



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

IGNACIO GONZALEZ, AICP, INTERIM DIRECTOR  
JULIA KROG, ASSISTANT DIRECTOR  
PHONE: 707-234-6650  
FAX: 707-463-5709  
FB PHONE: 707-964-5379  
FB FAX: 707-961-2427  
[pbs@mendocinocounty.org](mailto:pbs@mendocinocounty.org)  
[www.mendocinocounty.org/pbs](http://www.mendocinocounty.org/pbs)

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**MEMORANDUM - AMENDED**

**DATE:** JANUARY 27, 2022  
**TO:** COASTAL PERMIT ADMINISTRATOR  
**FROM:** JESSIE WALDMAN, MENDOCINO COUNTY PLANNER II  
**SUBJECT:** CDPR\_2021-0006, CDPR\_2020-0004 AND CDPR\_2019-0004 FOR CDP\_2012-0024 (LANDSHARK) – **REVISIONS AND ADDITIONAL RECOMMENDED CONDITIONS OF APPROVAL**

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**PROJECT DESCRIPTION:** The original proposed development, approved under CDP\_2012-0024, allowed for the construction of a 2,087± square foot single-family residence with a maximum height of 20 feet above natural grade. Associated developments include installation of septic system, well, water tank, propane tank, connection to utilities, and driveway. No changes to original request. Renewal will result in a new expiration date of July 22, 2022.

**SUMMARY:** Coastal Development Permit (CDP) Renewal, CDPR\_2019-0004, request was submitted to Mendocino County Planning and Building Services (MC PBS), on July 15, 2019. This renewal would have a new expiration date of July 21, 2020. However, the project was referred out to various agencies on August 20, 2019. On September 29, 2019, the California Coastal Commission (CCC) recommended a biological/botanical update be provided to determine that there are “no change circumstances” regarding the site’s current environmental setting, pursuant to Mendocino County Code (MCC) Section 20.536.025. The Department of Environmental Health responded with comments that septic permit ST25771 will require an archival review.

CDPR\_2019-0004 was placed on hold, due to the need for an updated Biological Scoping Survey. The landowner was informed by Staff on September 27, 2019.

CDPR\_2020-0004 was applied for on November 6, 2020, and immediately placed on hold pending an updated Biological Scoping Survey being submitted to MC PBS. This renewal would have a new expiration date of July 21, 2021. On November 16, 2020, the landowner provided email documentation to MC PBS from Teresa Spade, of Spade Natural Resources Consulting (SNRC), stating that a site visit is required during bloom windows (May and June) for potential present species, including previously observed and any potentially new plant species. The landowner was informed by Staff on December 2, 2020. On June 7, 2021, the landowner submitted an updated Biological Scoping Assessment, prepared by SNRC, to MC PBS.

Due to the nearing expiration date and the updated report submittal date, being a difference of 44 days, the landowner applied for CDPR\_2021-0006 on July 20, 2021. The CDPR\_2021-0006 renewal request would have a new expiration date of July 21, 2022, taking the project off hold and to its current status. All three projects were re-referred out on July 23, 2021, as one renewal request under CDPR\_2021-0006, with the supplemental and updated surveys, as shown on *Attachment A*. Staff received no additional comments or recommendations regarding the July 23, 2021 referral request, as of the writing of this memorandum.

Based on Staff’s review of all comments received as part of the renewal request and verification that the proposed development is consistent with the goals and policies of the Local Coastal Program, General Plan, and Zoning Code, Staff is recommending revisions and additions to the final findings and conditions of approval for the renewal of CDP\_2012-0024 permit to ensure the following:

Habitats and Natural Resources: The proposed project will not significantly impact sensitive habitats or resources and is consistent with the Local Coastal Program policies related to Chapter 3.1 and MCC Chapter 20.496 regulations.

Groundwater Resources: The proposed project is consistent with the Local Coastal Program policies related to groundwater resources Chapter 3.8 and will be consistent with DEH regulations.

As a result of additional conditions of approval being recommended for this proposed development being necessary, the application shall be referred to the approving authority having original jurisdiction over the Coastal Development Permit, and the renewal shall be subject to the hearing and notice requirements of MCC Section 20.536.01, per Mendocino County Code (MCC) Section 20.536.025(C).

**Revisions to FINDINGS 1 through 6:** Planning Staff has prepared the following revisions to the projects Final Findings to ensure the proposed project is consistent with the goals and policies of the Local Coastal Program, General Plan, and Zoning Code.

1. Pursuant with MCC Section 20.532.095(A)(1), the ~~The~~ proposed development to establish a single-family residence and ancillary development is in conformity with the certified Local Coastal Program, including policies identifies in the Coastal Element Chapter 2.2 (Rural Residential Land), Chapter 3.1 (Habitats and Natural Resources), Chapter 3.4 (Hazards Management), Chapter 3.5 (Visual Resources, Special Communities and Archaeological Resources) and Chapter 3.6 (Shoreline Access and Trail/Bikeway System), Chapter 3.8 (Transportation, Utilities and Public Services) and Chapter 4.12 (Iverson Road to Sonoma County Line Planning Area). The proposed developments are principally and accessory permitted uses within the Rural Residential land use classification and are consistent with the intent of the Rural Residential Classification; and
2. Pursuant with MCC Section 20.532.095(A)(2), the~~The~~ proposed development to establish a single-family residence and ancillary development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The subject parcel is served by a private gravel road accessed by Iverson Road (CR 503). On-site driveway improvements are proposed under the project. The establishment of a County approved well and septic system on-site septic system is to be installed; and
3. Pursuant with MCC Section 20.532.095(A)(3), the~~The~~ proposed development to establish a single-family residence and ancillary development is consistent with the purpose and intent of the Rural Residential Zoning District~~applicable 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~~zoning district~~. The intent of the RR zoning district is *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;* and
4. Pursuant with MCC Section 20.532.095(A)(4), the ~~The~~ proposed development, if constructed 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. Construction of a single-family residence and ancillary development is categorically exempt pursuant to Article 14, Section 15303, Class 3(a); and
5. Pursuant with MCC Section 20.532.095(A)(5), the ~~The~~ proposed development to establish a single-family residence and ancillary development will not have any adverse impacts on any known archaeological or paleontological resources. An archaeological resource search was conducted at the sites of development and a report prepared indicating no resources would be impacted by the proposed development. The project was reviewed by the Archaeological Commission at their May 2013 meeting with the survey ultimately being accepted with the recommendations adopted as conditions, in addition to the Discovery Clause. As proposed, the project would be compliant with Sections 20.532.095(A)(5) and 22.12 of the Mendocino County Code; and
6. Pursuant with MCC Section 20.532.095(A)(6), other ~~Other~~ public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. Construction of a single-family residence and ancillary developments are not anticipated to significantly affect demands on public services. The subject parcel and proposed

development will be served by an on-site production well and an on-site septic system. Solid waste is available either at curbside pick-up or at the South Coast Transfer Station (several miles away). The proposed development would not contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned.

**Revisions to Conditions of Approval 1 and 5:** Planning Staff has prepared the following revisions to the recommended Conditions of Approval to ensure the proposed project is consistent with the goals and policies of the Local Coastal Program, General Plan, and Zoning Code.

1. This action shall become final ~~and effective~~ on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. 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.
5. The applicant 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 and the Division of Environmental Health.

**Recommendations for Additional Conditions of Approval:** Planning Staff has prepared the following additions to the recommended Conditions of Approval in response to the comments received from SNRC, dated June 7, 2021, and the Division of Environmental Health, dated August 26, 2019.

13. Any Building Permit request shall include all conditions of approval of Coastal Development Permit C DPR 2021-0006. Conditioned shall be attached to or printed on the plans submitted.
14. In accordance with MCC Section 20.496.020(A)(1)(b), the width of the buffer zone shall be based on the distance necessary to ensure that sensitive species of plants and animals will not be disturbed significantly by development; therefore, the property owner shall protect environmentally sensitive habitat areas, including Sonoma Tree Vole, California red-legged frogs and nesting birds, by the following measures:
  - a. If matures conifers (over 15 feet tall) are to be removed to accommodate the project, a Sonoma Tree vole survey shall be conducted.
  - b. Within two (2) weeks prior to construction or vegetation removal, project contractors shall be trained by a qualified biologist in the identification of the California red-legged frog. Construction crews will begin each day with a visual search around all stacked or stored materials, as well as along any silt fences to detect the presence of California red-legged frog. If a California red-legged frog is detected, construction or demolition crews will contact the US Fish and Wildlife Services (for California red-legged frog) and/ or California Department of Fish and Wildlife and gain clearance prior to re-initiating work.

If a rain event occurs during the demolition period, all construction-related activities shall cease for 48 hours after the rain stops. Prior to resuming construction or vegetation removal activities, trained construction crews shall examine the site for the presence of California red-legged frogs. If no California red-legged frogs are observed, construction activities may resume.
  - c. In order to provide for the protection of special status birds, vegetation removal and initiation of demolition shall be done in the non-breeding season between September and January. If this cannot be accomplished pre-construction breeding bird surveys shall be conducted within 14 days of the onset of construction.
15. As requested by the Division of Environmental Health, an archival review to septic permit (ST25771) shall be conducted prior to issuance of septic permit (ST25771).
16. To record the Notice of Exemption, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any project action.

Cc: Attachment A: C DPR\_2021-0006 (Landshark) Referral Packet, dated July 23, 2021