IGNACIO "NASH" GONZALEZ, INTERIM DIRECTOR JULIA ACKER KROG, ASSISTANT DIRECTOR

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May 28, 2021

PUBLIC HEARING NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

120 West Fir Street · Fort Bragg · California · 95437

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, June 10, 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 pbscommissions@mendocinocounty.org and is available for viewing on the Mendocino County YouTube page, at https://www.youtube.com/MendocinoCountyVideo

CASE#: CDP_2020-0033 **DATE FILED**: 11/23/2020

OWNER/APPLICANT: ROBERT & ANNE BALDWIN

AGENT: CARL RITTIMAN & ASSOCIATES

REQUEST: Standard Coastal Development Permit for the construction of a replacement septic system.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 2.5± miles north of the Town of Mendocino center, on the south side of Indian Shoals Road (Private), 0.25± miles west of its intersection with Point Cabrillo Drive (CR 564); located

at 45421 Indian Shoals Road, Mendocino Area; APN: 118-180-31.

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: JESSIE WALDMAN

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 June 9, 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 immediately 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 "NASH" GONZALEZ, Interim Director of Planning and Building Services

JUNE 10, 2021 CDP_2020-0033

SUMMARY

OWNER APPLICANT: ROBERT L & ANNE N BALDWIN

1243 LOS TRANCOS RD PORTOLA VALLEY, CA 94028

AGENT: CARL RITTIMAN & ASSOCIATES

PO BOX 590

MENDOCINO, CA 95460

REQUEST: Standard Coastal Development Permit for the

construction of a replacement septic system.

LOCATION: In the Coastal Zone, 2.5± miles north of the Town of

Mendocino center, on the south side of Indian Shoals Road (Private), 0.25± miles west of its intersection with Point Cabrillo Drive (CR 564); located at 45421 Indian

Shoals Road, Mendocino Area; APN: 118-180-31.

TOTAL ACREAGE: 4.4± Acres

GENERAL PLAN: General Plan, Coastal Element Chapter 4.9, Rural

Residential, Rural Residential, 5-acre minimum with an

alternate density of 1-acre minimum, RR5(1)

ZONING: Mendocino Coastal Zone Code, Rural Residential, Rural

Residential, 5-acre minimum with an alternate density of

1-acre minimum, RR5(1)

SUPERVISORIAL DISTRICT: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorically Exempt.

APPEALBLE: YES (West of 1st Public Road & Bluff top)

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JESSIE WALDMAN

BACKGROUND

PROJECT DESCRIPTION: A Standard Coastal Development Permit for the abandonment of the existing septic system and the installation of the replacement septic system for the existing single-family residence and garage, as shown on the *Site Plan* map. The project will be located approximately 575 feet east of the bluff top edge and approximately 100 feet south of the existing development, as shown on the *Site Plan* map.

APPLICANT'S STATEMENT: Repair of existing leach field for existing 3-bedroom residence.

RELATED APPLICATIONS ON-SITE:

- Record of Survey (Map 2, Drawer 55, Page 7 of Mendocino County Records)
- LCP 88-89 (Minor Subdivision, 2 Parcels)
 - o MS 6-88 (Minor Subdivision, 2 Parcels)
- ST27460 (Approved Septic, Pending issuance of CDP)

Neighboring Property

APN: 118-180-06 CE 41-94 (Single-Family Residence)

• APN: 118-180-06 LCP 88-89 (Minor Subdivision, 2 Parcels); MS 6-88 (Minor Subdivision, 2

Parcels)

APN: 118-180-08
 LCP 88-92 (Single-Family Residence); LCP 89-05 (Single-Family

Residence)

SITE CHARACTERISTICS: The 4.4± acre subject parcel is located on a private road, 0.25± miles west of Point Cabrillo Drive (CR 564), as shown on the *Location Map*. The site is surrounded by parcels of similar size and zoning (Coastal Rural Residential (RR)) that are greater than 1 acre but less than 5 acres in size, as shown on the *Adjacent Parcels Map*. The subject parcel was originally developed in 1965 with a single-family residence and ancillary development. The parcel is located on a bluff top to the Pacific Ocean.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR), where the adjacent parcels are developed with residential uses, as shown on the *Aerial Imagery* and *Local Coastal Program (LCP) Land Use Map 15: Caspar* maps. The proposed development, which supports the existing single family residence, is consistent with the surrounding land uses and development.

Table 1: Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR5(1))	Rural Residential (RR5(1))	3.0± Acres	Residential
EAST	Rural Residential (RR5(1))	Rural Residential (RR5(1))	2.0± Acres	Residential
SOUTH	Rural Residential (RR5(1))	Rural Residential (RR5(1))	1.5± Acres	Residential
WEST	Pacific Ocean	Pacific Ocean	Pacific Ocean	Pacific Ocean

PUBLIC SERVICES:

Access: Indian Shoals Road (Private)

Fire District: Mendocino Volunteer Fire Department (MVFD)

Water District: NONE Sewer District: NONE

School District: Mendocino Unified School District (MUSD)

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed development is consistent 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 and is shown on the *LCP Land Use Map 15: Caspar* map. The subject parcel is classified as Rural Residential (RR), by the Mendocino County General Plan, as shown on the *General Plan Classifications* map.

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR COASTAL DEVELOPMENT STANDARD PERMIT

The Coastal Element Chapter 2.2 Rural Residential classification states:

"... 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."

The proposed development, which supports the existing development on the parcel, is consistent with principally permitted uses, per Mendocino County Coastal Element Chapter 2.2.

Zoning: The project site is located within a Rural Residential (RR) district, as shown on the Zoning Display Map. The RR district, per Mendocino County Code (MCC) Section 20.376.005, states:

"... 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."

The parcel's zoning designation (RR:5(1)) requires a 5-acre or 1-acre minimum parcel size. The proposed development will be located more than 5± feet from the side yard, eastern parcel boundary line, 105± feet south of the existing residence and more than 100± feet from the southern, rear yard setback. The proposed development will be 575± feet east of the bluff top edge. As currently proposed, the project will comply with the minimum setbacks from parcel boundary lines and bluff edges per the Division of Environmental Health (DEH).

The proposed development, and associated utilities to the existing development on the parcel, may be permitted as specified by MCC Section 20.516.015 and Section 20.532.095 and Division II of Title 20 of Mendocino County Code.

<u>Visual Resources:</u> The site is not mapped as a Highly Scenic Area and the replacement septic system is accessory to the principally permitted uses for RR Districts. The proposed project, at ground level, will not increase view obstruction from State Route 1 (SR 1) and is visually compatible with the character of surrounding areas (MCC Chapter 20.504.010).

<u>Hazards Management:</u> The proposed project is located on a bluff top to the Pacific Ocean and is within an area of "Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking", "Moderate Fire Hazard" and "Area of Minimal Flood Hazard (Zone X)", as shown on *the LCP Land Capabilities & Natural Hazards, Fire Hazard Zones & Responsibility Areas* and *Special Flood Hazard Areas* maps.

Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Mendocino Volunteer Fire Department (MVFD). No <u>State Fire Safe Regulations Application Form</u> for the project was submitted by the Applicant to CalFire, as no new structures are being proposed on the parcel. **Conditions 4 and 5** are recommended requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction to ensure any fire protection policy or plan will be addressed. With the inclusion of these conditions, the proposal would be consistent with Mendocino County policies for fire protection.

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone. The proposed replacement septic system is located in a relatively flat area with the coastal bluff approximately 575 feet west of the proposed improvements. The proposed septic replacement will not encroach any further upon the bluff edge than existing development, therefore a geotechnical investigation was not required. The proposed septic system replacement will be located further east of the bluff edge than existing development.

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR COASTAL DEVELOPMENT STANDARD PERMIT

While portions of the land, for example the shoreline, are subject to flooding and tsunami, the proposed area for development is atop a coastal bluff approximately 100 vertical feet above the shore. Flooding is unlikely to affect lands proposed for development.

With the added condition, the proposed project will be consistent with MCC Chapter 20.500 regulations for hazard areas, including geologic hazards (faults, bluffs, tsunami, landslides, and erosion), fire and flood hazards.

<u>Habitats and Natural Resources</u>: The site is primarily designated as barren, as shown on the *LCP Habitats & Resources* map. No botanical survey was requested as the mapping does not indicate that the area of proposed development would be adjacent to sensitive coastal resources. The proposed project requires the abandonment of the existing septic system and installation of the replacement septic system. As proposed, the project will occur within already disturbed areas, thereby minimizing impacts to potential sensitive habitats and species within the vicinity. Staff finds the project will not significantly impact sensitive habitats or resources. The proposed project is consistent with MCC Chapter 20.496 regulations for Environmentally Sensitive Habitat Areas (ESHA), Wetlands and Estuaries, Open Coastal Waters, Lakes, Streams and Rivers, Riparian Areas, Dunes, Pygmy Forests, and Other Resources.

Grading, Erosion, and Run Off: The area of the proposed project is relatively flat with gentle sloping towards the west, and some grading will be required to accommodate the proposed development. The proposed replacement septic system is located in a relatively flat area, with gentle sloping towards the coastal bluff approximately 575 feet from the proposed improvements. Best Management Practices shall be implemented during construction to prevent delivery of sediment over the bluff edge.

The proposed project is consistent with MCC Chapter 20.492 regulations for Grading, Erosion and Runoff Standards.

<u>Groundwater Resources:</u> The site is designated on the Mendocino County Coastal Groundwater Study Map as a Critical Water Resource Area, as shown on the *Ground Water Resources* map. The subject property is already developed with a single-family residence and accessory improvements. The proposed project supports the existing residential use of the parcel. The project was referred to the Mendocino County Division of Environmental Health (DEH) where DEH had no comment at this time.

As conditioned, Staff recommends that the proposed project is consistent with the Local Coastal Program policies related to groundwater resources and DEH.

Archaeological/Cultural Resources: For small projects such as the replacement of existing septic systems to support permitted development, such as the existing single family residence, Mendocino County Department of Planning and Building Services' procedure is to not refer these types of projects to either California Historic Resource Information System (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and was determined to be an appropriate guidance document for which projects require archaeological review.

The project was referred to three local tribes for review and comment, Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. As of this date, no response has been received from the Sherwood Valley Band of Pomo Indians and the Cloverdale Rancheria local tribes, where the Redwood Valley Rancheria local tribe responded with no comment.

Staff notes that **Condition 8** advises the property owners of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction activities associated with the project.

With added conditions, the project will be consistent with Mendocino County policies for the protection of the paleontological and archaeological resources, including Coastal Element Policy 3.5-10.

<u>Transportation/Circulation</u>: The project will not contribute new sources of traffic on local and regional roadways. Staff finds the project will not impact transportation or circulation and is provided with adequate access. As conditioned, Staff finds the proposed project is consistent with MCC Chapter 20.516 regulations for transportation, utilities and public services protection.

<u>Public Access:</u> The site is located west of Point Cabrillo Drive (CR 564) and is subject to policies related to public access. The subject parcel is located on a private road, approximately 0.25 miles west of its intersection with Point Cabrillo Drive (CR 564). The nearest existing public access is along Point Cabrillo Dr. (CR 564), as shown on the *LCP Land Use Map 15: Caspar* map. Coastal Development Permit CDP_2009-0027 established a public access trail along Point Cabrillo Dr. (CR 564), connecting Russian Gulch State Park, from the south, to the Point Cabrillo Light Station State Park, to the north. The proposed project will not impact any existing or proposed public access.

Without additional conditions, Staff finds the project to be consistent with Mendocino County policies for Coastal Shoreline Access Element Chapters 3.6 and Chapter 4.9; and will be consistent with MCC Chapter 20.528 regulations.

ENVIRONMENTAL DETERMINATION: The project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Article 19, Section 15301, Class 1 (d) of the California Environmental Quality Act, the restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment is categorically exempt from environmental review.

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed replacement septic system the following findings and conditions.

FINDINGS:

- 1. Pursuant with MCC Section 20.532.095(A)(1), the proposed replacement septic system is in conformity with the certified Local Coastal Program. Development of the associated utilities, such as replacement septic systems, as defined by MCC Section 20.308.035(D) is allowed with an approved Standard Coastal Development Permit; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), the proposed replacement septic system will be provided with adequate utilities, access roads, drainage, and other necessary facilities; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development 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, and preserves the integrity of the Rural Residential zoning district. With compliance with the conditions of approval, the proposed development of the replacement septic system will satisfy all development requirements for the district; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed replacement septic system, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment are categorically exempt pursuant to Article 19, Section 15301, Class 1 (d), and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed replacement septic system will not have any adverse impact on any known archaeological or paleontological resources, and **Condition 8** is in place when archaeological sites or artifacts are discovered; 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 site. The site is currently developed with a single family residence and the proposed replacement septic system will

not affect demands on public services; and

7. Pursuant with MCC Section 20.532.095(B), the proposed replacement septic system will not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located between the first public road and the sea; but is not designated as a potential public access point.

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 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.
- 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 associated utilities as required by the Department of Environmental 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 property owner 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 Code.

Staff Report prepared by:

5/28/21 DATE

JESSIE WALDMAN
PLANNER II

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

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Topographical Map
- D. Site Map
- E. Septic Plan
- F. Zoning Display Map
- G. General Plan Classifications
- H. LCP Land Use Map 15: Caspar
- I. LCP Land Capabilities & Natural Hazards

- J. LCP Habitats & Resources
- K. Appealable Areas
- L. Adjacent Parcels
- M. Fire Hazards Zones & Responsibility Areas
- N. Special Flood Hazards Areas
- O. Wetlands
- P. Groundwater Resources
- Q. Slopes
- R. Soils

SUMMARY OF REFERRAL AGENCIES COMMENTS:

Archaeological Commission Comments California Coastal Commission (CCC) Comments Cloverdale Rancheria No Response Environmental Health (EH)(FB) No Comment Planning Division (Ukiah) Comments Redwood Valley Rancheria No Comment Sherwood Valley Rancheria No Response Sonoma State University (SSU) Comments

REFERENCES:

(Coastal Element) Mendocino County, Planning and Building Services, Planning Division. The County of Mendocino General Plan, Coastal Element. 1985. Accessed April 22, 2021, at: https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element

(MCC, 1991) Mendocino County Department of Planning and Building Services. October 1991. Mendocino County Zoning Code Coastal Zoning Code, Title 20 – Division II of the Mendocino County Code. Accessed April 22, 2021, at: https://library.municode.com/ca/mendocino county/codes/code of ordinances?nodeld=MECOCO TIT20ZOOR DIVIIMECOCOZO CO"

Mendocino County Department of Planning & Building Services. County of Mendocino Coastal Zone. LCP Map 15— Caspar [map]. 1985. Accessed April 22, 2021, at:

 $\underline{\text{https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps}.$

Mendocino County Department of Planning & Building Services. June 2007. Fire Hazard Zones & Fire Responsibility Areas [map]. Accessed April 22, 2021, at: https://www.mendocinocounty.org/government/planning/Fire Hazard Severity Map.pdf.

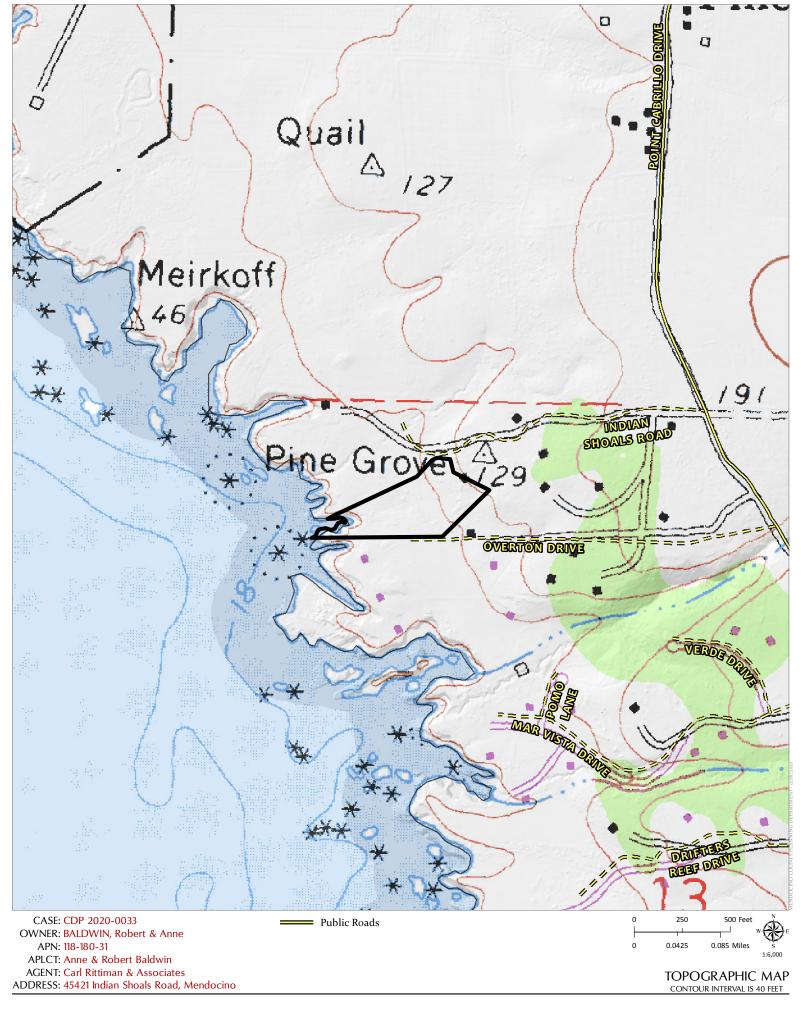
Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed April 22, 2021, at: http://www.co.mendocino.ca.us/planning/pdf/12x36 Coastal Groundwater Areas.pdf

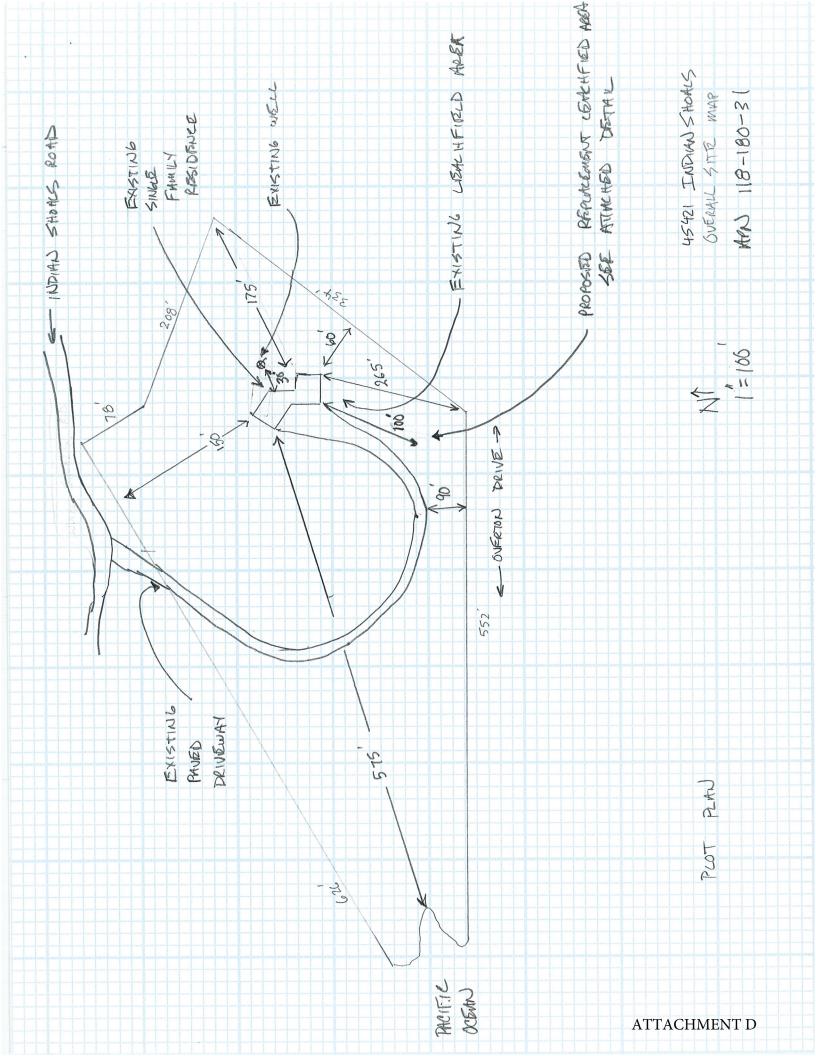


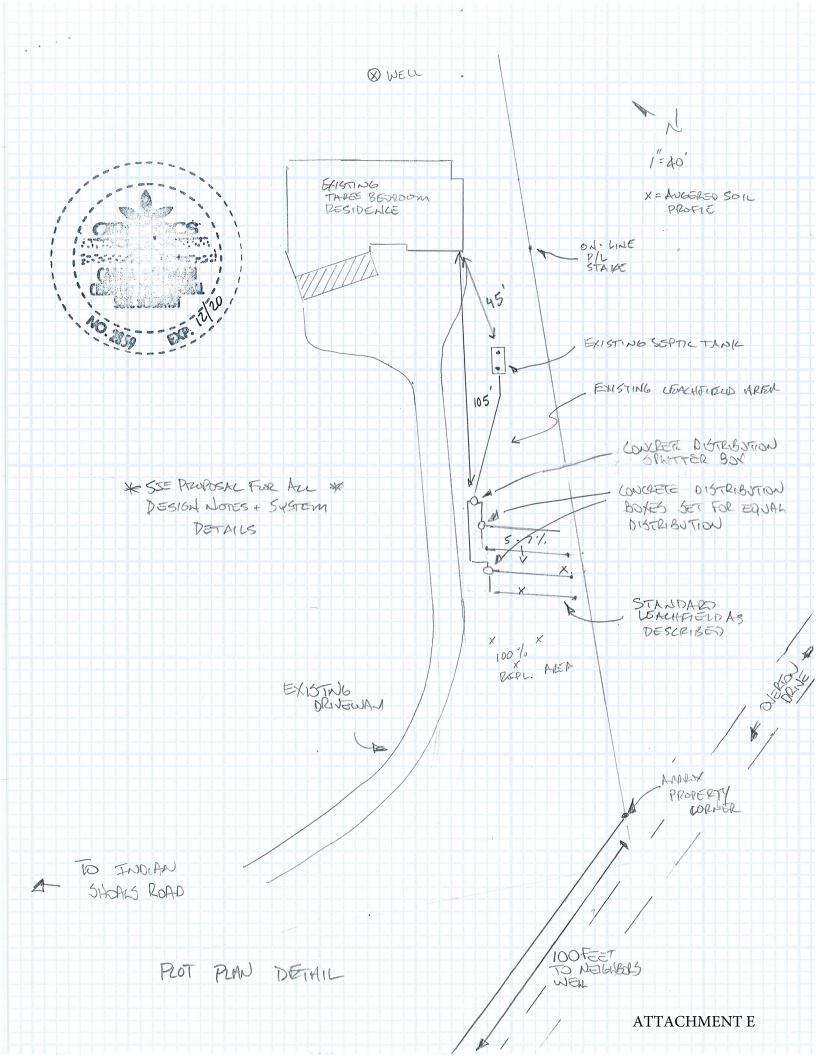


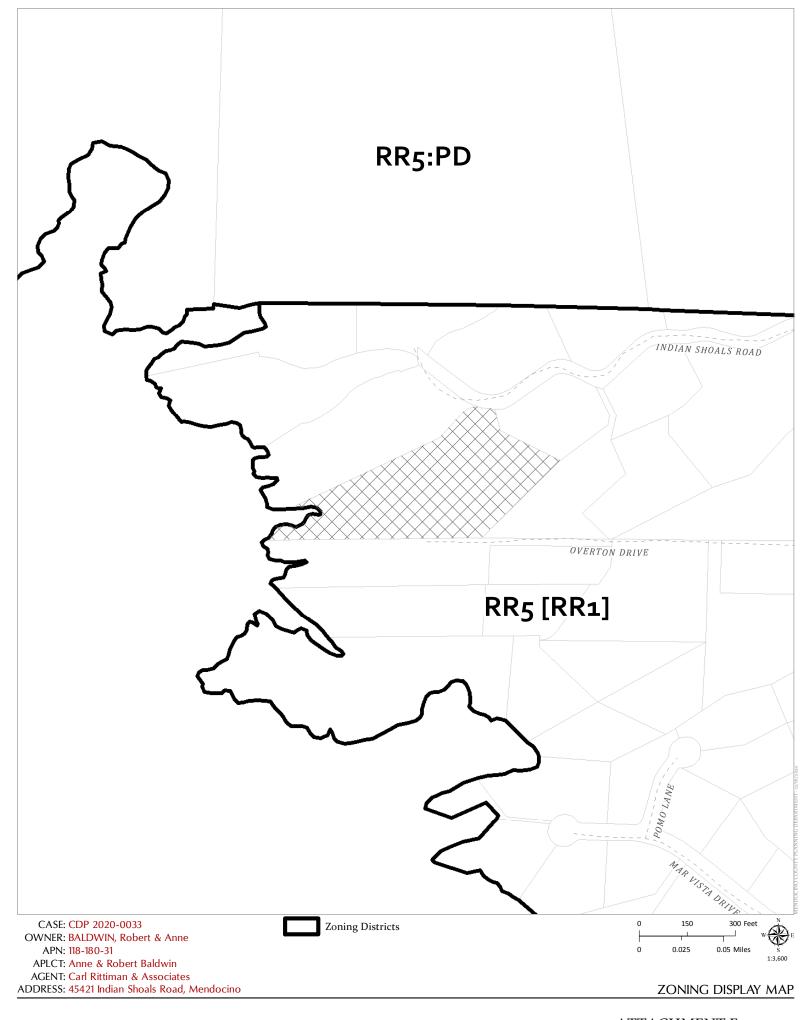
OWNER: BALDWIN, Robert & Anne APN: 118-180-31

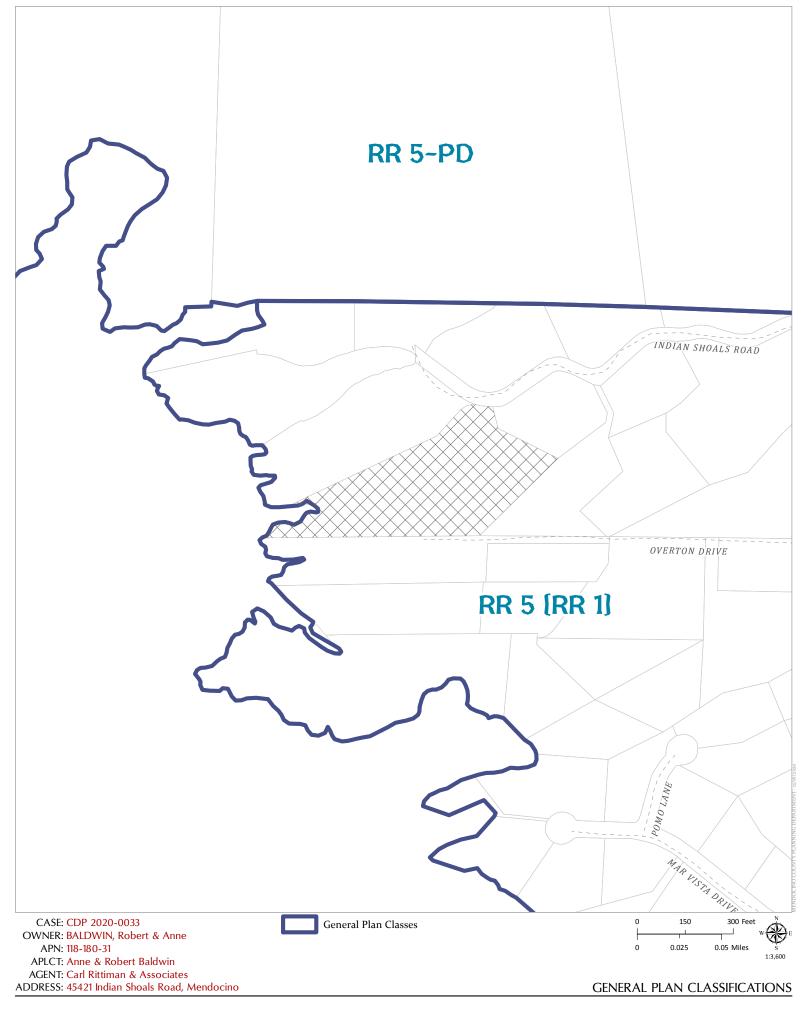
APLCT: Anne & Robert Baldwin AGENT: Carl Rittiman & Associates ADDRESS: 45421 Indian Shoals Road, Mendocino 0.015 0.03 Miles

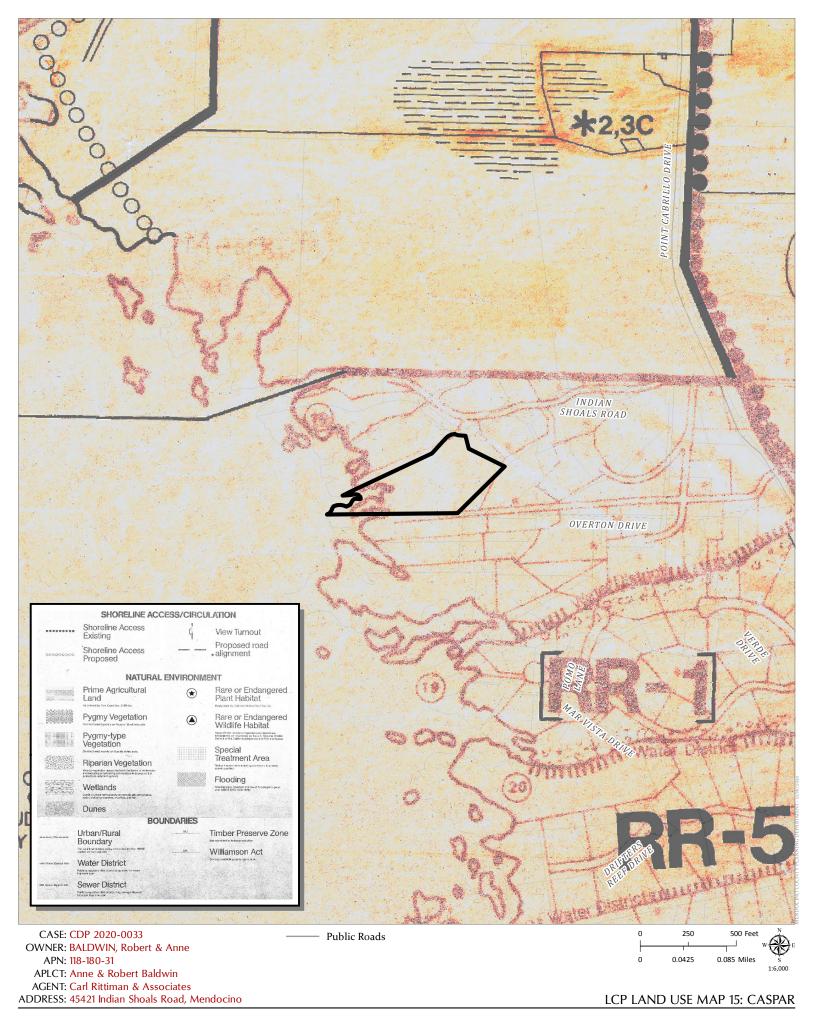












ATTACHMENT H

