IGNACIO GONZALEZ, INTERIM DIRECTOR JULIA KROG, ASSISTANT DIRECTOR

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September 7, 2021

PUBLIC HEARING NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, September 23, 2021, at 10:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the below described project that is located in the Coastal Zone. 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 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_2021-0018 **DATE FILED**: 3/9/2021

OWNER: YOSHIDA TAKAKO MAE & WOLF SCHUBERT

120 West Fir Street · Fort Bragg · California · 95437

APPLICANT: WOLF SCHUBERT

REQUEST: Standard Coastal Development Permit to install a 10 panel ground mounted solar array adjacent to existing deck and residence, including a 6 foot by 40 foot concrete anchor doubling as a walkway.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 1.0± miles southeast of Little River town center, west of Route 1 (State Highway), 0.25 miles northeast of its intersection with Buckhorn Road (Private); located at 6682 N HWY 1, Little River; APN: 121-050-30.

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: MATT GOINES

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 submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. 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, or by e-mail to pbscommissions@mendocinocounty.org no later than September 22, 2021. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail, in lieu of personal attendance, at pbscommissions@mendocinocounty.org.

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator

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.

IGNACIO GONZALEZ, Interim Director of Planning and Building Services

SEPTEMBER 23, 2021 CDP_2021-0018

SUMMARY

APPLICANT:

WOLF SCHUBERT

6682 N HWY 1

LITTLE RIVER, CA. 95456

OWNER:

MAE YOSHIDA & WOLF SCHUBERT

6682 N HWY 1

LITTLE RIVER, CA. 95456

REQUEST:

Standard Coastal development permit to install a 10panel ground-mounted solar array adjacent to existing deck and residence, including a 6 foot by 40 foot concrete

anchor doubling as a walkway.

LOCATION:

In the coastal zone, 1.0± miles southeast of Little River town center, west of Route 1 (State Highway), 0.25± miles Northeast of its intersection with Buckhorn Road (Private); located at 6682 N Hwy 1, Little River; APN: 121-050-30.

TOTAL ACREAGE:

1.65 ± Acres

ZONING:

Rural Residential (RR:5)

Mendocino County Coastal Zoning Code (Division II)

GENERAL PLAN:

Rural Residential (RR:5) Coastal Element Chapter 4.3

SUPERVISORIAL DISTRICT:

5 (Williams)

ENVIRONMENTAL DETERMINATION:

Categorically Exempt

APPEALABLE:

Yes; California Coastal Commission Appeal Jurisdiction

RECOMMENDATION:

APPROVE WITH CONDITIONS

STAFF PLANNER:

MATT GOINES

BACKGROUND

PROJECT DESCRIPTION: Install a 10-panel ground-mount solar array adjacent to the existing deck and residence, including a 6-foot by 40-foot concrete anchor doubling as a walkway. The solar panels have a continuously black appearance and will be angled at the sky at approximately 60 to 70 degrees. The solar panels will be positioned approximately 2 inches away from the edge of the deck to appear as part of the existing elevated deck. To provide safety from the wind uplift, they will be mounted on a 4-inch-deep concrete slab with an approximately 6-foot-wide by 40-foot-long walkway. The ground disturbance will not exceed 2 cubic yards. The benefit of mounting the ballast to the concrete walkway eliminates the need for deep concrete piers, thereby eliminating the need for ground disturbance.

SITE CHARACTERISTICS: In the coastal zone, 1.0± miles southeast of Little River Town Center, west of State Route 1 (Highway 1), 0.25± miles northeast of its intersection with Buckhorn Road (private), as shown on *Location Map* and *Aerial Vicinity Map* (*Attachments A&B*). The parcel is developed with an existing residence and accessory structures and is surrounded by other developed parcels. The parcel is sparsely covered in various types of vegetation, as shown on the *Aerial Map* (*Attachment C*). The parcel is relatively flat with slopes toward the west, as shown on the *Topographic Map* (*Attachment E*). The subject property has a Corridor Preservation Setback of 40 feet per MCC Sec. 20.152.020. State Route 1 has a road

classification of Minor Arterial. The property is accessed via a private driveway off of State Route 1. The property is currently developed with a single-family residence, a vacation home rental and storage building. The property is located within the designated highly Scenic area as shown on the *Highly Scenic and Tree Removal Areas Map (Attachment R)*, however the project will take place on the west side of the residence and cannot be seen from any roadway.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are developed and zoned Rural Residential (RR). The intent of the ground-mount solar array will be consistent with the surrounding land uses and development.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR:5)	Rural Residential (RR:5)	1.67 Acres	Residential
EAST	Remote Residential (RMR:20)	Remote Residential (RMR:20)	0.62, 3.27 Acres	Vacant Land, Residential
SOUTH	Rural Residential (RR:5)	Rural Residential (RR:5)	2.55, 1.8 Acres	Residential
WEST	N/A	N/A	N/A	Pacific Ocean

AGENCY COMMENTS: On June 22, 2021 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. A comment response summary is listed below:

REFERRAL AGENCIES	COMMENT
Albion Little River Fire Protection District	No Response
Assessor	No Response
Building Division Fort Bragg	No Comment
County Addressor	No Comment
Department of Transportation (DOT)	No Response
Environmental Health	No Response
Planning Division Fort Bragg	No Comment
California Coastal Commission	No Response
California Department of Fish and Wildlife	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Comment
Sherwood Valley Band of Pomo Indians	No Response

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed ground-mount solar array is consistent with and does not conflict with the goals and policies of the Local Coastal Program, General Plan, and Zoning Code, as detailed below:

<u>Land Use</u>: The project site is located within the boundaries of the Local Coastal Program (LCP) area, as shown on *LCP Land Use Map 18: Albion (Attachment H)*. The subject parcel is classified as Rural Residential (RR:5) by the Coastal Element of the Mendocino County General Plan, as shown on the *General Plan Classifications Map (Attachment G)*.

The Coastal Element Chapter 2.2 Rural Residential classification:

"... is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability."

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Additionally, the Coastal Element Chapter 2.2 Rural Residential Classification details a Principal Permitted use as

"Residential and associated utilities, light agriculture, home occupation."

The proposed ground-mount solar array is permitted accessory to the primary permitted use (SFR), therefore the project as proposed is allowable under the Coastal Element Chapter 2.2. The proposed development is consistent with the intent and allowed uses associated with residential development per Mendocino County Coastal Element Chapter 2.2.

Zoning: The zoning code implements the intent of the land use classification. This project site is located within a Rural Residential district, as shown on the **Zoning Display Map (Attachment F).**

The Rural Residential district, per Mendocino County Code (MCC) Section 20.376.005:

"... is intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability."

As this project is a ground-mount solar array adjacent to existing infrastructure, and given the location and the minimal footprint on the land, the impacts to the agricultural viability of the property will be minimal. The proposed project will not have an impact on the agricultural viability of the property or conflict with MCC Chapter 20.376 RR - Rural Residential District. As currently proposed, the demolition will comply with the development standards of MCC Chapters 20.456 and 20.532.

The project will not impact or encroach on any property line setback requirement for the RR District per MCC Sec. 20.376. The property is zoned RR5, requiring a 30-foot setback Per MCC Sec. 20.376.030 & 035, however, because the parcel is less than 5 acres, a 20-foot setback shall be observed per MCC Sec. 20.376.040.

<u>Visual Resources:</u> The parcel is located within a designated Highly Scenic Area as defined by the Mendocino Coastal Element Section 3.5 and as shown in the *Highly Scenic and Tree Removal Areas Map (Attachment R).* However, the ground-mount solar array is being placed on the west side of the existing residence and cannot be seen from Highway 1 or any other public vantage point that has a scenic view; therefore, there will be no detrimental impacts to the highly scenic areas, special communities, or special treatment areas. The proposed project will not conflict with Coastal Element 3.5 and complies with MCC Chapter 20.504 *Visual Resources and Special Treatment Areas*.

<u>Hazard Management</u>: The ground-mount solar array will have minimal to no impact on geologic, fire, and flood hazards because the solar arrays will be placed adjacent to existing structures, have a minimal footprint, not be within 100 feet of a bluff edge, and pose no hazard in relation to flooding. No impacts to geological, fire, or flood hazards will occur and therefore no mitigation measures will be required. The site is rated as "High Fire Hazard", and fire protection services are provided by Albion Little River Fire Protection District (ALRFP), as shown on the *Fire Hazard Zones & Responsibility Areas Map (Attachment M)*. An agency referral request was sent to the (ALRFP) where no response was received. Given the minimal to no impacts, the proposed project will not conflict with Coastal Element 3.4 and complies with MCC Chapter 20.500 *Hazard Areas*, including geologic (faults, bluffs, tsunami, landslides, and erosion), fire, and flood hazards.

Habitats and Natural Resources: The property is covered in various types of vegetation; more specifically, the site is designated "Barren", as shown on the *LCP Habitats & Resources Map (Attachment J)*. An agency referral request was sent to California Department of Fish and Wildlife where no response was received. However, because of the location, the proximity to already existing structures, lack of vegetation removal as the site chosen for their ground-mount solar array is *Barren*, and no connection to a designated Environmentally Sensitive Habitat Area, no botanical or biological survey was required. The proposed project requires minimal ground disturbance for the ground mount solar array. As such, the proposed project will not conflict with Coastal Element 3.1 and complies with MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas*.

<u>Grading, Erosion and Runoff</u>: The proposed project requires minimal ground disturbance for the ground-mount solar array. Due to the minimal-impact location, the ground-mount solar array will not significantly alter the original elevation, compaction, or the agricultural viability of the property. Since the ground-mount solar array does not propose any grading, is located more than 100 ft. from a bluff top, and the solar array will be tilted and no water catchment will take place, the proposed project complies with MCC Chapter 20.492 *Grading, Erosion, and Runoff* and MCC Section 18.70.027 *Grading as "Development" in the Coastal Zone.*

<u>Groundwater Resources</u>: The site is designated as having marginal water resources by the Mendocino County Coastal *Groundwater Study*, as shown on the *Ground Water Resources Map (Attachment Q)*. The project was referred to the Mendocino County Department of Environmental Health (DEH) to review impacts that may occur regarding water and septic developments. DEH replied with *no comments*. However, given the type of structure being proposed, there is no possibility of adversely affecting the groundwater resource and the ground-mount solar array will therefore not have an impact on water or sewer utilities. The proposed project complies with MCC Section 20.516.015(B)(1) *Water Supply*.

Archaeological/Cultural Resources: No agency referral request was sent to the Northwest Information Center at Sonoma State University and Archeological Commission because the project is proposing less than 2 cubic yards of soil movement and is located directly adjacent to existing infrastructure, and the need for this type of survey is not indicated. Staff notes that *Condition 8* advises the property owners and contractor of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during the demolition activities associated with the project.

Comments were requested from the following tribes: Redwood Valley Rancheria, Cloverdale Rancheria, and Sherwood Valley Band of Pomo Indians. Cloverdale Rancheria replied with *no comment* and no responses were received from Redwood Valley Rancheria or Sherwood Valley Band of Pomo Indians. The proposed project complies with MCC Sections 22.12.090 *Discoveries* and 22.12.100 *Discoveries of Human Remains*.

<u>Transportation/Circulation</u>: Due to the nature of the ground-mount solar array, this project will not contribute new sources of traffic on local and regional roadways. The project will not impact transportation or circulation and will not alter the existing adequate access for existing residential use of the parcel. The project was referred to Mendocino County Department of Transportation (DOT) for input. No response has been received. The proposed project complies with MCC Section 20.516.015 (C)(2) *Transportation Systems*.

<u>Appealable Area:</u> This property is located within the California Coastal Commission (CCC) Appealable Area as show on the *Post LCP Certification & Appeal Jurisdiction Map (Attachment K)*. An agency referral request was to CCC for comment and concerns. No response was received.

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 to be Categorically Exempt from the California Environmental Quality Act. Per Section 15301 Existing Facilities, Class 1 (L)(4).

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 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), as the ground-mount solar array serves an existing residence, is an accessory use, and does not affect public access. The proposed ground-mount solar array is in conformity with the certified local coastal program; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), as the property is already adequately and appropriately developed and the proposed ground-mount solar array will not be removing any of the necessary standard development features, the proposed ground-mount solar array will not detract from the adequate utilities, access roads, drainage and other necessary facilities; and

- 3. Pursuant with MCC Section 20.532.095(A)(3), as the ground-mount solar array does not degrade or negatively change the characteristics of the Rural Residential District, the proposed ground-mount solar array is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), as the ground-mount solar array is exempt under the California Environmental Quality Act, is not located within an Environmentally Sensitive Habitat Area, and requires minimal need for heavy equipment, the proposed ground-mount solar array will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
- 5. Pursuant with MCC Section 20.532.095(A)(5), as the ground-mount solar array will have minimal ground disturbance, is being placed adjacent to existing infrastructure, and is not proposing more than 2 cubic yards of soil movement, the proposed ground-mount solar array will not have any adverse impacts on any known archaeological or paleontological resource; and
- 6. Pursuant with MCC Section 20.532.095(A)(6), as the ground-mount solar array will not require additional public services, other public services, including but not limited to, solid waste and public roadway capacity, the aforementioned have been considered and are adequate to serve the proposed ground-mount solar array; and
- 7. Pursuant with MCC Section 20.532.095(B)(1), as the ground-mount solar array will be placed directly behind the existing residence end deck and will not be placed near any public access points, shoreline access will not be affected, and the proposed ground-mount solar array is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Costal Element of the General Plan.

CONDITIONS OF APPROVAL:

- 1. This action shall become final and effective 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 10th 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 permits for the proposed development of the ground-mount solar array as required by the Building Inspection Division of the Department of Planning and Building Services, Department of Transportation and Division of Environment Health.
- 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

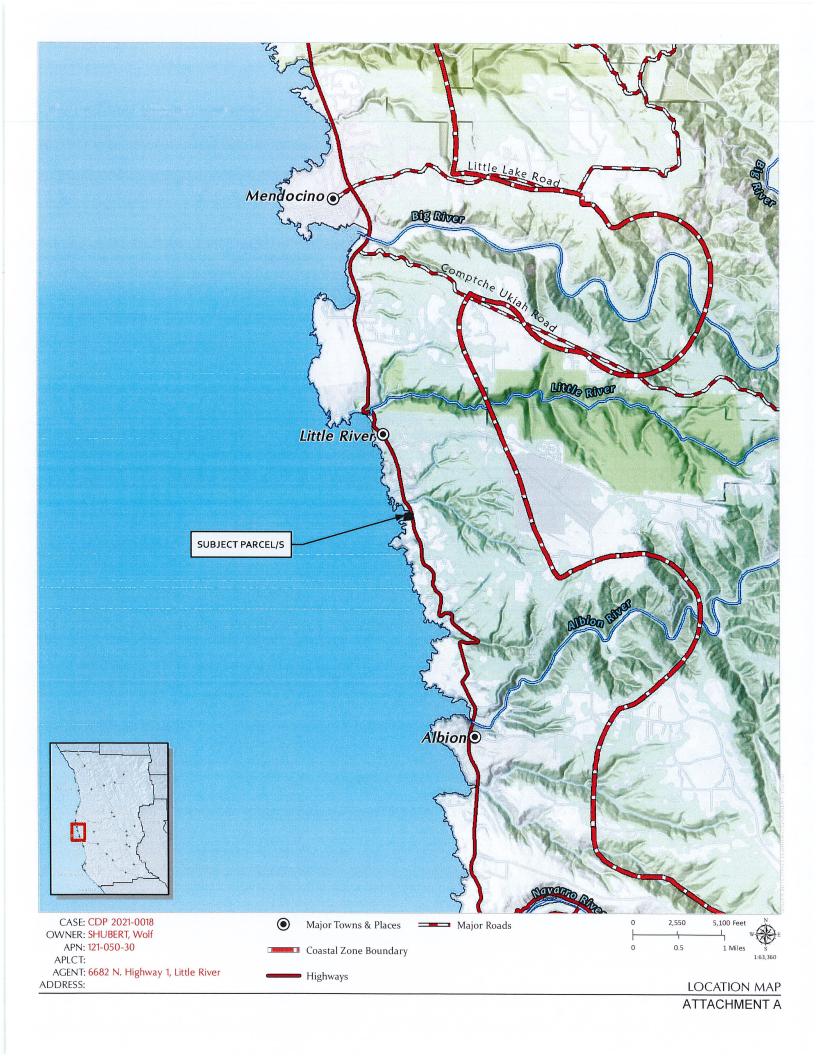
health, welfare or safety, or to be a nuisance.

- 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 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. Within one (1) year from the effective date of this permit, the applicant shall obtain a Building Permit, and secure a "final inspection" for the ground-mounted solar from Mendocino County Planning and Building Services.
- 10. The conditions of approval shall either be printed on the building permit plans or attached as an additional document with the building plans at the time of submission for the building permit.

Appeal Period: 10 Days Appeal Fee: \$1616.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Vicinity Map
- C. Aerial Map
- D. Site Plan
- E. Topographical Map
- F. Zoning Display Map
- G. General Plan Classifications
- H. LCP Land Use Map 18:Albion
- I. LCP Land Capabilities & Natural Hazards
- J. LCP Habitats & Resources Map
- K. Post LCP Certification & Appeal Jurisdiction
- L. Adjacent Parcels
- M. Fire Hazards Zones & Responsibility Areas
- N. Wildland-Urban Interface Zones
- O. Special Flood Hazard Zones
- P. Wetlands
- Q. Groundwater Resources Map
- R. Highly Scenic & Tree Removal Areas
- S. Estimated Slopes
- T. Western Soil Classifications
- U. Farmland Classifications





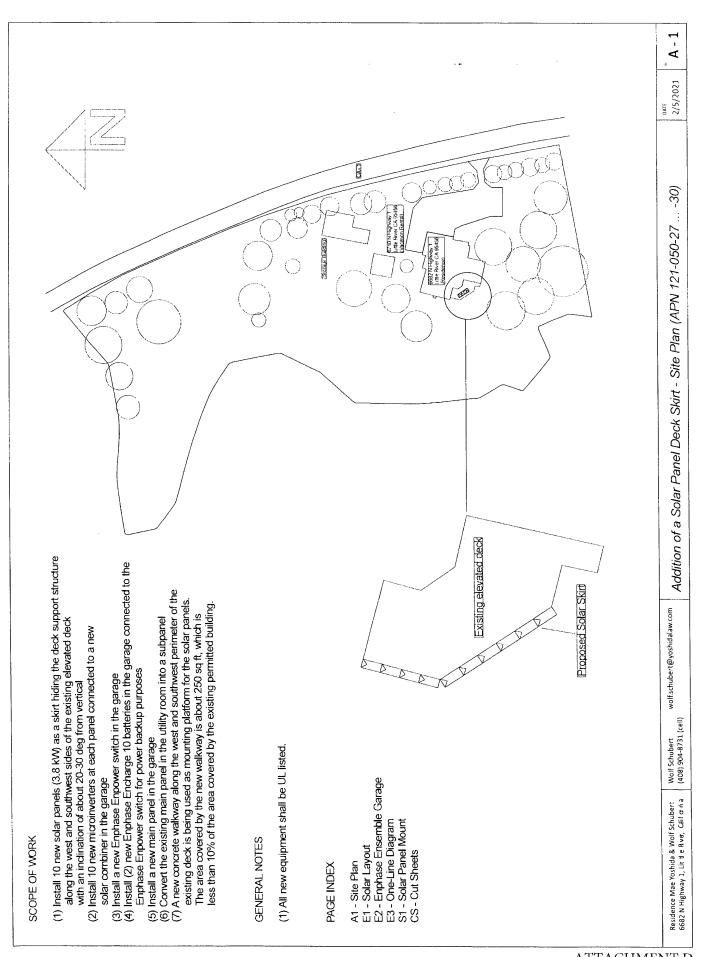


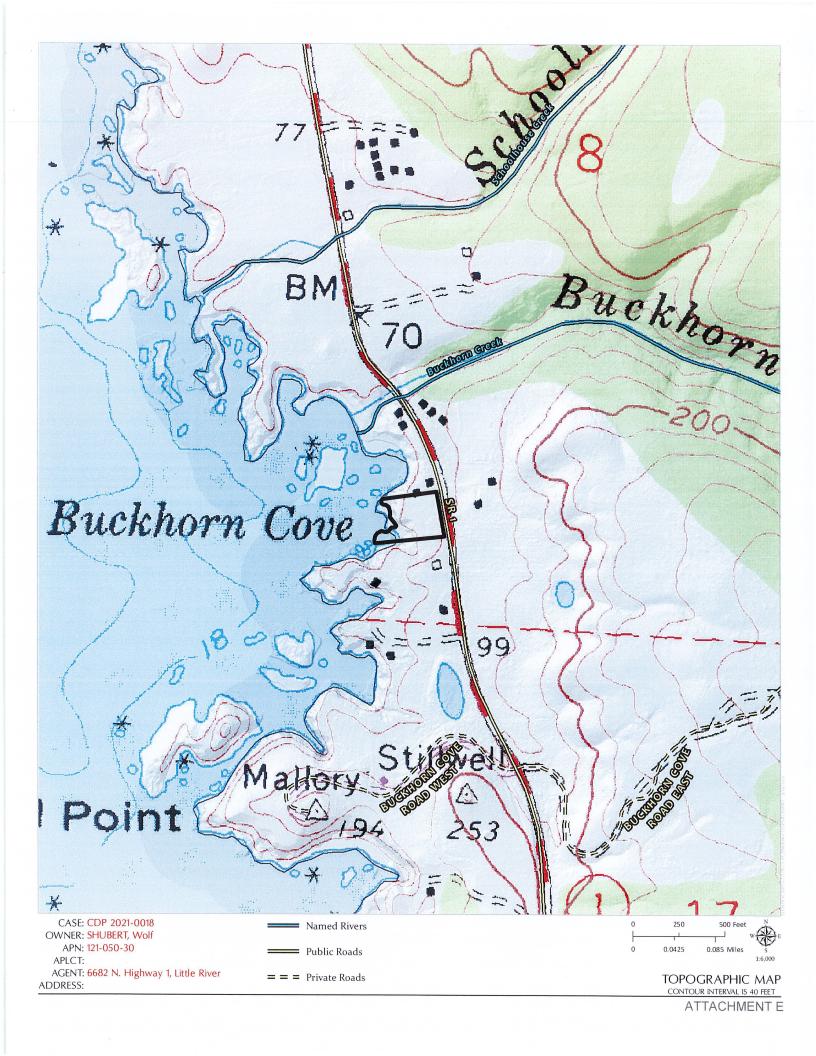
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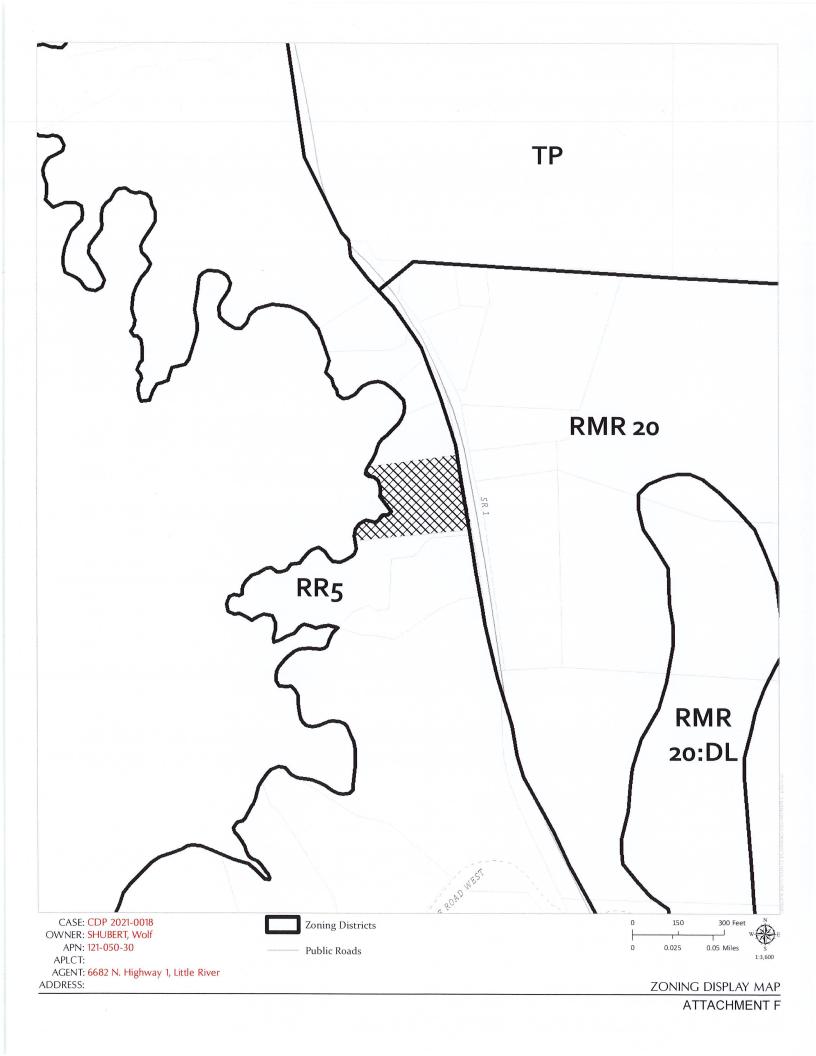
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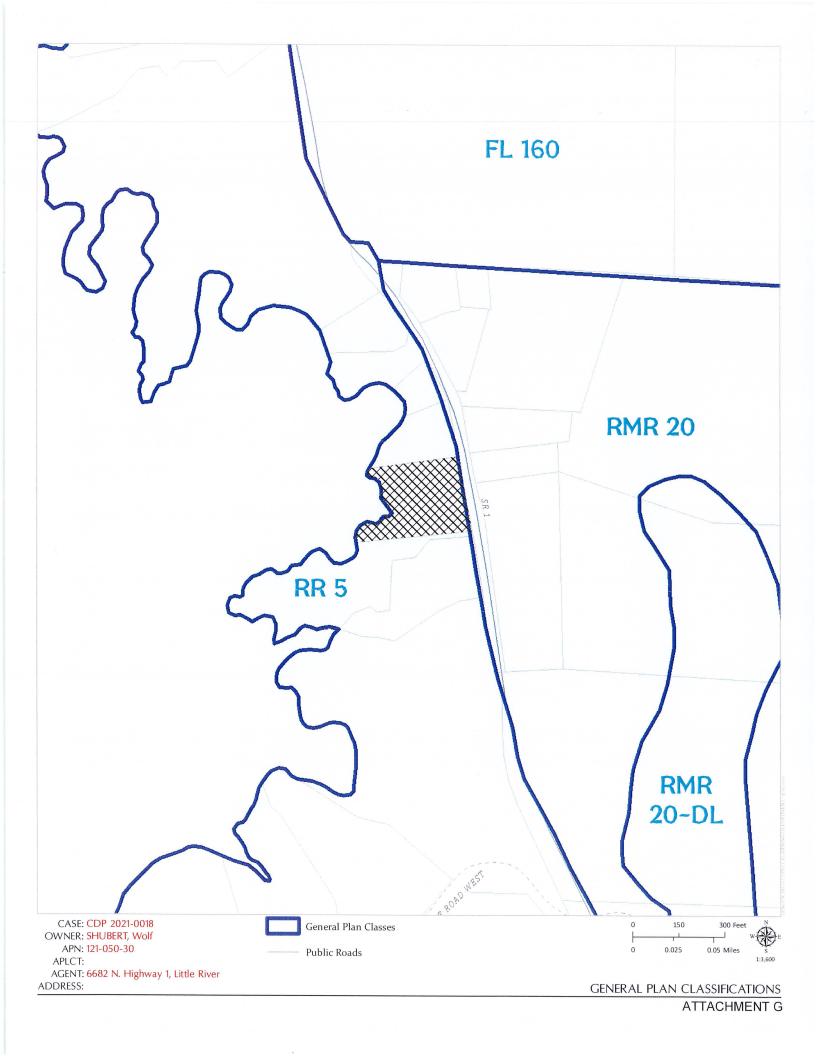


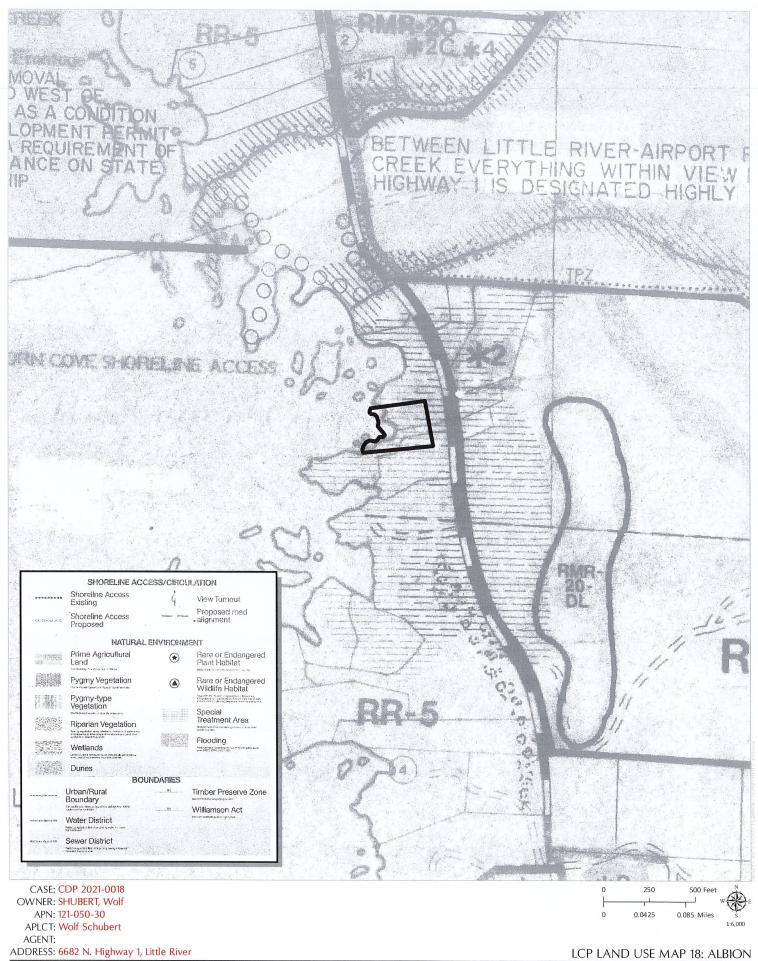
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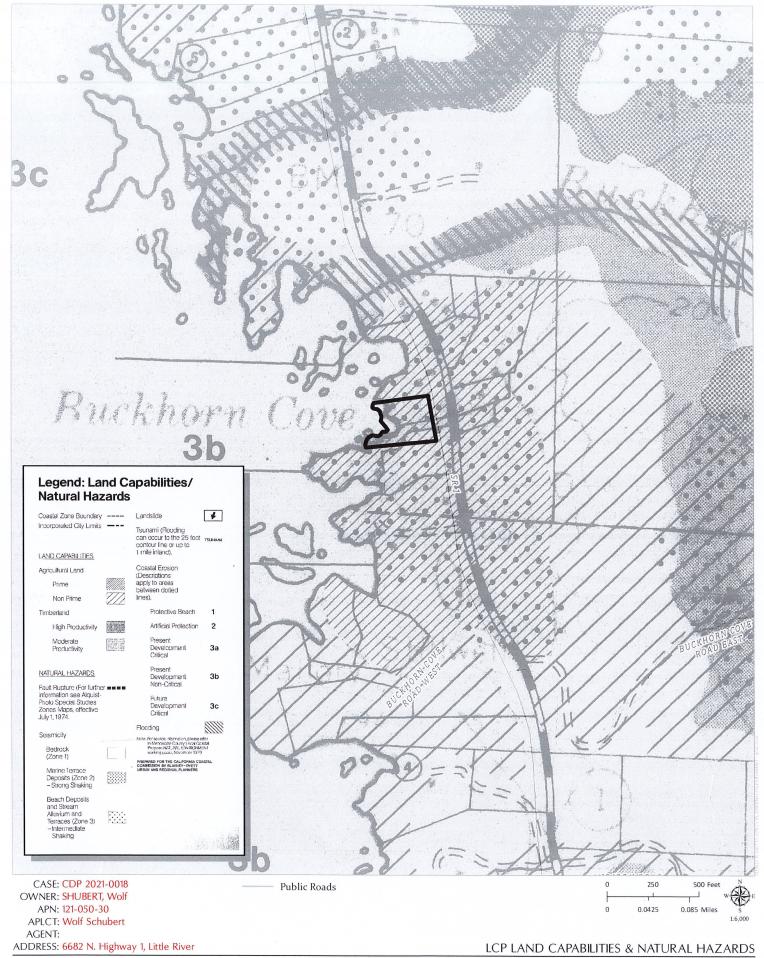




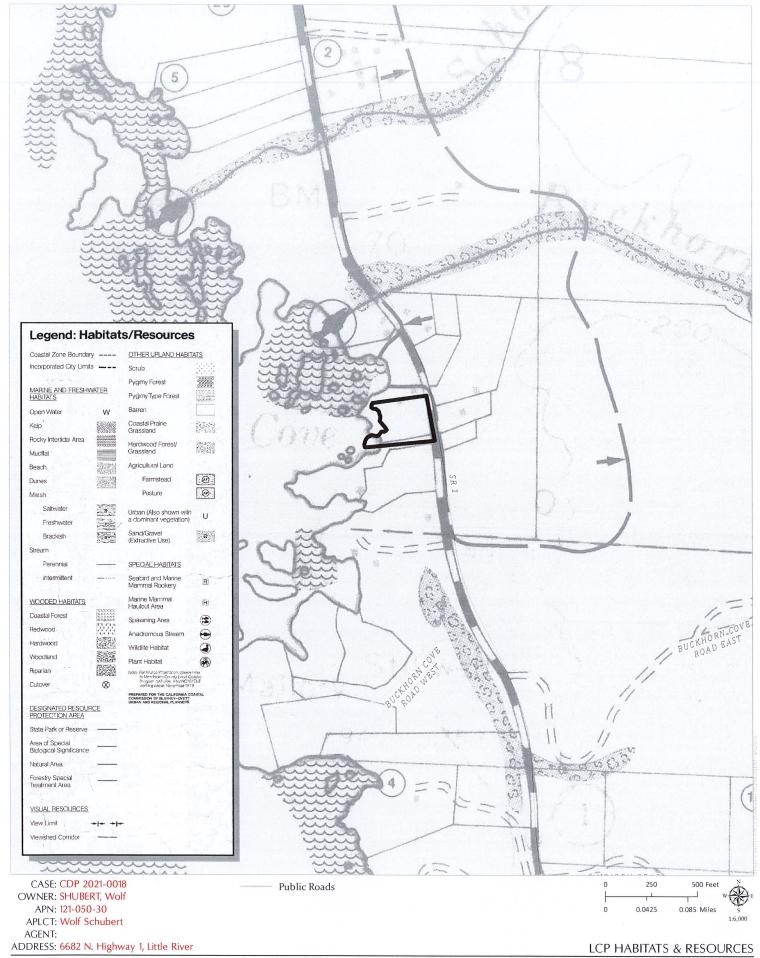


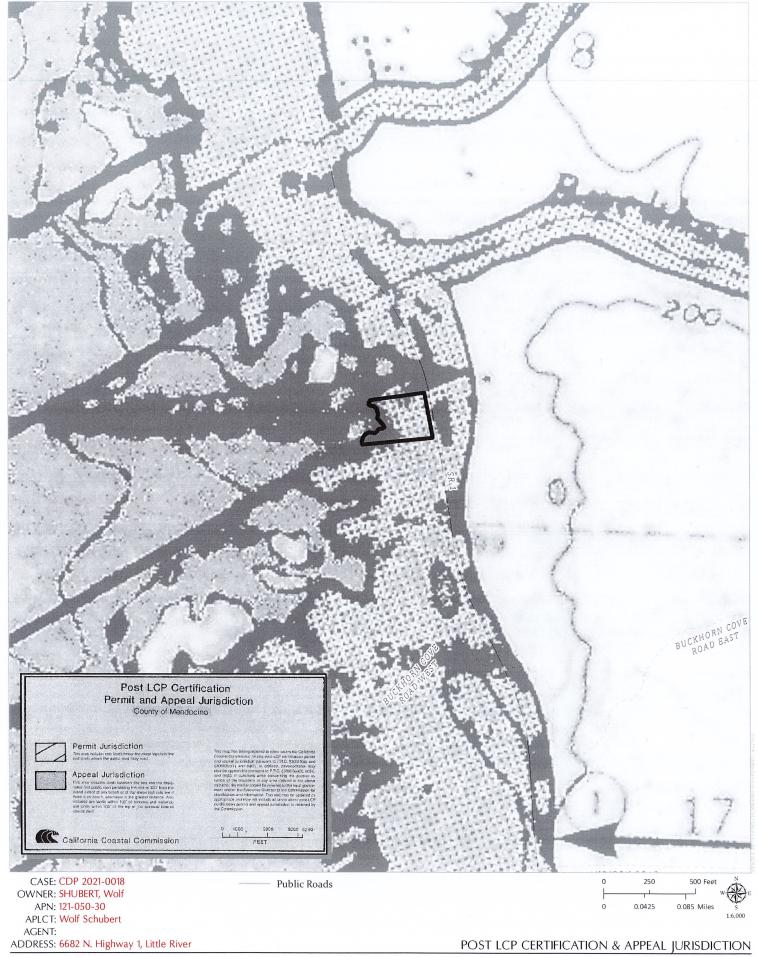


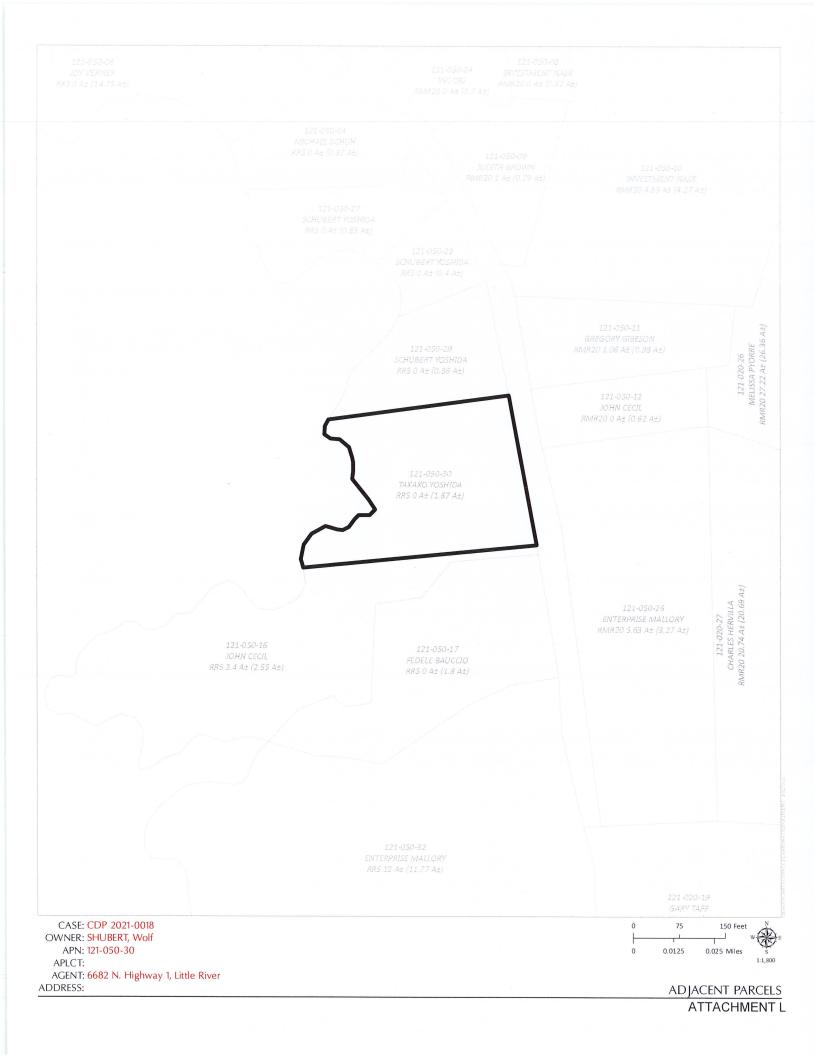


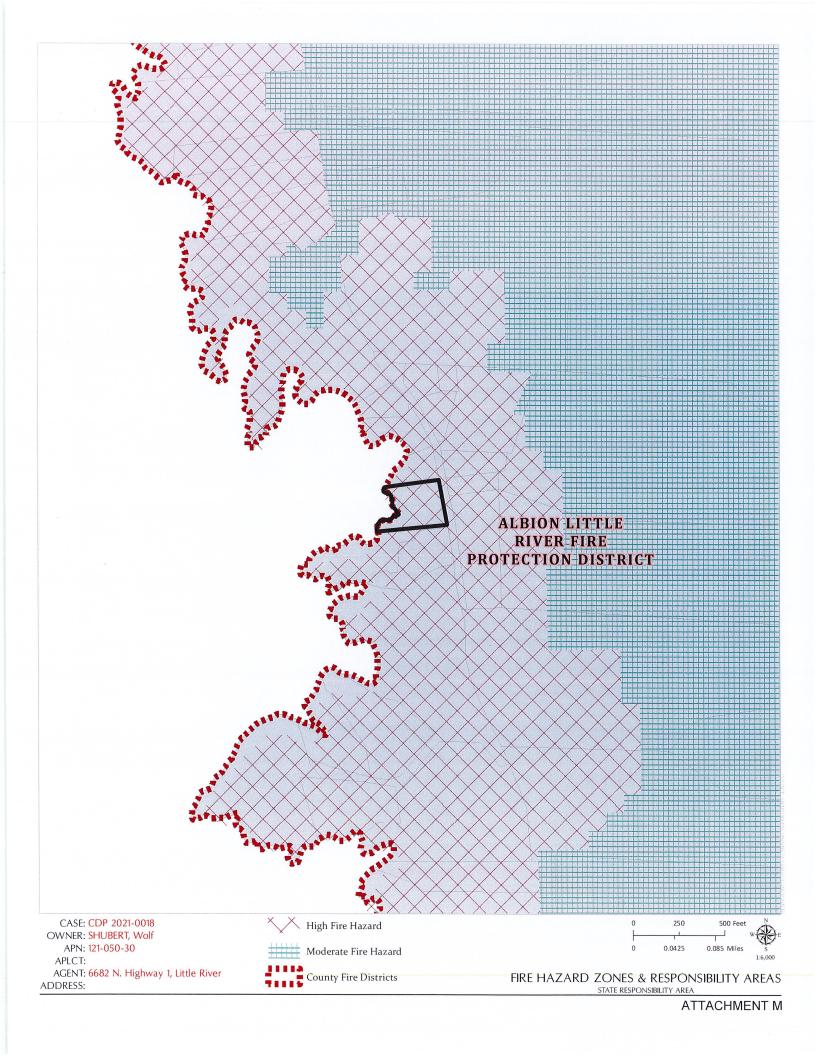


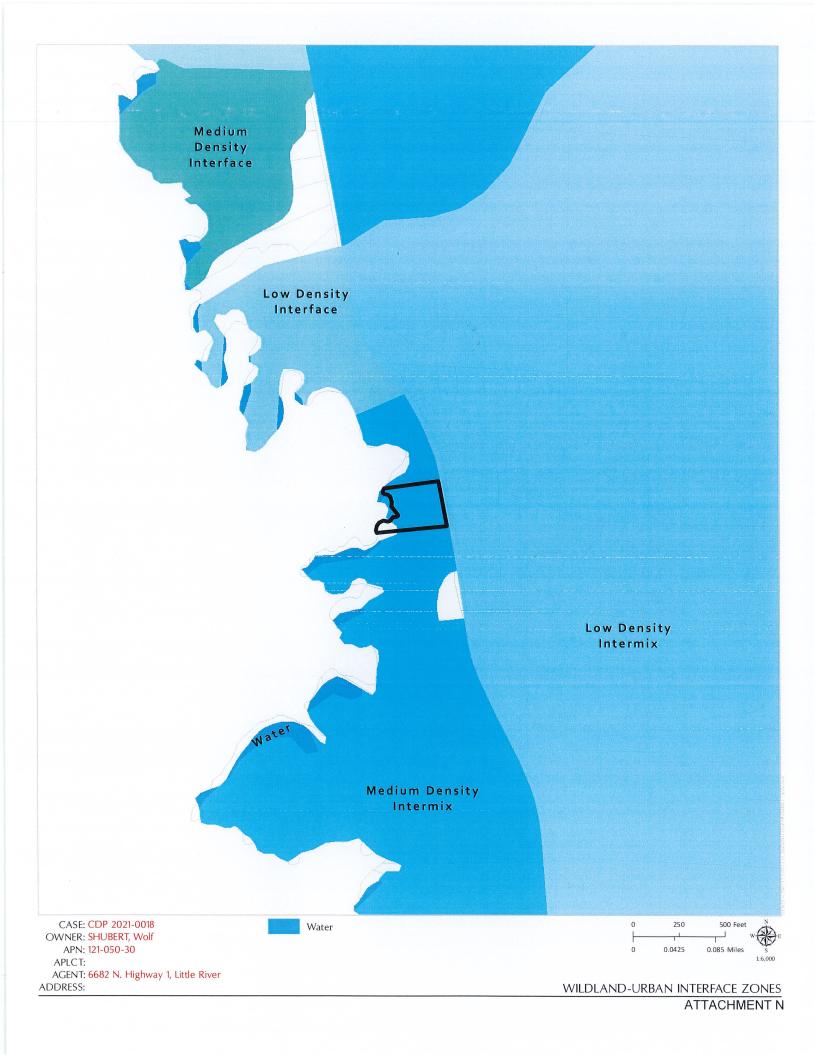
ATTACHMENT I

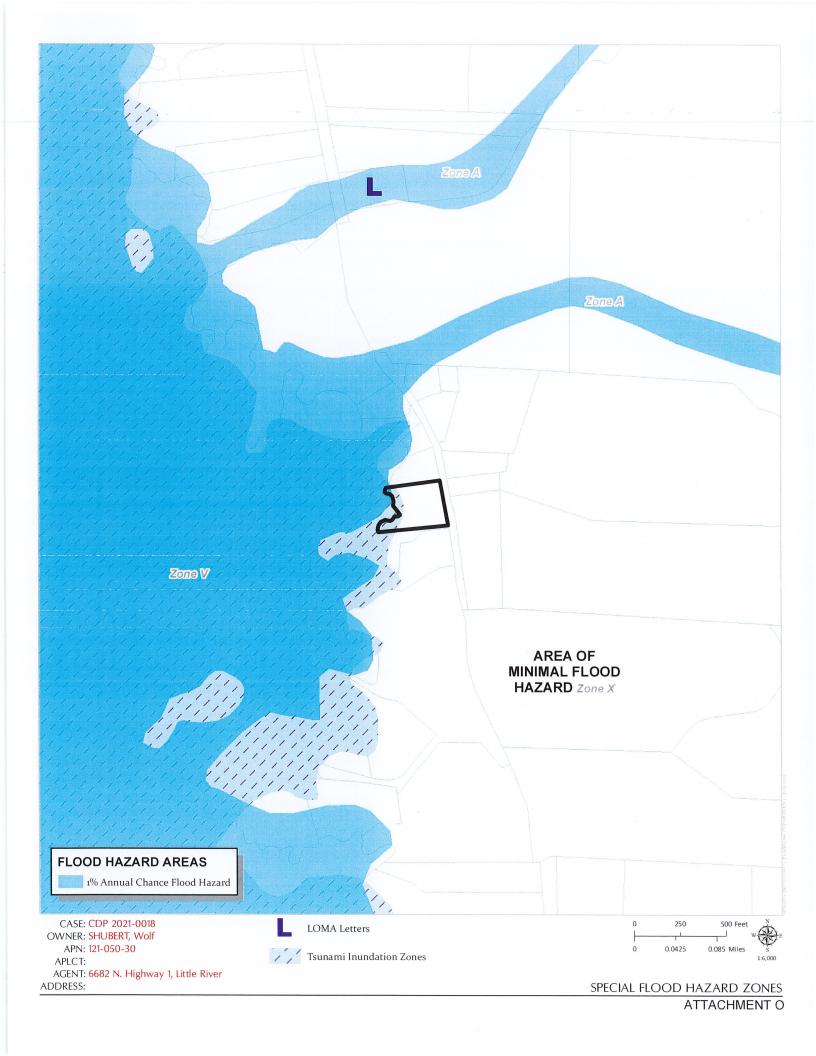


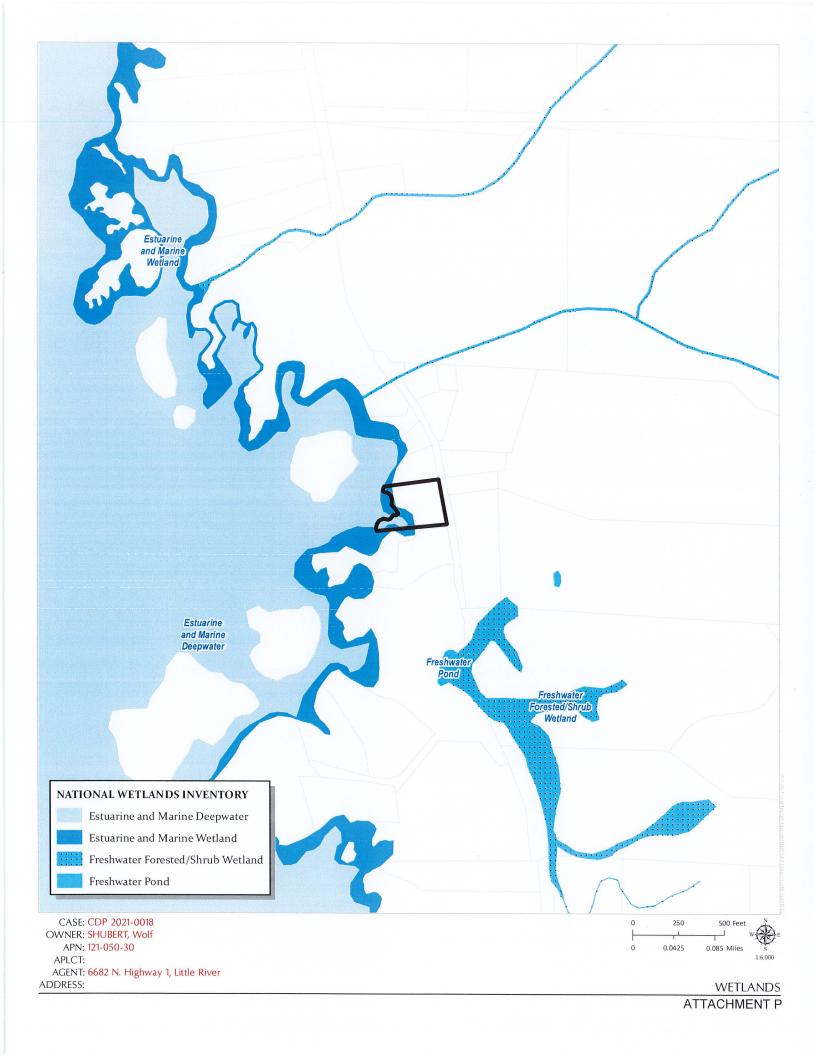














GROUND WATER RESOURCES

ADDRESS:

