

COUNTY OF MENDOCINO DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 North Bush Street · Ukiah · California · 95482 120 West Fir Street · Fort Bragg · California · 95437

September 29, 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, October 14, 2021, at 11:00 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 <u>pbscommissions@mendocinocounty.org</u> or via Telecomment, and is available for viewing on the Mendocino County YouTube page, at <u>https://www.youtube.com/MendocinoCountyVideo</u>

CASE#: CDP_2020-0029 DATE FILED: 11/13/2020 OWNER/APPLICANT: NORTH GUALALA WATER COMPANY

REQUEST: Standard Coastal Development Permit for the construction of a 29,000 gallon water tank to replace a failed pre-existing water tank removed under an emergency coastal development permit that provides service to 136 water customers. The project includes the replacement of 3,120 feet of 4 inch asbestos cement water line with 3,120 feet of 8 inch PVC, 12 water services reconnections and the addition of five (5) fire hydrants in an area not currently able to provide adequate volumes of demand or points of connection.

ENVIRONMENTAL DETERMINATION: Categorically Exempt; California Environmental Quality Act (CEQA) Classes 1, 2, & 3: Sections 15301 Existing Facility, 15302 Replacement or Reconstruction, and 15303 New Construction or Conversion of Small Structures.
LOCATION: In the Coastal Zone, northeast of the town of Anchor Bay, lying on the west side of Sunset Drive (CR 525), 0.8± mile east from its intersection with State Route 1, located at 46150 Sunset Dr., Anchor Bay (APN: 143-222-07) & 46130 Sunset Dr., Anchor Bay (APN: 143-222-09).
SUPERVISORIAL DISTRICT: 5 (Williams)
STAFF PLANNER: SAM VANDEWATER

The staff report, and notice, will be available 10 days before the hearing on the Department of Planning and Building Services website at: <u>https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator</u>

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 <u>pbscommissions@mendocinocounty.org</u> no later than October 13, 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 <u>pbscommissions@mendocinocounty.org</u>.

To submit public comments via Telecomment, a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: <u>https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas</u>.

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

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



COASTAL PERMIT ADMINISTRATOR STAFF REPORT- STANDARD CDP

OCTOBER 14, 2021 CDP_2020-0029

2	SUMMARY
OWNER/APPLICANT:	NORTH GUALALA WATER COMPANY PO BOX 1000 GUALALA, CA 95445
AGENT:	RANDY BURKE PO BOX 1000 GUALALA, CA 95445
REQUEST:	Standard Coastal Development Permit for the construction of a 29,000 gallon water tank to replace a failed pre-existing water tank removed under an emergency coastal development permit that provides service to 136 water customers. The project includes the replacement of 3,120 feet of 4 inch asbestos cement water line with 3,120 feet of 8 inch PVC, 12 water services reconnections and the addition of five (5) fire hydrants in an area not currently able to provide adequate volumes of demand or points of connection.
LOCATION:	In the Coastal Zone, northeast of the town of Anchor Bay, lying on the west side of Sunset Drive (CR 525), 0.8± mile east from its intersection with State Route 1, located at 46150 Sunset Dr., Anchor Bay (APN: 143-222-07) and 46130 Sunset Dr., Anchor Bay (APN: 143-222-09).
TOTAL ACREAGE:	0.08 & 0.09 Acres
GENERAL PLAN:	Right-of-way
	Rural Residential, five-acre minimum parcel size with variable density of one (1) unity per forty thousand square feet, Development Limitations Combining District and Planned Unit Development Combining District RR5:DL:PD(RR:1) [RR1:DL:PD]
ZONING:	Right-of-way
	Rural Residential, five-acre minimum parcel size with variable density of one (1) unity per forty thousand square feet, Development Limitations Combining District and Planned Unit Development Combining District RR5:DL:PD(RR:1) [RR1:DL:PD]
SUPERVISORIAL DISTRICT:	5 (Williams)
ENVIRONMENTAL DETERMINATION:	Categorically Exempt
RECOMMENDATION:	APPROVE WITH CONDITIONS
STAFF PLANNER:	VANDY VANDEWATER

BACKGROUND

SUMMARY OF EVENTS:

- May 17, 2018 The California Department of Water Resources Control Board, Division of Drinking Water inspected the Parr Tank, a failing 26,000 gallon redwood water storage tank, and determined upgrades to the existing potable water system were required and the tank replaced and indicated that the entire water conveyance system did not meet current standards of public health and safety. The Agency directed the North Gualala Water Company (NGWC) to remedy imminent health dangers. NGWC took immediate action and lined the tank and reduced operating storage levels to less than one third of the intended capacity. NGWC enlisted MC Engineering to develop a longterm plan to complete all required improvements as well as temporary measures.
- August 28, 2020 Due to the deteriorating wooden material of the Parr water tank and collapsing foundation beneath it, NGWC requested an Emergency Coastal Development Permit from the Mendocino County Department of Planning and Building to decommission the failing tank to allow continuity of service with the use of temporary tanks. The approval of EM_2020-0003 on November 17, 2020 authorized NGWC to trench and install underground plumbing to carry water from the tank's former location to two (2) 4,500-gallon temporary tanks.
- November 13, 2020 As required by EM_2020-0003, NGWC submitted an administrative Coastal Development Permit application to complete all upgrades to the existing system.
- December 17, 2020 The NGWC contacted Mendocino County staff and requested that the County of Mendocino act as the lead agency for the project and consider a categorical exemption pursuant to CEQA, a requirement for grants issued via the State Revolving Fund County of which NGWC currently seeks to fund the project. Staff worked with representatives from the State Water Resources Control Board (SWRCB) and determined that the County had jurisdiction to complete the environmental determination for this CDP.

PROJECT DESCRIPTION:

A Standard Coastal Development Permit to bring the existing water distribution system into compliance with the State Water Resources Control Board, Division of Drinking Water Rules and Regulations (Titles 17 and 22) of the California Code of Regulations. The project requires construction of a 29,300 gallon water tank to replace a failed pre-existing water tank removed under an Emergency Coastal Development Permit (EM_2020-0003) that provides service to 136 current water customers. Additionally, 3120 linear feet of four (4) inch asbestos cement water line will be replaced with 3,120 feet of eight (8) inch PVC. The project requires twelve (12) water service reconnections and the installation of five (5) fire hydrants in an area not currently able to provide adequate volumes of demand or points of connection. The new tank, associated booster pump station building and a concrete pad for a temporary generator will be installed at the property located at 46150 Sunset Drive, are also required to align the current onsite conditions with state requirements.

The new tank will consist of either a corrugated steel tank with a potable, NSF 61 interior liner or a glass lined bolted steel tank. Both types will be constructed with seismic tie downs affixed to the lower sides of the tank and placed into the reinforced, engineered concrete foundation per the manufacturer's recommendation in accordance with the American Concrete Institutes Code 318-14. Seismic surge volumes will be designed within the tank's construction and interior. The new tank will be constructed approximately within the existing footprint of the wooden tank removed under the emergency permit (See Exhibit A). The dimensions may vary slightly for a bolted steel tank within the subject property upon final design however, the eighteen (18) foot height will remain.

A ten (10) foot wide by twelve (12) foot long by fifteen (15) foot tall concrete masonry unit or building (constructed of fire resistant materials) with a metal roof to provide storage for the electrical system will be attached to the proposed tank. To stealth the ancillary development, the building color is proposed to closely match that of the corresponding water tank. A concrete pad is proposed adjacent to the building for the use of a temporary tow behind generator to be brought to the site during acute and long-term power outages. The proposed concrete foundation of the booster pump station is ten (10) feet by twelve (12) feet to provide one foot in reinforced concrete thickness with eighteen (18) inches of a perimeter reinforced thickened edge, six (6) each eighteen (18) inch reinforced concrete piers to a depth of fifteen and one half (15.5) feet and as directed by the geotechnical/project engineer detail (See Exhibit A). The generator reinforced concrete slab thickness with a thickened concrete edge.

An emergency downward directional luminaire is proposed for the site to be used in instances of emergency response. An open face six (6) foot high chain-link security fence with locking ingress and egress gates will be installed around the perimeter of the tank and building structures. The setback of the facilities is consistent with current off street parking areas and no vehicle padded areas for incidental tank or pump station areas are requested.

APPLICANT'S STATEMENT:

The intent of the proposed project following the emergency repairs under the Emergency Permit is to bring the existing distribution system into compliance with the State Water Resources Control Board, Division of Drinking Water Rules and Regulations (Titles 17 and 22) of the California Code of Regulations, and to upgrade the area affected within this project with adequate water supply for consumption, and fire protection capabilities.

RELATED APPLICATIONS:

EM_2020-0003 – Authorized emergency repairs to remove threat of failure and subsequent loss of potable water due to the failing water conveyance and storage system for multiple residents and customers connected to the Parr Tank.

SITE CHARACTERISTICS:

The project is located in the Coastal Zone, one-half (1/2) mile north of the intersection of US Highway 1 and Sunset Drive, just east of the Anchor Bay Campground (See Attachment: *LCP Land Use Map 30: Anchor Bay*). Situated primarily in redwood forest, within the Right of Way (ROW) along Sunset Drive, two parcels owned by NGWC will also be improved, Assessor Parcel Numbers (APNs) 143-222-07 and 143-222-08.

The designated land classification and zoning district is Rural Residential which requires a five (5) acre minimum and alternate density of one (1) unit per 40,000 square feet of land (See Attachments: *Zoning Display Map*). The surrounding lands consists of forests and the project site lies within an area mapped with LCP land capabilities 'Zone 2' where strong seismic shaking may be experienced (See Attachment: *LCP Land Capabilities & Natural Hazards*). Additional mapping indicates pygmy forest is located in the northern section of the project area (See Attachment: *LCP Habitats & Resources*). The project site is located in a High Fire Hazard area and fire protection services provided by the South Coast Fire Protection District and CALFIRE (See Attachment: *Fire Hazard Zones & Responsibility Areas*). The project is located outside of an appealable jurisdiction. The project lies within an area designated as a "Critical Water Resource Area" (See Attachment: *Ground Water Resources*).

A small stretch of bishop pine forest, a special status vegetation alliance containing rare Mendocino cypress trees, lies adjacent to the project site in the north. A stream which crosses under the roadway through a culvert is also located on the north end of the project area. As explained in the Botanical and Biological Scoping Survey Report prepared by Spade Natural Resources Consulting, ephemeral stormwater runoff runs along a concrete ditch on the side of the roadway, and is then culverted to the stream on the north

side of the road.

The project area is vegetated by second or third growth redwood forest and characterized by the dominant presence of coast redwood in the overstory along with Douglas fir and tanoak. Although not large enough to constitute a separate vegetation alliance, small patches of the understory are dominated by Douglas fir and tanoak and characterized by bracken, redwood violet and sword fern.

SURROUNDING LAND USE AND ZONING:

Located in the Coastal Zone, northeast of the town of Anchor Bay, the project area is zoned Rural Residential (RR) with Limited Development (DL) and Planned Development (PD) Combining Districts, which require alternative parcel sizes and is surrounded by similar land uses. The following table summarizes adjacent land uses, zoning and property sizes:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR5:DL:PD(RR:1) [RR1:DL:PD]	RR5:DL:PD(RR:1) [RR1:DL:PD]	3,920± ft ²	Residential
EAST	RR5-DL	RR5:DL	426,889± ft ²	Residential
SOUTH	RR5	RR5	40,075± ft ²	Residential
WEST	RR5	RR5:PD	3.78± ft ²	Residential

PUBLIC SERVICES:

Access:	Sunset Drive (CR 525)
Fire District:	South Coast Fire Protection District
	California Department of Forestry & Fire Prevention
Water District:	North Gualala Water Company (NGWC)
Sewer District:	None
School District:	Arena Union Elementary School District

AGENCY COMMENTS:

On February 24, 2021 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below.

REFERRAL AGENCIES	COMMENT
Planning – Fort Bragg	No Comment
Department of Transportation	Comment
Environmental Health – Fort Bragg	No Comment
Building Inspection – Fort Bragg	Comment
Gualala Community Services District	Comment
South Coast Fire District	No Response
Air Quality Management District	Comment
Archaeological Commission	Comment
Sonoma State University-NWIC	Comment
Regional Water Quality Control Board	No Response
CALFIRE - Prevention	No Response
Department of Fish and Wildlife	Comment
Coastal Commission	No Response
Manchester Band of Pomo Indians	No Response
Noyo River Indian Community	No Response

COMMENTS AND RESPONSES:

Department of Transportation – The Mendocino County Department of Transportation reviewed the proposed repairs and provided staff with significant direction as all of the lineal work to be done lies within the County Right of Way (ROW). Department has recommended several conditions of approval to insure that when the project is complete, the ROW will be repaired to its original condition which staff has incorporated.

Building Inspection (Fort Bragg) – The Mendocino County Department of Building Services reviewed the project and determined that the repairs and replacement of water conveyance infrastructure of a public service entity such as NGWC is exempt from building permits pursuant to the 2019 California Building Code Section 105.2.3.

Gualala Municipal Advisory Council (GMAC) – At their April 1, 2021 meeting, the GMAC reviewed and discussed the proposed project and concurred with the request and recommended approval to the County by a unanimous 4-0 vote.

Archaeological Commission & Sonoma State University – On February 24, 2021, referrals were sent to the Mendocino County Archaeological Commission as well as the Northwest Information Center (NWIC) at Sonoma State University. At their meeting on June 9, 2021, the commission discussed the project and reviewed the informative letter provided by the NWIC. They concluded that given the limited scope of the project seeking to repair failing equipment within the same essential footprint that an archaeological survey was not required.

California Department of Fish and Wildlife (CDFW) – Upon review of the proposed project, CDFW notes conducting the proposed nesting bird survey acts beyond an avoidance measure with regard to removal of trees to accommodate the tank installation and highlights that noise generated from project work could impact redwood forest habitat for federally-listed northern spotted owl (*Strix occidentalis caurina*). As such, the agency has recommended conditions of approval to reduce impacts to sensitive habitats which staff has incorporated herein.

Air Quality Management District (AQMD) – The Mendocino County AQMD provided staff with direction that the asbestos cement water-line to be removed/disposed of must be done so in accordance with Rule 1-492, a provision of Part 61, Chapter 1, Title 40 of the Code of Federal Regulations (40 CFR, Part 61) National Emission Standards for Hazardous Air Pollutants. Staff has included conditions of approval to confirm compliance with this standard.

LOCAL COASTAL PROGRAM CONSISTENCY:

The proposed development is consistent with the goals and policies of the Local Coastal Program (LCP), General Plan and Zoning Code, as detailed below:

Land Use: The project site is located within the boundaries of the LCP area, as shown on *LCP Land Use Map 30: Anchor Bay.* The subject parcel is classified as Rural Residential, five-acre minimum with an alternative density of one (1) acre minimum (RR5(1)). 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."

Pursuant to Mendocino County Coastal Element Chapter 2.2, residential use and associated utilities within the Rural Residential designation are principally permitted. The proposed project will not have an impact on the agricultural viability of the property or conflict with the uses within the Rural Residential District. The

remediation, repair and/or replacement of existing infrastructure complies with the development standards of MCC Chapter 20.523.

Zoning: The Rural Residential (RR) zoning district seeks to encourage and preserve local small scale farming in the Coastal zone on lands not well-suited for large scale commercial agriculture and locate residential uses so as to minimize impacts to agricultural viability. The project site is primarily located within the RR district and areas in the north within the Development Limitations (DL) Combining District and Planned Unit Development (PD) Combining District. The combining districts are used in conjunction with another land use classification. The DL district applies to lands constrained by geophysical hazards that prevent or limit development. The PD district intended to require sensitive development of selected sites where standard residential and commercial and industrial design would be inappropriate to the unique or highly visible nature of the site, and to encourage imaginative development incorporating cluster development and the maximization and preservation of open space and views from public roads.

The application seeks to disconnect, dismantle and remove an existing water storage tank, including the concrete foundation and replace approximately 3,120 lineal feet of underground water pipeline. The proposed modifications are consistent with the allowed uses associated with residential development in the RR zoning district and will allow for continuance of the existing use on the parcel. The projects does not present any additional risk of damage to property or persons and would not impact or encroach on any property line setback requirement of twenty (20) feet for parcels under five (5) acres in size, for the applicable zoning district.

<u>Visual Resources</u>: The parcel is not located within a designated highly scenic area, special communities, or special treatment areas; additionally the remediation and repairs will not change the visual impacts to the surrounding area as this is not a new structure and is using conventional methods of construction, materials, and colors. The repairs and replacements will not conflict with policies as described in Coastal Element 3.5, and complies with MCC Chapter 20.504 Visual Resources and Special Treatment Areas.

<u>Hazard Management</u>: The replacement of failing infrastructure and repairs will have minimal to no impact on geologic, fire, and flood hazards. The project site lies within a mapped land area, 'Zone 2' where strong seismic shaking may be experienced as indicated by the *LCP Land Capabilities & Natural Hazards* attachment. The project site is located in a *High Fire Hazard* area and presents no risk of damage to property or persons. Primarily replacement of existing infrastructure, the potential to impact or be impacted by the project of any hazards is minimum. The project does not conflict with Coastal Element 3.4 and complies with MCC Chapter 20.500 *Hazard Areas*.

<u>Habitats and Natural Resources</u>: Most of the project site is designated as "barren" except a small portion in the north where Sunset Drive turns west. The Mendocino County GIS mapping indicates a sensitive coastal resource, Pygmy forest, is likely present within this part of the project area. The Botanical and Biological Scoping Survey Report prepared by Spade Natural Resources Consulting identified the resources and provides avoidance recommendations to minimize impacts. As detailed in the report, the project only consists of replacement of existing water pipe in the road corridor in the vicinity of Bishop Pine forest where Mendocino cypress is present. Replacement of existing water pipe in the road corridor on the side of the road away from the existing concrete road draining ditch feature is the only work proposed near the identified stream. Only three trees are proposed for removal in the redwood forest to accommodate the new storage tank and ancillary structure and therefore, very limited new disturbance is required for the project that primarily replaces existing substandard equipment. As such staff finds that no resources will be significantly degraded by the project and that the proposed project does 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 Run Off</u>: If any significant rainfall is to occur during the time of work, best management practices shall be employed as conditioned by staff. The proposed project requires some ground disturbance for the removal of trees and replacement of new tank and ancillary structure. A grading permit is required by the Mendocino County Department of Planning and Building Services and staff has conditioned this permit accordingly. As the project seeks to upgrade an existing water conveyance system,

the repairs and remediation as proposed will remain in the same essential footprint as established by the current failing system. The project therefore 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 critical water resources by the Mendocino County Coastal Groundwater Study, as shown on the *Ground Water Resources* attachment. The Coastal Element supports the project as it helps to maintain the local water supply. The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts that may occur in regards to water and septic developments; a response of "No Comment" was received. Staff finds the proposed project would conform to the Utilities policies of the Coastal Element and MCC Chapter 20.516.

<u>Archaeological/Cultural Resources</u>: An Archaeological Survey was not submitted with the application material, but was referred to the Northwest Information Center (NWIC) at Sonoma State University. Staff at NWIC reviewed the project and provided comment back to be considered by the Archaeological Commission. The project was scheduled for the Commission on June 9, 2021 where the Commission determined that an Archaeological Survey was not required at this time. The discovery clause has been added as a condition of approval for the project to ensure any archaeological resources are adequately protected during activities of the proposed project.

The project was also referred to the Manchester Band of Pomo Indians. As of this date, no response has been received.

Staff finds the proposed project would adequately protect historical, paleontological, and archaeological resources and would conform with the Archaeological Resources policies of the Coastal Element and MCC Chapter 22.12.

<u>Transportation/Circulation</u>: The project would not contribute new sources of traffic on local or regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned and the proposed project will not increase the demand for use of the subject access. However, the proposed project is located in, and would be conducted almost entirely within the Mendocino County Department of Transportation (MCDoT) right-of-way. The project was referred to the MCDoT for review and comment; the agency responded with a conditional recommendation of approval for the proposed project to ensure no impacts. Staff finds the proposed project would conform with the Transportation policies of the Coastal Element and MCC Chapter 20.516.

ENVIRONMENTAL DETERMINATION:

The California State Resources Agency has identified classes of projects which are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) in that they do not have significant effect on the environment and are defined in the CEQA Guidelines (California Code of Regulations Title 14, Sections §15300-15331). The Project meets the criteria for a Categorical Exemption from CEQA under Class 1, Section 15301; Class 2, Section 15302; and Class 3, Section 15303.

The proposed project includes minor use of existing water utility infrastructure that does not need replacement and is thus categorically exempt by a Class 1 exemption under California Code of Regulations (CCR) Section 15301(b). Additionally, most of the proposed project entails the replacement (and upgrading) of the old water tank and water supply delivery infrastructure with a State approved system and thus is considered a Class 2 categorical exemption under CCR Section 15302(c). Furthermore, the proposed project would include some new development, in addition to what is being replaced, to expand fire prevention infrastructure into a neighborhood serviced by the NGWC; therefore a Class 3 categorically exemption was determined to be applicable under CCR Section 15303(c).

A Notice of Exemption was filed with the State Clearinghouse and County Clerk on March 18, 2021 (document 2021-E0013 in Official County Records). **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), the proposed project is in conformity with the certified Local Coastal Program. The proposed project, which includes the construction of a 29,000 gallon water tank to replace a failed pre-existing water tank removed under an emergency coastal development permit that provides service to 136 water customers, the replacement of 3,120 feet of 4 inch asbestos cement water line with 3,120 feet of 8 inch PVC, 12 water services reconnections and the addition of five (5) fire hydrants in an area not currently able to provide adequate volumes of demand or points of connection, is principally permitted within the Rural Residential Land Use Designation, as defined in the General Plan Coastal Element, and is consistent with the intent of said designation. Furthermore, most of the work being conducted is within Mendocino County Department of Transportation rights-of-way which do not maintain any General Plan Land Use Designation; 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 is intended to provide a water supply to existing customers by upgrading the current infrastructure to a new water delivery system that adheres to State codes and regulations for the purposes of human health and safety. Electricity to operate the system shall be provided by the local utility company and, since most of the water line replacement occurs in the right-of-way, access to the proposed project is inherently provided; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed project is consistent with the purpose and intent of the Rural Residential Zoning District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code (Coastal Zoning Code), and preserves the integrity of the Rural Residential zoning district. the construction of a 29,000 gallon water tank to replace a failed pre-existing water tank removed under an emergency coastal development permit is the sole development outside the MCDoT rights-of-way and is a considered a permitted use in the RR zoning district. All other aspects of the project occur in MCDoT rights-of-way and thus are not subject to the Mendocino County Zoning Code and the applicable zoning district; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed project, if developed 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 proposed project, including the construction of a 29,000 gallon water tank to replace a failed pre-existing water tank removed under an emergency coastal development permit that provides service to 136 water customers, the replacement of 3,120 feet of 4 inch asbestos cement water line with 3,120 feet of 8 inch PVC, 12 water services reconnections and the addition of five (5) fire hydrants in an area not currently able to provide adequate volumes of demand or points of connection, is determined to be categorically exempt pursuant to Sections 15301, 15302, and 15303 of the California Code of Regulations which allows for the use of existing water supply infrastructure, repair and replacement of old water supply infrastructure, and new construction of water provision infrastructure; 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. The proposed project was referred to the Northwest Information Center and their response reviewed by the Archaeological Commission which determined no archaeological survey was necessary. Additionally the proposed project was referred to all applicable Native American tribal agencies pursuant to AB 52 with no responses. The discovery clause has been added as a condition of approval; 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 project. The parcel can be serviced by solid waste removal services or the applicants may utilize the South Coast Transfer Station located approximately five (5) miles northeast of the subject parcel. The Mendocino County Department of Transportation provided comments to ensure public roadway capacity is not impacted by the proposed project; and

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 (2) 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. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting shall be turned off at 7:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (Twenty-four hour security lighting would be exempt from this time requirement; however any exterior security lighting installed on the property shall utilize motion-sensor activation).

- 9. Asbestos cement water lines shall be removed and disposed of in accordance with Rule 1-492 (NESHAPS).
- 10. An assessment for suitable nesting habitat for Northern Spotted Owl (NSO) and marbled murrelet shall be conducted within 0.25 miles of the Project. If suitable nesting habitat is observed, the location and extent shall be mapped. Descriptions of suitable habitat for NSO is provided in *Designation of Revised Critical Habitat for the Northern Spotted Owl* (USFWS 2012), and in *Recovery Plan for the Marbled Murrelet* (USFWS 1997) for marbled murrelet. Habitat assessment survey protocols for marbled murrelet are described in *Methods for Surveying Marbled Murrelets in Forests: A Revised Protocol for Land Management and Research* (Pacific Seabird Group 2003). Habitat assessment survey protocols for NSO are described in *Protocol for Surveying Proposed Management Activities that may Impact Northern Spotted Owls* (USFWS 2012).
- 11. If suitable habitat for Northern Spotted Owl (NSO) is present, a determination shall be made if the proposed project would remove or modify nesting, roosting or foraging habitat for NSO or is a disturbance only project, using the *Protocol for Surveying Proposed Management Activities that may Impact Northern Spotted Owls* (USFWS 2012). This shall determine which surveys are required. If the project is determined to modify habitat, then surveys shall be conducted as described in Section 5.5 of USFWS 2012 and USFWS *Take Avoidance Analysis* (USFWS 2019). If the project is determined to be a disturbance only project, then the USFWS October memo regarding *Estimation of Effects of Auditory and Visual Disturbance to Northern Spotted Owl and Marbled Murrelets in Northwestern California* (USFWS 2020) shall be referenced to determine if project sounds and activities may impact nesting NSO within 0.25 miles of the project. If project sounds may impact nesting NSO, then a six-visit survey that covers all NSO habitat within 0.25 miles shall be conducted by a qualified biologist as described in Section 9.0 of USFWS 2012.
- 12. If suitable habitat for marbled murrelet is present, then the USFWS October memo regarding *Estimation of Effects of Auditory and Visual Disturbance to Northern Spotted Owl and Marbled Murrelets in Northwestern California* (USFWS 2020) shall be referenced to determine if project sounds and activities may impact nesting marbled murrelet within 0.25 miles of the project. If project sounds may impact nesting birds, then presence of marbled murrelet shall be presumed present, and project activities shall be conducted outside of the nesting season. Alternatively, protocol-level surveys described in *Methods for Surveying Marbled Murrelets in Forests: A Revised Protocol for Land Management and Research* (Pacific Seabird Group 2003) shall be conducted by a qualified biologist to determine if nests are present.
- 13. The applicant shall acknowledge in writing, by submittal of a signed letter to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". <u>The applicant has sole responsibility to</u> <u>insure compliance with this Condition and any contractors involved in the project are aware</u> <u>of this Condition.</u>
 - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.

- e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
- f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
- g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 - i. An excavation that (1) is less than two (2) feet (610 mm) in depth or (2) does not create a cut slope greater than five (5) feet (1524 mm) in height and steeper than one (1) unit vertical in 1¹/₂ units horizontal (66.7% slope).
 - ii. A fill less than one (1) foot (305 mm) in depth and placed on natural terrain with a slope flatter than one (1) unit vertical in five (5) units horizontal (20% slope), or less than three (3) feet (914 mm) in depth, not intended to support structures, that does not exceed fifty (50) cubic yards (38.3 m³) on any one (1) lot and does not obstruct a drainage.
- 14. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
- 15. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation. Additional stipulations may be added in the issuance of the encroachment permit.
- 16. Water line shall be installed in accordance with improvement plans prepared by a Civil Engineer and approved by the Mendocino County Department of Transportation. Current improvement plan checking and inspection fees apply.
- 17. Trench restoration shall conform to Mendocino County Department of Transportation Standard No. A60A, A60B, and A60C.
- 18. Saw cuts for the restoration of the trench shall not be within the wheel path. Saw cuts shall either be in the middle of the lane or along the striped centerline.
- 19. Applicant shall provide compaction and/or other materials tests as directed by the Director of Transportation or his authorized representative, to verify compliance with the backfill requirements. Said tests shall be made under the direct supervision of a Registered Civil Engineer. As a minimum, one compaction test, consisting of at least three readings, shall be made for each 250 feet of backfilled trench. Tests shall be representative of all levels within the trench above the conduit zone. Copies of all test reports shall be furnished to the Department of Transportation in a timely manner. Prior to paving, all areas with failing test results shall be reworked and retested until passing results are obtained.
- 20. The applicant can select to use a sand-slurry with maximum two sack cement for backfilling the trench. If sand-slurry backfill method is selected there shall be a minimum of 12 inches of sand bedding/shading separating the sand-slurry from the utility. There must also be sand shading and bedding between utilities and all culverts if encountered.

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT

- 21. Any and all excavation(s) that exceed five (5) feet in depth require a currently active permit from the Division of Occupational Safety and Health (Cal/OSHA). In accordance with California Health and Safety Code, Section 17922.5, the Department of Transportation will not issue an encroachment permit for any work that is planned to be in excess of five (5) feet in depth without the applicant first providing proof of issuance of a currently active (Cal/OSHA).
- 22. If County road drainage culverts are damaged in the course of this project, the culverts shall be replaced. The recycled water lines shall be installed below all County culverts. The applicant is responsible for the asphalt and/or aggregate base trench settlement within the County right of way for the following two years, from the date of completion, to repair the excavation to its original condition.
- 23. The applicant shall repaint all disturbed road markings.
- 24. The applicant shall post a bond valid for two years from the date of completion for the trench restoration should any settlement occur. This bond amount shall be based on the Engineer's Estimate submitted by the applicant and approved by Mendocino County Department of Transportation for the cost to repair the excavation to its original condition.

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

ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery (Vicinity)
- C. Aerial Imagery (Project
- D. Topographic Map
- E. Site Map
- F. Zoning Display Map
- G. LCP Land Use Map 30: Anchor Bay
- H. LCP Land Capabilities & Natural Hazards
- I. LCP Habitats & Resources
- J. Post LCP Certification & Appeal Jurisdiction

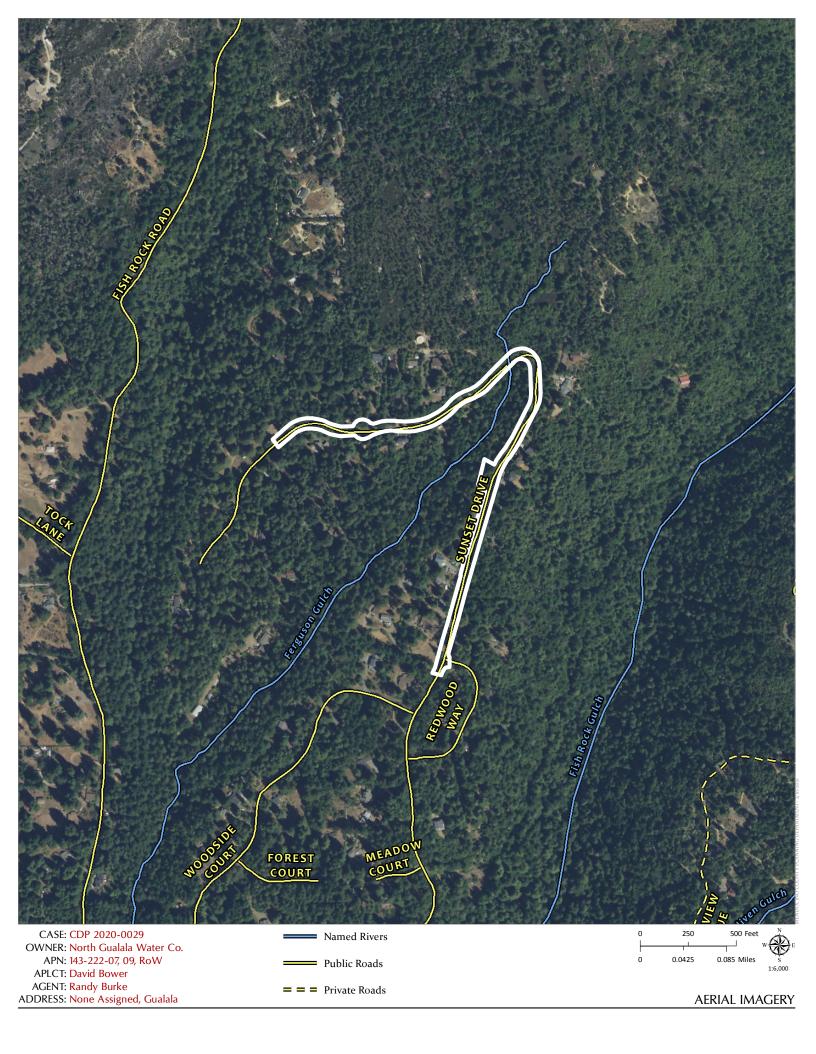
EXHIBIT A: FULL PLANS

- K. Adjacent Parcels
- L. Fire Hazard Zones & Responsibility Areas
- M. Wildland-Urban Interface Zones

SAM VANDY VANDEWATER SENIOR PLANNER

- N. Wetlands
- O. Ground Water Resources
- P. Estimated Slope
- Q. Western Soil Classes
- R. Farmland Classifications
- S. GMAC
- T. Mendocino Cypress







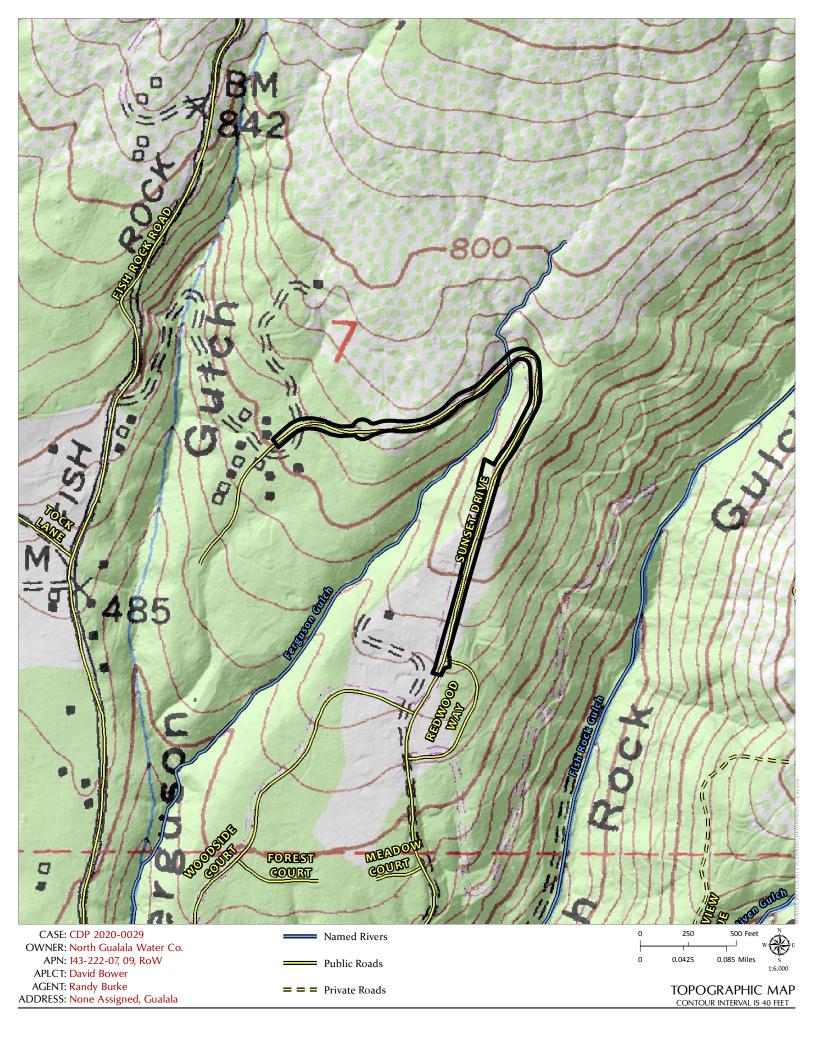
CASE: CDP 2020-0029 OWNER: North Gualala Water Co. APN: 143-222-07, 09, RoW APLCT: David Bower AGENT: Randy Burke ADDRESS: None Assigned, Gualala

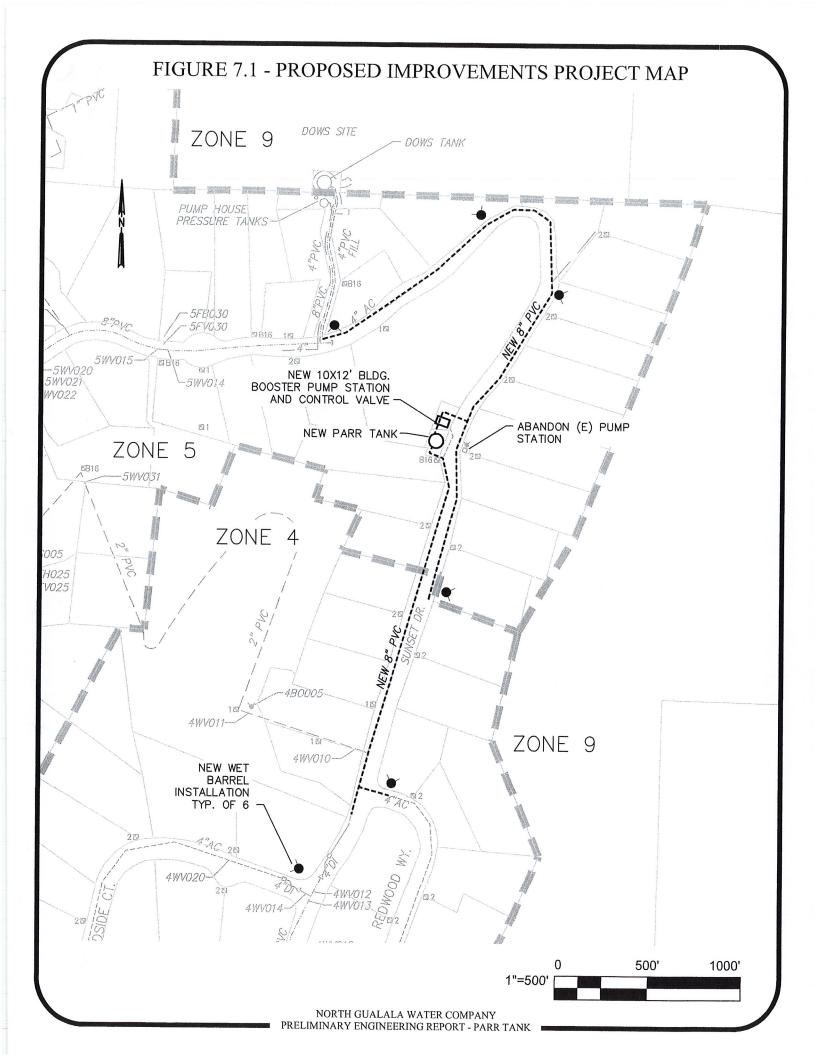


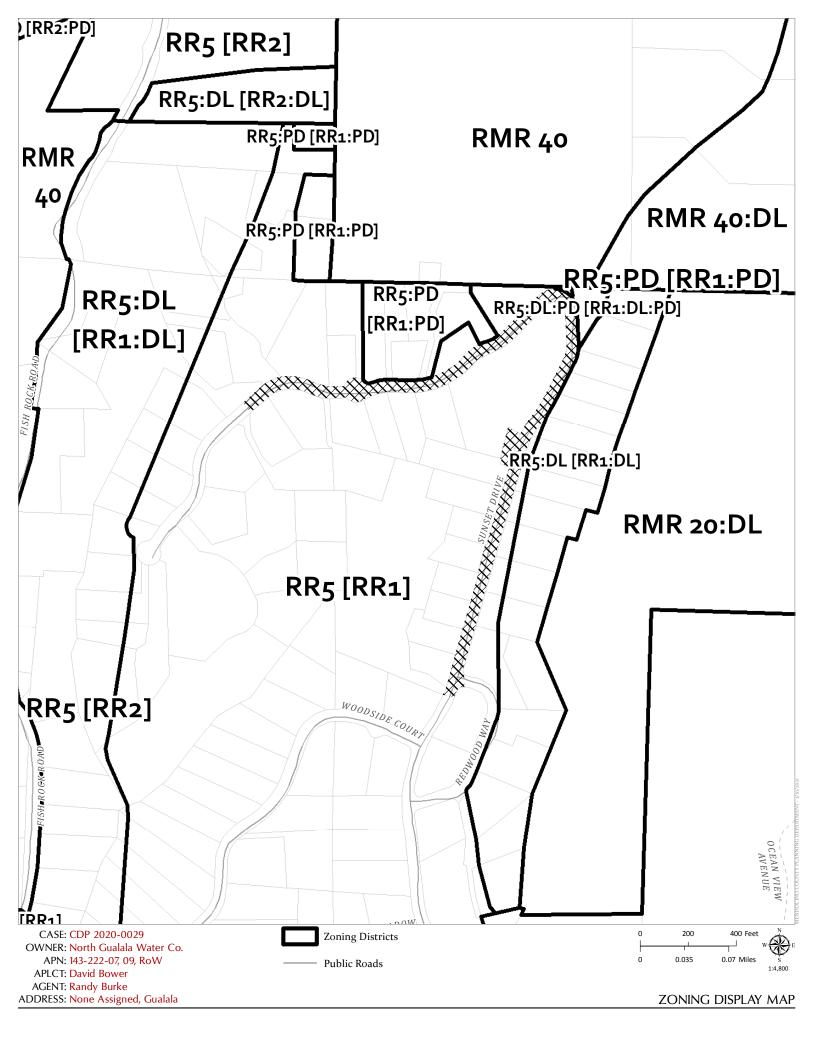
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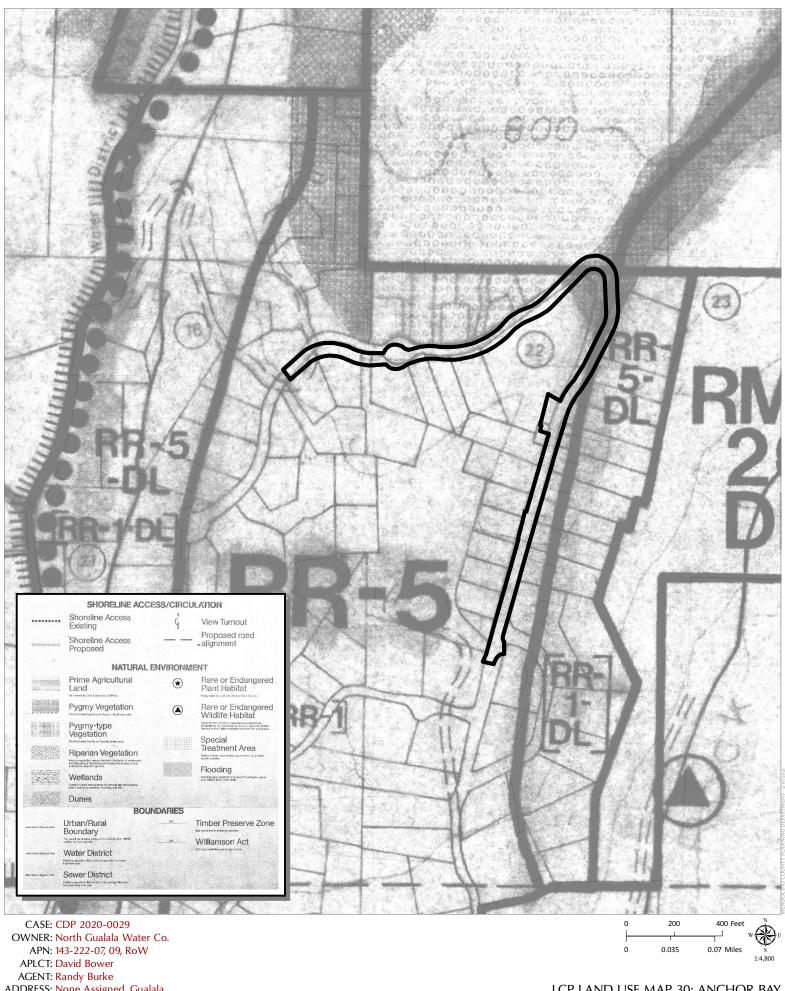
Public Roads

AERIAL IMAGERY



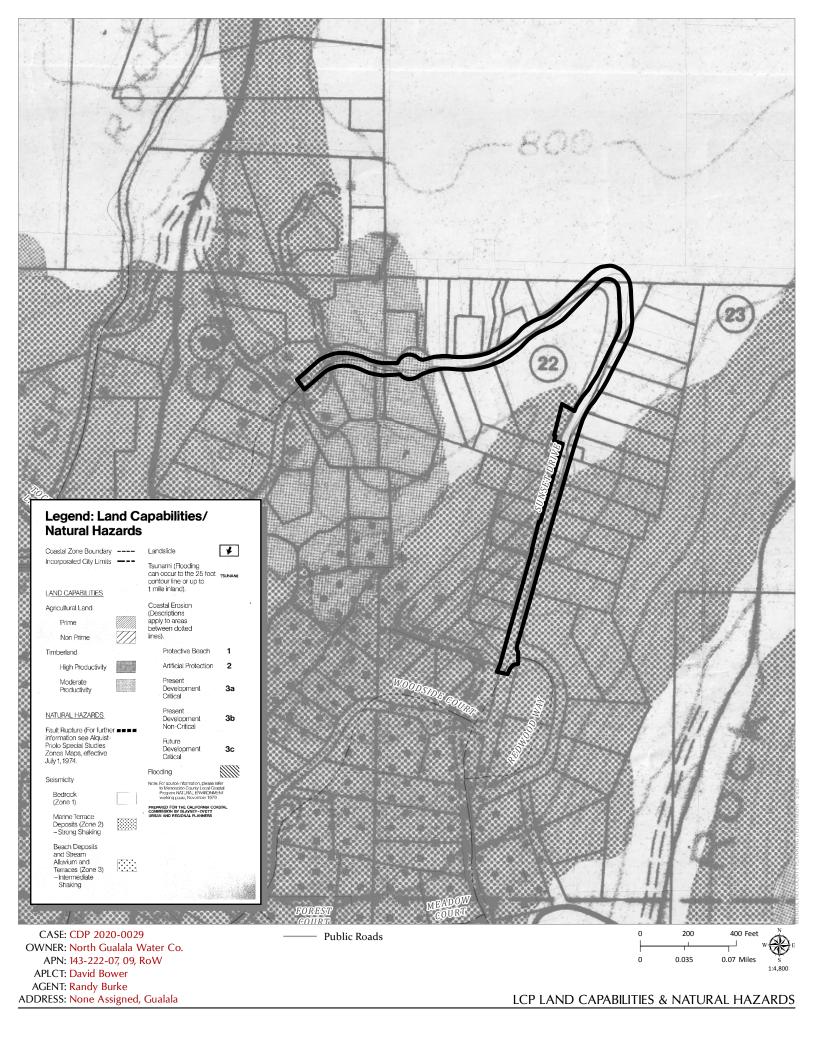


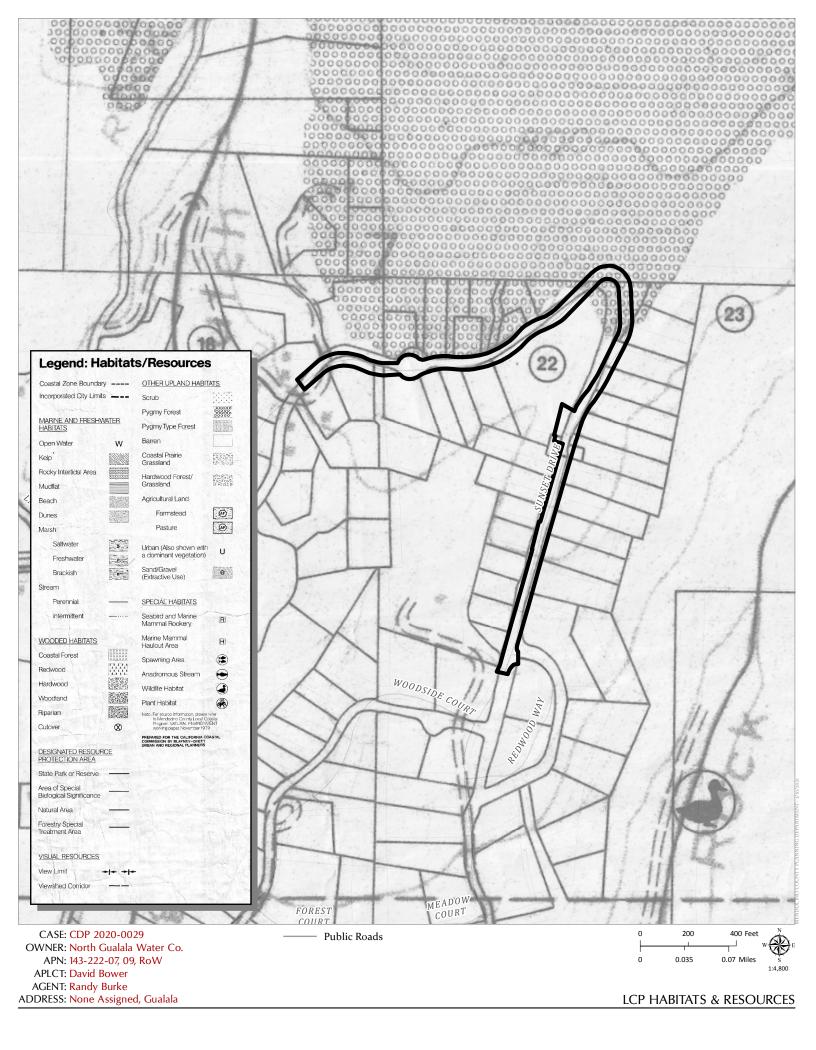


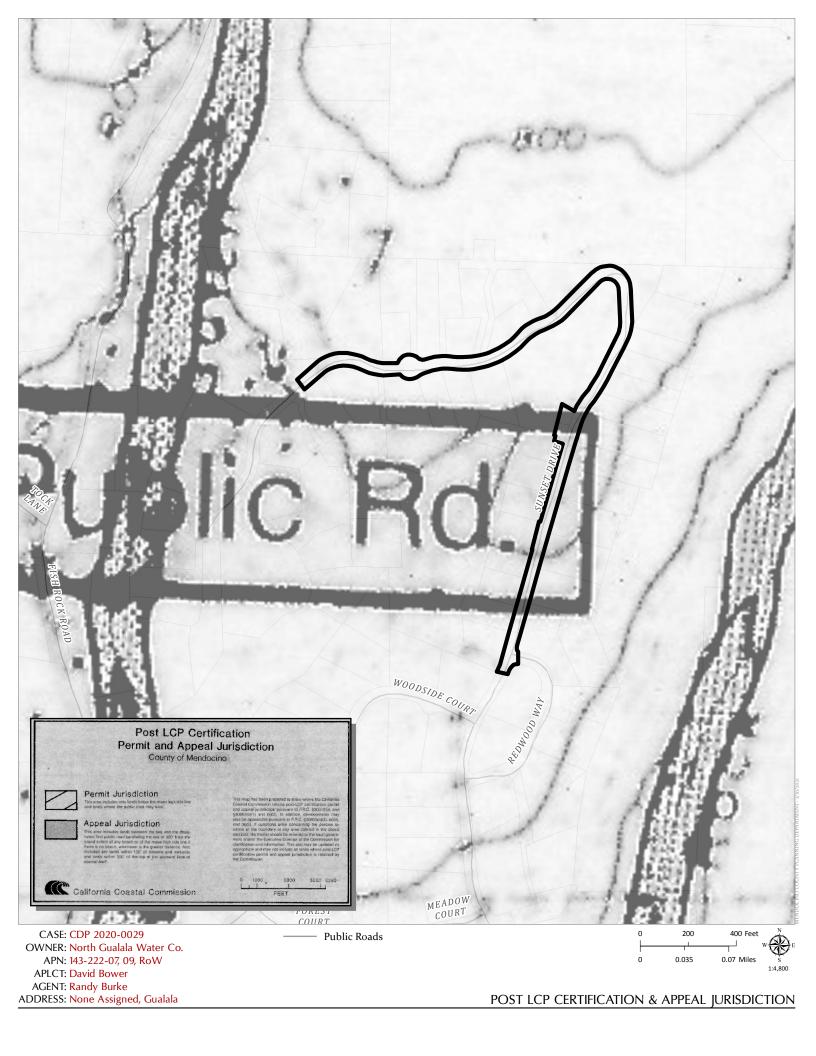


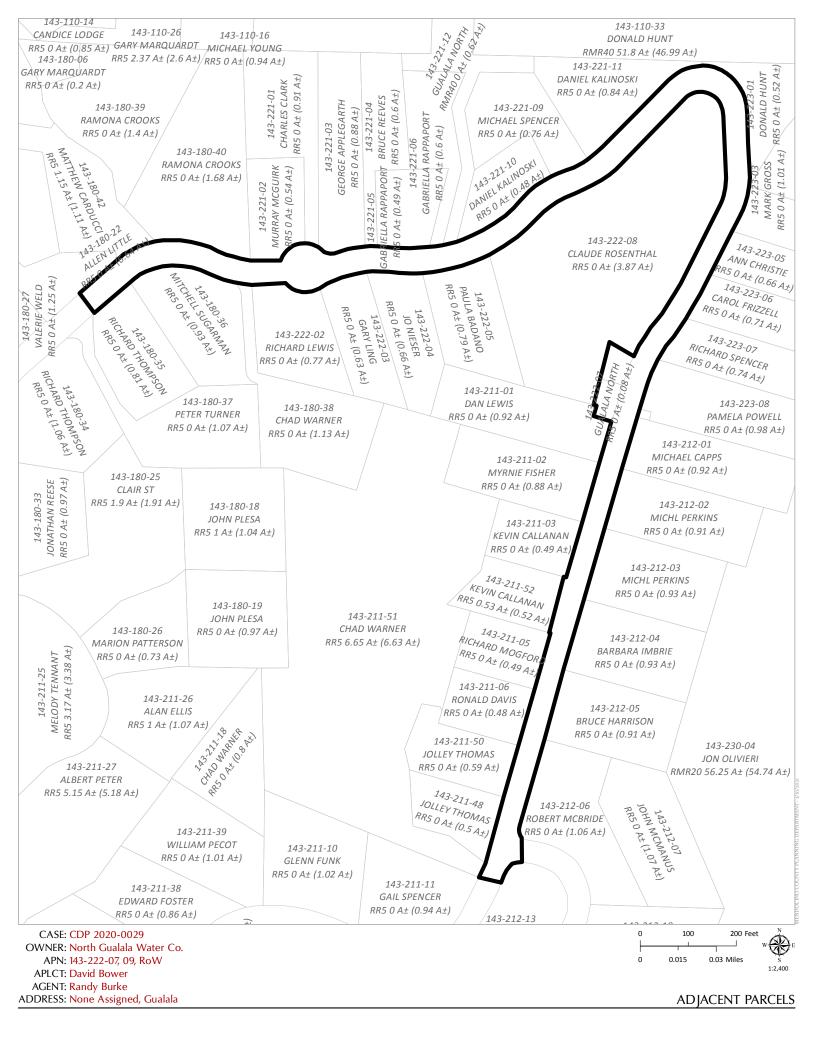
LCP LAND USE MAP 30: ANCHOR BAY

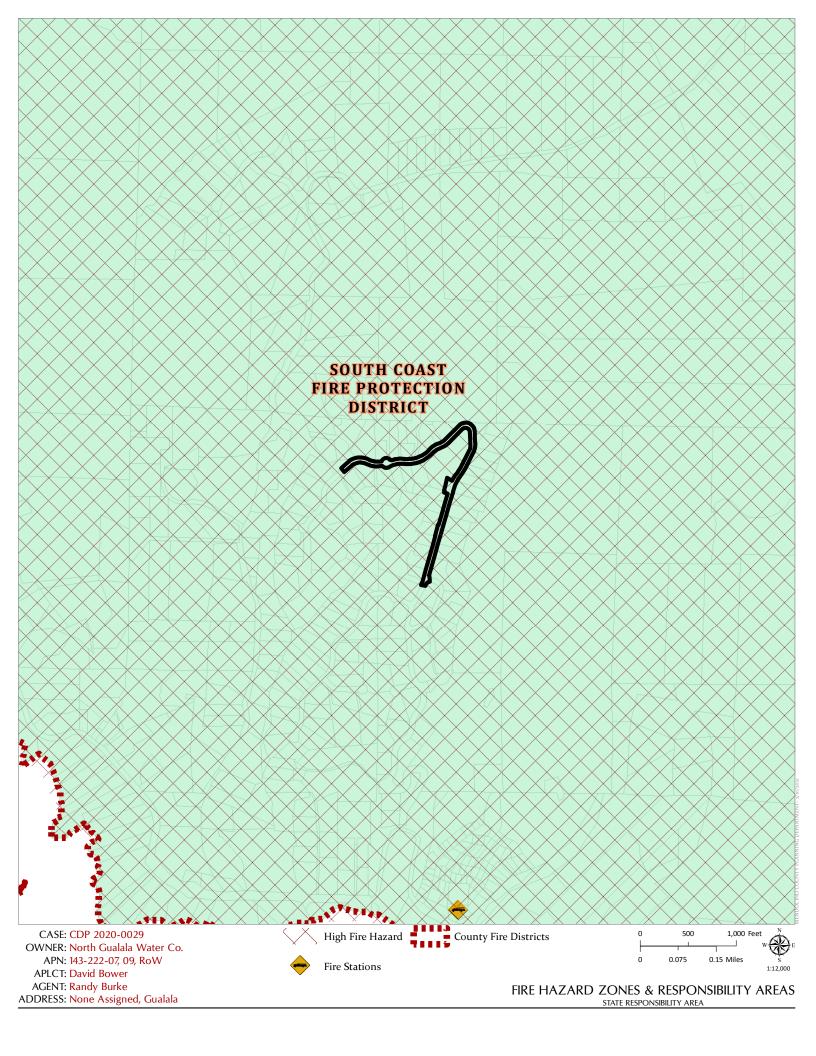
ADDRESS: None Assigned, Gualala

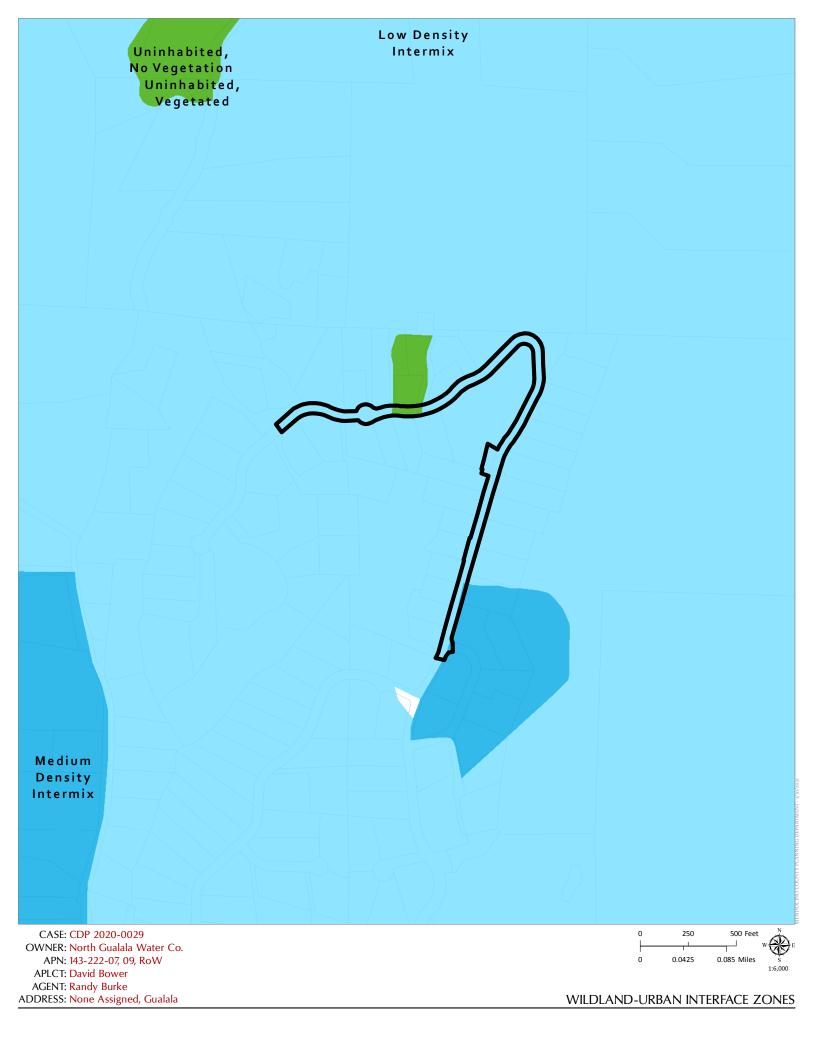


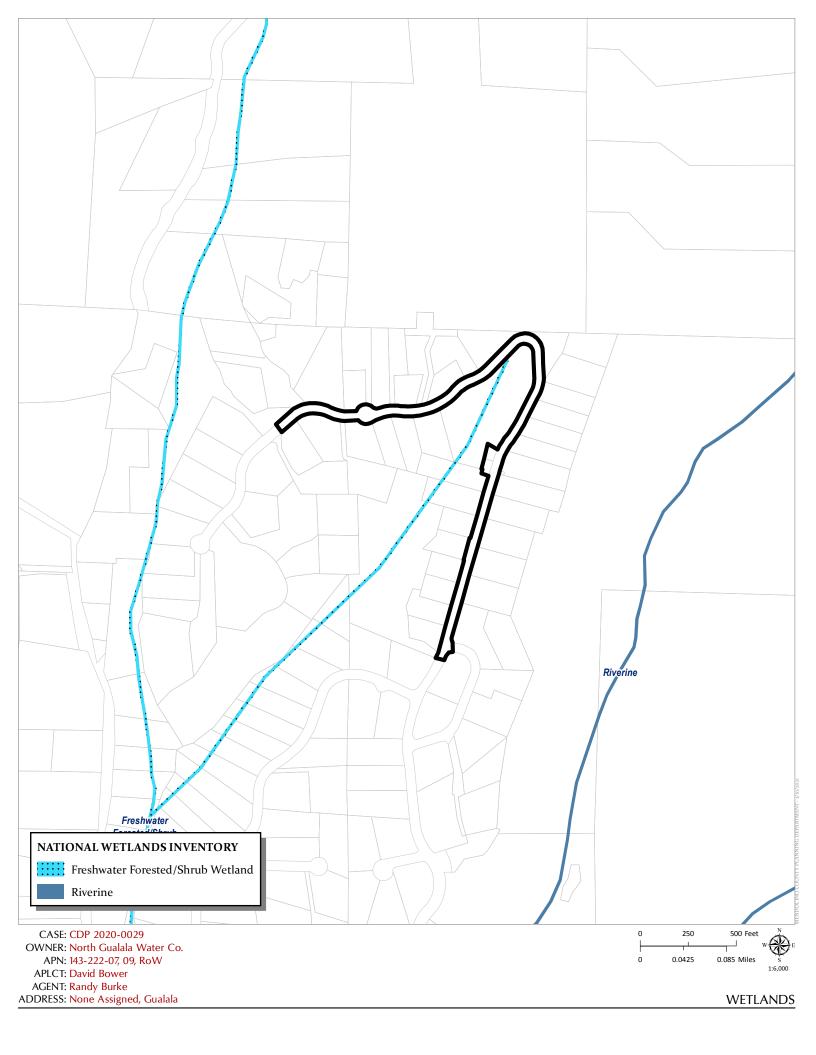


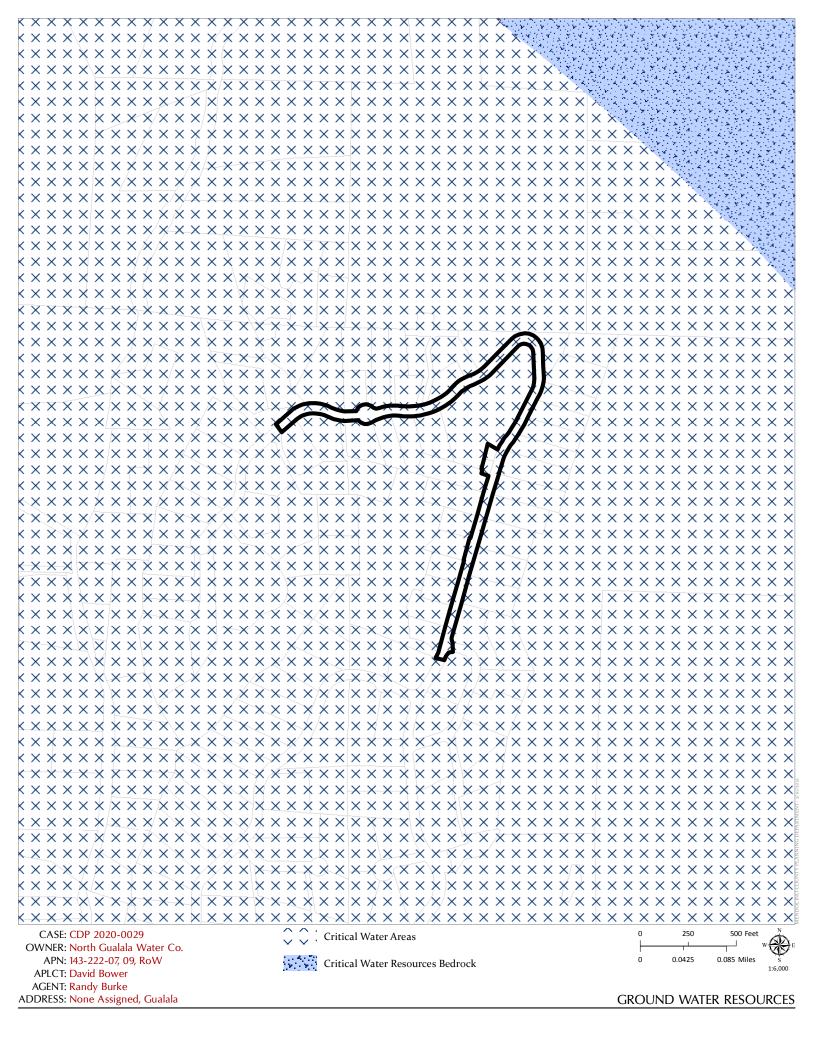


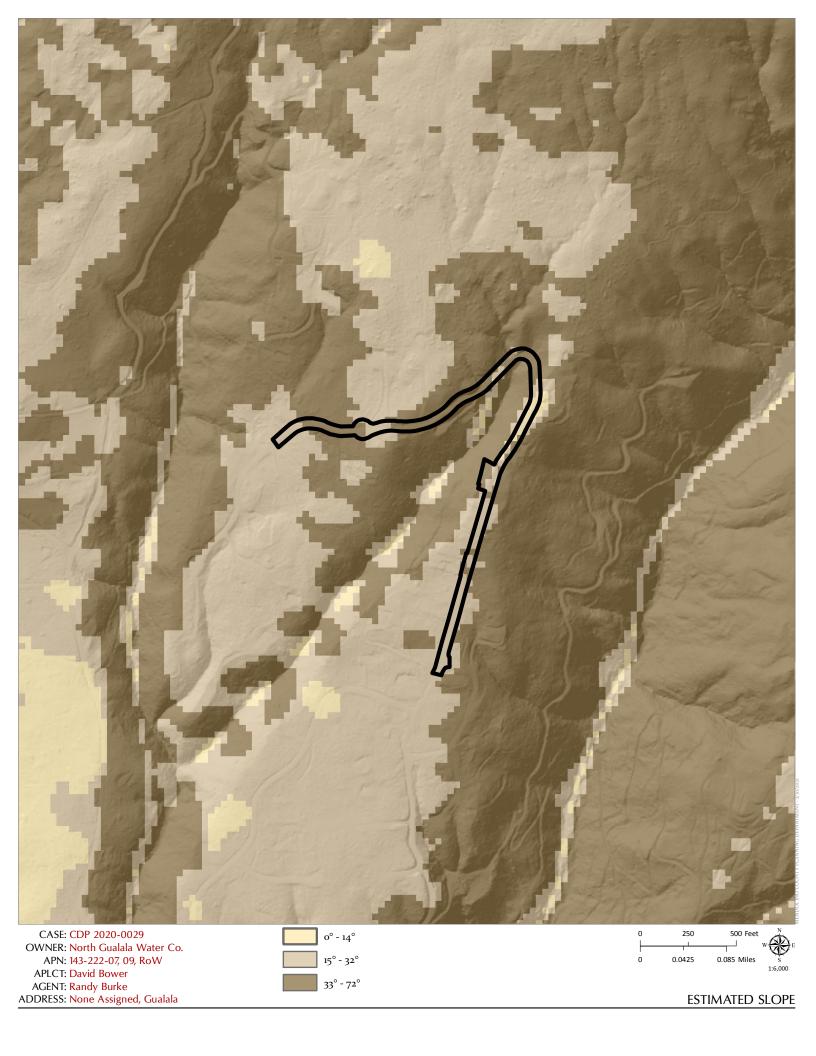


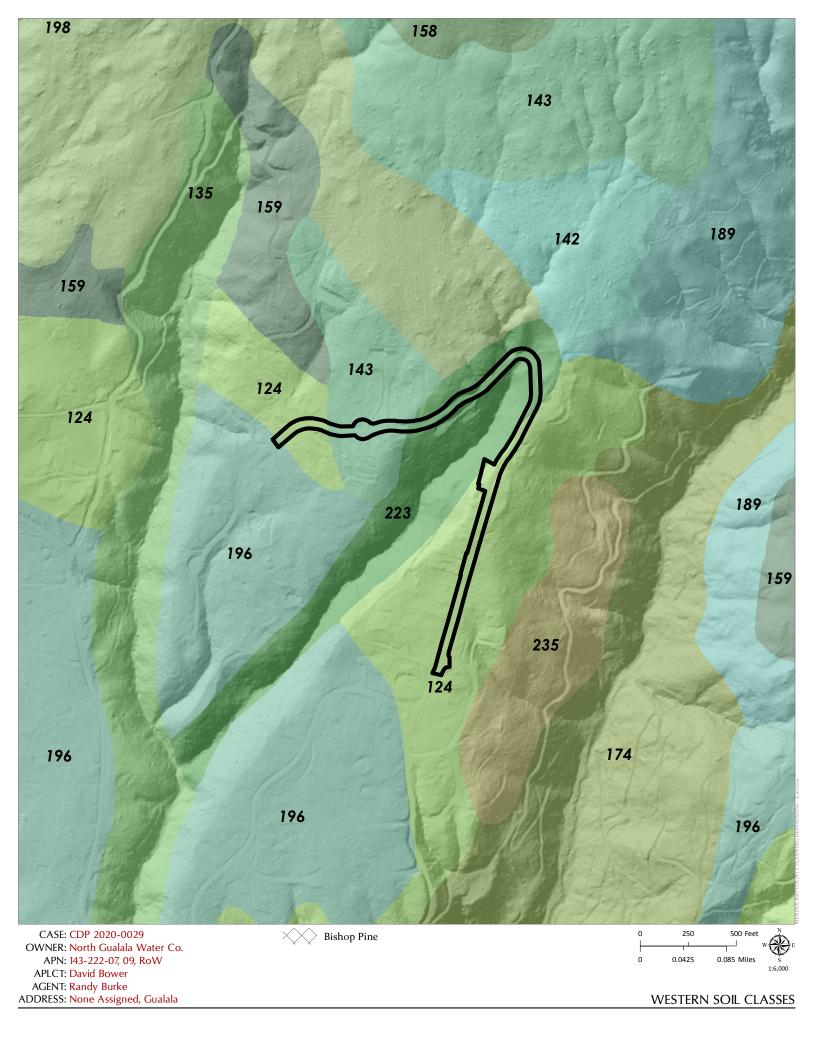


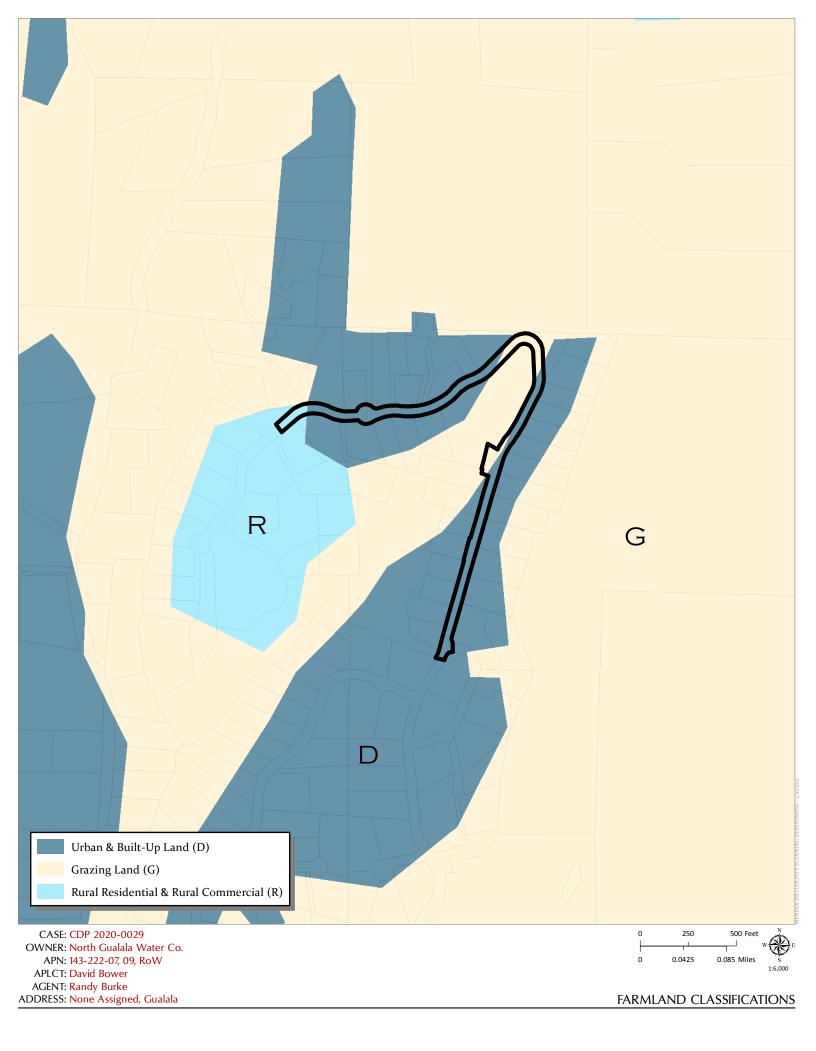












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CASE: CDP 2020-0029 OWNER: North Gualala Water Co. APN: 143-222-07-09 PoW	Gualala MAC	0 950 1,900 Feet
APN: 143-222-07, 09, RoW APLCT: David Bower AGENT: Randy Burke ADDRESS: None Assigned, Gualala		0 0.175 0.35 Miles s 1:24,000

