



-MENDOCINO COUNTY COASTAL ELEMENT-



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1.1 **THE COASTAL ACT**

Local control over land use and development regulation in the coastal zone was substantially modified with the passage of Proposition 20, the California Coastal Zone Conservation Act. In November 1972 a majority of California voters expressed opposition to perceived deterioration of the coastal environment due to development pressures. Under Proposition 20, the California Coastal Zone Conservation Commission and six Regional Coastal Commissions were created and given the dual mandate to prepare a statewide comprehensive plan for the coast and to regulate development while the plan was being prepared. The California Coastal Plan submitted to the legislature in December 1975 led to the California Coastal Act of 1976 in which the Legislature declared in Section 30001(a) "That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people..."

The Act established a permanent coastal zone management program in California, transferring the responsibility of preparing the coastal plan from the state and regional commissions to the counties and cities along the coast. Locally developed and implemented plans are to be reviewed by the Coastal Commission at least every five years.

The Coastal Act, in Section 30001.5, sets the following goals for all Land Use Plans for the coastal zone:

- (a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.



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(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The heart of the Coastal Act is Chapter 3, Coastal Resources Planning and Management Policies (Section 30200). These policies constitute the standards that local plans must meet in order to be certified by the state as well as criteria for evaluating proposed developments within the coastal zone. Additional general policies provided the framework for the Land Use Plan;

- a. Where policies within the Land Use Plan overlap, the policy which on balance is the most protective of coastal resources shall take precedence.
- b. Where there are conflicts between the policies set forth in the Land Use Plan and those set forth in any element of the County's General Plan, existing ordinances, or other County regional plans, the policies of this Land Use Plan shall take precedence in the Coastal Zone.
- c. Chapter 3 of the Coastal Act (PRC Sections 30210 through 30263) provided the standard for the determination of legal adequacy of this Land Use Plan and shall guide its interpretation.

Excerpts from the Act for each of the 14 policy categories are quoted in Chapter 3 of this plan. The spirit and intent of the Act can be summarized as requiring that:

- the unique natural features of the coast be preserved as much as possible, and
- the coast be as available for the enjoyment of as many people as possible, regardless of their income or place of residence.

The Coastal Act also establishes a framework for resolving conflicts among competing uses for limited coastal lands. [Figure 1.1-1](#) diagrams this hierarchy of land use priorities established by the Coastal Act which must be reflected in the Land Use Plan. As shown, the Act places its highest priority on the preservation and protection of natural resources, including such environmentally sensitive habitats as wetlands and dunes, and prime agricultural and timber lands. Only uses dependent on these resources shall be permitted within such areas and the maximum amount of prime agricultural and timber land shall be kept in production [Sections 30213, 30241, 30242, 30243, and 30250(a) and (b)]. On shoreline sites that are not sensitive environmentally sensitive habitats or prime agricultural or timber lands, development that must be adjacent to the sea takes precedence over other developments [Sections 30213, 30234, 30250(a) and (b), 30253, and 30255]. Third and fourth priority uses are public recreation and visitor-serving facilities [Sections 30213, 30220-23, and 30250(c)] and residential development.

1.2 THE COASTAL PLANNING PROCESS

In 1978 the Mendocino County Planning Department completed Issues Identification and a Draft Work Program for the LCP. The County's General Plan was subsequently found inadequate by the Superior Court and the County found itself under a moratorium prohibiting rezoning or



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subdivision approval until a new General Plan could be adopted. Primarily because County Planning Department staff time was needed for work on the General Plan, The Board of Supervisors exercised an option provided by the Coastal Act and requested that the Coastal Commission prepare its LCP. In June 1979 the Coastal Commission selected Blayney-Dyett as consultant for this work. The Hearing Draft was prepared by Blayney-Dyett Consultants and published in August, 1980, and represents the basis for this plan. The Hearing Draft and the Comments prepared by the staff of the California Coastal Commission were the basis of public hearings held by the Mendocino County Planning Commission beginning June 15, 1981.

1.3 PUBLIC PARTICIPATION

The Coastal Act calls for the "widest opportunity for public participation" in coastal planning (Section 30006). Four of the fourteen Citizens' Advisory Committees (CAC's) appointed by the Mendocino County Board of Supervisors for the county-wide General Plan revision program have portions of the coastal zone within their planning areas. These CAC's worked diligently on both the Countywide Plan and the Coastal Element, developing their own position papers, writing specific comments on Countywide draft policy statements and the coastal consultant's working papers, and preparing sketch plans with supporting text. The consultant preparing the Hearing Draft of the Coastal Element participated in regular meetings of each of the coastal CAC's. North Coast Region Coastal Commission staff and the County's coastal planner attended these and many additional CAC meetings.

Sketch plans prepared by the CAC's and those prepared by the consultant were discussed at meetings in May and June, 1980 and plan maps were left at convenient public locations with a request for public comment. Comments written on the consultant's maps, CAC plans and statements, and the many letters and comments received from individuals have been considered and frequently incorporated by the consultant in the draft Coastal Element.

Where CAC positions were consistent with the Coastal Act, in the opinion of the consultant, they were reflected in the draft Land Use Plan. The consultant's judgment as to what is in compliance with the Act is, of course, open to debate by the CAC's, the County Planning Commission, the Board of Supervisors, and the Coastal Commission. Public participation continued to affect the plan as it moved through the approval process. Numerous public hearings were held along the coast by the Mendocino County Planning Commission beginning June 15, 1981.

1.4 RELATIONSHIP BETWEEN THE COASTAL ELEMENT AND THE COUNTYWIDE GENERAL PLAN

The Coastal Element is designed to be adopted as an element of the Mendocino County General Plan. Work on the Coastal Element proceeded, with the cooperation and assistance of the County Planning Department, simultaneously with revision of the County General Plan. The County General Plan includes no land use proposals within the coastal zone and the Coastal Element includes none outside. Few coordination problems surfaced except in the area around Fort Bragg. Here most existing and potential development is outside the coastal zone. Four planning programs affect this area. The Fort Bragg general plan revision, and LCP and the County general



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plan revision and LCP. Slightly varying time schedules and some conflicting public meetings have made it difficult for interested citizens to follow each program.

The Coastal Act requires that the Coastal Element be more detailed and specific than the Countywide General Plan and cover issues such as access, visual resources, and urban/rural boundaries that are not mandated by State Planning Law to be included in General Plans. The Countywide General Plan contains elements (noise, safety, and seismic safety) that are not specifically required by the Coastal Act. Thus Countywide policies expressed in the Seismic Safety, Noise and Safety Elements will apply within the coastal zone. The Coastal Element relies on the Countywide Housing Element of the General Plan for the framework for meeting low and moderate income housing. [Table 1.4-1](#) shows the relationship among General Plan Elements, Coastal Act policies, and Coastal Element components.

As long as the area along the coast of Mendocino County remains under the jurisdiction of the Coastal Commission, the first consideration of the Planning Commission in reviewing the LCP is its responsibility to the public interest and general welfare in the County as a whole; and to take into consideration the requirements of State Law as it pertains to the Coastal Act. For the portion of the County outside of the Coastal Zone, the County has developed land use policy giving guidance to development of the Countywide General Plan. Land use decisions within the Coastal Zone will likewise be directed through Coastal Element policies, and where possible, these policies have been made consistent with previously developed General Plan policies, land use classifications and densities.

It is declared to be the intention of the Mendocino County Planning Commission and Board of Supervisors that if any provision of the Mendocino County Local Coastal Plan is held by a court of competent jurisdiction to be unconstitutional, invalid, void or unenforceable, the remaining provisions shall remain in full force and effect.

1.5 ADOPTION, CERTIFICATION, AND IMPLEMENTATION

The Coastal Act requires that each of the 53 cities and 15 counties along the California coast prepare a Local Coastal Program (LCP).

The LCP is defined by Section 30108.6 of the Act as the land use plan, zoning ordinances, and zoning maps which, when taken together, implement the policies of the Coastal Act. Each LCP must pass a three step review.

Mendocino County may submit the Coastal Element to the Coastal Commission either as a program that will take effect automatically upon Coastal Commission approval or as a program that will require formal adoption by the County after Coastal Commission approval (Coastal Commission Administrative Regulations 13518).

The Land Use Plan is intended to be adopted as the Coastal Element of the Mendocino County General Plan. It must be considered in at least one public hearing by the County Planning Commission, approved with any changes the Commission believes are desirable, and transmitted



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to the Board of Supervisors. The Board must hold at least one public hearing before adoption. If it wishes to alter the plan, it first must refer the modifications to the Planning Commission for a report.

The following provisions shall apply to the Commission's decision to certify or refuse certification of a land use plan pursuant to Section 30512.2:

(a) The Commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200). In making this review, the Commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan.

(b) The Commission shall require conformance with the policies and requirements of Chapter 3 (commencing with Section 30200) only to the extent necessary to achieve the basic state goals specified in Section 30001.5.

Either concurrently with evaluation of the Land Use Plan or at a later date, the Commission also must review the County's proposed implementing mechanisms for the Land Use Plan to ensure that they conform with and are adequate to carry out the provisions of the Land Use Plan. A majority vote of the Commission is required to disapprove the County's proposed implementing mechanism.

The State Commission shall determine in hearings whether any aspect of the proposed LCP does not comply with the Coastal Act. If no substantial issue of conformity with the Act is found, the Commission shall certify the LCP. If a substantial issue is found, the State Coastal Commission may, by majority vote, decline to certify the plan, either as a whole or in part. Certification of the LCP transfers coastal development review authority to the County after:

- Mendocino County by formal resolution acknowledges the receipt of the Coastal Commission's resolution of certification, accepts any conditions or terms imposed by the Commission, takes formal action to comply with the conditions or terms of certification, and agrees to issue permits in the area covered by the approved LCP;
- the executive director of the Coastal Commission determines in writing that county's action and notification procedures for appealable development are legally adequate;
- the executive director of the Coastal Commission reports this determination to a meeting of the Commission and receives no objections;
- and, notice of certification is filed with the Secretary of the California State Resources Agency.



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Following certification of the Local Coastal Plan, certain proposed, new developments, defined in Section 30603(a) of the Coastal Act, may be appealed by any interested party to the State Coastal Commission. These include:

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Developments approved by the local government not included within paragraph (1) or (2) of this subdivision that are located in a sensitive coastal resource area.
- (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).
- (5) Any development which constitutes a major public works project or a major energy facility (Energy Facility is defined in Section 30107 of the Coastal Act. Public Works is defined in Section 30114 of the Act. Major public works and major energy facilities are defined in Section 13012 of the Coastal Commission Regulations [Title 14 CAC, Division 5.5]).

The Coastal Commission retains original jurisdiction on tidelands, submerged lands, and public trust lands [Section 30519(b)].

Provision number 4 above emphasizes the importance of designation of uses by the Land Use Plan. The Coastal Act requires that land use decisions be made at the general plan stage rather than at the zoning stage as has been the practice in many California cities and counties (see Sections 30108.5, 30512, and 30513). The Land Use Plan must be sufficiently detailed so that no major questions are unresolved prior to the zoning phase.

The grounds for appeal for those developments in 30603(a)(1) are limited by Section 30603(b) of the Coastal Act to situations where:

- (1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.
- (2) The development fails to protect public views from any public road or from a recreational area to, and along, the coast.
- (3) The development is not compatible with the established physical scale of the area.
- (4) The development may significantly alter existing natural landforms.



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(5) The development does not comply with shoreline erosion and geologic set back requirements.

Additional grounds for appeal are found in Sections (c) and (d) as follows:

(c) The grounds for an appeal pursuant to paragraph (2), (3), (4), or (5) of subdivision (a) shall be limited to an allegation that the development does not conform to the certified local program.

(d) Any action described in subdivision (a) shall become final after the 10th working day, unless an appeal is filed within that time.