



CHAPTER 3 -- THE LAND USE PLAN: RESOURCES AND DEVELOPMENT ISSUES AND POLICIES

3.1 HABITATS AND NATURAL RESOURCES

[Narrative](#)

Coastal Element Policies: Habitats and Natural Resources

- 3.1-1 The various resources designations appearing on the land use maps represent the best information available at this time and therefore create a presumption of accuracy which may be overcome only with additional information that can be shown to be a more accurate representation of the existing situation than the information that has been used to determine these boundaries. Such showing shall be done in the context of a minor amendment to the land use plan.
- 3.1-2 Development proposals in environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats (all exclusive of buffer zones) including, but not limited to those shown on the Land Use Maps, shall be subject to special review to determine the current extent of the sensitive resource. Where representatives of the County Planning Department, the California Department of Fish and Game, the California Coastal Commission, and the applicant are uncertain about the extent of sensitive habitat on any parcel such disagreements shall be investigated by an on-site inspection by the landowner and/or agents, County Planning Department staff member, a representative of California Department of Fish and Game, a representative of the California Coastal Commission. The on-site inspection shall be coordinated by the County Planning Department and will take place within 3 weeks, weather and site conditions permitting, of the receipt of a written request from the landowner/agent for clarification of sensitive habitat areas.
- If all of the members of this group agree that the boundaries of the resource in question should be adjusted following the site inspection, such development should be approved only if specific findings are made which are based upon substantial evidence that the resource as identified will not be significantly degraded by the proposed development. If such findings cannot be made, the development shall be denied. Criteria used for determining the extent of wetlands and other wet environmentally sensitive habitat areas are found in Appendix 8 and shall be used when determining the extent of wetlands.
- 3.1-3 All proposed modifications of the Land Use Plan maps shall be based upon appropriate information, including that obtained from the special review process described in policy 3.1-1. Any modification of Land Use Maps will constitute an



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amendment in accordance with established local coastal plan procedures. Modifications to Land Use Maps should be the result of a multi-agency effort.

3.1-4 As required by the Coastal Act, development within wetland areas shall be limited to:

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

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

3.1-5 Ocean ranching for production of salmon/anadromous fish shall not be allowed.

3.1-6 In the wetland portions of Ten Mile River, Big River, development shall be limited to wetland restoration and nature study and salmon restoration projects.

3.1-7 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



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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.

3.1-8 The implementation phase of the LCP shall include performance standards and mitigating measures necessary to reduce adverse impacts on wetlands and wetland buffer areas from permitted developments. Such standards and mitigating measures shall be consistent with those recommended in the California Coastal Commission's Statewide Interpretive Guidelines for Wetland and Other Wet Environmentally Sensitive Habitat Areas, adopted February 4, 1981.

3.1-9 Channelization, dams, or other substantial alterations of rivers and streams shall be limited to:

1. Necessary water supply projects;
2. Flood control projects where no other method for protecting structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development;
3. Developments where the primary function is the improvement of fish and wildlife habitat which may include salmon restoration projects.

Where any of these uses are permitted the best feasible mitigation measures shall be incorporated into the development.

3.1-10 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



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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.

- 3.1-11 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.
- 3.1-12 Vehicle traffic, exclusive of that necessary for conducting timber harvest plans and farm implements, in wetlands and riparian areas shall be confined to roads. Multi-use non-motorized trails and access to riparian areas are permitted if no long-term adverse impacts would result from their construction, maintenance and public use. Trails should be made from porous materials.
- 3.1-13 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



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measures recommended by the Regional Water Quality Control Board and regulated to prevent unnecessary discharge of refuse, petroleum spills, and dispersal of silt materials.

- 3.1-14 Dredge spoils shall not be deposited in areas subject to tidal influence unless they are suitable for beach replenishment. In such case, they shall be transported for such purposes to appropriate beaches or into suitable longshore current systems. Dredge spoils shall not be deposited in areas where public access would be significantly adversely affected, or in riparian areas or wetlands.

- 3.1-15 Dunes shall be preserved and protected as Environmentally sensitive habitats for scientific, educational and passive recreational uses. Vehicle traffic shall be prohibited. Where public access through dunes is permitted, well-defined footpaths or other means of directing use and minimizing adverse impacts shall be developed and used.

New development on dune parcels shall be located in the least environmental damaging location and shall minimize the removal of natural vegetation and alteration of natural landforms. No new parcels shall be created entirely within sand dune habitat. One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists and that the proposed development is consistent with all other applicable policies of this Coastal Element and meets all applicable health standards.

- 3.1-16 All dune landowners whose property is subject to dune encroachment shall be allowed to take reasonable actions which are deemed necessary to protect existing structures after obtaining a Coastal Development Permit.

Such actions may include removal of sand, construction of fences or walls to impede sand movement, and planting of vegetation for dune stabilization. These projects shall be subject to provisions regarding sand extraction, and shall be processed under conditional use procedures. Appropriate public agencies that either own large portions of the dunes or that can provide soil conservation advice and assistance should be invited to participate in necessary dune stabilization projects.

- 3.1-17 All applications for sand removal, mining or gravel extraction operations on land or in stream beds within the Coastal Zone shall be subject to a Coastal Development Permit. Detailed extraction and restoration plans shall be submitted as part of all required applications. Responses shall be obtained from appropriate referral agencies, including the State Lands Commission, California Department of Fish & Game, Regional Water Quality Control Board and U.S. Army Corps of Engineers, and this data considered in developing any necessary conditions for approval. All approved operations shall be adequately monitored to ensure protection of wildlife and plant habitats and to prevent any degradation of coastal resources. Time limits



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of up to five years shall be placed upon all such permits to allow for periodic public and agency review of mining operations. Performance bonds shall be required to ensure proper restoration of the sites.

All mining, gravel extraction and sand removal operations in the coastal zone shall be subject to the following standards:

1. Shall prevent siltation and other sources of pollutants that might enter streams by requiring silt traps or other approved methods for controlling potential pollutants and runoff from each operation;
2. Shall be conducted during times of the year which will have the least adverse impacts on fish and wildlife resources;
3. Shall not be conducted on vegetated bars or dunes;
4. Shall minimize disturbance to stream banks and shall incorporate measures necessary to prevent increased erosion as a result of the project;
5. For all projects larger than the removal of 1,000 cubic yards cumulatively, a reclamation plan of the project site shall be prepared and submitted and shall be approved prior to issuance of the permit and shall be carried out at such time as designated on the permit. For projects involving the removal of less than 1,000 cubic yards, a reclamation plan shall not be required. In both cases, the applicant shall protect coastal resources by mitigating for adverse impacts on the affected coastal resources. If a categorical exclusion has been granted to the County by the Coastal Commission, the specifics of that exclusion shall apply to those developments.

- 3.1-18 Public access to sensitive wildlife habitats such as rookeries or haulout areas shall be regulated, to insure that public access will not significantly adversely affect the sensitive resources being protected.

Development within buffer areas recommended by the California Department of Fish and Game to protect rare or endangered wildlife species and their nesting or breeding areas shall meet guidelines and management practices established by the Department of Fish and Game, and must be consistent with other applicable policies of this plan.

- 3.1-19 The following activities and facilities shall be permitted in estuaries, consistent with applicable policies of this plan:

1. Expansion of existing port or harbor facilities on the Noyo and Albion Rivers.
2. Expansion of coastal dependent industrial facilities, such as commercial fishing facilities on the Noyo and Albion rivers.
3. Existing navigational channels may be maintained to existing depths.
4. Expansion of dredged areas in either length, width or depth shall be contingent upon the finding that the proposed expansion will have only



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minimal adverse environmental effects and that the expansion is necessary to support a coastal dependent use.

5. Existing dredged areas shall be allowed to be maintained to designed conditions.
6. New or expanded boating facilities shall be limited to entrance channels in wetlands, upon the finding that they are required by a coastal dependent use.
7. Continued maintenance of dredge disposal sites and continued use of Noyo Spoil disposal site should be permitted.
8. New or expanded energy facilities except those related to offshore oil development, petroleum production or processing.
9. New or expanded boating facilities.
10. Incidental public service purpose, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
11. Restoration purposes.
12. Nature study, aquaculture, or similar resource dependent activities except ocean ranching of anadromous fish.

3.1-20 Soil constraints to conventional septic tank and leach field systems such as those on Noyo and Blacklock soils and similar soils shall be recognized and the use of alternative systems shall be encouraged. Water quality control regulations shall be enforced. Mendocino County Department of Environmental Health shall be directed to assess the ability of Noyo/Blacklock soils and soils with similar development constraints to accommodate new development, without adverse impacts, to either the ecosystem or water quality affecting existing residents. Mendocino County Department of Environmental Health shall use the available U.S.D.A. SCS Soils Maps and the Water Quality Control Board documents to assess the cumulative impacts of sewage disposal systems in evaluating these development constraints.

Limit new development on soil types characterized by pygmy vegetation to a low density (defined as 2 to 5 acres) as consistent with County Department of Environmental Health recommendations. Within two years of the certification of the Local Coastal Plan and, at regular intervals thereafter, the Mendocino County Department of Environmental Health shall report any adverse impacts from new development in areas of pygmy vegetation. If adverse impacts have occurred, further limits on new development shall be imposed pending mitigation measures.

Parcels entirely within areas of pygmy vegetation shall be designated Planned Development (PD). Such parcels shall be allowed to develop consistent with all applicable policies of this plan if mitigation measures are adopted and implemented to prevent or avoid impacts such as; erosion, surface/groundwater contamination, extensive vegetation removal and other related concerns. The County shall request that the U.S.D.A. SCS Soils mapping project be completed as soon as possible which will identify parcels that may be removed from the PD requirement. Parcels containing pygmy vegetation shall be allowed to divide only if each new parcel



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being created has an adequate area available for a residence with a conventional septic system allowing for a 100% back-up area for an alternate leach field.

- 3.1-21 Pygmy forests are unique ecosystems which may contain species of rare or endangered plants and if they do they are environmentally sensitive habitat areas. Other pygmy forest areas that do not contain species of rare or endangered plants will not be included in the environmentally sensitive habitat areas.

New development on parcels with pygmy vegetation shall be located in the least environmentally damaging locations and shall minimize the removal of native vegetation and alteration of natural landforms. Within two years or sooner after certification of the Local Coastal Plan, Mendocino County shall review and evaluate the Land Use and Habitat Resource Maps to reflect those specific habitat areas of pygmy forest for habitat protection. Because of the quality of habitat, suitability for scientific and educational study, or presence of rare and/or endangered plants, additional protection may or may not be required. Changes to the existing maps must be done through the amendment procedures. Land owners and adjacent property owners of any such proposed area shall be informed before the designation of any specific area, and implementation of any mitigation measures. After pygmy areas have been reviewed and evaluated, the Land Use and Habitat Resource Maps shall be changed to reflect the new findings. Until this is done, changes to the existing maps must be done through the amendment process.

- 3.1-22 Mendocino County should support a brush management program to control gorse, scotch broom, pampas grass, and other introduced plant pests with emphasis on those areas where brush is a fire hazard. Fire and/or mechanical means of pest control shall be preferred.
- 3.1-23 Private property owners protecting endangered plant habitats should receive county recognition and receive some award for their contribution to this environmental effort.
- 3.1-24 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.
- 3.1-25 The Mendocino Coast is an area containing many types of marine resources of statewide significance. Marine resources shall be maintained, enhanced and, where feasible, restored; areas and species of special biologic or economic significance shall be given special protection; and the biologic productivity of coastal waters shall be sustained.
- 3.1-26 In order to protect, enhance, restore, and preserve the quality of the Coastal Marine



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Ecosystem, it is the policy of Mendocino County to oppose any exploration for or development of mineral resources, including petroleum products, offshore Mendocino County.

Any such development can occur only if, after a careful balancing of social, economic, and environmental effects, findings are made that:

1. Alternative locations are infeasible or more environmentally damaging;
2. Failure to carry out the development would adversely affect the public welfare; and
3. Adverse environmental effects are mitigated at least to the extent that they will not adversely effect the resources of the Coastal Marine Ecosystem or its environment.

Because there are no current plans for development of oil and gas resources on tide and submerge lands offshore Mendocino County, the need to define detailed criteria to guide such activity now does not exist. If there is a future opportunity for offshore mineral exploration or development, detailed policy guidance can be considered through the Local Coastal Plan Amendment process, including the special amendment process for energy facilities provided at Section 30515 of the Coastal Act.

- 3.1-27 Clearance of trash and accumulated debris from coastal streams and the improvement of these streams for water supply, recreational use and fishery restoration are projects which are vital to the economic and biologic health of the Mendocino Coast and shall be encouraged whenever possible.
- 3.1-28 Section 30519(b) of the Coastal Act recognizes in this Coastal Element that the Coastal Commission retains primary permit authority to issue coastal permits for all development proposed on tidelands, submerged lands, or public trust lands, whether filled or unfilled, that are located in the coastal zone.
- 3.1-29 The California Department of Fish and Game, the California Native Plant Society, and the U.S. Fish and Wildlife Service shall be requested to maintain and augment mapped inventory of all rare, endangered, threatened and protected plant and wildlife habitats on the Mendocino Coast based on up-to-date survey information. Symbols indicating rare or endangered plants and wildlife are placed on the Land Use Maps to generally locate listed species and will be pinpointed as necessary to prevent degradation prior to issuing any development permit. Furthermore, the Department of Fish and Game is requested to work with the county during the planning and permit process to evaluate the significance of mapped sites as they apply to individual development applications.
- 3.1-30 Vehicle traffic shall be prohibited from all public beach areas except for emergency



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purposes and maintenance unless specifically designated for vehicular use.

- 3.1-31 Structures or projects involving a diversion of water from streams appearing as dotted or dashed blue lines on 7.5 minute U.S.G.S. quadrangle maps shall be sited and designed to not impede upstream or downstream movement of native fish or to reduce stream flows to a level which will have a significant adverse affect on the biological productivity of the stream and its associated aquatic organisms.
- 3.1-32 Land divisions, including lot line adjustments which are located within Environmentally Sensitive Habitat Area boundaries (which are shown on the Land Use Maps, and subject to Policy 3.1-1), will not be permitted if: (1) any parcel being created is entirely within an Environmentally Sensitive Habitat Area; or (2) if any parcel being created does not have an adequate building site which would allow for the development of the building site consistent with Policy 3.1-7.
- 3.1-33 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.