



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

3.6 SHORELINE ACCESS AND TRAIL/BIKEWAY SYSTEM

[Narrative](#)

Coastal Element Policies: Shoreline Access

- 3.6-1 The Coastal Conservancy, State Parks & Recreation, and other appropriate agencies shall be requested to initiate, as a result of the Phase III access program, a public relations program for the protection and enhancement of coastal resources, particularly coastal access.
- 3.6-2 Mendocino County shall adopt an ordinance to ensure that public access be protected against vandalism and improper use.
- 3.6-3 Mendocino County may request temporary closure of any accessway for due cause, i.e., if the resources cannot be protected, if use is hazardous to the public and during periods of construction, storm damage to the accessway, or after finding continued use is not consistent with safety and/or environmental concerns, permanent closure or closure for more than 12 months shall require an amendment to the Coastal Element.
- 3.6-4 The County, in concert with State and Local agencies and volunteer organizations, shall develop a program, without obligation to fund same, to clean and maintain the various accessways that are opened to public use. The program may utilize work furlough programs for trustees and jail prisoners or volunteers as appropriate.
- 3.6-5 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



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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.)

- 3.6-6 Shoreline access points shall be at frequent rather than infrequent intervals for the convenience of both residents and visitors and to minimize impacts on marine resources at any one point. Wherever appropriate and feasible, public access facilities, including parking areas, shall be distributed throughout the coastal area so as to mitigate against the impacts, social or otherwise, of overcrowding or overuse by the public of any single area. Specific proposals of this plan reflect this goal.
- 3.6-7 All access easements required by this Land Use Plan to be offered for dedication to public use shall be a minimum of 25 feet wide. 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. The right of public use may be limited to pass and repass only when an accessway is specifically identified in the plan as having habitat values which would be adversely impacted by public use or adverse topographic conditions which would make beach use dangerous, or when the accessway would encroach closer than 20 feet to a residential structure. In specified areas identified in Chapter 4 or on the Land Use Plan maps, offers to dedicate public parking areas may be required as a condition of permit approval.
- Such offers shall be obtained in a manner consistent with Policy 3.6-5 and shall contain language consistent with the requirements of Policy 3.6-28. In areas where adequate parking is not available, at the time of development the need for additional parking to serve public access to the coast shall be considered in the permit review process.
- 3.6-8 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.
- 3.6-9 Offers to dedicate an easement shall be required for all areas designated on the land use plan maps. Where sufficient sites in public ownership exist, additional private



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lands or easements over private lands beyond those shown on the land use plan maps shall not be required without a plan amendment or as otherwise required by the County. When considering such an amendment sites for shoreline access in public ownership shall be favored over those in private ownership.

- 3.6-10 All accessways shall be located and designed to minimize the loss of privacy or other adverse impacts on adjacent residences and other land uses.
- 3.6-11 Visitor accommodations and services on parcels adjoining the shoreline as identified on the public access maps shall provide public access to the blufftop and/or the shoreline. The access, to be required as a condition of permit approval or other methods as described in policy 3.6-5, shall be available to the public at large as well as to guests. In the event that the use is changed to a use other than visitor accommodations or services, an irrevocable offer to dedicate an easement for public access shall be made available to a public entity for acceptance and management. If the accessway is reopened, it shall remain available to the public free of entrance charge.
- 3.6-12 Vertical accessways not shown on the Land Use Maps or required by these policies shall not be required as a condition of permit approval unless the plan shall have been amended to change the intensity of use, or to delete an access point shown on the plan and serving a similar need.
- 3.6-13 The County may seek agencies to accept accessways as prescribed in this section under "Managing and Maintaining Accessways". Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
- 3.6-14 New and existing public accessways shall be conspicuously posted by the appropriate agency and shall have advance highway signs except those for which specific management provisions have been made and specified in Chapter 4. Additional signs shall designate parking areas and regulations for their use, and shall include regulations for protection of marine life and warning of hazards, including high tides that extend to the bluffs. Access shall not be signed until the responsibility for maintenance and liability is accepted and management established.

All accessways shall be designed and constructed to safety standards adequate for their intended use. Hazardous blufftops shall be marked or, if lateral access use is intended, shall have a cable or other clear barrier marking the trail or limit of safe approach to the bluff edge. The County of Mendocino shall seek to implement this policy where appropriate by requesting CalTrans, or other responsible agencies to maintain and sign such accessways.



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- 3.6-15 The Department of Fish and Game, Department of Parks and Recreation and appropriate county departments and agencies should be requested to monitor public access to sensitive coastal resource areas such as wetlands, dunes, riparian areas, tide pools, rocky intertidal areas, and other wildlife habitats, whether or not these areas are designated as access points on the Land Use Maps. DFG should, in consultation with the operating agency at each access point, prepare regulations governing use which shall be prominently posted. DFG should determine whether use of specific access points should be controlled to avoid degradation and allow resource recovery by limiting the number of users, by requiring supervision of users, or by closing the access point seasonally or periodically. (Policies regulating scientific access at Inglenook Fen and Havens Neck are listed in Chapter 4.)
- 3.6-16 Access to the beach and to blufftop viewpoints shall be provided for handicapped persons where parking areas can be close enough to beach or viewing level to be reachable by wheelchair ramp. The wheelchair symbol shall be displayed on road signs designating these access points where the means of access is not obvious from the main road.
- 3.6-17 Caltrans shall be required to improve or construct view turnouts designated on the Land Use Maps as a part of adjoining highway improvement projects when such improvements involve widening or improvements of the highway. (This would exclude rehabilitation type projects).
- 3.6-18 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.
- 3.6-19 Along intensively developed sections of Highway 1, (such as between Cleone and Albion or in Gualala) Caltrans shall be requested to build a separate pedestrian, equestrian path parallel to the highway where pedestrian traffic warrants and physical conditions permit.
- 3.6-20 Paved 4 foot shoulders should be provided by Caltrans along the entire length of Highway 1 wherever construction is feasible without unacceptable environmental effects.
- 3.6-21 The County of Mendocino coastal trail shall be integrated with the coastal trails in the cities of Fort Bragg and Point Arena, and with Humboldt County to the north



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and Sonoma County to the south so as to provide a continuously identifiable trail along the Mendocino County coast.

3.6-22 In carrying out the coastal access policies of this Coastal Element, the county or other appropriate designated management agency shall consider and encourage the utilization of innovative access management techniques including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

3.6-23 Public fishing access for such craft as canoes, rowboats or small boats utilizing trolling-type motors shall be maintained, protected and encouraged at Ten Mile River, Noyo River, Big River, Albion River, Navarro River, and Gualala River and efforts to obtain public access shall be continued at Big River.

Where needed, stream improvement projects within the coastal zone, including the removal of snags and debris, shall be encouraged in order to improve fishing and recreational boating access to these coastal streams.

3.6-24 The coastal access program shall be implemented in a manner that ensures coordination among and the most efficient use of limited fiscal resources by federal, state, county agencies, and private organizations responsible for acquisition, development, and maintenance of public coastal accessways.

3.6-25 Public access policies 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:

- topographic and geologic site characteristics;
- capacity of the site to sustain use and at what level of intensity;
- fragility of natural resource areas and proximity to residential uses;
- need to provide for management of the access;
- balance between the rights of individual property owners and the public's constitutional rights of access.

3.6-26 Prior to the opening, advertising or use of any accessway, the responsible individuals or agency shall prepare a management plan for that accessway, which is acceptable to the County of Mendocino, sufficient to protect the natural resources and maintain the property.

3.6-27 No development shall be approved on a site which will conflict with easements acquired by the public at large by court decree. Where evidence of historic public use indicates the potential for the existence of prescriptive rights, but such rights have not been judicially determined, the County shall apply research methods described in the Attorney General's "Manual on Implied Dedication and



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Prescriptive Rights". Where such research indicates the potential existence of prescriptive rights, an access easement shall be required as a condition of permit approval. Development may be sited on the area of historic public use only if: (1) no development of the parcel would otherwise be possible, or (2) proposed development could not otherwise be sited in a manner which minimizes risks to life and property, or (3) such siting is necessary for consistency with the policies of this plan concerning visual resources, special communities, and archaeological resources. When development must be sited on the area of historic public use an equivalent easement providing access to the same area shall be provided on the site.

- 3.6-28 New development on parcels containing the accessways identified on the land use maps shall include an irrevocable offer to dedicate an easement, as required by other policies in this Chapter, for public use. Such offers shall run for a period of 21 years and shall be to grant and convey to the people of the State of California an easement for access over and across the offeror's property.
- 3.6-29 Any property owner, who has recorded an offer to dedicate an easement to the public as condition of permit approval and the specific locations of the easement is not recommended in the land use plan for public access, may petition the Coastal Commission to amend the permit that required the offer to eliminate the condition. It is the intent of the plan that these easements which are not recommended in the land use plan be extinguished by the Coastal Commission.
- 3.6-30 The accessways proposed by the Coastal Element are determined to be adequate in number and location to comply with Coastal Act intent at this time. When this plan undergoes future review its adequacy to meet the public need for access, as required by the Coastal Act, will be re-evaluated and modified accordingly.