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March 10, 2022

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, March 24, 2022 at 10:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the below described project that is located in the Coastal Zone. This meeting will be conducted virtually and not available for in person public participation in an effort to slow the spread of COVID-19 and pursuant to the recommendation of the Mendocino County Health Officer and the California Department of Industrial Relations. 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 or telecomment. The telecomment form mav be found https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas. The meeting available for viewing on the Mendocino County YouTube page https://www.youtube.com/MendocinoCountyVideo

CASE#: CDP_2021-0030 **DATE FILED:** 6/7/2021

OWNER/APPLICANT: PACIFIC REEFS WATER DISTRICT

AGENT: LACO ASSOCIATES

REQUEST: Standard Coastal Development Permit to install a 52,000 gallon water tank and remove the existing 20,000 gallon water tank. Include foundation, plumbing, electrical and

associated infrastructures.

ENVIRONMENTAL DETERMINATION: CATEGORICALLY EXEMPT

LOCATION: In the Coastal Zone, 0.78± miles south of Albion, 0.15± miles west of State Route 1 (SR1), on the south side of Pacific Reefs Road (private); located at 34177 Pacific Reefs Rd,

Albion; APN: 123-340-37.

SUPERVISORIAL DISTRICT: 5 (Williams)

STAFF PLANNER: TIA SAR

The staff report, and notice, will be available 10 days before the 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 March 23, 2022. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail at pbscommissions@mendocinocounty.org, or telecomment, in lieu of personal attendance.

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

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. If you challenge the above case in court, you may be limited to raising only those issues

described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

JULIA KROG, Director of Planning and Building Services

MARCH 24, 2022 CDP_2021-0030

SUMMARY

OWNER/APPLICANT: PACIFIC REEFS WATER DISTRICT

PO BOX 314 ALBION, CA 95410

AGENT: LACO ASSOCIATES

776 S. STATE STREET UKIAH, CA 95482

REQUEST: Standard Coastal Development Permit to install a 52,000

gallon water tank and remove the existing 20,000 gallon water tank. Include foundation, plumbing, electrical and

associated infrastructures.

LOCATION: In the Coastal Zone, 0.78± miles south of Albion, 0.15±

miles west of State Route 1 (SR1), on the south side of Pacific Reefs Road (private), located at 34177 Pacific

Reefs Rd, Albion; APN: 123-340-37.

TOTAL ACREAGE: 0.08± Acre

GENERAL PLAN: Rural Residential, five acre minimum variable to one

acre (RR5 [RR1])

ZONING: Division II: Rural Residential, five acre minimum variable

to one acre (RR5 [RR1])

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: TIA SAR

BACKGROUND

PROJECT DESCRIPTION: The proposed project is to install a 52,000 gallon water tank and remove the existing 20,000 gallon water tank. Include foundation, plumbing, electrical and associated infrastructures. No new development is requested.

APPLICANT'S STATEMENT:

"The project consists of the following components:

- 1) Demolition and removal of the existing 20,000-gallon redwood water tank and concrete pad;
- 2) Installation of a steel water tank, up to 52,000 gallons in size, and foundation pad; and
- 3) Installation of associated plumbing, electrical, and control equipment to tie the new water tank into the existing Pacific Reefs Water District system,

See attached Project Description for additional discussion."

<u>SITE CHARACTERISTICS</u>: The subject parcel is less than an acre in size and is located 0.78± miles south of Albion, on the south side of Pacific Reefs Road (See attachment Location Map). The site is flat (See attachment Topographic Map) and smaller in size compared to adjacent parcels.

The site is mapped as a high fire hazard area and is located within the Albion Little River Fire Protection District service area (See attachment Fire Hazard Zones and Responsibility Areas). The site is mapped as

Barren Upland Habitats, Agricultural Land Non-Prime, and Beach Deposits and Stream Alluvium and Terraces (Zone 3) Intermediate Shaking (See attachment LCP Habitats & Resources and LCP Land Capabilities & Natural Hazards Map).

The site is located on the west side of SR1, but not designated as a Highly Scenic Area (See attachment Highly Scenic & Tree Removal Areas Map). It is currently developed (1964) with a 20,000-gallon redwood water tank, two (2) 5,000-gallon plastic water tanks, a water treatment shed, and associated infrastructure. Existing trees and vegetation are located beyond the area of development, to the north, west and south. A driveway from Pacific Reefs Road provides access to the east of the site.

SURROUNDING LAND USE AND ZONING: As listed on Table 1, the surrounding lands are developed as residential use, which is consistent with the Rural Residential zoning (See attachments *General Plan Classifications and Zoning Districts*). The subject parcel is zoned as Rural Residential, currently used to serve the Pacific Reefs Water District. The existing development predates the coastal act.

TABLE 1: SURROUNDING LAND USE AND ZONING

	GENERAL PLAN	ZONING	LOT SIZES	USES	
NORTH	Rural Residential 5 [RR1]	Rural Residential 5	0.89 ± Acre	Developed Residential	
EAST	Rural Residential 5 [RR1]	Rural Residential 5	0.38 ± Acre	Vacant	
SOUTH	Rural Residential 5 [RR1]	Rural Residential 5	0.38 ± Acre	Vacant	
WEST	Rural Residential 5 [RR1]	Rural Residential 5	1.19 ± Acres	Developed Residential	

PUBLIC SERVICES:

Access: Pacific Reefs Road

Fire District: Albion Little River Fire Protection District

Water District: Pacific Reefs Water District

Sewer District: None

School District: Mendocino Unified

LOCAL COASTAL PROGRAM CONSISTENCY: The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

<u>Land Use:</u> The parcel is classified as Rural Residential with a five (5) acre minimum parcel size. The Rural Residential classification is intended to,

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

The proposed project at the Water District site is consistent with the existing non-conforming land use classification which pre-dates the Coastal Act. The project is within the pre-coastal disturbed area, which is allowed to continue the non-conforming use. *Mendocino County Coastal Element Chapter 2.2, classification.* Sec. 20.480.005, states:

To allow for the continued utilization of lawfully existing improvements and uses made nonconforming by the adoption of the Coastal Element of the Mendocino County General Plan and this Division, where the use is compatible with adjacent land uses and where it is not feasible to replace the activity with a conforming land use.

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

Section 20.376.005:

"... this district 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 Pacific Reefs Water District developed in 1964, is an existing, non-conforming use which pre-dates the Coastal Act. Since Pacific Reefs Water District is a Local Agency, the tank replacement is exempt from setback criteria pursuant to California Government Code section 53091. Regardless, the proposed project is within the existing, legal non-conforming use disturbed location. Although the proposed project and use is not consistent with the RR Zoning Mendocino County Code (MCC) Chapter 20.376.005, Staff finds the proposed work consistent with the non-conforming use allowed per Division II MCC Sec 20.480.005 (A).

(A)... "A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this Division but which does not conform with the use regulations for the zone in which it is located."

<u>Visual Resources</u>: The proposed project is to install a 52,000 gallon water tank and remove the existing 20,000 gallon water tank. Include foundation, plumbing, electrical and associated infrastructures. No new development is requested. The project site is not located in a mapped Highly Scenic Area; therefore it does not affect the Coastal Element visual resource policies (see below).

Policy 3.5-1 of the Coastal Element states:

...The scenic and visual qualities of Mendocino County coastal areas shall be considered and projected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas...

As proposed, the project would be consistent with MCC Chapter 20.504 Visual Resource and Special Treatment Areas.

<u>Grading, Erosion, and Run-Off</u>: Site preparation, including minor vegetation removal, if present within the development footprint, may occur as a result of the project. The new tank will be installed largely within the area of the existing redwood water tank that is to be removed.

The Coastal Development Permit Application Questionnaire, Question No. 8, states that no grading is planned; therefore, the proposed project would not conflict with the grading, erosion, and run-off standards specified in.

<u>Hazards Management</u>: Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, or flood hazards (See attachment *LCP Land Capabilities & Natural Hazards*). Regarding MCC Section 20.500.025 *Fire Hazard* the parcel is located in an area classified as a "High Fire Hazard" within the Albion Little River Fire Protection District (See attachment *Fire Hazard Zones & Responsibility Areas*).

On September 22, 2021, a referral was sent and no comment was received from the Mendocino County Air Quality Management District (AQMD).

<u>Habitats and Natural Resources</u>: LCP Habitats & Resources Map does not identify sensitive resource areas within 100 feet of the proposed project location. The site is mapped as Barren Upland Habitats. As proposed, the project distance would ensure that environmentally sensitive habitat and other designated resources in that area are not impacted. (See attachments LCP Habitats & Resources and Wetlands maps)

<u>Archaeological/Cultural Resources</u>: The County of Mendocino regulates cultural resources under Section 22.12 of the County Code, which requires projects to be reviewed by the Northwest Information Center (NWIC) at Sonoma State University. The proposed project was referred to Sonoma State University, who responded with comments on October 5, 2021, where it was determined that no survey was recommended.

<u>Groundwater Resources</u>: The project site is located within a mapped Critical Water Resources Bedrock Area. On September 22, 2021, the application was referred to Mendocino County Department of Environmental Health (EH) for comment. Staff received no response. As proposed the project would satisfy County policies for groundwater resources as implemented by MCC Chapter 20.516 regulations. (See attachment *Ground Water Resources Map*).

<u>Transportation/Circulation</u>: The proposed project is to install a 52,000 gallon water tank and remove the existing 20,000 gallon water tank. Include foundation, plumbing, electrical and associated infrastructures. No new development is requested, therefore the project would not contribute new sources of traffic on local and regional roadways. Staff finds the project will not impact transportation or circulation and will be provided with adequate access. On September 22, 2021 the proposed project was referred to Mendocino County Department of Transportation (DOT) and Cal Fire for input. Staff received no comments from CalFire and DOT.

Staff finds the project consistent with Mendocino County policies for transportation, utilities and public services protection and will be consistent with Chapter 20.516 regulations.

<u>Public Access</u>: The project site is located west of the first public road, but is not specified or indicated as a location for public access to the shore (See attached *LCP Land Use Map 18: Albion*). As proposed the project would be consistent with MCC Chapter 20.528 *Coastal Access Regulations and Open Space Easements*.

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. The proposed project at the Pacific Reef Water District would meet the criteria for a Categorical Exemption under the California Environmental Quality Act (CEQA). Section 15302 of Article 19 (Class 2) states: "The operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use."

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, staff recommends the Coastal Permit Administrator approve the proposed project and adopt the following findings and conditions.

FINDINGS:

- 1. Pursuant with MCC Section 20.532.095(A)(1), the proposed water tank replacement to serve the existing non-conforming water district is in conformity with the entire certified Local Coastal Program. The water tank replacement is a permitted use within the Rural Residential land use classification and is consistent with the intent of the RR Classification; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), The proposed project to install a 52,000 gallon water tank and remove the existing 20,000 gallon water tank. Include foundation, plumbing, electrical and associated infrastructures. No new use or development is requested; the project would be provided with the existing utilities, access roads, drainage, and other necessary facilities; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed project to replace water tanks at the existing nonconforming water district site is consistent with the purpose and intent of the Rural Residential Zoning District, as well as all other provisions of District II of Title 20 of the Mendocino

County Code, including development criteria for non-Conforming Use, Environmentally Sensitive Habitat Areas and non-Highly Scenic Areas, and preserves the integrity of the Rural Residential Zoning District; and

- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed project, if constructed 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 to replace water tanks and associated improvements at the existing nonconforming water district site are categorically exempt pursuant to Sections 15302 of Article 19 (Class 2); 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 project was referred to Archeology Commission, no survey is required. As there are no known resources within the vicinity of the site 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 proposed development. The project to replace water tanks at the existing nonconforming water district site system are not anticipated to significantly affect demands on public services because no new development is proposed beyond what currently exists.

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 Coastal Code. CDP_2021-0030 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. CDP_2021-0030 shall expire and become null and void at the expiration of two years after the effective date, except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
- 2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
- 3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
- 4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
- 5. The Applicants shall secure all required 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. 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. Ground disturbing activity within one hundred (100) feet of any cultural resource is prohibited.

10. Any Building Permit request shall include all conditions of approval printed on or attached to the building plans.

DATE

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

ATTACHMENTS:

- A. Location Map
- B. Aerial Vicinity
- C. Aerial Imagery
- D. Topographic Map
- E. Plot Plan
- F. Zoning Display Map
- G. General Plan Classifications
- H. LCP Land Use Map 18: Albion
- I. LCP Land Capabilities & Natural Hazards

- J. LCP Habitats & Resources
- K. Appealable Areas
- L. Fire Hazard Zones and Responsibility Areas
- M. Wildland-Urban Interface Zones

TIA SAR PLANNER II

- N. Coastal Ground Water Resource Area
- O. Highly Scenic & Tree Removal Areas
- P. Slope
- Q. Local Soils
- R. Important Farmland

SUMMARY OF REFERRAL AGENCY COMMENTS: On September 22, 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.

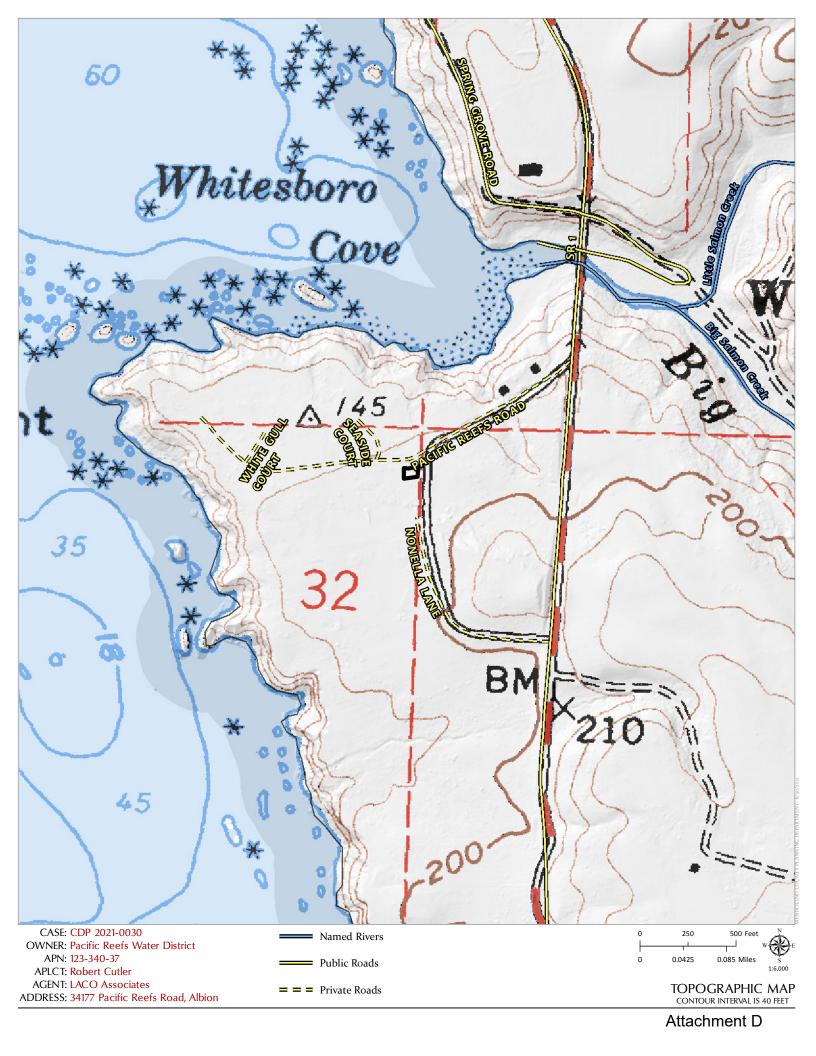
REFERRAL AGENCIES	RESPONSE
Air Quality Management District	No Comment
Assessor's Office	No Response
Building Division (Fort Bragg)	No Comment
Department of Transportation (DOT)	No Comment
Environmental Health (Fort Bragg)	No Comment
CALFIRE (Land Use)	No Comment
California Coastal Commission	No Response
California Dept. of Fish & Wildlife	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response
Department of Forestry / CalFire	No Response
Archaeological Commission	Comment
Sonoma State (NWIC)	Comment







AERIAL IMAGERY





Date: 8/25/2021 Time: 11:01:27 AM Path:

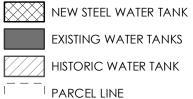
Water District\9454.00 Water

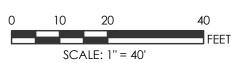
Tank Replacement Engineering Services\12 Figures_Maps\GIS\02_Working\9454 Plot Plan_jrg.mxd

PROJECT	WATER TANK REPLACEMENT	BY MCH/JRG	FIGURE
CLIENT	PACIFIC REEFS WATER DISTRICT	CHECK RMD/AR	
LOCATIO	34177 PACIFIC REEFS ROAD, ALBION, CA	DATE 08/25/2021	JOB NO.
	SITE PLAN		9454.00

REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional service, is the property of LACO Associates and shall not be reused in whole or part for any other project without LACO Associates express written authorization.







THE INFORMATION ILLUSTRATED IN THIS MAP WAS DERIVED FROM PUBLICLY-AVAILABLE GIS DATA AND REFERENCES A SURVEY MAP PREPARED 2/22/21. LACO ASSOCIATES RECOMMENDS REVIEW OF THE SITE SURVEY TOPOGRAPHIC MAP FOR SITE SPECIFIC DETAILS AND MEASUREMENTS.

