide bluff setbacks for development adjacent to or near public areas along the shoreline;
- (d) Design development to be in scale with rural character of the area.

(8) Minimize visual impact of development on ridges by the following criteria:

- (a) Prohibiting development that projects above the ridgeline;
- (b) If no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation;
- (c) Prohibiting removal of tree masses which destroy the ridgeline silhouette.

(9) In specific areas, as designated on the Land Use Maps and other circumstances in which concentrations of trees unreasonably obstruct views to and along the ocean and scenic coastal areas, tree thinning or removal shall be made a condition of permit approval.

(10) Tree planting to screen buildings shall be encouraged, however, new development shall not allow trees to interfere with coastal/ocean views from public areas.

...

(13) Access roads and driveways shall be sited such that they cause minimum visual disturbance and shall not directly access Highway I where an alternate configuration is 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): ...

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Appendix E: 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:

...

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.

...

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.

LUP Policy 3.1-24 states:

Any development within designated resource areas, if not specifically addressed by other policies, shall be carefully reviewed and established in accord with conditions which could allow some development under mitigating conditions but would assure the continued protection of the resource.

Relevant Implementation Plan (IP) Standards

IP Section 20.488.010 states:

General Review Standards.

(A) Development shall not significantly degrade, or destroy the habitat for, endangered plant and animal species, including native mammals and resident and migratory birds. Diversity, both functionally and numerically, shall be maintained.

(B) The productivity of wetlands, estuaries, tidal zones and streams shall be protected, preserved, and, where feasible, restored.

(C) Approved grading activities shall be conducted in a manner that will assure that environmentally sensitive habitat areas will be protected from adverse impacts that can result from mechanical damage and undesirable changes in the water table, subsurface aeration and impacts to the root system of riparian vegetation, the alteration of surface or subsurface drainage, or other environmental conditions.

(D) Wetland buffer areas (the transition areas between wetland and upland habitats) shall be protected, preserved, and, where feasible, restored.

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.

IP Section 20.532.100 states, in applicable part:

Supplemental Findings.

In addition to required findings, the approving authority may approve or conditionally approve an application for a permit or variance within the Coastal Zone only if the following findings, as applicable, are made:

(A) Resource Protection Impact Findings.

(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:

(a) The resource as identified will not be significantly degraded by the proposed development.

(b) There is no feasible less environmentally damaging alternative.

(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

...

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Appendix F: Excerpts from the Mendocino County LCP Related to Geologic Hazards Contention

Relevant Land Use Plan (LUP) Policies

LUP Policy 3.4-1 states:

The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats. In areas of known or potential geologic hazards, such as shoreline and bluff top lots and areas delineated on the hazards maps the County shall require a geologic investigation and report, prior to development, to be prepared by a licensed engineering geologist or registered civil engineer with expertise in soils analysis to determine if mitigation measures could stabilize the site. Where mitigation measures are determined to be necessary, by the geologist, or registered civil engineer the County shall require that the foundation construction and earthwork be supervised and certified by a licensed engineering geologist, or a registered civil engineer with soil analysis expertise to ensure that the mitigation measures are properly incorporated into the development.

LUP Policy 3.4-2 states:

The County shall specify the content of the geologic site investigation report required above. The specific requirements will be based upon the land use and building type as well as by the type and intensity of potential hazards. These site investigation requirements are detailed in Appendix 3.

LUP Policy 3.4-7 states:

The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years). Setbacks shall be of sufficient distance to eliminate the need for shoreline protective works. Adequate setback distances will be determined from information derived from the required geologic investigation and from the following setback formula: $\text{Setback (meters)} = \text{Structure life (years)} \times \text{Retreat rate (meters/year)}$ The retreat rate shall be determined from historical observation (e.g., aerial photographs) and/or from a complete geotechnical investigation. All grading specifications and techniques

will follow the recommendations cited in the Uniform Building Code or the engineering geologists report.

LUP Policy 3.4-9 states:

Any development landward of the blufftop setback shall be constructed so as to ensure that surface and subsurface drainage does not contribute to the erosion of the bluff face or to the instability of the bluff itself.

LUP Policy 3.4-10 states:

No development shall be permitted on the bluff face because of the fragility of this environment and the potential for resultant increase in bluff and beach erosion due to poorly-sited development. However, where they would substantially further the public welfare, developments such as staircase accessways to beaches or pipelines to serve coastal-dependent industry may be allowed as conditional uses, following a full environmental, geologic and engineering review and upon the determinations that no feasible less environmentally damaging alternative is available and that feasible mitigation measures have been provided to minimize all adverse environmental effects.

Relevant Implementation Plan (IP) Standards

IP Section 20.532.070 states

Geologic Hazards—Evaluation and Supplemental Application Information.

(A) The extent of additional geotechnical study that must accompany Coastal Development applications depends on the site and type of project as follows:

(1) Land Use and Building Type.

(a) Type 1: Public, High Occupancy and Critical Use, including: Hospitals, Fire and Police Station, Communication Facilities, Schools, Auditoriums, Theaters, Penal Institutions, High-rise Hotels, Office and Apartment Buildings (over 3 stories), and Major Utility Facilities.

(b) Type 2: Low Occupancy, including: Low-rise Commercial and Office Buildings (one (1) to three (3) stories), Restaurants (except in high-rise category), and Residential (less than eight (8) attached units and less than 3 stories).

(c) Type 3: Residential (less than eight (8) attached units), and Manufacturing and Storage/Warehouse (except where highly toxic substances are involved which should be evaluated on an individual basis with mandatory geotechnical review.).

(d) Type 4: Open Space, Agricultural, Golf Courses, etc.

(2) Required Studies.

(a) Fault Rupture. Prior to proceedings with any Type 1 development, published geologic information shall be reviewed by an engineering geologist or civil engineer, the site shall be mapped geologically and aerial photographs of the site and vicinity shall be examined for lineaments. Where these methods indicate the possibility of faulting, a thorough investigation is required to determine if the area contains a potential for fault rupture. All applications for development proposals shall be reviewed for compliance with the Alquist-Priolo Special Studies Zone Act pursuant to Subsection (D) below and shall be deemed incomplete until such time as the reviewing geologist report is accepted by the County.

(b) Seismic-Related Ground Failure. Site investigation requirements for seismic-related ground failure are described as follows:

(i) Land Use/Building Type 2 and 3 within Zone 1 (Low): Current building code requirements must be met, as well as other existing state and local ordinances and regulations. A preliminary geotechnical investigation should be made to determine whether or not the hazards zone indicated by the Land Capabilities/Natural Hazards maps is reflected by site conditions.

(ii) Land Use/Building Type 1 within Zone 1 (Low) and Land Use/Building Type 3 within Zones 2 (Moderate) and Zone 3 (High): In addition to Subsection (i), above, geotechnical investigation and structural analysis sufficient to determine structural stability of the site for the proposed use is necessary. It may be necessary to extend the investigation beyond site boundaries in order to evaluate the shaking hazard. All critical use structure sites require detailed subsurface investigation.

(iii) Land Use/Building Type 1 within Zone 2 (Moderate) and Land Use/Building Type 2 within Zones 2 (Moderate) and Zone 3 (High): In addition to Subsections (i) and (ii), above, surface and/or subsurface investigation and analyses sufficient to evaluate the site's potential for liquefaction and related ground failure shall be required.

(iv) Land Use/Building Type 1 within Zone 3 (High): In addition to Subsections (i), (ii) and (iii), detailed dynamic ground response analyses must be undertaken.

(3) Unspecified land uses shall be evaluated and assigned categories of investigation on an individual basis.

(a) Tsunami. Land Use Types 1, 2 and 3 shall not be permitted in tsunami-prone areas. Development of harbors and Type 4 uses should be permitted, provided a tsunami warning plan is established.

(b) Landsliding. All development plans shall undergo a preliminary evaluation of landsliding potential. If landslide conditions are found to exist and cannot be avoided, positive stabilization measures shall be taken to mitigate the hazard.

(B) Review of Geologic Fault Evaluation Report by County Geologist. An application for development which requires a report or waiver prepared pursuant to the Alquist Priolo Act shall not be accepted as complete unless and until there are:

(1) A fully executed agreement between a geologist registered in the State of California and the County to either review the report required hereinabove or to prepare a request for waiver; and

(2) A fully executed agreement between the County and the applicant to reimburse the County for the costs incurred pursuant to the agreement specified in subparagraph (1) above.

Within thirty (30) days of an application for development located within an Alquist-Priolo special study area, the County shall cause a geologist registered in the State of California (hereinafter called County reviewing geologist) to review the geologic report. The review shall assess the adequacy of the documentation contained in the report, and the appropriateness of the depth of study conducted in consideration of the use proposed for the project site. The County reviewing geologist shall prepare a written review which either concurs or does not concur with the scope, methodology, interpretations, conclusions, and recommendations of the geologic report. Said review shall be subject to comment and revision as may be deemed necessary by the County.

Within thirty (30) days after acceptance of the geologic report the County shall forward it to the State Geologist to be placed on open file.

IP Section 20.492.010 states:

Grading Standards.

(A) Grading shall not significantly disrupt natural drainage patterns and shall not significantly increase volumes of surface runoff unless adequate measures are taken to provide for the increase in surface runoff.

(B) Development shall be planned to fit the topography, soils, geology, hydrology, and other conditions existing on the site so that grading is kept to an absolute minimum.

(C) Essential grading shall complement the natural land forms. At the intersection of a manufactured cut or fill slope and a natural slope, a gradual transition or rounding of contours shall be provided.

(D) The cut face of earth excavations and fills shall not be steeper than the safe angle of repose for materials encountered. Where consistent with the recommendations of a soils engineer or engineering geologist, a variety of slope ratios shall be applied to any cut or fill slope in excess of two hundred, (200) feet in length or ten (10) feet in height. For individually developed lots, a variety of slope ratios shall be applied to all cut or fill slopes when a building pad area exceeds four thousand five hundred (4,500) square feet, or when the total graded area of the lot exceeds nine thousand (9,000) square feet. The steepest permissible slope ratio shall be two to one (2:1), corresponding to a fifty (50) percent slope.

(E) The permanently exposed faces of earth cuts and fills shall be stabilized and revegetated, or otherwise protected from erosion.

(F) Adjoining property shall be protected from excavation and filling operations and potential soil erosion.

(G) The area of soil to be disturbed at any one time and the duration of its exposure shall be limited. Erosion and sediment control measures shall be installed as soon as possible following the disturbance of the soils. Construction equipment shall be limited to the actual area to be disturbed according to the approved development plans.

IP Section 20.492.015 states:

Erosion Standards.

(A) The erosion rate shall not exceed the natural or existing level before development.

(B) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.

(C) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent

coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily. In environmentally sensitive habitat areas, the revegetation shall be achieved with native vegetation. In buffer areas adjacent to environmentally sensitive habitats, non-native vegetation may be used provided that it is non-invasive and would not adversely affect the environmentally sensitive habitat area.

(D) Mechanical or vegetative techniques to control erosion may be used where possible or necessary providing that they are fully discussed in the approved development plan.

(E) To control erosion, development shall not be allowed on slopes over thirty (30) percent unless adequate evidence from a registered civil engineer or recognized authority is given that no increase in erosion will occur.

(F) Development of sites that will result in road cuts, which pose a hazard and/or which create the potential for uncontrollable problems and adverse impacts from erosion and sedimentation, shall not be allowed. Alternative road routes may be required for projects. Where possible, roads in hilly areas should follow ridgetops to avoid extensive cuts and fills.

(G) Erosion control devices shall be installed in coordination with clearing, grubbing, and grading of downstream construction; the plan shall describe the location and timing for the installation of such devices and shall describe the parties responsible for repair and maintenance of such devices.

IP Section 20.500.005 states:

Applicability.

This Chapter shall apply to all development proposed in the Coastal Zone unless and until it is determined by the County Coastal Permit Administrator that the project is not subject to threats from geologic, fire, flood or other hazards.

IP Section 20.500.010 states:

Purpose.

(A) The purpose of this section is to insure that development in Mendocino County's Coastal Zone shall:

- (1) Minimize risk to life and property in areas of high geologic, flood and fire hazard;
- (2) Assure structural integrity and stability; and
- (3) Neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

IP Section 20.500.015 states:

General Criteria.

(A) Determination of Hazard Areas.

(1) Preliminary Investigation. The Coastal Permit Administrator shall review all applications for Coastal Development Permits to determine threats from and impacts on geologic hazards.

(2) Geologic Investigation and Report. In areas of known or potential geologic hazards such as shoreline and blufftop lots and areas delineated on the hazard maps, a geologic investigation and report prior to development approval, shall be required. The report shall be prepared by a licensed engineering geologist or registered civil engineer pursuant to the site investigation requirements in Chapter 20.532.

(B) Mitigation Required. Where mitigation measures are determined to be necessary, the foundation, construction and earthwork shall be supervised and certified by a licensed engineering geologist or a registered, civil engineer with soil analysis expertise who shall certify that the required mitigation measures are incorporated into the development.

IP Section 20.500.020 states, in applicable part:

Geologic Hazards—Siting and Land Use Restrictions.

...

(B) Bluffs.

(1) New structures shall be setback a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (seventy-five (75) years). New development shall be setback from the edge of bluffs a distance determined from information derived from the required geologic investigation and the setback formula as follows:

Setback (meters) = structure life (75 years) × retreat rate (meters/year)

Note: The retreat rate shall be determined from historical observation (aerial photos) and/or from a complete geotechnical investigation.

(2) Drought tolerant vegetation shall be required within the blufftop setback.

(3) Construction landward of the setback shall not contribute to erosion of the bluff face or to instability of the bluff.

(4) No new development shall be allowed on the bluff face except such developments that would substantially further the public welfare including staircase accessways to beaches and pipelines to serve coastal-

dependent industry. These developments shall only be allowed as conditional uses, following a full environmental, geologic and engineering review and upon a finding that no feasible, less environmentally damaging alternative is available. Mitigation measures shall be required to minimize all adverse environmental effects.

...

(D) Landslides.

(1) New development shall avoid, where feasible, existing and prehistoric landslides. Development in areas where landslides cannot be avoided shall also provide for stabilization measures such as retaining walls, drainage improvements and the like. These measures shall only be allowed following a full environmental, geologic and engineering review pursuant to Chapter 20.532 and upon a finding that no feasible, less environmentally damaging alternative is available.

(2) Where landslides pose an immediate threat to existing development, emergency steps to stabilize the slide may be taken without benefit of the reviews specified above, but must conform with Section 20.536.055 of this Division for permits for approval of emergency work.

(E) Erosion.

(1) Seawalls, breakwaters, revetments, groins, harbor channels and other structures altering natural shoreline processes or retaining walls shall not be permitted unless judged necessary for the protection of existing development, public beaches or coastal dependent uses. Environmental geologic and engineering review shall include site-specific information pertaining to seasonal storms, tidal surges, tsunami runups, littoral drift, sand accretion and beach and bluff face erosion. In each case, a determination shall be made that no feasible less environmentally damaging alternative is available and that the structure has been designed to eliminate or mitigate adverse impacts upon local shoreline sand supply and to minimize other significant adverse environmental effects.

(2) The design and construction of allowed protective structures shall respect natural landforms, shall provide for lateral beach access and shall minimize visual impacts through all available means.

(3) All grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the engineer's report and Chapter 20.492 of this Division.

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Appendix G: 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.

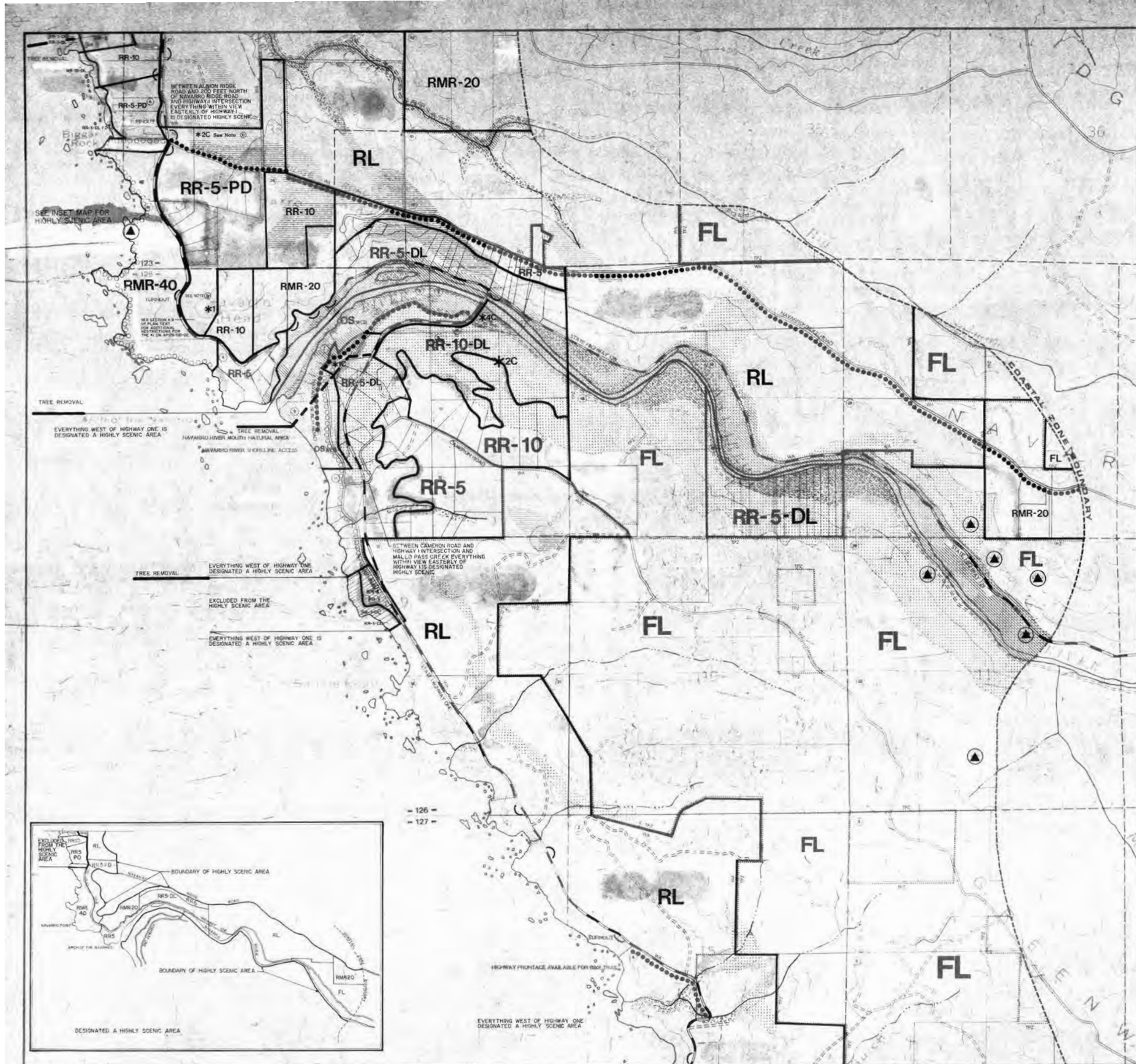
Section 30214 states, in applicable part:

(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

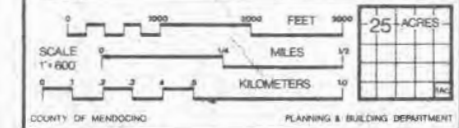
REVISED
APRIL 9, 1984
JULY 3, 1985
AMENDMENTS
JULY 9, 1990
AUGUST 26, 1996
OCTOBER 27, 1997

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







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 #1, Inn, Pub, or Motel #2, Campground or RV #3, Restaurant #4, Day Tent, Resort #5, Cold/Hotel use, Inn, Hostel #6, #7, Inn, Hotel, or Motel #8-10, Campground or RV #11-13, Restaurant #14, #15, Resort #16-20.
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 Lodging 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 #9 Bed and breakfast, 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 and mudflats.	 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

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Appendix H: Excerpts from the Mendocino County LCP Related to Tree Removal Contention

Relevant Land Use Plan (LUP) Policies

LUP Policy 3.1-33 states:

Vegetation removal that constitutes "development", as defined in the glossary of this plan, shall require a coastal development permit. The granting of such permit shall be done only when the proposed development is consistent with all other sections and policies of this plan.

LUP Policy 3.5-5 states:

Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged. In specific areas, identified and adopted on the land use plan maps, trees currently blocking views to and along the coast shall be required to be removed or thinned as a condition of new development in those specific areas. New development shall not allow trees to block ocean views.

In circumstances in which concentrations of trees unreasonably obstruct views of the ocean, tree thinning or removal shall be made a condition of permit approval. In the enforcement of this requirement, it shall be recognized that trees often enhance views of the ocean area, commonly serve a valuable purpose in screening structures, and in the control of erosion and the undesirable growth of underbrush.

Relevant Implementation Plan (IP) Standards

IP Section 20.308.080 states, in applicable part:

Definitions (M)

...

(C) "Major Vegetation, Removal or Harvesting" shall be defined to include one (1) or more of the following:

(1) The removal of more than fifteen (15) trees or ten (10) percent of the total number of trees on the parcel, whichever is less, with a diameter of twelve (12) inches or a circumference of thirty-eight (38) inches or more measured at four and one-half (4 ½) feet vertically above the ground; or

(2) The removal of trees within a total contiguous ground area of six thousand (6,000) square feet, or within a noncontiguous area or areas not exceeding a total of six thousand (6,000) square feet measured as the area located directly beneath the tree canopy; or

(3) The Planning and Building Services Director may determine that a proposal to remove vegetation constitutes major vegetation removal if the Planning and Building Services Director finds that it may result in a significant impact. In making a finding that the proposed major vegetation removal may result in a significant impact, the Planning and Building Services Director shall review the proposal and determine if any of the following conditions exist or are proposed:

(a) The vegetation removal involves the use of heavy equipment, or

(b) The vegetation removal is proposed on a steep slope (fifteen percent (15%) or greater) and the removal of vegetation may result in soil erosion or landslide, or

(c) The vegetation removal is located within or adjacent to an environmentally sensitive habitat, or

(d) The vegetation removal may result in significant exposure of adjacent trees to wind damage, or

(e) The vegetation removal may result in significant degradation of the viewshed, or

(f) The removal of one (1) or more trees which measure twenty-four (24) inches or more in diameter at breast height and which are visually or historically significant, exemplary of their species, or ecologically significant.

(4) Exempt from this definition would be one (1) or more of the following:

(a) Removal of trees and other vegetation that have been reviewed and approved in conjunction with an associated development permit, or

(b) Removal or harvesting of vegetation for agricultural purposes in areas presently used for agriculture, or

(c) Kelp harvesting, or

(d) Timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

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Appendix I: Excerpts from the Mendocino County LCP Related to Highway Capacity Contention

Relevant Land Use Plan (LUP) Policies

LUP Policy 3.8-1:

Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits. On the rural side of the Urban/Rural Boundary, consideration shall be given to Land Use Classifications, 50% buildout, average parcel size, availability of water and solid and septage disposal adequacy and other Coastal Act requirements and Coastal Element policies. Highway capacity impacts shall be considered in determining land use classifications and density changes.

Relevant Implementation Plan (IP) Standards

IP Section 20.532.095 states, in applicable part:

Required Findings for all Coastal Development Permits.

(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:

...

(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and

...

(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

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Appendix J: Excerpts from the Mendocino County LCP Related to Conditions of Approval Contention

Relevant Implementation Plan (IP) Standards

IP Section 20.532.050 states, in applicable part:

Actions.

The approving authority may take any one (1) or a combination of the following different actions for each application for a permit.

(A) Make such findings or determination as is required by this Division and approve the application; or

(B) Make such findings or determination as is required by this Division, including performance of, or compliance with, changes, modifications or conditions necessary to assure conformity with this Division and required for approval of the application; or

...

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Appendix K: 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....

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Appendix L: Excerpts from the Mendocino County LCP Related to CEQA Contention

Relevant Implementation Plan (IP) Standards

IP Section 20.532.040 states:

Project Review—CEQA.

Upon acceptance of an application as complete, the Director or his designee shall complete an environmental review of the project as required by the California Environmental Quality Act (CEQA), shall study the project for conformance with all applicable requirements of this Chapter. The Director shall refer relevant portions of the completed application to those departments, agencies or individuals who received copies of the application during application check, or other individual/group that the department believes may have relevant authority or expertise. The Director or designee shall prepare a written report and recommendation for action on the application with findings and evidence in support thereof.

IP Section 20.532.095 states, in applicable part:

Required Findings for all Coastal Development Permits.

(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:

...

(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.