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July 22, 2019

PUBLIC NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, August 22, 2019, in the Fort Bragg Public Library, 499 East Laurel Street, Fort Bragg, California, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

CASE#: CDP_2018-0025 DATE FILED: 9/25/2018 OWNER: DEW CLAW LLC

APPLICANT/AGENT: SUPERIOR PUMP AND DRILLING

REQUEST: Standard Coastal Development Permit to drill a production well to serve an existing

Single-Family Residence.

ENVIRONMENTAL DETERMINATION: Categorically Exempt.

LOCATION: In the Coastal Zone, 1.7± miles south of the intersection of State Route 1 and State

Route 128, located at 1990 S Hwy 1, Elk (APN 126-160-08).

SUPERVISORIAL DISTRICT: 5
STAFF PLANNER: JULIANA CHERRY

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah and 120 West Fir Street, Fort Bragg, California and on the Department of Planning and Building Services website at:

https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to Planning and Building, Services 860 N Bush Street, Ukiah, CA 95482, attention Commission Staff. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

BRENT SCHULTZ, Director of Planning and Building Services

AUGUST 22, 2019 CDP 2018-0025

SUMMARY

OWNER: DEW CLAW LLC

PO BOX 1328 EUREKA, CA 95502

APPLICANT/AGENT: SUPERIOR PUMP AND DRILLING

PO BOX 1551

FORT BRAGG, CA 95437

REQUEST: Standard Coastal Development Permit to drill a

production well to serve an existing Single Family

Residence.

LOCATION: In the Coastal Zone, 1.7± miles south of the intersection

of State Route 1 and State Route 128, located at 1990 S

Hwy 1, Elk (APN: 126-160-08).

TOTAL ACREAGE: 45.5± Acres

GENERAL PLAN: Coastal Element Chapter 4.10, Mendocino County

General Plan

Range Lands Classification (RL160:R)

ZONING: Mendocino County Coastal Zoning Code

Range Lands District (RL:160)

SUPERVISORIAL DISTRICT: 5th Supervisorial District (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

APPEALABLE: Yes, appeal jurisdiction

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Juliana Cherry

BACKGROUND

PROJECT DESCRIPTION: A Standard Coastal Development Permit request to drill a production well to serve an existing Single Family Residence. Proposed are three different locations to test for ground water. One production well would be installed at one of the three sites tested for ground water (See recommended Condition #9). It is likely that a pump house would need to be installed over the well location; therefore, included with the recommended conditions is a condition allowing any future pump house over the location of the production well (See recommended Condition #11).

APPLICANT'S STATEMENT: Drill production well. Reason for request is that the easement on the east side of the property for water has expired and is not renewed. There is no well on-site serving the existing residence.

RELATED APPLICATIONS ON SITE: CDUM_2006-0018 and MS_165-75. There are also five expired building permits, including: F10-218, F9781, 90900978, 91900207, and 92900448. These permits were predated and then superseded by later permits that are finaled for one barn and one residential remodel.

SITE CHARACTERISTICS: This 45.5 acre site is situated west of State Route 1, south of the Navarro River and north of Elk (See attached Location Map). The site and surrounding lands are mapped as Critical Water Areas (See attachment Ground Water Resources). The site is developed with a Single Family Residence and Barn that previously had access to spring water from an adjoining property. The westerly property boundary follows the County's shoreline (See attached Aerial Imagery). Land elevations at the top of the coastal bluff are 200± feet above sea level (See attached Topographic Map). The General Plan Classification and Zoning District is Range Lands (See attachments). The LCP Land Use Map 19 Navarro does not show any shoreline access routes adjacent to 1990 S Hwy 1 (See attachment). The land is mapped as non-prime agricultural lands with beach deposit hazards (See attachment LCP Land Capabilities & Natural Hazards). Off-shore are rocky intertidal marinehabitat areas (See attachment LCP Habitats & Resources). The site is mapped within the Post LCP Certification Appeal Jurisdiction and is situated west of the First Public Road (See attachment Appealable Areas). The site is mapped "Highly Scenic Area" (See attachment Highly Scenic & Tree Removal Area). Lands in this area are mapped as having a High Fire Hazard and the local agency is the Elk Community Services District (See attachment Fire Hazard Zones & Responsibility Areas). Lands abutting the shore are mapped as wetlands and Zone V Flood Hazard Areas (See attachments Wetlands and Special Flood Hazard Areas). Grazing is mapped on the Important Farmland exhibits (See attached). Lands in this area are mapped as Critical Water Areas (See attachment Ground Water Resources). Local soils include Western Soil Types 144, 183, and 139 (See attached Local Soils).

SURROUNDING LAND USE AND ZONING: As shown in Table 1 below, the surrounding lands are classified Range Lands.

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Range Lands (RL160)	RL	11 acres	Residential
EAST	Range Lands (RL160)	RL	96 acres	Agriculture
SOUTH	Range Lands (RL160)	RL	4.45 acres	Residential
WEST	Ocean	Ocean	Ocean	Ocean

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed ground water testing and single-production well would be consistent with the goals and policies of the Local Coastal Program, as detailed in the following sections of this report.

LAND USE: The proposed project is located within the boundaries of the Local Coastal Program (LCP) area as shown on *LCP Map 19 Navarro*. The site is classified as Range Lands (RL) and mapped as a Highly Scenic Area (See attachments *General Plan Classifications* and *Highly Scenic & Tree Removal Areas*). Coastal Element Chapter 2.2 describes the intent of the Range Lands classification as follows:

"The Range Lands classification is intended to be applied to lands which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas. The classification includes land eligible for incorporation into Type II Agricultural Preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands."

Principally permitted uses in the RL classification include Single Family Residential, grazing and forage for livestock.

Coastal Element Policy 3.9-1 states, "... 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 proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Determination of service capacity shall be made prior to the issuance of a coastal development permit." Policies for locating and planning new development and policies for transportation, utilities and public services are partially implemented by MCC Chapter 20.516 Transportation, Utilities, and Public Services. Report sections "GROUND WATER RESOURCES" describe how Policy 3.9-1 would be implemented by the proposed production well. With the inclusion of recommended Condition #9, the proposed production well would satisfy land Use and Coastal Element policies, including the intent of the Range Lands classification and Policy 3.9-1.

ZONING: The project site is located within a Range Lands (RL) District (See attachment *Zoning Display Map*). The intent of MCC Chapter 20.368 is to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas. The proposal is to change the source of ground water for the existing Single Family Residential development. The location of the proposed three test wells would satisfy the 50 foot minimum front, rear, and side yard distances. The location of proposed well site #1 would be 50 feet from the easterly property boundary; test-well site #2 would be 135 feet from same; and test-well site #3 would be 85 feet from same. The proposed production well would not exceed building height limitations or contribute to lot coverage. As the proposed well locations are in conformance with zoning requirements, any associated pump house would similar meet minimum yard distances. As proposed, the location for a new source of ground water would be consistent with the development regulations of MCC Chapter 20.368 *Range Lands District*.

HABITATS AND NATURAL REOURCES: LCP Habitats & Resources Map does not identify sensitive resource areas within 100 feet of the proposed three test well locations (See attached). Mapped are marine rocky intertidal areas off-shore and wetlands are identified along the toe of the Coastal Bluffs (See attachments LCP Habitats & Resources and Wetlands). The proposed locations to test for ground water are 200± feet above sea level and 400 feet or more from the shoreline. As proposed, the project would be a sufficient distance to ensure that environmentally sensitive habitat and other designated resource areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations. As proposed, the project would be consistent with the development criteria of MCC Chapter 20.496 Environmentally Sensitive Habitat and Other Resource Areas.

HAZARDS MANAGEMENT: Pursuant with MCC Section 20.500.005, the *Hazard Areas* chapter applies to all development proposed in the Coastal Zone unless and until it determined by the Coastal Permit Administrator that the project is not subject to threats from geologic, fire, flood, or other hazards. The purpose 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.

The proposed test well sites are 400 feet, or more, from the shore and are not associated with the following hazards: faults, bluffs and bluff erosion, tsunami, landslides, erosion, or flood hazard. However, the westerly boundary of this 45.5 acre site is coastal bluffs; therefore, the parcel is potentially subject to bluff erosion, tsunami, landslides, erosion, or flood hazards. In addition the site is mapped with a High Fire Hazard rating.

On November 27, 2018, the project was referred to Elk Community Services District (CSD) and a response was received on December 12, 2018. Elk CSD states support of the proposed production well and requests the property owner provide, at a minimum, roadway turnarounds to facilitate fire apparatus operations and a 5,000 gallon water-storage tank with hydrant/five valve hookup (See recommended Condition #10). As conditioned, the project would be consistent with the development criteria of MCC Chapter 20.500 *Hazard Areas*.

VISUAL REOURCES: The project site is mapped as a Highly Scenic Area (See attachment Highly Scenic

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& Tree Removal Areas). The purpose of MCC Section 20.504 is to "insure that 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." The proposed production well, which would be installed at one of the three locations tested for ground water, would not be visible from public lands and would not significantly alter the natural land form. Any future pump house associated with the project would be constructed in similar color and material with the existing development and any exterior light is downcast and shielded (See recommended Condition #12). As proposed, the project would be consisted with the intent of MCC Chapter 20.504 Visual Resource and Special Treatment Areas.

AGRICULTURAL RESOURCES: The parcel is classified Range Lands. The purposes of MCC Chapter 20.508 are to insure that the maximum amount of agricultural land shall be maintained in agricultural production; and to assure the protection of the area's agricultural economy. The majority of the parcel is mapped as grazing lands (See attached *Important Farmlands*). As proposed, the project would be consistent with MCC Chapter 20.508 *Agricultural Resources* as the property owner does not request a permit to convert prime lands to non-agricultural uses.

ARCHAEOLOGICAL RESOURCES: For small projects such as production wells (projects with minimal earthwork), Planning and Building Services procedure is to not refer these types of projects to either California Historic Resource Information System (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and was determined to be an appropriate guidance document for which projects would require archaeological review. The proposed project consists of drilling of a supplemental well and possible future pump house over the well. County staff determined that due to the small scale of the proposed development and lack of ground disturbance, no archaeological review would be required. The applicant is advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause" (See recommended Condition #8). As proposed, the project would be consistent with County policies protecting Archaeological Resources, including MCC Section 22.12.090.

TRANSPORTATION AND CIRCULATION: The proposed three test well locations and the proposed production well would not generate a significant amount of new utility demand or additional vehicle trips per day. As proposed, the project would be consistent with MCC Section 20.516.015(C) *Transportation Systems*.

GROUNDWATER RESOURCES: Lands in this area are mapped as Critical Water Areas (See attachment *Ground Water Resources*). MCC Chapter 20.516 applies to all new development and in particular development which requires the expansion of extension of public works or private facilities. New development shall be approved subject to the availability of necessary public services and consistent with MCC Section 20.516.015(B) and others. Proposed are three different locations to test for ground water and one production well would be installed, at one of the three sites tested for ground water (See recommended Condition #9). The proposed production well would supplant the property owner's previous access to spring water and assure that the existing residential development would have sufficient access to ground water.

On November 27, 2018, the project was referred to the Division of Environmental Health and on December 10, 2018, the following request was received: "Applicant must obtain an approved water well permit from Mendocino County Environmental Health (See recommended Condition #11). As conditioned, the project would be consistent with the development criteria of MCC Chapter 20.516 *Transportation, Utilities and Public Services* and Coastal Element Policy 3.9-1.

PUBLIC ACCESS: The property is located between the first public road and the shore. It is mapped within the Appeal Jurisdiction of the California Coastal Commission. *LCP Map 19 Navarro* does not depict planned public access along State Route 1. MCC Chapter 20.528 applies to all projects in the coastal zone which fall within the definition of development. There is access to the shore south of the project site

a Greenwood State Park. There is access to the shore north of the project site at Navarro River. Neither Coastal Element Chapter 3.6 Shoreline Access and Trail/Bikeway System nor Chapter 4.10 Navarro River to Mallo Pass Creek Planning Area, nor Coastal Element Appendix 13 Table 3.6.-1 Summary of Designated Coastal Access Points and Trail System list this location as designated public access. As proposed, the project would be consistent with MCC Chapter 20.528 Coastal Access Regulations and Open Space Easements.

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3.

RECOMMENDED FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code (MCC), the Coastal Permit Administrator approves the proposed three test wells and one production well and adopts the following findings and conditions:

FINDINGS:

- 1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program as it proposes ground water testing and installing one production well on Range Lands (RL160). The RL classification is intended for lands suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas.
- 2. Pursuant with MCC Section 20.532.095(A)(2), as conditioned the proposed ground water testing and production well associated with an existing residential land use are provided with adequate utilities, access roads, drainage and other necessary facilities.
- 3. Pursuant with MCC Section 20.532.095(A)(3), as conditioned the proposed ground water testing and one production well associated with an existing residential use is consistent with the purpose and intent of the Range Lands District, satisfies the development requirements of the District, and satisfies the specified requirements of the MCC Chapters 20.500 *Hazards*, and 20.504 *Visual Resource and Special Treatment Areas*, and all other provisions of Division II.
- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development will not have any significant adverse impacts on the environment and a Categorical Exclusion for the groundwater testing and one production well has been prepared pursuant to the California Environmental Quality Act.
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource. A standard condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.
- 6. Pursuant with MCC Section 20.532.095(A)(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. Well water will be supplied to the existing residential development.
- 7. Pursuant with MCC Section 20.532.095(B)(1), the proposed development is in conformity with public access policies, including Chapter 20.528 Coastal Access Regulations and Open Space Easements.
- 8. Pursuant with MCC Section 20.532.100(A)(1), the proposed development conforms to Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* regulations as it locates development 200 feet or more from the edge of mapped environmentally sensitive habitat areas, including rocky intertidal marine areas and shoreline wetlands.

- 9. Pursuant with MCC Section 20.532.100(A)(2), the proposed residential use is compatible with the long-term protection of resource lands and no conversion of agricultural lands is proposed.
- 10. Pursuant with MCC Section 20.532.100(B) ensures the adequacy of water, waste water disposal and other services; ensures the preservation of the rural character of the site; maximizes preservation of prime agricultural soils; and ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands.
- 11. Pursuant with MCC Section 20.532.100(B)(2), no conversion of prime land and, or land under Williamson Act Contract to non-agricultural use is proposed.
- 12. Pursuant with MCC Section 20.532.100(B)(3), no conversion of agricultural land to non-agricultural use is proposed.

CONDITIONS OF APPROVAL:

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Code. CDP_2018-0025 shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. CDP_2018-0025 shall expire and become null and void at the expiration of two years after the effective date, except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
- 2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code (MCC).
- 3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
- 4. This permit shall be subject to the securing all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
- 5. The applicant shall secure all required Building Permits for the proposed project as required by the Building Division of the Department of Planning and Building Services.
- 6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
- 7. CDP_2018-0025 is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become

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null and void

- 8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Coastal Code.
- 9. Of the three sites identified on the site plan for ground water testing, one site may be developed as a production well to serve the existing residential development.
- 10. To the satisfaction of Elk Community Services District, the property owner shall assure compliance with CalFire Fire Safe Regulations, including §1273.05 and §1271.10 *et sequens*, as follows:
 - a. Roadway turnarounds §1273.05 to facilitate fire apparatus operations; and
 - b. Emergency water storage of at least 5,000 gallons with hydrant/fire valve hookup §1271.10 et sequens.
- 11. The property owner shall obtain an approved water well permit from Mendocino County Division of Environmental Health.
- 12. Any pump house associated with the proposed well shall be constructed of similar materials and color of existing development on the parcel.
- Any exterior lighting associated with the proposed well or pump house shall be downcast and shielded.

0-201

DATE

ulanalherri JULIANA CHERRY PLANNER III

Appeal Period: 10 Days Appeal Fee: \$1616.00

ATTACHMENTS

- A. Location Map
- B. Aerial Imagery
- C. Topographical Map
- D. Revised Site Plan
- E. Zoning Display Map
- F. General Plan Classifications
- G. LCP Land Use Map: 19 Navarro
- H. LCP Land Capabilities & Natural Hazards
- I. LCP Habitats & Resources
- J. Appealable Areas
- K. Adjacent Parcels
- L. Fire Hazard Zones & Responsibility Areas
- M. Special Flood Hazard Areas
- N. Wetlands
- O. Ground Water Resources
- P. Highly Scenic/Tree Removal
- Q. Local Soils

R. Important Farm Land

RERFERRAL AGENCIES

Planning – Ukiah Comments Department of Transportation No Response Environmental Health - Fort Bragg Comments Building - Fort Bragg No Response Assessor No Response Farm Advisor No Response Agricultural Commissioner No Response No Response California Department of Transportation California Department of Forestry and Fire Prevention No Response California Department of Fish and Wildlife No Comment California Coastal Commission No Response Elk Community Services Comments No Response Cloverdale Rancheria Sherwood Valley Rancheria No Response



































