



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

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October 21, 2020

PUBLIC NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT

NOTICE IS HEREBY GIVEN THAT the Mendocino County Permit Administrator at their regular meeting on Thursday, November 12, 2020 at 11:00 a.m. will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally or via telecomment, in meetings by sending comments to pbscommissions@mendocinocounty.org and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: CDP_2015-0023

DATE FILED: 9/17/2015

OWNER: STATE OF CALIFORNIA

APPLICANT: CALTRANS DISTRICT 1

AGENT: DANA YORK

REQUEST: Standard Coastal Development Permit as follow-up to Emergency Permit (EM_2015-0001) to repair a failed cross drain system and replace the existing drain with two new pipe drains with end walls.

LOCATION: In the Coastal Zone, 6± miles north of the Westport center, on State Route 1 at Post Mile 83.73 within the Caltrans right-of-way.

ENVIRONMENTAL DETERMINATION: Statutory Exemption – Pursuant to CEQA Guidelines Section 15269(d).

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: SAM VANDY VANDEWATER

The staff report and notice will be available 10 days before hearing 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.

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W. Fir Street, Fort Bragg, California.

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W. Fir Street, Fort Bragg, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by November 11, 2020 or orally via telecomment in lieu of personal attendance. A request form to provide telecomment is available at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas> and must be received prior to 7:00 a.m. the morning of the meeting.

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.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 234-6650, Monday through Friday.

BRENT SCHULTZ, Director of Planning and Building Services



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- STANDARD CDP**

**NOVEMBER 12, 2020
CDP_2015-0023**

SUMMARY

OWNER: STATE OF CALIFORNIA
1656 UNION ST
EUREKA, CA 95501

APPLICANT: CALTRANS DISTRICT 1
1656 UNION ST
EUREKA, CA 95501

AGENT: DANA YORK
1656 UNION ST
EUREKA, CA 95501

REQUEST: Standard Coastal Development Permit as follow-up to Emergency Permit (EM_2015-0001) to repair a failed cross drain system and replace the existing drain with two new pipe drains with end walls.

LOCATION: In the Coastal Zone, 6± miles north of the Westport center, on State Route 1 at Post Mile 83.73 within the CalTrans right-of-way.

GENERAL PLAN: Right-of-Way

ZONING: Right-of-Way

SUPERVISORIAL DISTRICT: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Statutory Exemption – Pursuant to CEQA Guidelines Section 15269(d)

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: SAM VANDY VANDEWATER

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal Development Permit as follow-up to Emergency Permit (EM_2015-0001) to repair a failed cross drain system and replace the existing drain with two new pipe drains with end walls on State Route 1. Pavement failure had occurred along the drainage system below the travel lanes with a sink-hole threatening to take out road service. Emergency work included removal of existing cross-drain and replacement with two (2) thirty-inch (30 ft.) High Density Polyethylene (HDPE) pipe drains with end walls. Associated development included repair of sinkhole in roadway, restoration of road surface, erosion control, and the removal of one (1) tree.

SITE CHARACTERISTICS: The proposed project is located approximately six (6) miles north of the town of Westport, on the south side of State Route 1 at Post Mile 83.73 at the corner point of APNs: 013-410-11, 013-410-12, and 013-600-17. The project continues under State Route 1, across the north and southbound lanes, within the CalTrans right-of-way.

A 42 inch x 48 inch cross-drain system unexpectedly failed due to storm damage that caused a sinkhole with significant voids beneath State Route 1. CalTrans took immediate remedial action that involved placing temporary steel plates and cold mix asphalt over the sinkhole on the southbound lane of State Route 1. Orange cones and signs were placed on the road to warn travelers of road bumps. Water diversion was conducted around the failed drainage system to eliminate further erosion of the roadway fill prism which extended 55 feet under State Route 1 and carried downstream sediment. One young alder tree was cut and directionally pruned with wood left on the embankment next to the drain.

RELATED APPLICATIONS:

Emergency Permit EM_2015-0001 – repair failed cross drain system and replace drain.

SURROUNDING LAND USE AND ZONING:

| | GENERAL PLAN | ZONING | LOT SIZES | USES |
|--------------|-------------------|----------------------------|-------------|-------------|
| NORTH | Forest Lands (FL) | Timber Production (TP:160) | 42± Acres | Vacant |
| EAST | Forest Lands (FL) | Timber Production (TP:160) | 1.6± Acres | Vacant |
| SOUTH | Forest Lands (FL) | Timber Production (TP:160) | 35.3± Acres | Vacant |
| WEST | Range Lands (RL) | Range Lands (RL:160) | 15± Acres | Residential |

AGENCY COMMENTS: On October 28, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project.

| REFERRAL AGENCIES | COMMENT |
|--------------------------------------|-------------|
| Department of Transportation | No Response |
| Environmental Health | No Comment |
| Building Inspection (Fort Bragg) | No Response |
| Assessor | No Response |
| California Coastal Commission | No Response |
| Department of Fish and Wildlife | No Response |
| Regional Water Quality Control Board | No Response |
| Air Quality Management District | No Response |
| US Fish and Wildlife Services | No Response |
| Westport MAC | No Response |
| Westport Fire Protection District | No Response |
| CalFire | No Response |

KEY ISSUES

Local Coastal Program Consistency: The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

1. **Land Use:** The proposed project has a Range Land (RL) land use designation which is intended to be applied to lands suitable for grazing activities. However, the entirety of the project is located in the CalTrans right-of way and CalTrans has indicated that the project is necessary to ensure safety of drivers and public welfare. Chapter 3 Section 8 of the Coastal Element (3.8 *Transportation, Utilities, and Public Services*) notes the importance of State Route 1 and the necessity of maintaining infrastructure of said highway. The project conforms to the Coastal Element.
2. **Zoning:** The subject parcel is located within the Range Land, 160 acre minimum lot size, zoning district (RL:160), which is intended to be applied to lands suitable for grazing activities. Similar to the Land Use discussion, the project occurs entirely within a CalTrans right-of-way and is not subject to zoning district requirements, but the project does not conflict with the MCC. The project complies with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

3. Visual Resources and Special Treatment Areas: The Emergency Work to be permitted by this CDP was located just within an area designated as highly scenic along State Route 1. The proposed work was necessary to ensure safety for drivers and other users of State Route 1. Emergency Work entailed mitigation of a sinkhole and the construction of new drainage infrastructure under the highway, neither of which are visible post-construction. No other visual resource policies, as identified in the Local Coastal Program, such as lighting requirements, above-grade development, or removal of large areas of vegetation, were impacted by the completed Emergency Work.
4. Hazard Management: The completed Emergency Work was performed to reduce potential hazards to users of State Route 1 by filling a sinkhole and repairing drainage infrastructure under the highway. The parcel is located in an area classified with a "High" fire hazard severity rating. Fire protection services are provided by the California Department of Forestry and Fire Prevention (CalFire). The project application was referred to CalFire for input but no response has been received at this time.

There are no known faults, landslides, or other geologic hazards within close proximity to the project location, nor is project located near any blufftop topography.

5. Habitats and Natural Resources: The Emergency Work was located within a wetland-riparian corridor, adjacent to Hardy Creek. The nature of the Emergency Work is permitted by MCC Section 20.496.025(A)(7) and 20.249.030(A)(1) which allows incidental public service work to be conducted within these Environmentally Sensitive Habitat Areas (ESHAs). While minimal vegetation was removed, a condition is included to require the replanting of one (1) alder tree within the vicinity of the work location in compliance with MCC Section 20.496.020(A)(4)(e).

A Notification of Emergency Work Permit was submitted to the California Department of Fish and Wildlife Lake or Streambed Alteration Program on August 11, 2015.

6. Archaeological/Cultural Resources: An archaeological study was performed before construction activities commenced and no resources were determined to be located within the vicinity of the project. As the Emergency Work has been completed, Staff has determined the project to be in adherence with the Archaeological and Cultural Resource Policies of the Coastal Element and Chapter 22.12 of the Mendocino County Code.
7. Grading, Erosion, and Run-Off: Grading and site preparation were required for the Emergency Work, and the terrain on which the Emergency Work was conducted is relatively flat. Grading occurred along the existing eroded channel to accommodate replacement infrastructure. Staff finds the project would reduce significant erosion and run-off impacts. The use of best management practices were utilized during Emergency Work activities.
8. Groundwater Resources: The project site is located within a mapped "Critical Water Resources Bedrock." Since no new structures were built, additional water studies are not required per MCC Section 20.516.015(B). Additionally, the completed Emergency Work did not require the use of groundwater resources. Staff finds the project would not adversely affect groundwater sources.
9. Transportation/Circulation: The Emergency Work contributed to a small increase in delay to traffic as the road was reduced to a single lane during the brief construction period. The cumulative effects of this additional traffic, however, are minimal and were considered when the Coastal Element highway policies were established. The Emergency Work within the right-of-way was submitted to CalTrans for review and comment; as of this date, no response has been provided.
10. Public Access: The completed Emergency Work was performed more than 1,000 feet from the coastline. The *LCP Map 6: Rockport* does not indicate any shoreline access in this section of the coastal zone. County staff has determined that public access would not be impacted by the proposed project.

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes or 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. The Project meets the criteria for a Statutory Exemption from the California Environmental Quality Act (CEQA) under Section 15269(d). Project entails the formal permitting of Emergency Work on State Route 1 to address a sinkhole that posed a potential hazard to human safety.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions.

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed project is in conformity with the certified Local Coastal Program. The project is consistent with Chapter 3.8 of the Coastal Element. Additionally, the proposed project is located within a CalTrans right-of-way, as opposed to on a privately-owned parcel; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed project would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The proposed project permits Emergency Work performed in a CalTrans right-of-way and does not require the development of any new utilities or other facilities. The Emergency Work improved drainage under State Route 1, and therefore, improved safety to users of the highway; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed project is consistent with the purpose and intent of the Timber Production Zoning District, as well as all other provisions of Division II Zoning Ordinance, Title 20 of the Mendocino County Code, and preserves the integrity of the Timber Production Zoning District and Division II of Title 20 of the Mendocino County Code; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed project, if conducted in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act The Emergency Work, and this subsequent CDP, adhere to Statutory Exemption 15269(d) under CEQA; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed project would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site; and
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. Upon completion of the Emergency Work, all solid waste was removed and public roadway capacity was restored to normal conditions; and
7. Pursuant with MCC Section 20.532.095(B), the proposed project would not diminish access to Mendocino County coastal areas as the project only entails mitigation of a sinkhole and the repair to a drainage system under the State Route 1 to improve water flow under the highway; and
8. Pursuant with MCC Section 20.532.100(A), the proposed project would not significantly degrade any ESHA resources and best management practices were utilized to reduce any additional impacts to the site. A condition has been included to replace the single removed alder tree.

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 Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit 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. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date
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 of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The Applicants shall secure all required building permits for the proposed project as required by the Building Inspection 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. This permit 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 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 one hundred (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 Code.
9. The applicant shall replant one (1) alder tree (*Alnus rubra*) within a 500 foot vicinity of the Emergency Work site. A letter of authorization from the property owner shall be submitted to the Mendocino County Department of Planning and Building Services, if the replacement tree is planted on private property and not within a CalTrans right-of-way.

10/21/2020

DATE

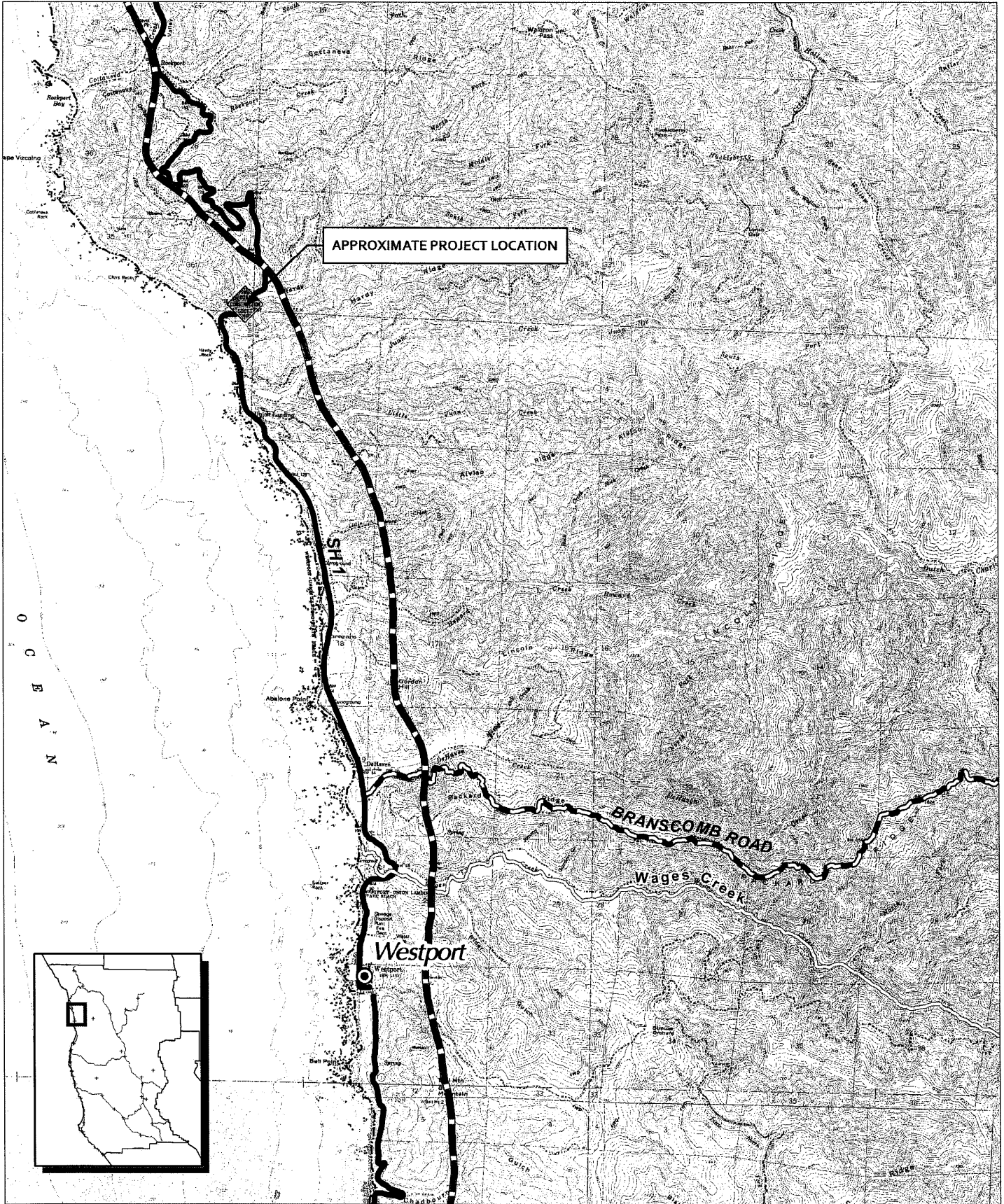
Julia Ocker Krog Fox

SAM VANDEWATER
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Zoning Display Map
- D. General Plan Classification
- E. LCP Map 6: Rockport
- F. Fire Hazard Zones and
Responsibility Areas
- G. FEMA Flood Zone
- H. Ground Water Resources
- I. Highly Scenic and Tree
Removal Areas
- J. Local Soils
- K. Timber Production Zones
- L. Classified Wetlands



APPROXIMATE PROJECT LOCATION

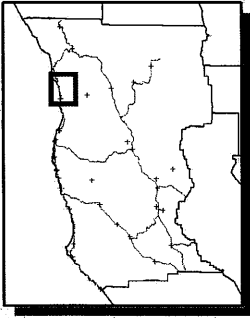
SH-1

BRANSCOMB ROAD

Wages Creek

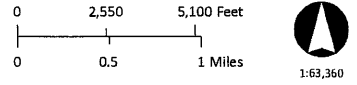
Westport

O
C
E
A
N



CASE: CDP 2015-0023
 OWNER: State of California (CALTRANS)
 APN: None (R-o-W)
 APLCT: CALTRANS
 ADDRESS: None Assigned, WE

- Coastal Zone Boundary
- Highways
- Major Towns & Places
- Major Roads
- Major Rivers





LOCATION MAP

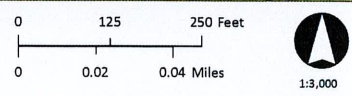
Map produced by the Mendocino County Planning & Building Services, December, 2015
 All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT A

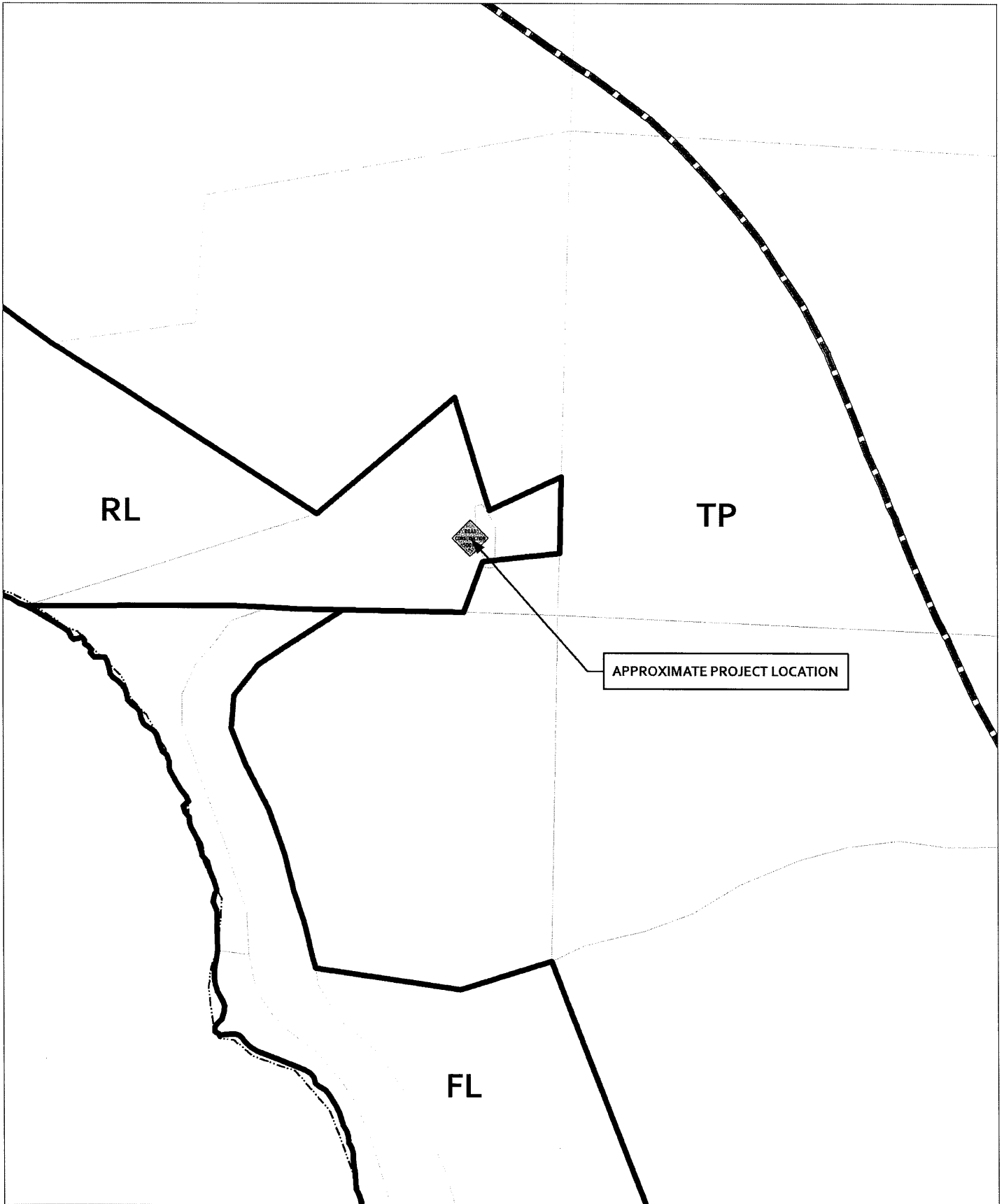


CASE: CDP 2015-0023
OWNER: State of California (CALTRANS)
APN: None (R-o-W)
APLCT: CALTRANS
ADDRESS: None Assigned, WE



 Named Rivers
 Public Roads
 Driveways/Unnamed Roads



Map produced by the Mendocino County Planning & Building Services, December, 2015
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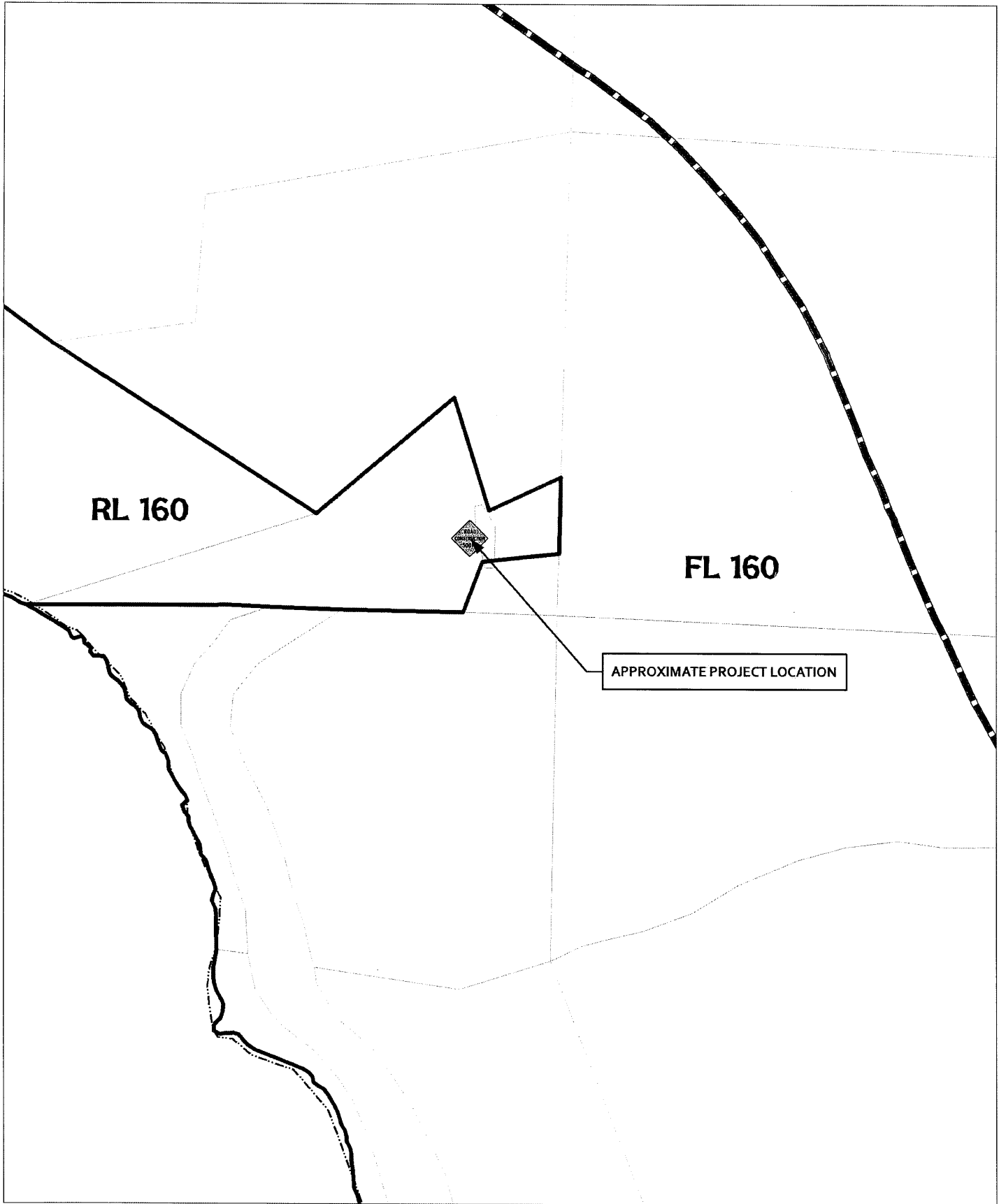
CASE: CDP 2015-0023
 OWNER: State of California (CALTRANS)
 APN: None (R-o-W)
 APLCT: CALTRANS
 ADDRESS: None Assigned, WE

 Coastal Zone Boundary
 Zoning Master



0 250 500 Feet
 0 0.0425 0.085 Miles

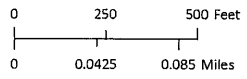


ZONING DISPLAY MAP



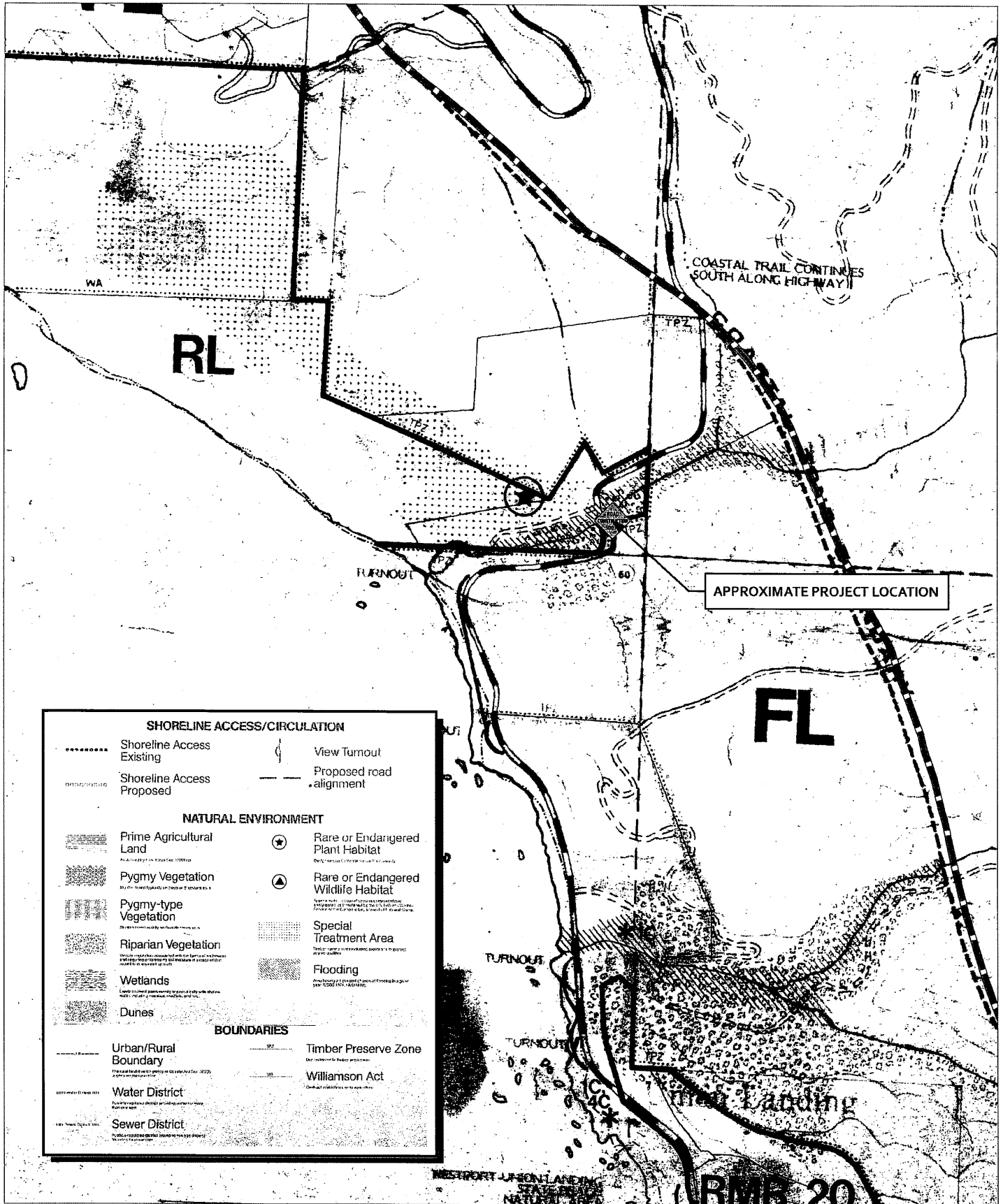
CASE: CDP 2015-0023
OWNER: State of California (CALTRANS)
APN: None (R-o-W)
APLCT: CALTRANS
ADDRESS: None Assigned, WE

-  Coastal Zone Boundary
-  General Plan Master



GENERAL PLAN CLASSIFICATIONS

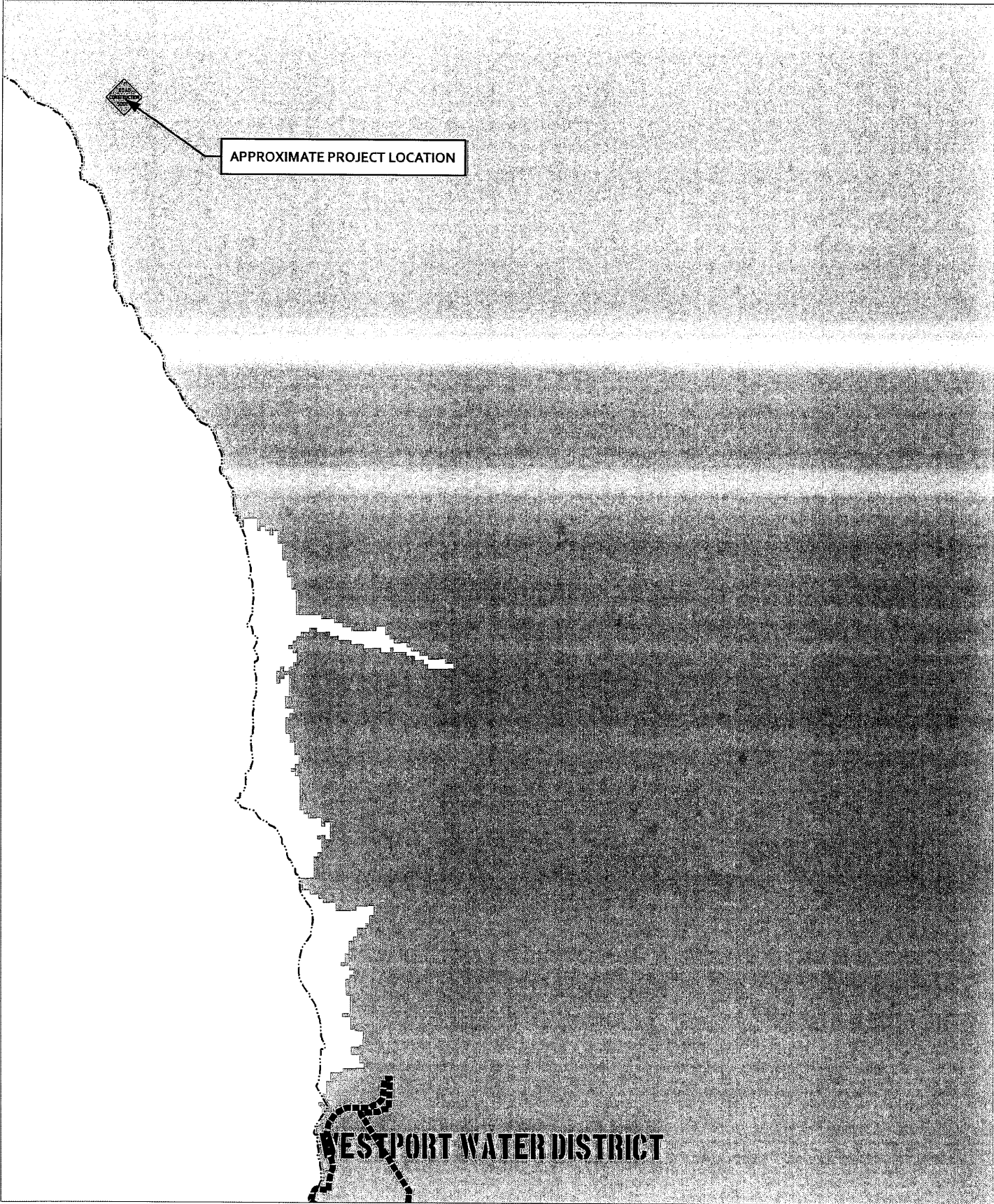
Map produced by the Mendocino County Planning & Building Services, December, 2015
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CASE: CDP 2015-0023
 OWNER: State of California (CALTRANS)
 APN: None (R-o-W)
 APLCT: CALTRANS
 ADDRESS: None Assigned, WE

Coastal Zone Boundary




LCP MAP 6: ROCKPORT

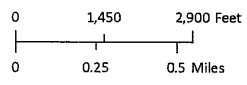


APPROXIMATE PROJECT LOCATION

WESTPORT WATER DISTRICT

CASE: CDP 2015-0023
 OWNER: State of California (CALTRANS)
 APN: None (R-o-W)
 APLT: CALTRANS
 ADDRESS: None Assigned, WE

 County Fire Districts
 High Fire Hazard
 Moderate Fire Hazard

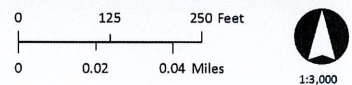


FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, December, 2015
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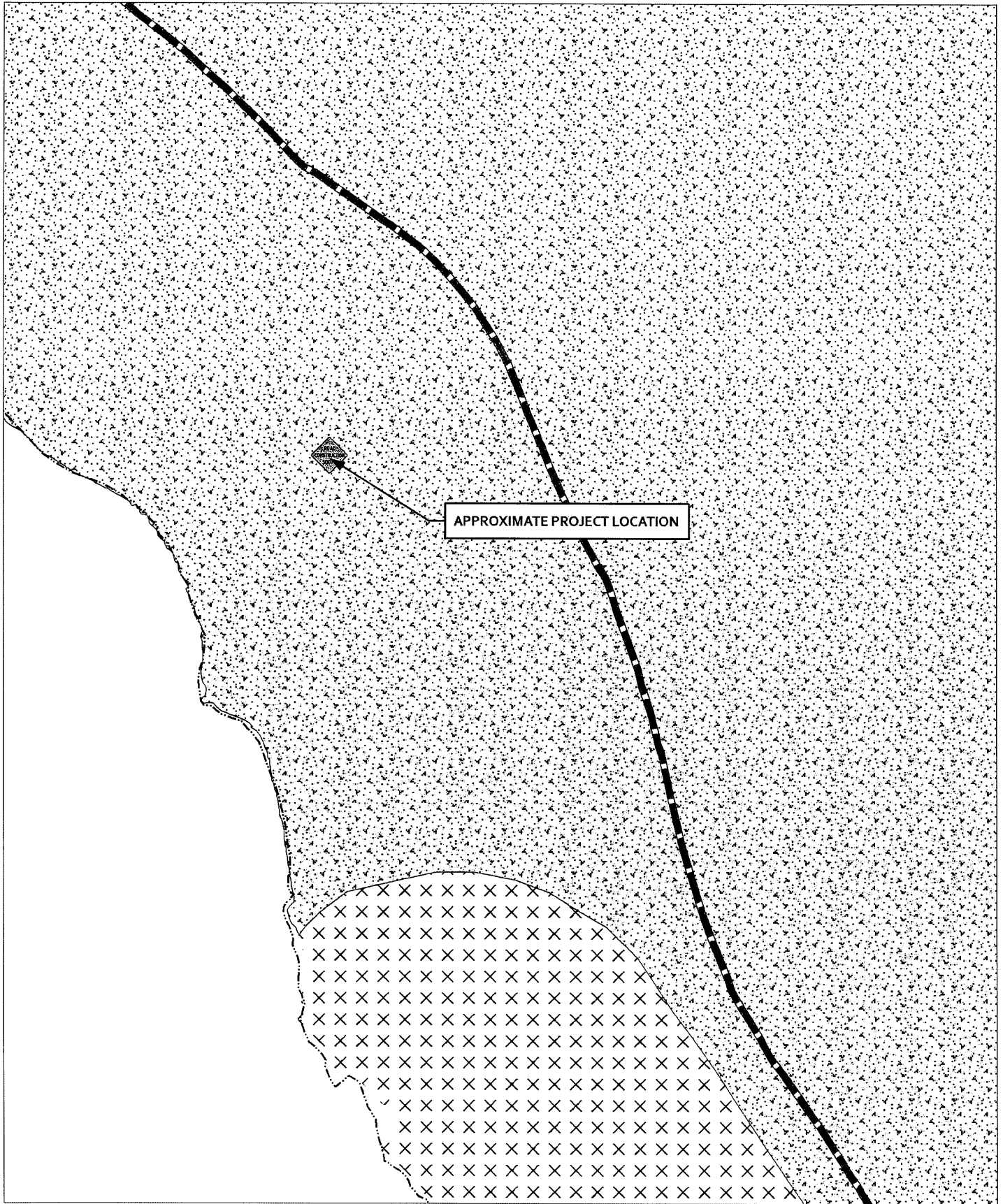


CASE: CDP 2015-0023
OWNER: State of California (CALTRANS)
APN: None (R-o-W)
APLCT: CALTRANS
ADDRESS: None Assigned, WE






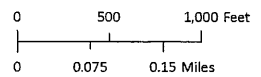
FEMA FLOOD ZONE
NFIP MAPS, JUNE 2nd, 2011

Map produced by the Mendocino County Planning & Building Services, December, 2015
All spatial data is approximate. Map provided without warranty of any kind.



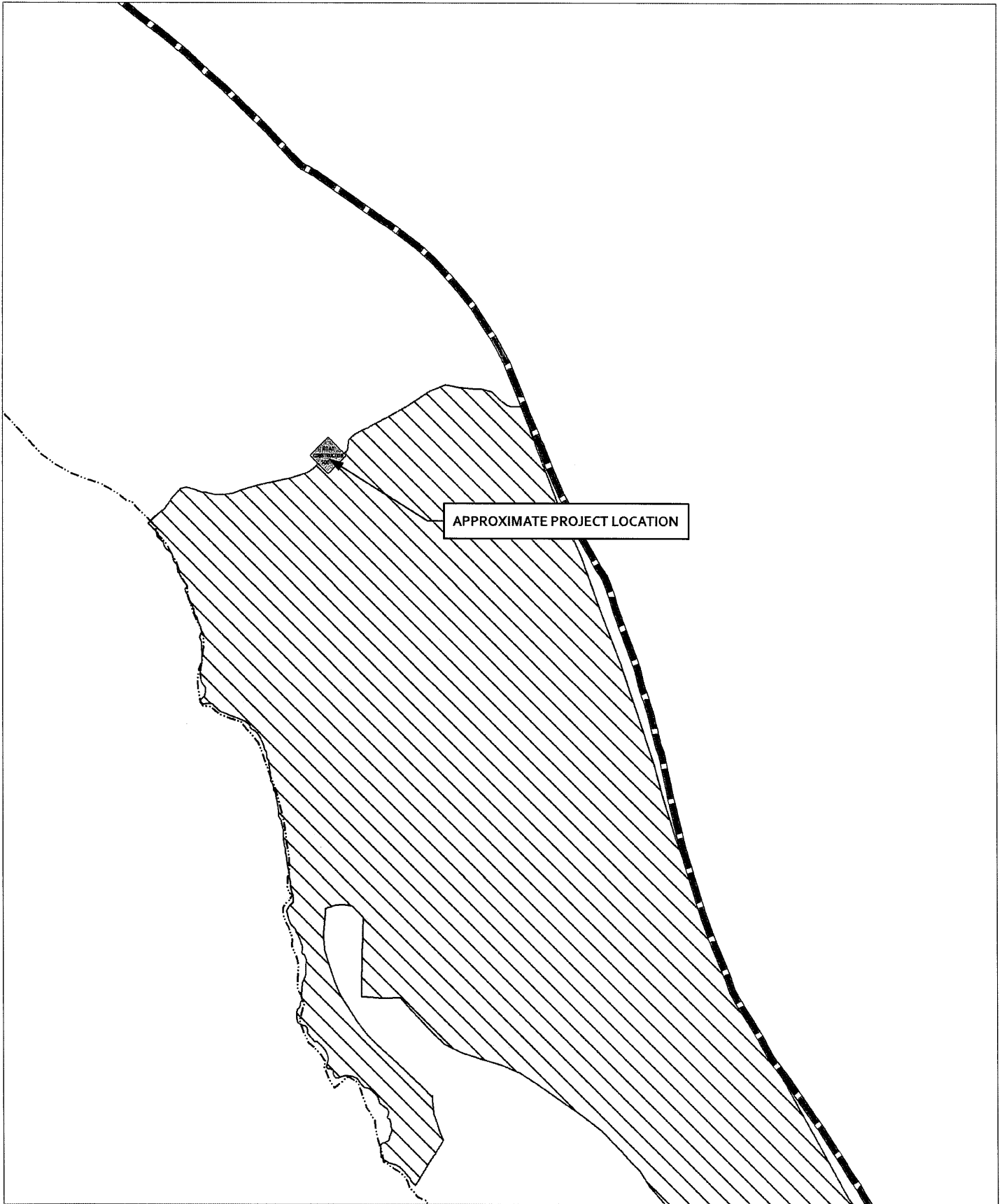
CASE: CDP 2015-0023
OWNER: State of California (CALTRANS)
APN: None (R-o-W)
APLCT: CALTRANS
ADDRESS: None Assigned, WE

-  Coastal Zone Boundary
-  Critical Water Areas
-  Critical Water Resources Bedrock





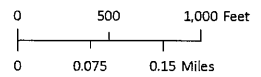
GROUND WATER RESOURCES

Map produced by the Mendocino County Planning & Building Services, December, 2015
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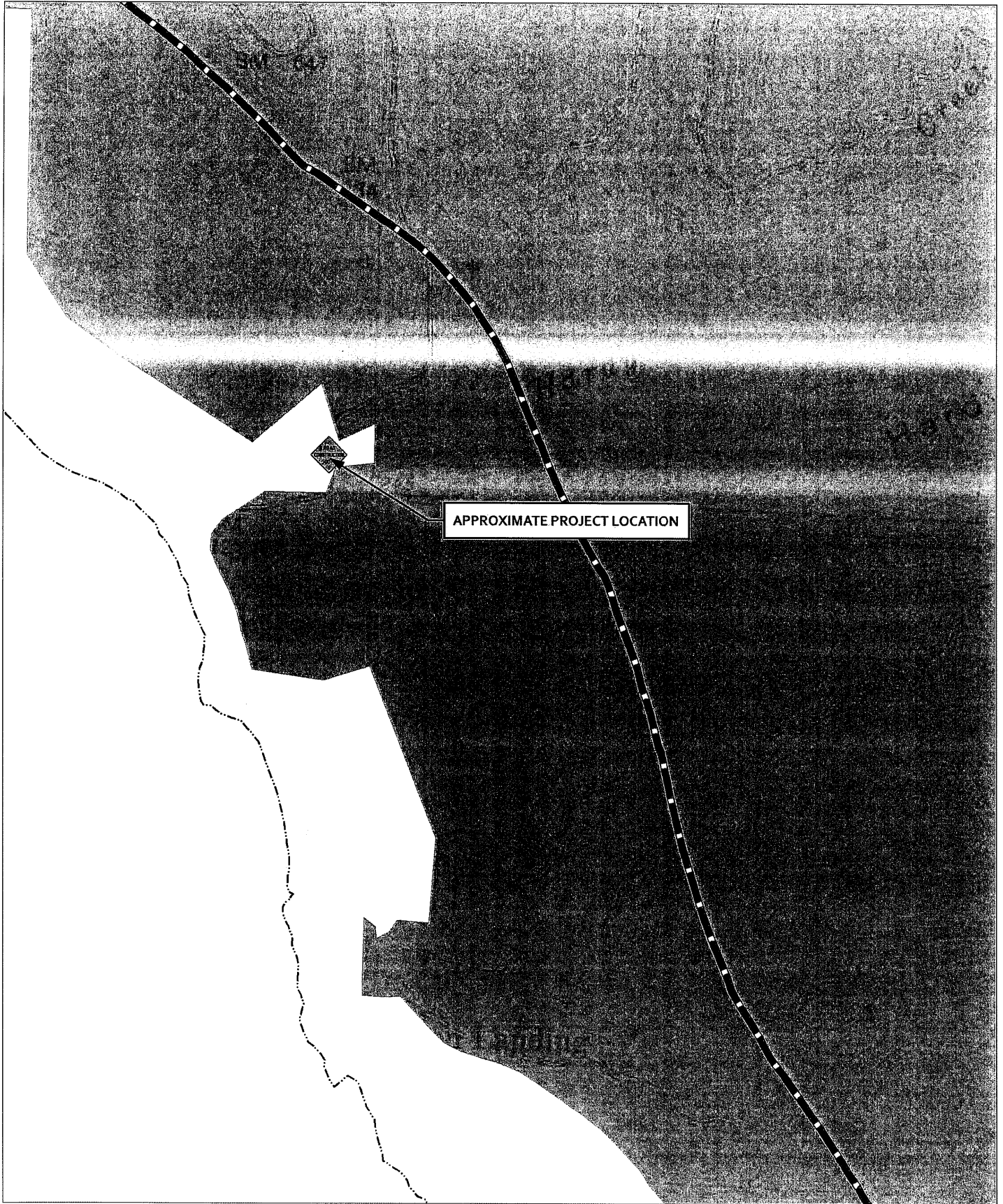
CASE: CDP 2015-0023
OWNER: State of California (CALTRANS)
APN: None (R-o-W)
APLCT: CALTRANS
ADDRESS: None Assigned, WE

 Coastal Zone Boundary
 Highly Scenic Area





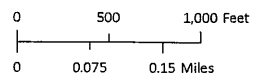
HIGHLY SCENIC & TREE REMOVAL AREAS

Map produced by the Mendocino County Planning & Building Services, December, 2015
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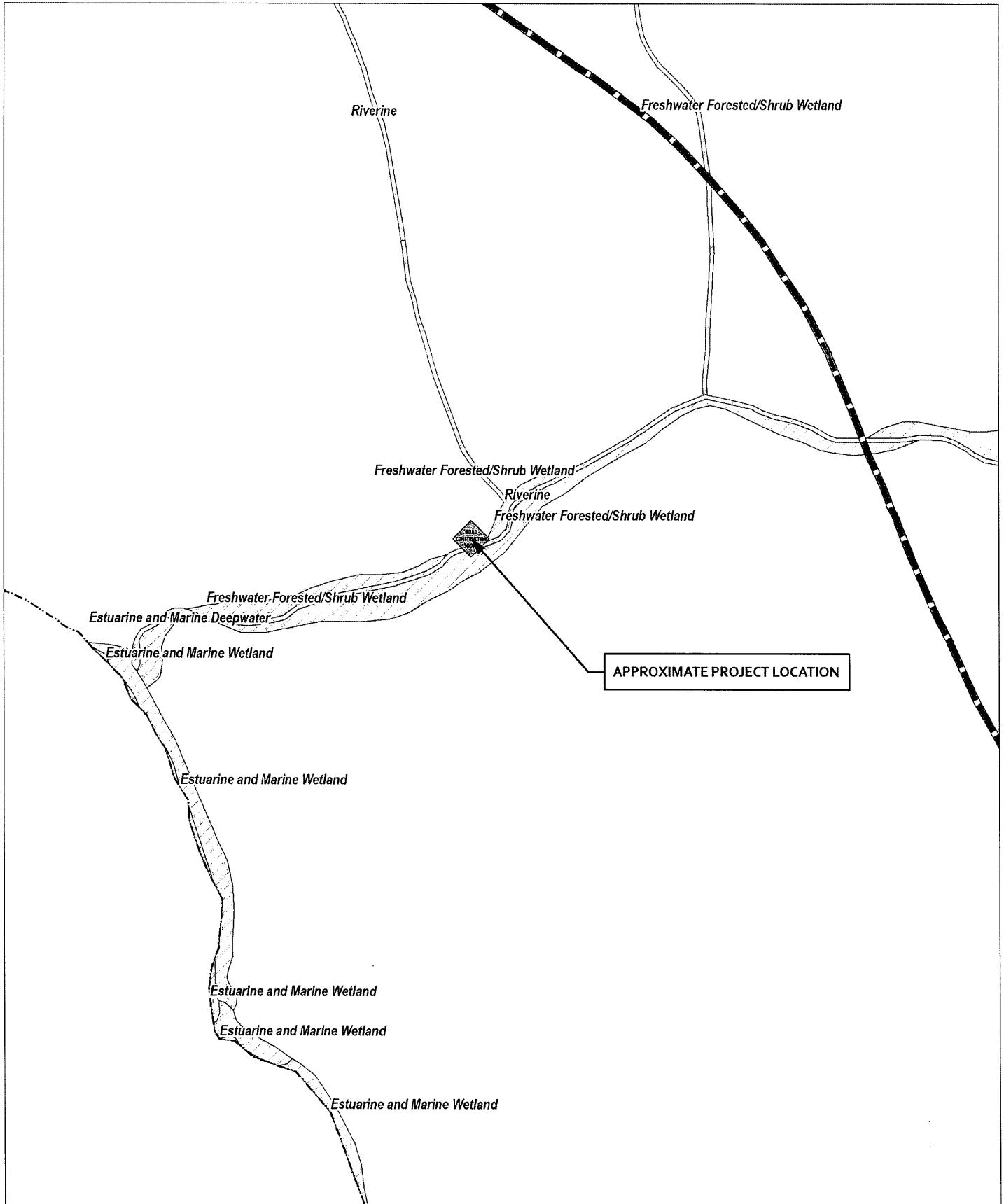
CASE: CDP 2015-0023
OWNER: State of California (CALTRANS)
APN: None (R-o-W)
APLCT: CALTRANS
ADDRESS: None Assigned, WE

 Coastal Zone Boundary
 TPZ 2014





TIMBER PRODUCTION ZONES

Map produced by the Mendocino County Planning & Building Services, December, 2015
 All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDP 2015-0023
 OWNER: State of California (CALTRANS)
 APN: None (R-o-W)
 APLCT: CALTRANS
 ADDRESS: None Assigned, WE

 Coastal Zone Boundary
 Wetlands

0 250 500 Feet
 0 0.0425 0.085 Miles



CLASSIFIED WETLANDS

Map produced by the Mendocino County Planning & Building Services, December, 2015
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