# FEBRUARY 10, 2022 CDP 2021-0025

## **SUMMARY**

PO BOX 427

PENRYN, CA 95663

AGENT: CARL RITTIMAN

PO BOX 590

MENDOCINO, CA 95460

REQUEST: Standard Coastal Development Permit to remove and

replace existing pressurized septic lateral within existing

leaching trench currently obstructed by roots.

**LOCATION:** In the Coastal Zone, 4.8± miles south of Albion town

center, on the west side of Navarro Bluff Road (CR 517A), south of its intersection with State Route 1 (SR 1); located at 1520 Navarro Bluff Road, Albion; APN: 126-

140-16.

**TOTAL ACREAGE**: 0.8± Acres

GENERAL PLAN: Rural Residential, 5-acre minimum with an alternate

density of 1-acre minimum, RR5(1)

General Plan, Coastal Element Chapter 4.10

**ZONING:** Rural Residential, 5-acre minimum with an alternate

density of 1-acre minimum, Development Limitations

Combining District, RR5(1)(DL)

Mendocino County Code (MCC) Coastal (Division II)

**SUPERVISORIAL DISTRICT:** 5 (Williams)

**ENVIRONMENTAL DETERMINATION:** CATEGORICALLY EXEMPT

**APPEALBLE:** YES (West of 1<sup>st</sup> Public Road, Blufftop Parcel)

**RECOMMENDATION:** APPROVE WITH CONDITIONS

STAFF PLANNER: JESSIE WALDMAN

# **BACKGROUND**

**PROJECT DESCRIPTION:** A Standard Coastal Development Permit to remove and replace existing pressurized septic lateral within existing leaching trench currently obstructed by roots to support the existing single-family residence.

**APPLICANT'S STATEMENT:** The existing pressurized lateral within the existing leaching trench is plugged with roots. The lateral piping will be removed and replaced within the existing leaching trench.

# **RELATED APPLICATIONS ON-SITE:**

# **Neighboring Properties**

• APN: 126-140-15 LCP\_88-88 (Replace Single-Family Residence)

• APN: 126-140-19 Vacant

• APN: 126-150-02 CDP 15-97 (Grading)

**SITE CHARACTERISTICS:** The project site is located, in the Coastal Zone, 3.0± miles south of the Town of Albion, on the west side of Navarro Bluff Road (CR 517A), 350± feet south of its intersection with State Route 1 (SR 1), as shown on the *Location Map*. The property is a bluff top parcel with the Pacific Ocean. The site is situated on a relatively flat plain. The parcel is developed with a single-family residence. The parcel is surrounded by neighboring single-family residences to the north and range land to the east, as shown on the *Aerial Imagery (Vicinity)* map.

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR), Development Limitations Combining Districts (DL) and Range Land (RL), where the adjacent parcels are developed with residential uses and agricultural uses, as shown on the *Aerial Imagery* and *Local Coastal Program (LCP) Land Use Map 19: Navarro* 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)DL)	0.4± Acre	Residential	
EAST	Range Land (RL160)	Range Land (RL160)	State Route 1	Residential	
SOUTH	Rural Residential (RR5(1))	Rural Residential (RR5(1)DL)	0.8± Acre	Vacant	
WEST	Pacific Ocean	Pacific Ocean	Pacific Ocean	Pacific Ocean	

### **PUBLIC SERVICES:**

Access: NAVARRO BLUFF ROAD (COUNTY)

Fire District: ELK COMMUNITY SERVICES DISTRICT (Elk CSD)

Water District: NONE Sewer District: NONE

# **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:

 Land Use: The project site is located within the boundaries of the Local Coastal Program (LCP) area, as shown on the LCP Land Use Map 19: Navarro map. The subject parcel is classified as Rural Residential (RR) by the Mendocino County General Plan, as shown on the General Plan Classifications map.

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

# COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR COASTAL DEVELOPMENT STANDARD PERMIT

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 and Chapter 4.10.

2. <u>Zoning</u>: The project site is located within a Rural Residential (RR) zoning 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."

Portions of the subject parcel are designated as being located within a Development Limitations Combining District (DL). All proposed improvements are located outside of the DL designated portions of the parcel, as shown on the Site Plan, Zoning Display Map and LCP Land Use Map 19: Navarro maps.

The proposed development will be located within the front yard, east of the existing residence and parallel to the southern side yard. The proposed development will be 150± feet east of the bluff top edge. 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.

Without added conditions, the project as currently proposed will conform to the development standards of MCC Chapters 20.376, 20.516 and 20.532 and Division II of Title 20 of the Mendocino County Code.

3. <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.

Without added conditions, the proposed project will not increase view obstruction from nearby public areas and is visually compatible with the character of surrounding areas and will be consistent with Mendocino County Coastal Element Policies 3.5-1 and MCC Chapter 20.504 regulations for parcels to be developed within the Coastal Zone.

4. <u>Hazards Management:</u> The site is mapped as being "Bedrock (Zone 1)" and "Barren" in terms of hazards and habitats, as shown on the *LCP Land Capabilities and Natural Hazards* map. The property is in an area of "Moderate Fire Hazard" severity rating, as shown on the *Fire Hazard Zones & Responsibility Areas* map. 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 150 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.

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 added conditions, the proposed project will be consistent with the Local Coastal Program policies for hazard areas, including geologic hazards (faults, bluffs, tsunami, landslides, and erosion), fire and flood hazards Chapter 3.4 and will be consistent with MCC Chapter 20.500 regulations.

5. Habitats and Natural Resources: 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.

Without added conditions, 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.

6. <u>Grading, Erosion, and Run Off:</u> Grading, Erosion, and Run Off: The area of the proposed project is relatively flat with gentle sloping towards the west, away from State Route 1 (SR 1) 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 150 feet from the proposed improvements.

Without added conditions, the proposed project is consistent with the Local Coastal Program policies related to grading, erosion and runoff protection and hazard area Chapter 3.4 and will be consistent with MCC Chapters 18.70.027, 20.492 and 20.500 regulations.

7. <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 is accessory to 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.

Without additional conditions, 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.

8. <a href="Archaeological/Cultural Resources">Archaeological/Cultural Resources</a>: For small projects such as the replacement of existing septic systems supporting existing single-family residences, Mendocino County Department of Planning and Building Services determined that no review by the Mendocino County Archaeological Commission was required. Mendocino County Department of Planning and Building Services procedure is to not refer these types of projects to the Mendocino County Archaeological Commission. PBS procedure was reviewed by the Mendocino County Archaeological Commission in 2019 and was determined to be an appropriate guidance document for what types of projects require an archaeological review.

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.

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, while the Redwood Valley Rancheria local tribe responded with no comment.

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 and MCC Chapter 22.12 regulations.

9. <u>Transportation/Circulation</u>: The project 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. Access to the site is provided by an existing private driveway from Navarro Bluff Road (CR 517A). In addition, the property is already developed with the current residential density, which will not be altered by the proposed project.

Without additional conditions, the project is consistent with Mendocino County Coastal Element Chapter 3.8 and MCC Chapter 20.516 regulations and policies for transportation, circulation, utilities, and public services protection.

10. <u>Public Access:</u> The site is located 3± miles south of Albion town center, on the west side of Navarro Bluff Road (CR 517A) and State Route 1 (SR 1). The nearest existing public access to the shore is located to the north at the Navarro Redwood State Park Shoreline Access, on the west side of State Route 1 (SR 1). The site is designated as having potential public access along State Route 1 (SR 1), connecting the subject parcel's community, known as *Little Geyserville* (Coastal Element Chapter 4.10), to the Navarro Beach Shore Access, to the north, as shown on the *LCP Land Use Map 19: Navarro* map. The proposed project will not impact 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 4.10; 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 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project to remove and replace existing pressurized septic lateral within existing leaching trench currently obstructed by roots and adopts the following findings and conditions.

## **FINDINGS:**

- 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. Under the proposed project, the replacement septic system will continue to serve the existing residence which is currently served by the existing on-site well, drainage, electricity and driveway access from Navarro Bluff Road (CR 517A). The proposed project will not generate additional demand of existing utilities, transportation or public services or necessary facilities; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed replacement septic system 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. The proposed replacement septic system will allow the continued use of

the existing single-family residence, a principally permitted use, allowed within the district. Upon 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 if constructed in compliance with the conditions of approval and site is currently developed with a single-family residence and the proposed replacement septic system is necessary to allow the continued use of the single-family residence. Condition 8 is in place when archaeological sites or artifacts are discovered. 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 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 is necessary to allow the continued use of the single-family residence, a principally permitted use and 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 (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
- 2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
- 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 as required by the Building Inspection Division of the Department of Planning and Building Services.
- 6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.

- b. One or more of the conditions upon which the permit was granted have been violated.
- c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
- d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
- 7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the 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.
- 9. 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.

Staff Report prepared by:

1-12-2022

JESSIE WALDMAN PLANNER II

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

### **ATTACHMENTS:**

- A. Location Map
- B. Aerial Map (Vicinity)
- C. Aerial Map
- D. Topographical Map
- E. Site Map
- F. Zoning Display Map
- G. General Plan Classifications
- H. LCP Land Use Map 19: Navarro
- I. LCP Land Capabilities & Natural Hazards

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

**AGENCY COMMENTS:** On July 23, 2021, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. See the below table for a list of agencies and status of no response, comments or no comments.

REFERRAL AGENCIES	Comments	
Assessor	No Response	
Building Inspection - FB PBS	No Comment	
California Coastal Commission (CCC)	No Response	
California Department of Forestry & Fire (CalFire)	No Comment	
California Department of Fish & Wildlife (CDFW)	No Response	
California Native Plant Society	No Response	
Cloverdale Rancheria	No Response	
Department of Transportation (DOT)	No Comment	
Elk Community Services District (Elk CSD)	No Response	
Environmental Health - FB (EH)	Comments	
Planning – Ukiah PBS	No Comment	
Redwood Valley Rancheria	No Response	
Sherwood Valley Band of Pomo Indians	No Response	

# **REFERENCES:**

(Coastal Element) Mendocino County, Planning and Building Services, Planning Division. The County of Mendocino General Plan, Coastal Element. 1985. Accessed December 10, 2021, at: <a href="https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element">https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element</a>

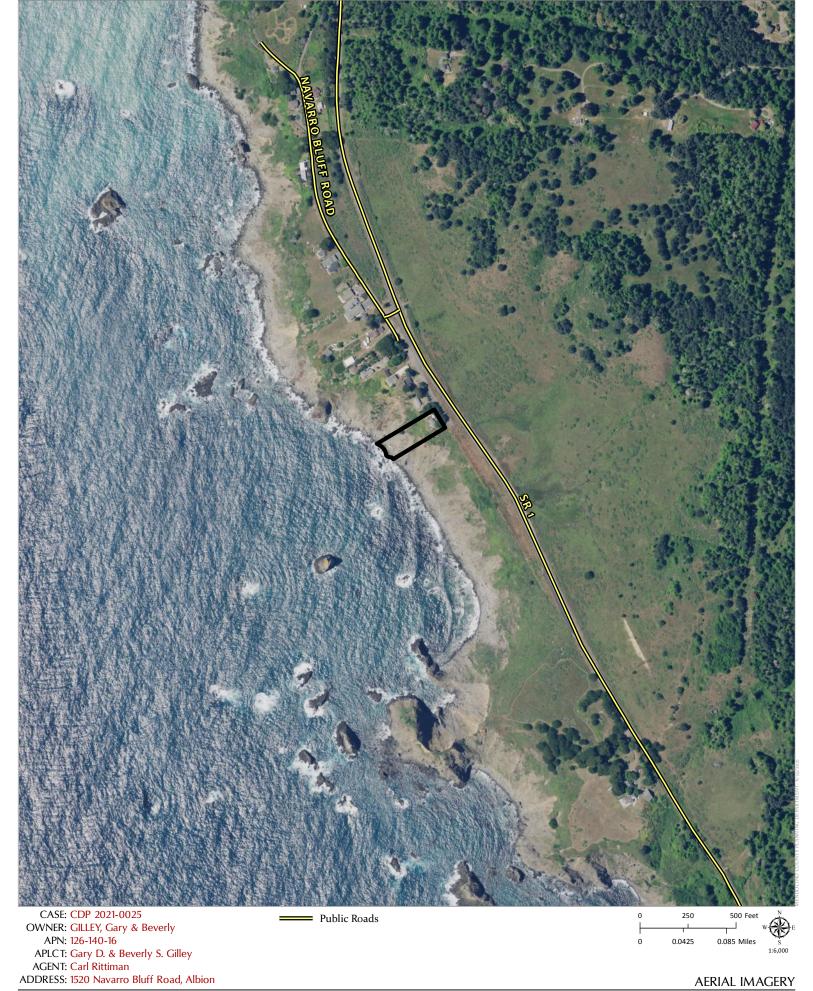
(MCC, 1991) Mendocino County Department of Planning and Building Services. October 1991. Mendocino County Zoning Code Coastal Zoning Code, Title 20 – Division II of the Mendocino County Code. Accessed December 10, 2021, at: <a href="https://library.municode.com/ca/mendocino">https://library.municode.com/ca/mendocino</a> county/codes/code of ordinances?nodeId=MECOCO TIT20 ZOOR DIVIIMECOCOZOCO

Mendocino County Department of Planning & Building Services. County of Mendocino Coastal Zone. LCP Map 19: Navarro [map]. 1985. Accessed December 10, 2021, at: <a href="https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps">https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps</a>

Mendocino County Department of Planning & Building Services. June 2007. Fire Hazard Zones & Fire Responsibility Areas [map]. Accessed December 10, 2021, at: <a href="https://www.mendocinocounty.org/government/planning/Fire Hazard Severity Map.pdf">https://www.mendocinocounty.org/government/planning/Fire Hazard Severity Map.pdf</a>

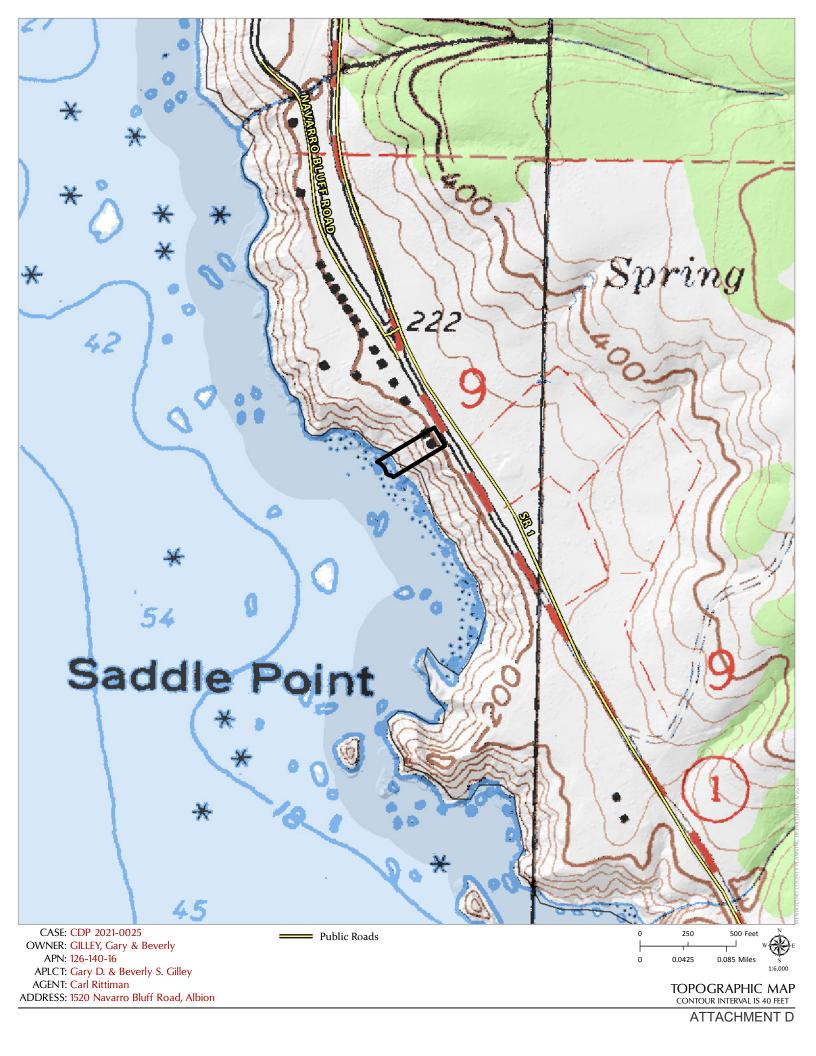
Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed December 10, 2021, at: <a href="http://www.co.mendocino.ca.us/planning/pdf/12x36">http://www.co.mendocino.ca.us/planning/pdf/12x36</a> Coastal Groundwater Areas.pdf

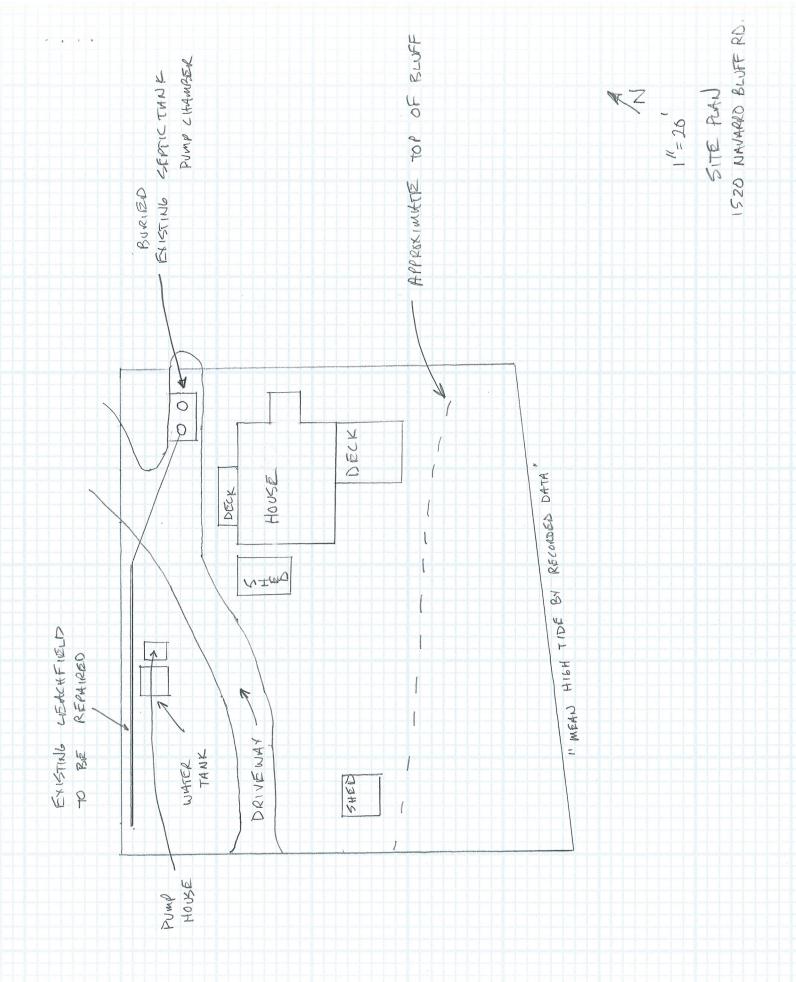


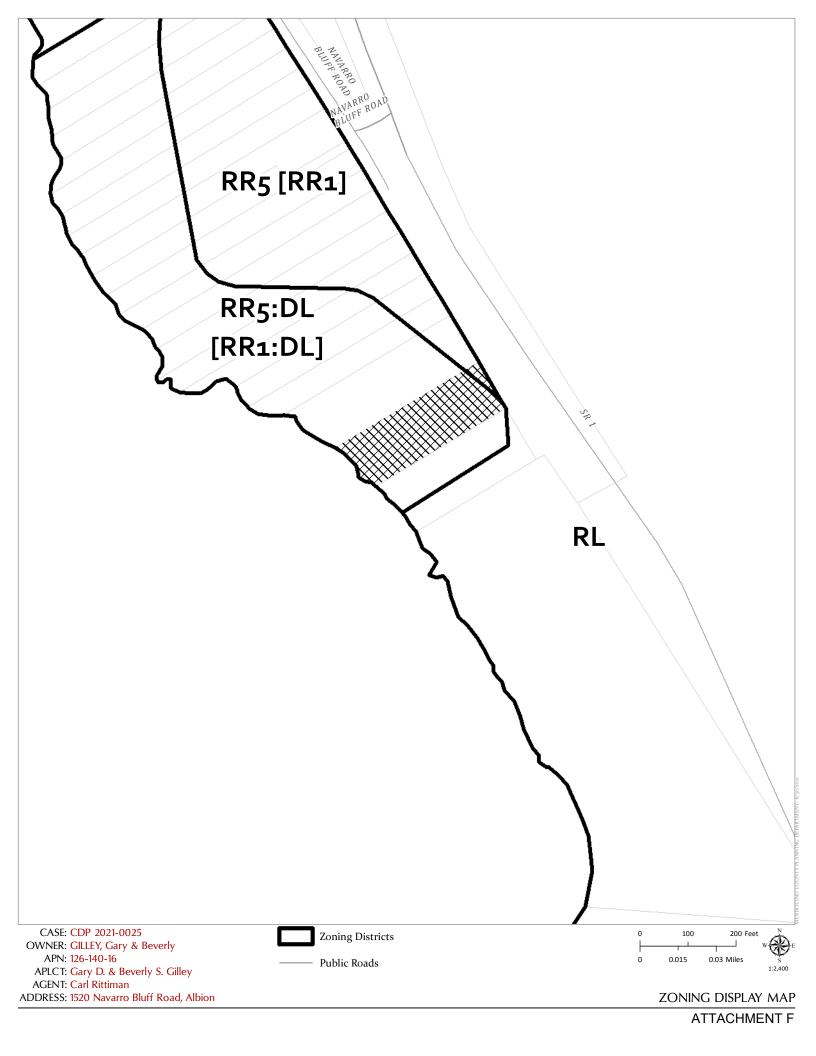


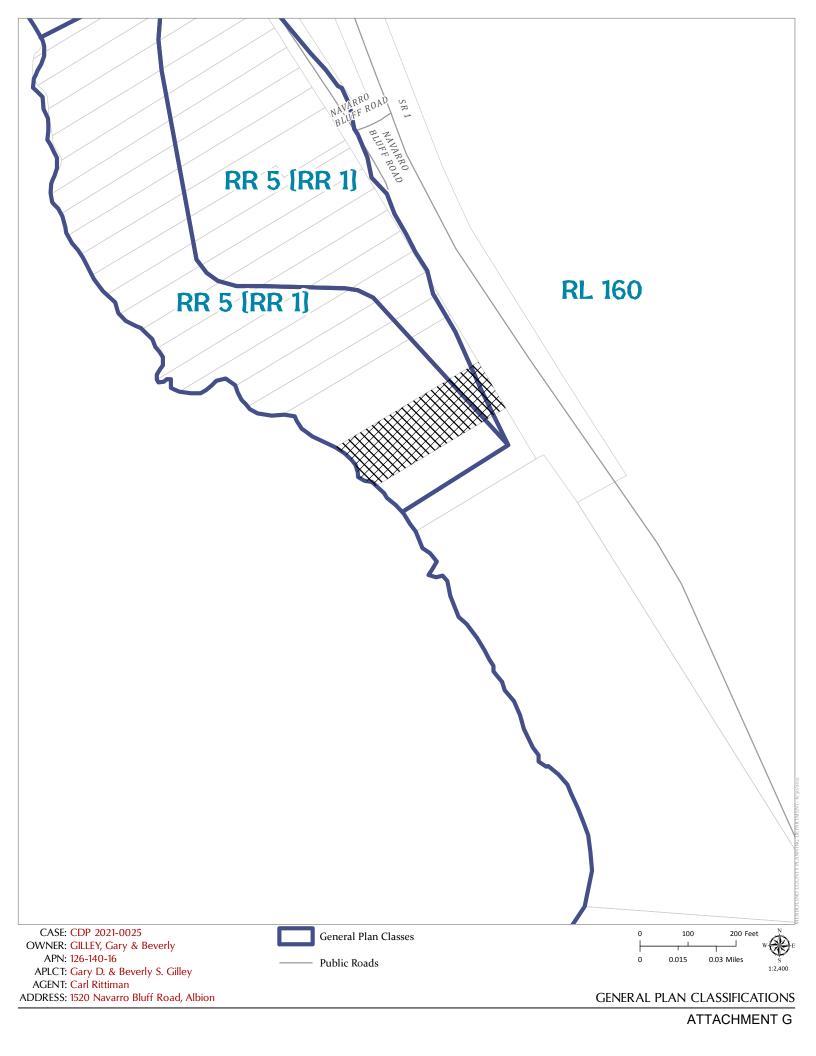


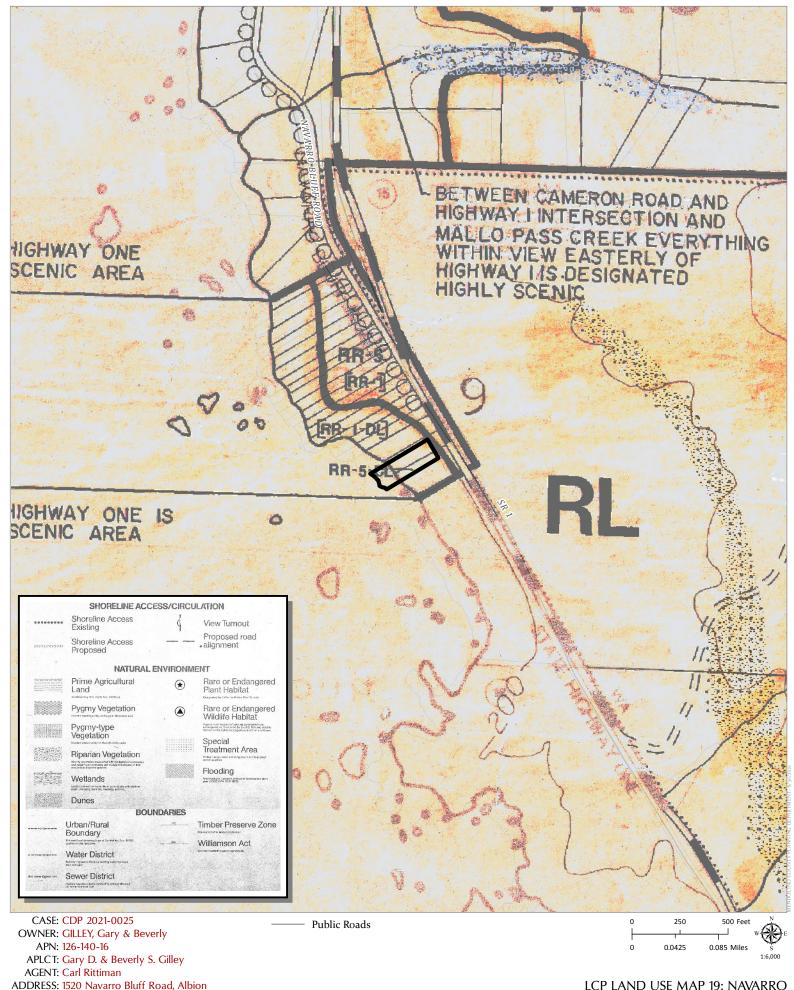
ATTACHMENT C



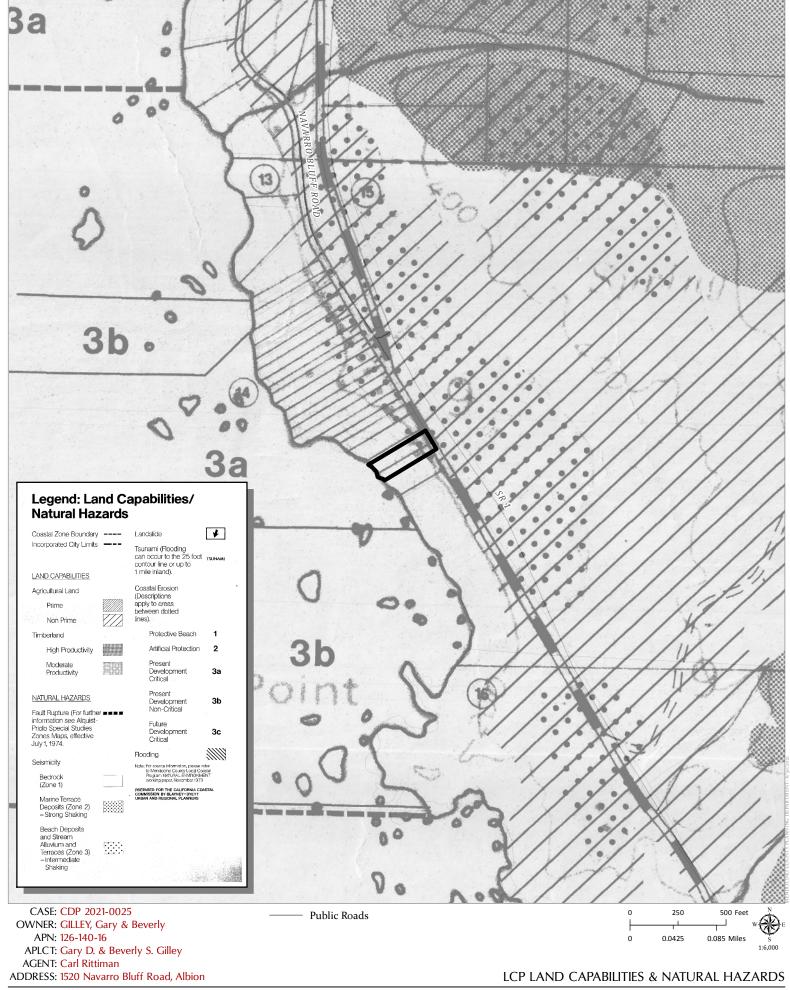


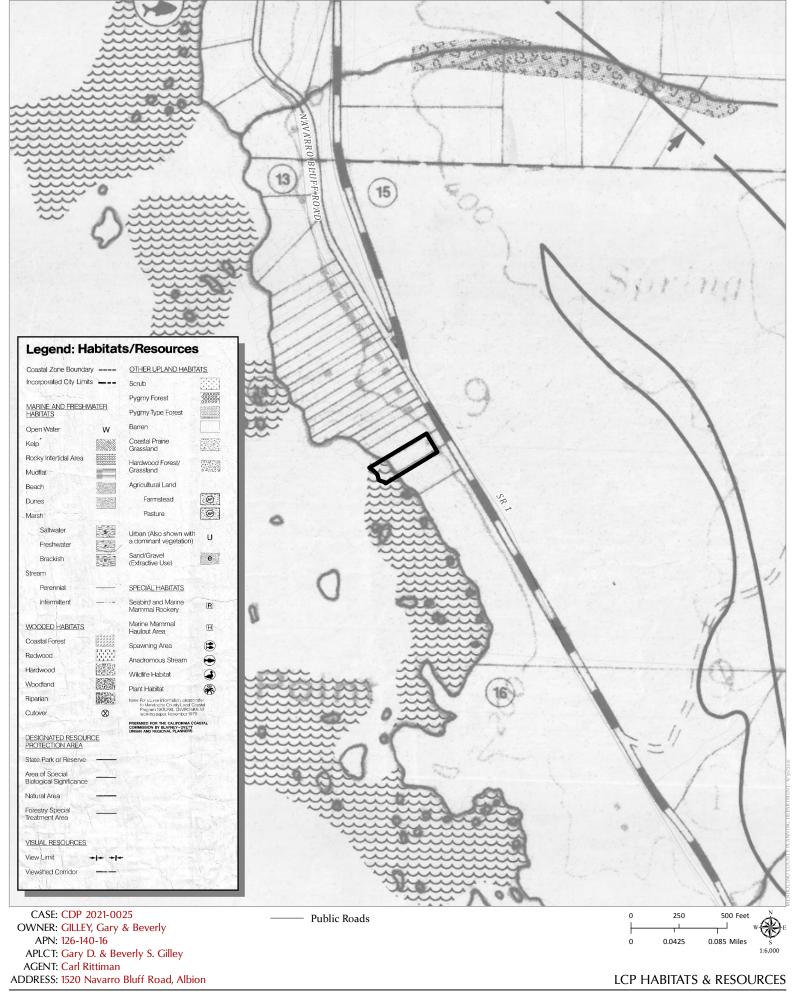


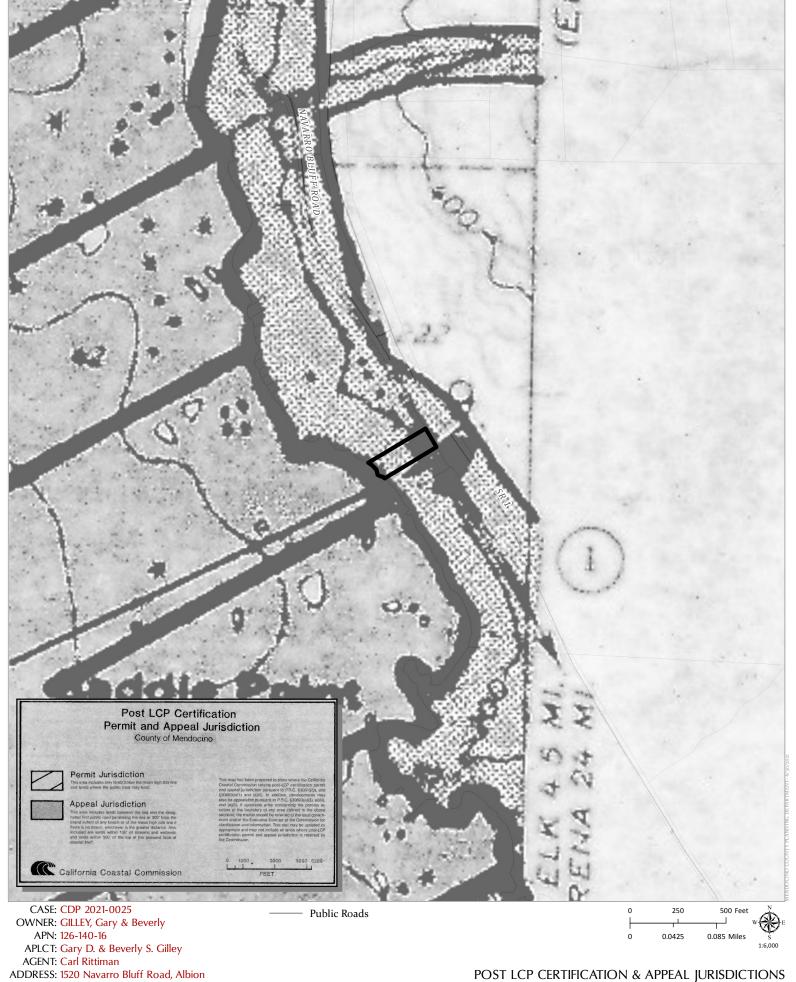


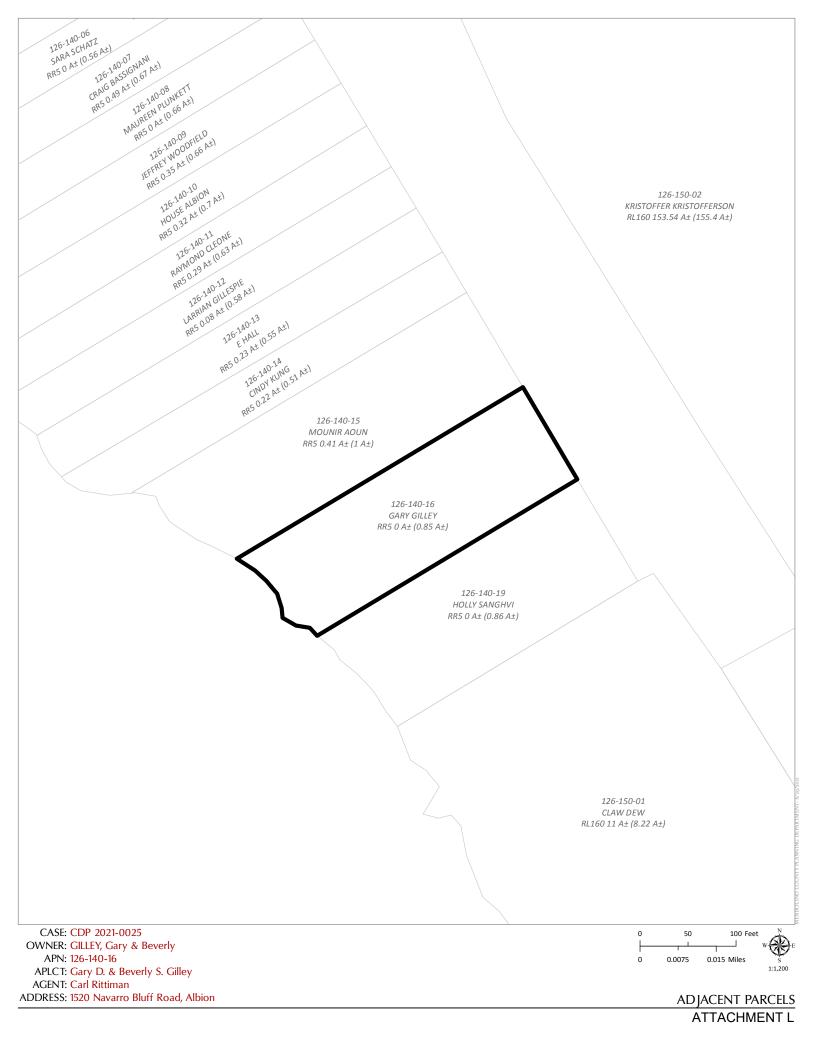


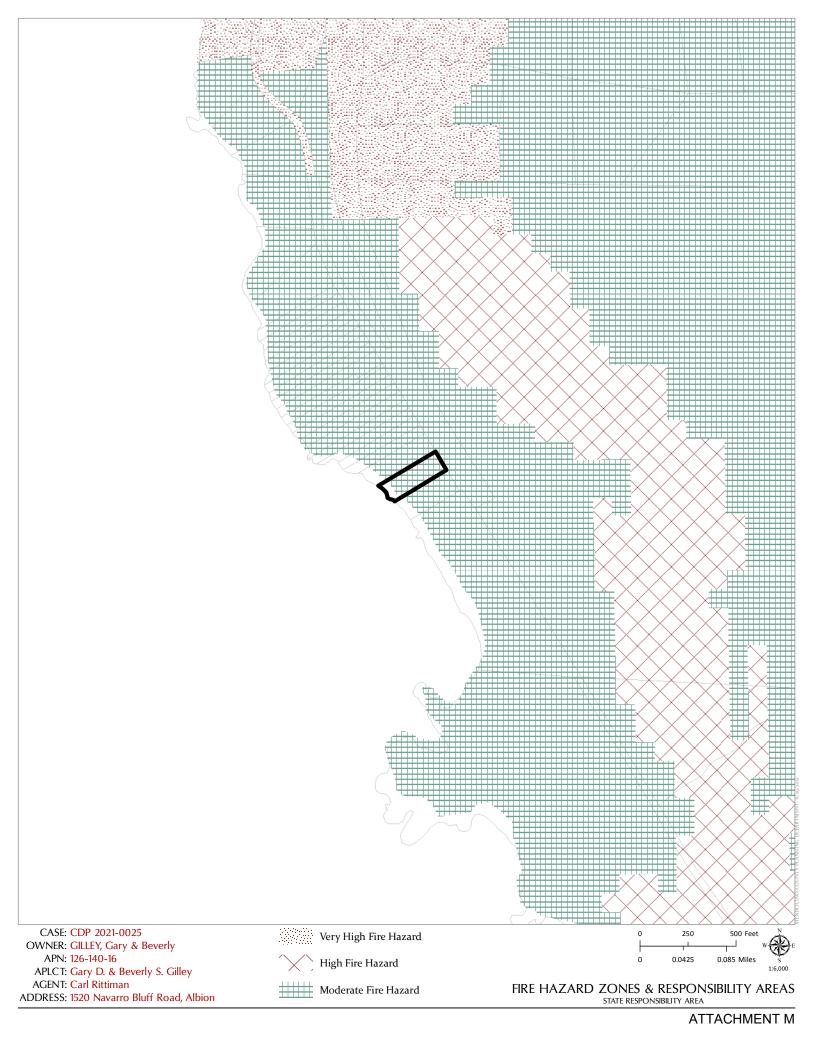
LCP LAND USE MAP 19: NAVARRO

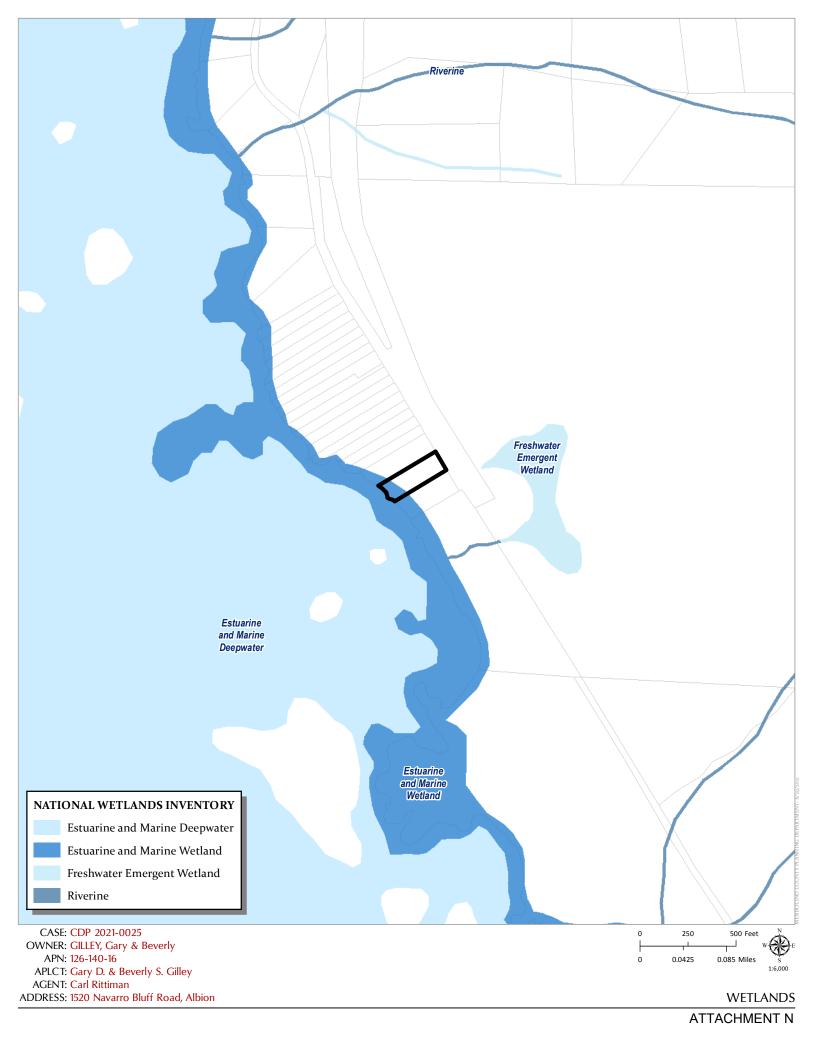


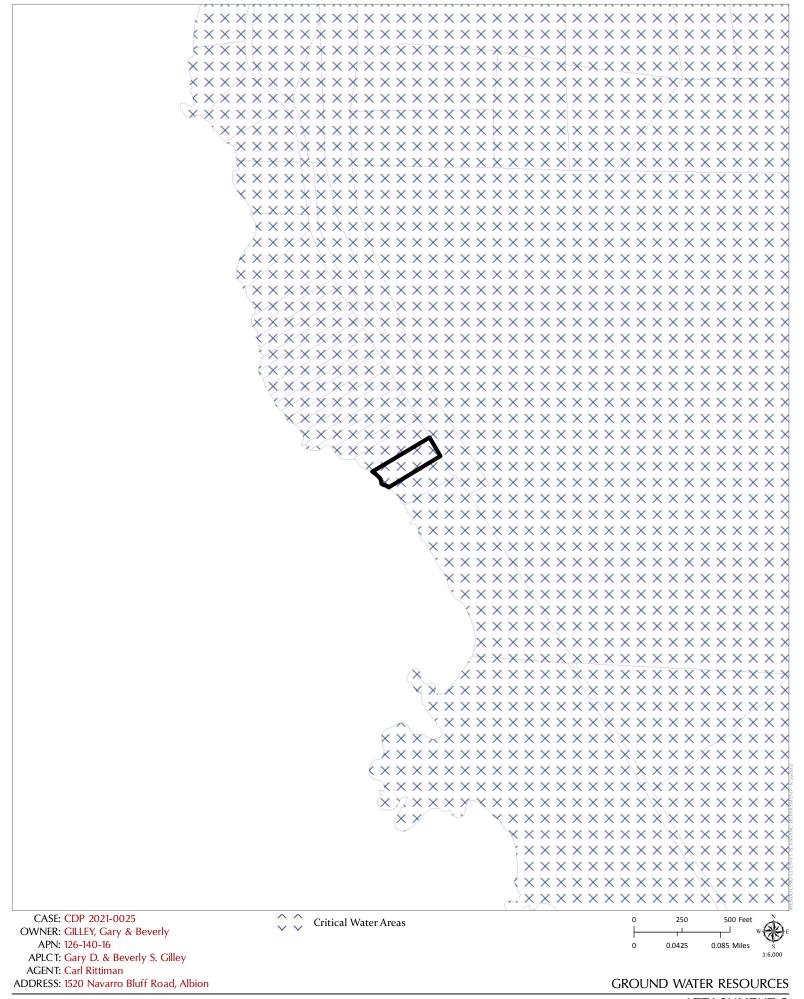


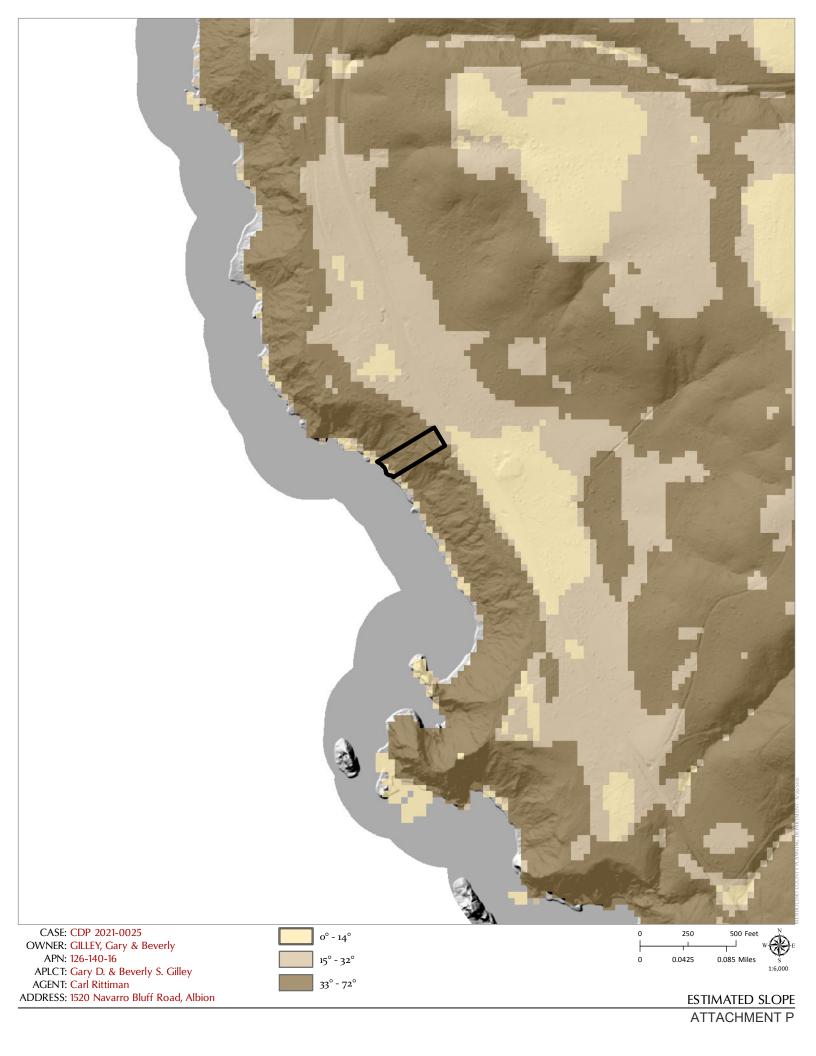


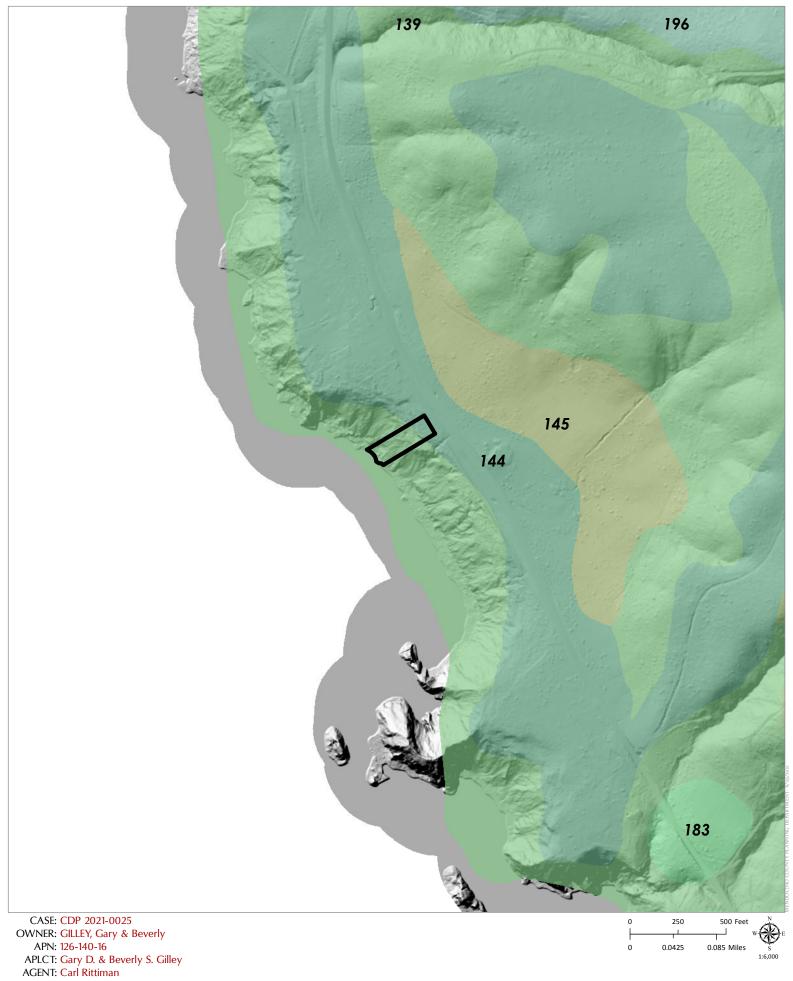












ADDRESS: 1520 Navarro Bluff Road, Albion