



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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April 4, 2022

PUBLIC NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, April 14, 2022, 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 in an effort to slow the spread of COVID-19 and pursuant to the recommendations 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 via Telecomment, and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. The Telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>

CASE#: CDP_2021-0043

DATE FILED: 9/16/2021

OWNER/APPLICANT: EDWARD AND DONNA CAHILL

REQUEST: Standard Coastal Development Permit for the construction of a replacement septic system for an existing four (4) bedroom single family residence.

LOCATION: In the Coastal Zone, 6± miles north of the town of Gualala, on the west side of State Route 1 (SR 1), at the intersection with Signal Port Creek Road (CR 520), located at 32290 South Highway 1, Gualala; APN: 142-151-25.

ENVIRONMENTAL DETERMINATION: Categorical Exempt

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: KEITH GRONENDYKE

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 April 13, 2022. 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 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.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 707-964-5379, Monday through Friday.

JULIA KROG, Director of Planning and Building Services



SUMMARY

OWNER/APPLICANT: EDWARD AND DONNA CAHILL
103 BANKS COURT
KILL DEVIL HILLS NC 27948

AGENT: SEAN GAYNOR-ROUSSEAU
39140 S. STATE HIGHWAY 1 (P O BOX 942)
GUALALA CA 95445

REQUEST: Standard Coastal Development Permit for the construction of a replacement septic system for an existing four (4) bedroom single-family residence.

LOCATION: In the Coastal Zone, 6± miles north of the town of Gualala, on the west side of State Route 1 (SR 1), at the intersection with Signal Port Creek Road (CR 520), located at 32290 State Route 1, Gualala (APN: 142-151-25).

TOTAL ACREAGE: 0.92± Acres

GENERAL PLAN: Rural Residential, 5-acre minimum with a variable density of 2-acre minimum, RR5 (2)
General Plan, Coastal Element Chapter 4.12

ZONING: Rural Residential, 5-acre minimum with a variable density of 1-acre minimum, Floodplain Combining District, RR5 (2)(FP)
Mendocino County Code (MCC) Coastal (Division II)

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

APPEALBLE: YES (West of 1st Public Road)

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: KEITH GRONENDYKE

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal Development Permit for the construction of a replacement septic system for an existing four (4) bedroom single-family residence. The existing residence is unoccupied and has a failed septic system. The installation of a replacement septic system along with a new leach field area will prevent a negative environmental impact from attempting to use a compromised septic system that now exists. The existing leach field is not functional and the property owner wishes to install a septic system within the property boundaries. The proposed leach field will be installed thirty-five feet from the edge of the bank of an intermittent stream and all components of the septic system will be within 100 feet of required buffers from Environmentally Sensitive Habitat Areas (ESHA).

APPLICANT'S STATEMENT: *"This project was undertaken to design an on-site sewage disposal replacement system for an existing four-bedroom residence."*

RELATED APPLICATIONS ON-SITE:

- Building Permit No. A-5849 for a 2,200 square foot single-family residence on APN: 141-151-25 was approved on November 7, 1972.
- Building Permit No. B-0038 for the addition of a full basement in the single-family residence was approved on January 15, 1973.
- Subdivision Violation SV 76-21
- Building Permit No. 10720 for a deck adjacent to the single-family dwelling was issued on July 11, 1980 and finalized on July 21, 1980
- Building Permit No. FB 87-643 for a guest cottage on APN: 142-151-11 was issued on September 10, 1987 and finalized on September 26, 1990.
- Emergency Permit EM 8-02 for a septic system repair was submitted on August 23, 2002 and subsequently withdrawn and replaced by CDP 9-03
- CDP 9-03 to replace two separate septic systems on two separate parcels with a single system employing aerobic treatment and a drip irrigation leach field was approved by the Coastal Permit Administrator on January 13, 2006.

SITE CHARACTERISTICS: The project site is located in the Coastal Zone, 6± miles north of the town of Gualala on the west side of State Route 1 (SR 1) at the intersection with Signal Port Creek Road (CR 520), located at 32290 State Route 1, Gualala, as shown on the *Location Map*. The property is *not* a bluff top parcel with the Pacific Ocean. The subject parcel drops off quite quickly into a ravine on the south side. On the north side, the topography is relatively flat. Vegetation consists of: a Wax myrtle riparian area within an intermittent stream channel which travels approximately along the southern property line and on each side of the line before emptying into Signal Port Creek; Arroyo willow-wax scrub is located at the western tip of the property; a Rattlesnake grass meadow is located on the eastern tip of the property; owner installed landscaping is located on a large portion of the property; a small Bishop pine and grand fir tree stand with most being located on the property to the south and a Coast redwood tree stand also mostly located on the property to the south. The parcel is developed with a single-family residence. Signal Port Creek runs from east to west and south of the subject property within the aforementioned ravine. It eventually empties into the Pacific Ocean. The parcel is surrounded by neighboring single-family residences to the east and south and vacant land to the north, 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) with a Floodplain Combining District (FP), as shown on the *Aerial Imagery and Local Coastal Program (LCP) Land Use Map 30: Anchor Bay 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(2))(FP)	Rural Residential (RR5)(FP)	3.00± Acres	Vacant
EAST	Rural Residential (RR5)(2)	Rural Residential (RR5)(FP)	0.8 Acres and .45± Acres	Residential
SOUTH	Rural Residential (RR5)	Rural Residential (RR5)(FP)	1.97± Acres	Residential
WEST	Same as North	Same as North	Same as North	Vacant

PUBLIC SERVICES:

Access: STATE ROUTE 1 (STATE)
Fire District: SOUTH COAST DISTRICT
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:

General Plan Coastal Element: The project site is located within the boundaries of the Local Coastal Program (LCP) area, as shown on the *LCP Land Use Map 30: Anchor Bay* 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 septic system development, which supports the existing residential development on the parcel, is consistent with principally permitted uses per Coastal Element Chapter 2.2, which states in part:

“... 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 single-family dwelling on the parcel, is consistent with principally permitted uses, per Mendocino County Coastal Element Chapter 2.2 and Chapter 4.12.

Zoning: The project site is located within the 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 in part:

“... 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 Flood Plain Combining District (FP), mainly to the south of the residence and only adjacent to the southerly property line. All proposed improvements are located outside of the FP designated portions of the parcel, as shown on the *Special Flood Hazard Areas* map.

The proposed development will be located within the front yard, northeast of the existing residence and parallel to the northern side yard. 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 and Division II of Title 20 of the Mendocino County Code.

Habitats and Natural Resources: Environmentally Sensitive Habitat Areas are defined as: “Any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.”

Policy 3.1-24 of the General Plan Coastal Element states: “Any development within designated resource areas, if not specifically addressed by other policies, shall be carefully reviewed and established in accord with conditions, which could allow some development under mitigating conditions but would assure the continued protection of the resource.” As noted above in the Zoning section, a biological Scoping Survey was completed for the project site. This survey did identify three Environmentally Sensitive Habitat Areas on the project site, but that it was the staff biologist’s opinion that the proposed project will not result in significant negative impacts to any special status resources if recommended mitigation measures are followed. These mitigation measures have been added to this report as conditions 7 through 18.

With added conditions of approval 7 through 18, the proposed project will not have a significant impact on any special status resources if recommended mitigation measures are followed and will be consistent with Chapter 3.1 of the Mendocino County General Plan Coastal Element.

Environmentally Sensitive Habitat and Other Resource Areas. A Biological Scoping Survey was completed by Wynn Coastal Planning and Biology on November 4, 2021. This survey identified three types of Environmentally Sensitive Habitat Areas (ESHAs) within the one-hundred foot buffer area required to be maintained by development by the California Coastal Act and the Mendocino County Local Coastal Plan. These ESHAs consist of the following:

- Stream ESHA- An intermittent stream, an unnamed tributary to Signal Port Creek, runs through the property from Highway 1 and empties into Signal Port Creek, which is just outside of the study area to the east.
- Riparian ESHA- A thin riparian corridor runs along the banks of the unnamed tributary to Signal Porter Creek.
- Plant Community ESHA- Two special status plant communities were identified within the study area: Wax myrtle scrub (*Morella californica* Shrubland Association G3 S3) and arroyo willow-wax myrtle scrub (*Salix lasiolepis*-*Morella californica* Shrubland Association G3 S3).

According to the staff biologist of Wynn Coastal Planning and Biology, the proposed project will not result in significant negative impacts to any special status resources if recommended mitigation measures are followed. These mitigation measures have been added to this report as conditions 7 through 18.

As noted above there have been three ESHAs located on the project site that are located within the 100-foot buffer area. With the added conditions of approval numbered 7 through 18, 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.

With added conditions, the proposed project will not significantly impact sensitive habitats or resources and is consistent with the Local Coastal Program policies related to MCC Chapter 20.496 regulations. A Report of Compliance was prepared by Wynn Coastal Planning that complies with Section 20.532.060 of the Mendocino County Coastal Zoning Ordinance.

With added conditions of approval numbered 7 through 18 the proposed project will not significantly impact sensitive habitats or resources and is consistent with Local Coastal Program policies related to MCC Chapter 20.20.532 regulations.

Visual Resources: The site is not mapped as a Highly Scenic Area, as shown on the *Highly Scenic & Tree Removal Areas* map, 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 regulations for parcels to be developed within the Coastal Zone.

Hazards Management: 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 "High Fire Hazard" severity rating, as shown on the *Fire Hazard Zones & Responsibility Areas* map. No State Fire Safe Regulations Application Form for the project was submitted by the Applicant to Cal Fire, as no new structures are being proposed on the parcel. Condition 4 is 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 this condition, 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.

While portions of the land, for example the shoreline, are subject to flooding and tsunami, the proposed area for development is located inland from the coastal bluff by approximately 282 feet and at an elevation of approximately 93 feet above sea level. Flooding is highly unlikely to affect lands proposed for this 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.

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 single-family residence.

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

Groundwater Resources: 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, including a functioning potable water well. 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 commented that a septic system permit was approved, but the applicant/owner has not acted on this approval.

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.

Archaeological/Cultural Resources: 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.

This project was referred out to the Northwest Information Center at Sonoma State University. While the representative did not explicitly require that an Archaeological Survey be completed for the project site, they did note that: "there is a moderate potential for unrecorded Native American resources to be within the proposed project area." Their recommendation was to contact local Native American tribe(s) in the area, which the county did, contacting the Cloverdale Rancheria, the Redwood Valley Rancheria and the Sherwood Valley Band of Pomo Indians. None of these Native American Tribes commented on the project.

Staff notes that Condition 20 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 condition number 20, 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.

Transportation/Circulation: 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 California State Route 1 (SR 1). 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.

Public Access: The site is located 6± miles north of the town of Gualala, on the west side of State Route 1 (SR 1), at the intersection with Signal Port Creek Road (CR 520). The nearest existing public access to the shore is located to the north at Hearn Gulch, which is 4.5 miles south of the City of Point Arena and 2.2 miles north of the subject property. The Hearn Gulch site is designated as having public access along State Route 1 (SR 1). *Hearn Gulch Shoreline* is described in Appendix 13, # 95 in the Mendocino County General Plan Coastal Element. A Coastal Development Permit (CDU 16-2005) was processed for this access point, but was appealed to the California Coastal Commission. As such, Special Condition 2 of Permit Application No. A-1-MEN-06-052 requires that “any future improvements to the public access facilities, including, but not limited to installation of additional informational signs or fencing, changes in the location and/or alignment of trails, or construction of new trails or parking facilities will require a permit amendment or a new coastal development permit.” 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 for the construction of a replacement septic system for an existing four (4) bedroom single-family residence and adopts the following findings and conditions.

FINDINGS:

Section 20.532.095 Required Findings for all Coastal Development Permits.

(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:

1. Pursuant with MCC Section 20.532.095(A)(1): **The proposed development is in conformity with the certified local coastal program.** 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 development will be provided with adequate utilities, access roads, drainage and other necessary facilities.** The proposed replacement septic system will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The proposed is in the least environmentally impacting location on the parcel with soils appropriate for this use. The design includes an additional septic settling tank and aerobic treatment unit that will result in a final effluent that will not be harmful to the intermittent stream thirty-five feet away and to the south. 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 State Route 1 (SR 1). The proposed project will not generate additional demand of existing utilities, transportation or public services or necessary facilities. The proposed sewage disposal system has been designed to adequately treat the effluent produced by the existing

single-family residence by installing a secondary septic tank to further settle solids, an aerobic treatment unit (ATU) and a pressurized at-grade disposal bed; and

3. Pursuant with MCC Section 20.532.095(A)(3): **The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.** The proposed replacement septic system is consistent with the purpose and intent of the Rural Residential zoning district in that a single-family residence is a permitted use in that 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 development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.** 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 development will not have any adverse impacts on any known archaeological or paleontological resource.** 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. Comments received from the Northwest Information Center at Sonoma State University concluded that there was a moderate potential for unrecorded Native American Resources to be within the proposed project area and the recommendation was to contact the local Native American tribes in Mendocino County, which was done with no responses from the local tribes. Condition 20 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 proposed development.** Solid Waste disposal is provided by South Coast Solid Waste Franchise, while access on a public roadway is provided by State Route 1. Neither solid waste capacity nor public roadway capacity would be impacted by the replacement of an existing septic system. Additionally, no size increase to the residence is proposed as part of this project. As such this project will not affect demands on public services; and

(B) 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:

1. Pursuant with MCC Section 20.532.095(B)(1): **The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.** 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; and

Section 20.532.100 Supplemental Findings

(A) Resource Protection Impact Findings

- (1) **Development in Environmentally Sensitive Habitat Areas.** No development shall be

allowed in an ESHA unless the following findings are made:

- (a) Pursuant with MCC Section 20.532.100(A)(1)(a): **The resource as identified will not be significantly degraded by the proposed development.** In the previously noted Biological Scoping Survey, completed by Wynn Coastal Planning and Biology (WCPB), it was determined by the staff biologists at WCPB that the proposed project will not result in significant impact to any special status resources if the recommended mitigation measures are implemented. This measures have been included as conditions of approval numbers 7 through 18; and
- (b) Pursuant with MCC Section 20.532.100(A)(1)(b): **There is no feasible less environmentally damaging alternative.** In the Biological Report of Compliance, which is an Appendix to the previously mentioned Biological Scoping Survey prepared by WCPB, the conclusion is that:

“No alternative locations for the components of this proposed development are feasible. It is necessary for the proposed septic system to be installed within the 50 ft. ESHA buffers in order to connect to the existing residence and to stay within the parcel boundaries. The proposed project places the leach field in a grassy area thirty-five feet from the edge of a stream bank. The septic designer tested the soils throughout the parcel and determined the area where the leach field and 100 percent replacement are proposed is the only feasible area, as much of the parcel has a high winter water table and slowly permeable subsoils. The proposed leach field location was chosen because it has subsoils that are more appropriate for septic systems than other locations on the property and the separation distance from the groundwater is sixteen inches. The southern portion of the parcel slopes down towards Signal Port Creek and is too steep to install a septic system.

The proposed project is the least impacting location feasible as it provides the greatest separation distance from the leach field and ground water while taking other setbacks into consideration. Other locations on the parcel are already developed, within setbacks, or are not is suitable subsoils...”, and

- (c) Pursuant with MCC Section 20.532.100(A)(1)(c): **All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.** Staff has added all of the mitigation measures as noted in the Biological Scoping Survey to the conditions of Approval of this staff report. They are numbered 7 through 18.

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.
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 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. No nesting bird surveys are recommended if activity occurs in the non-breeding season (September to January). If development is to occur during the breeding season (February to August), a pre-construction survey is recommended within fourteen days of the onset of construction to ensure that no nesting birds will be disturbed during development.
8. If active special status bird nests are observed, no ground disturbance activities shall occur within a 100 foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.
9. Construction should occur during daylight hours to limit disturbing construction noise and minimize artificial lights.
10. If it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys should be performed by a qualified biologist fourteen days prior to the onset of development activities.
11. If active bat roosts are observed, no ground disturbance activities shall occur within a minimum fifty (50) foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active roost until all young are no longer dependent upon the roost.
12. Within two weeks prior to construction activities, project contractors will be trained by a qualified biologist in the identification of the frogs and salamanders that occur along the Mendocino County coast. Workers will be trained to differentiate between status and common species and instructed on actions and communications required to be conducted in the event that special status amphibians are observed during construction.
13. During ground disturbing activities, construction crews will begin each day with a visual search around the staging and impact area to detect the presence of amphibians.
14. During construction and debris removal, any wood stockpiles should be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.
15. If a rain event occurs during the ground disturbance period, all ground disturbing activities will cease for a period of forty eight (48) hours, starting after the rain stops. Prior to resuming construction activities, trained construction crew member(s) will examine the site for the presence of special

status amphibians. If no special status amphibians are found during inspections, ground-disturbing activities may resume. If a special status amphibian is detected, construction crews will stop all ground disturbing work and will contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from CDFW will then be needed prior to reinitiating work. CDFW will need to be consulted and will need to be in agreement with protective measures needed for any potential special status amphibians.

16. Straw wattles paired with construction fencing or silt fencing shall be installed by contractors between the ESHAs and the proposed development. Straw wattles are appropriate for construction during the dry portion of the year when no rainfall is anticipated, while silt fencing should be used instead if the construction will occur during a time of year when rainfall is more likely. No materials storage, heavy equipment use or other impacts shall occur beyond the straw wattles/silt fencing. Straw wattles/silt fencing shall be properly installed to intercept liquids leaving the construction area. All barriers shall be maintained in a functional manner through the duration of construction and until all disturbed soil is stabilized. Barriers shall be checked and appropriate maintenance shall occur on a weekly basis and after every rain event.
17. Before and during construction, materials should be stockpiled near the entrance gate outside of the fifty (50) foot ESHA buffer. As construction is completed, loose material shall be removed from the flow path of flood events. In the case of a rain event, stockpiles should be covered with tarps and surrounded by straw wattles to prevent excess sediment from entering the stream.
18. Standard Best Management Practices shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Areas of bare soil should be seeded with native erosion control seed mix and/or covered with biodegradable erosion control materials (e.g., coconut fiber, jute or weed free straw).
19. 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.
20. 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.
21. 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 Recorder and submitted to the Department of Planning and Building Services within 5 days of the end of any project action.

Staff Report prepared by:

April 1, 2022

DATE

Signature on File

KEITH GRONENDYKE
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$2,620.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Map (Vicinity)
- C. Aerial Map
- D. Topographical Map
- E. Coastal Zone Application
- F. Site Plan
- G. Site Map
- H. Project Description
- I. Zoning Display Map
- J. General Plan Classifications
- K. LCP Land Use Map 30: Anchor Bay
- L. LCP Land Capabilities & Natural Hazards
- M. LCP Habitats & Resources
- N. Post LCP Certification and Appeal Jurisdiction
- O. Adjacent Parcels
- P. Fire Hazards Zones & Responsibility Areas
- Q. Wildland-Urban Interface Zones
- R. Groundwater Resources
- S. Special Flood Hazard Areas
- T. Highly Scenic and Tree Removal Areas
- U. Farmland Classifications
- V. LCP Habitats and Resources
- W. Estimated Slope
- X. Western Soil Classes

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
Archaeological Commission	Comments
Sonoma State University	Comments
California Coastal Commission (CCC)	No Response
California Department of Fish & Wildlife (CDFW)	No Response
Environmental Health - FB (EH)	Comments
Cloverdale Rancheria	No Response
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 February 15, 2022, 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 February 15, 2022, at: https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeld=MECOCO_TIT20_ZOOR_DIVIIMECOCOZOCO

Mendocino County Department of Planning & Building Services. County of Mendocino Coastal Zone. LCP Map 30: Anchor Bay [map]. 1985. Accessed February 15, 2022, at: <https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps>

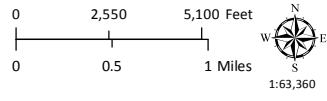
Mendocino County Department of Planning & Building Services. June 2007. Fire Hazard Zones & Fire Responsibility Areas [map]. Accessed February 15, 2022, at: https://www.mendocinocounty.org/government/planning/Fire_Hazard_Severity_Map.pdf

Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed February 15, 2022, at: http://www.co.mendocino.ca.us/planning/pdf/12x36_Coastal_Groundwater_Areas.pdf



CASE: CDP 2021-0043
 OWNER: CAHILL, Edward & Donna
 APN: 142-151-25
 APLCT: Edward & Donna Cahill
 AGENT: Sean Gaynor-Rousseau
 ADDRESS: 32290 S. Highway 1, Gualala

- Major Towns & Places
- Highways
- Major Roads
- Coastal Zone Boundary
- California Counties



LOCATION MAP

ATTACHMENT A

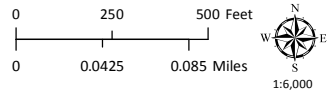
MENDOCINO COUNTY PLANNING DEPARTMENT 10/19/2021



MENDOCINO COUNTY PLANNING DEPARTMENT 10/19/2021

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OWNER: CAHILL, Edward & Donna
APN: 142-151-25
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ADDRESS: 32290 S. Highway 1, Gualala

Public Roads




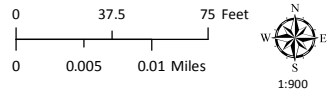
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MENDOCINO COUNTY PLANNING DEPARTMENT - 10/09/2021

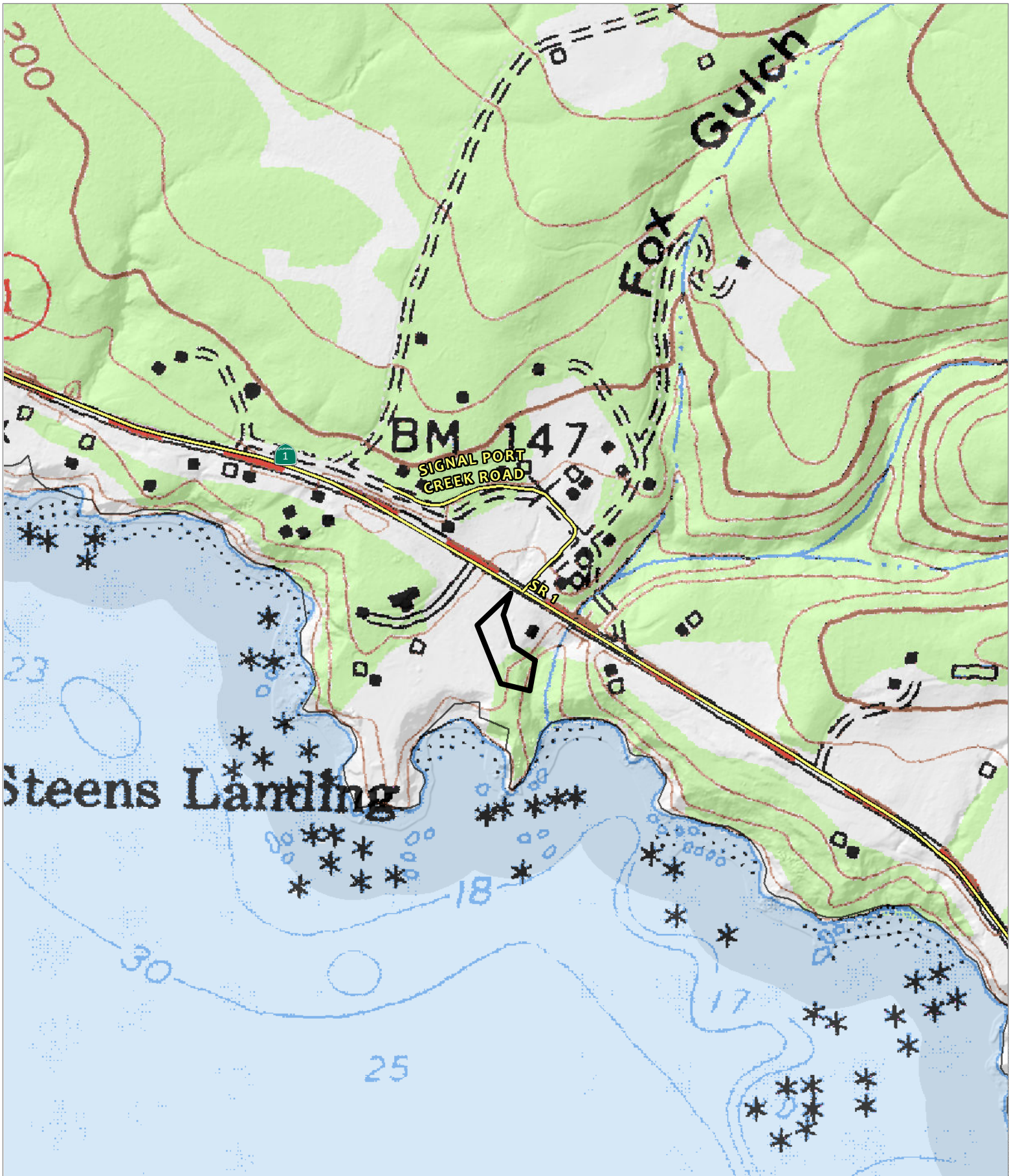
CASE: CDP 2021-0043
OWNER: CAHILL, Edward & Donna
APN: 142-151-25
APLCT: Edward & Donna Cahill
AGENT: Sean Gaynor-Rousseau
ADDRESS: 32290 S. Highway 1, Gualala

 Public Roads




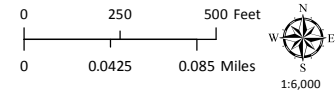
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ATTACHMENT C

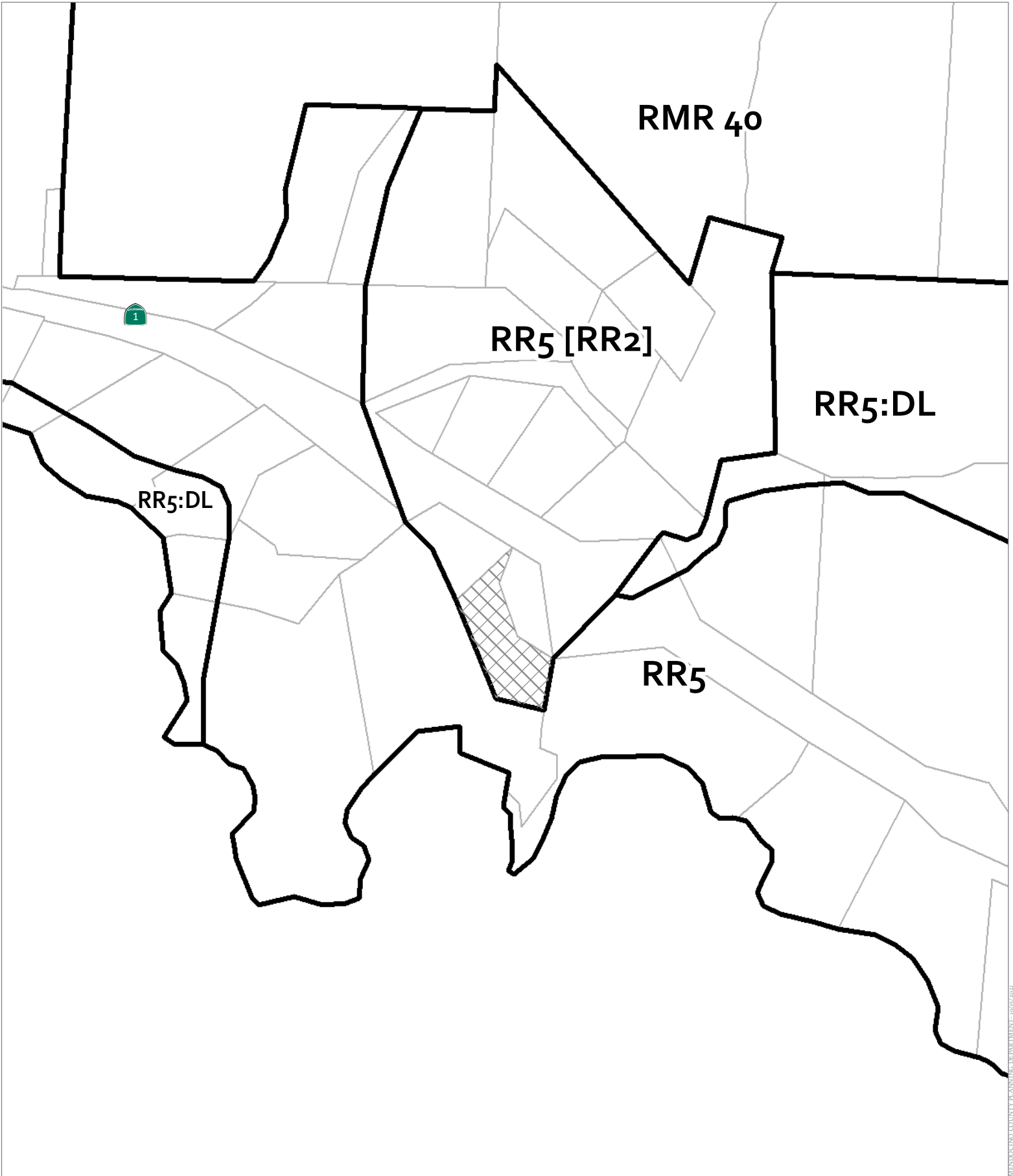


CASE: CDP 2021-0043
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 AGENT: Sean Gaynor-Rousseau
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 Public Roads



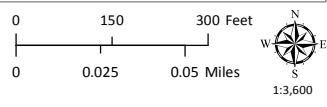
TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET



MENDOCINO COUNTY PLANNING DEPARTMENT - 10/19/2021

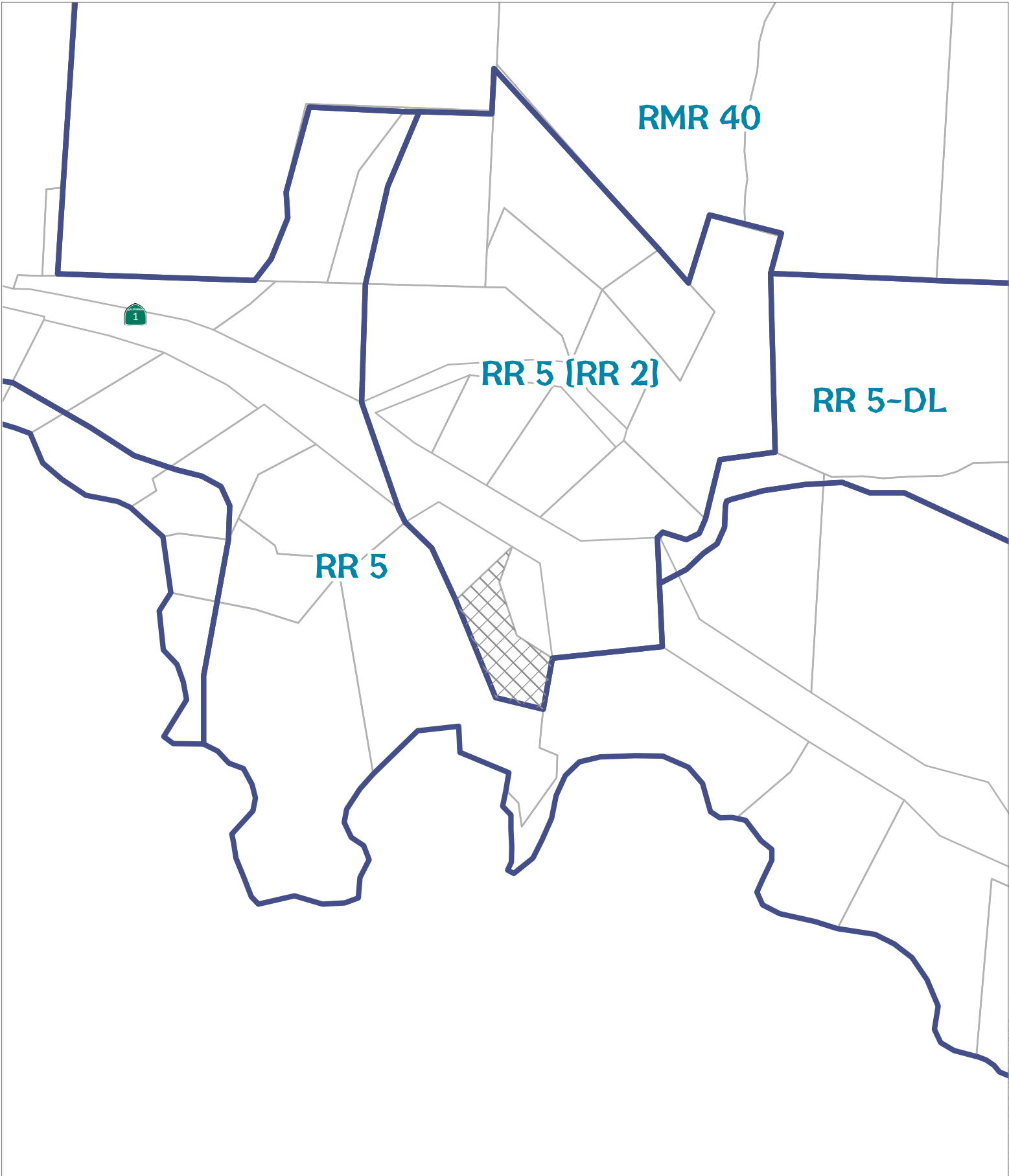
CASE: CDP 2021-0043
 OWNER: CAHILL, Edward & Donna
 APN: 142-151-25
 APLCT: Edward & Donna Cahill
 AGENT: Sean Gaynor-Rousseau
 ADDRESS: 32290 S. Highway 1, Gualala

 Zoning Districts




ZONING DISPLAY MAP

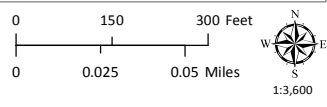
ATTACHMENT E



MENDOCINO COUNTY PLANNING DEPARTMENT - 10/09/2021

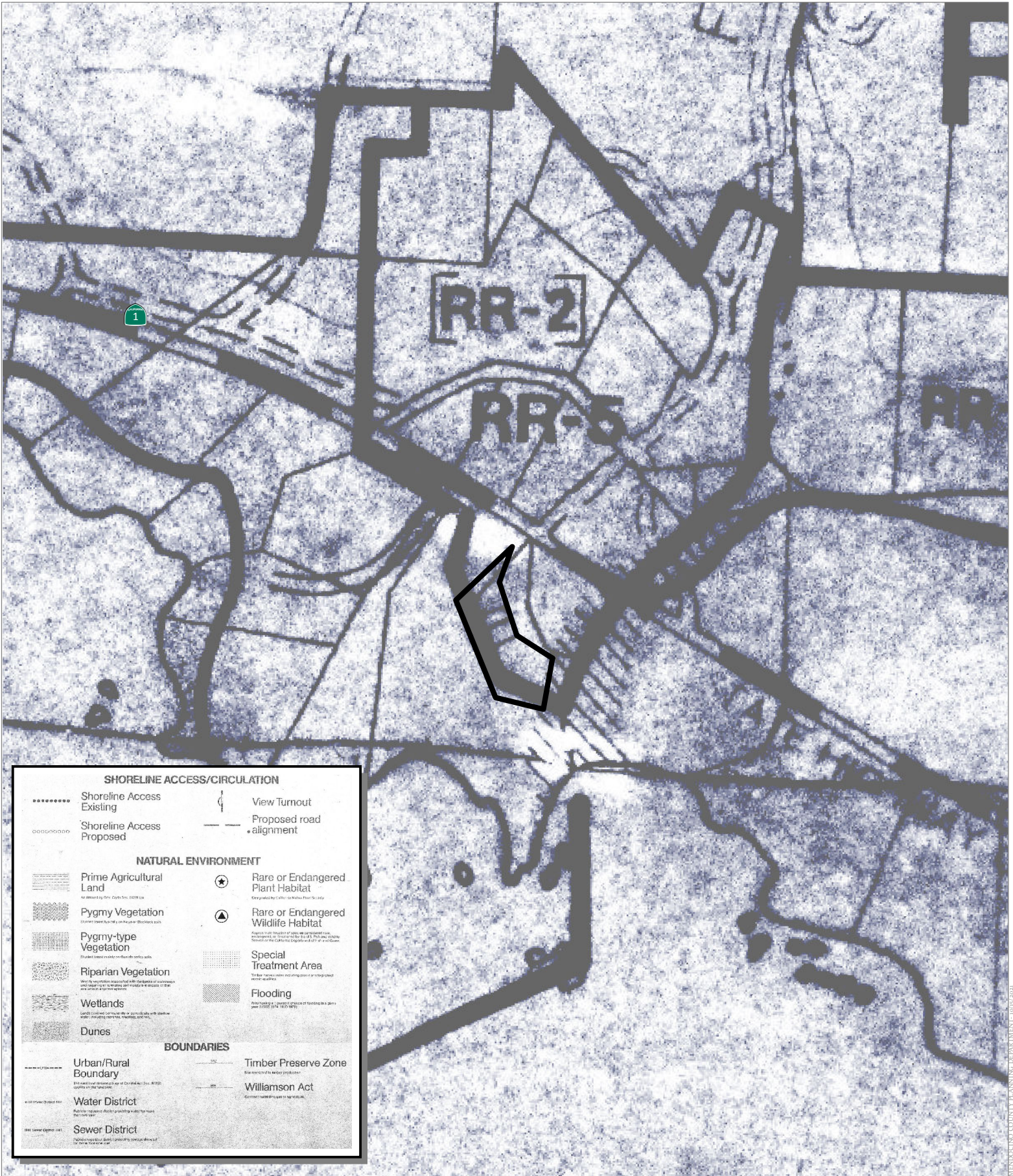
CASE: CDP 2021-0043
 OWNER: CAHILL, Edward & Donna
 APN: 142-151-25
 APLCT: Edward & Donna Cahill
 AGENT: Sean Gaynor-Rousseau
 ADDRESS: 32290 S. Highway 1, Gualala

 General Plan Classes

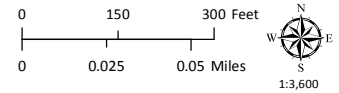


GENERAL PLAN CLASSIFICATIONS

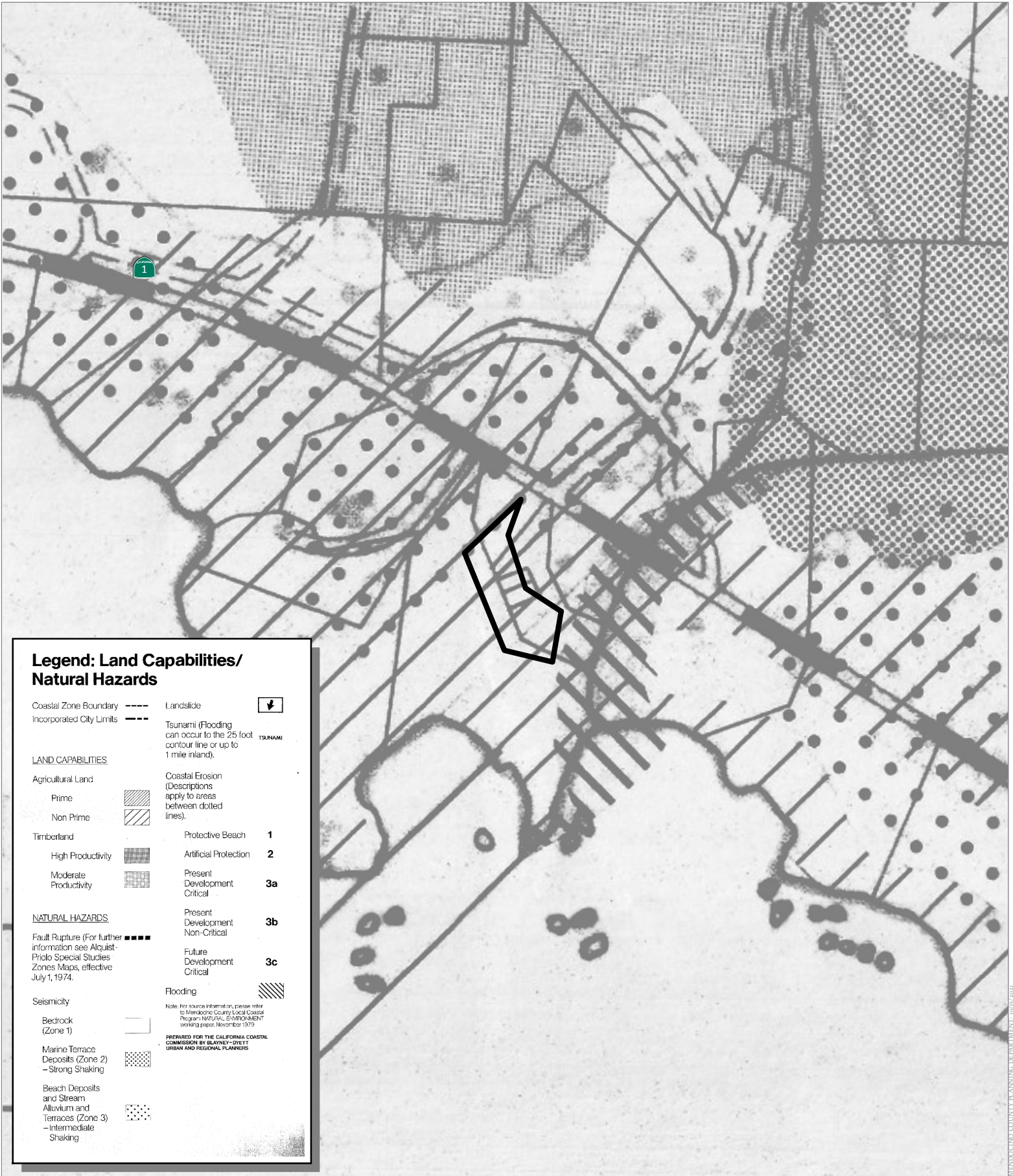
ATTACHMENT F



CASE: CDP 2021-0043
 OWNER: CAHILL, Edward & Donna
 APN: 142-151-25
 APLCT: Edward & Donna Cahill
 AGENT: Sean Gaynor-Rousseau
 ADDRESS: 32290 S. Highway 1, Gualala



MENDOCINO COUNTY PLANNING DEPARTMENT 10/19/2021

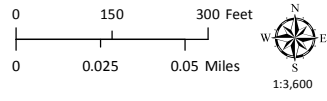


**Legend: Land Capabilities/
Natural Hazards**

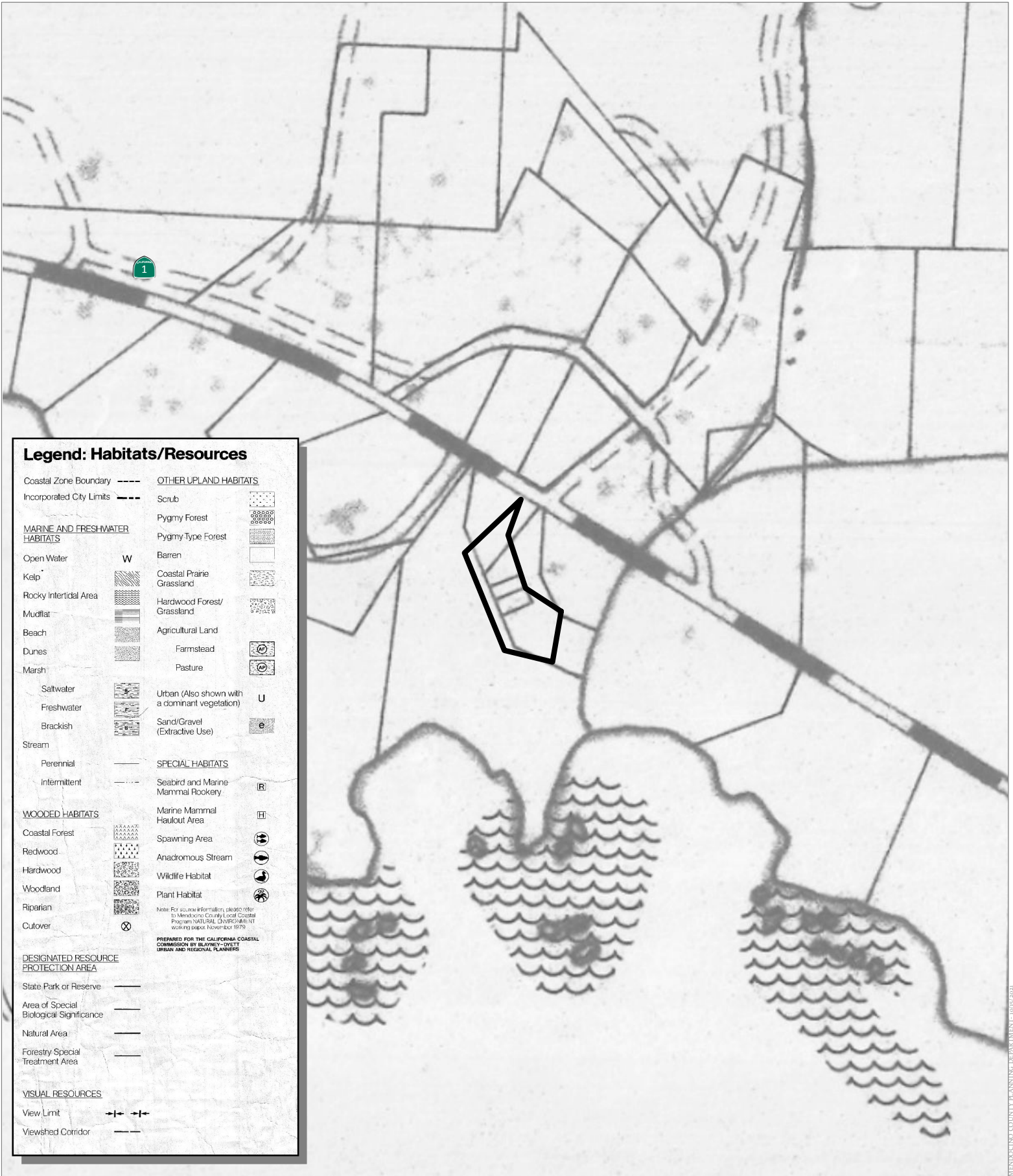
- Coastal Zone Boundary ---
- Incorporated City Limits - - -
- LAND CAPABILITIES**
- Agricultural Land
 - Prime [diagonal lines]
 - Non Prime [diagonal lines]
- Timberland
 - High Productivity [cross-hatch]
 - Moderate Productivity [grid]
- NATURAL HAZARDS**
- Fault Rupture (For further information see Alquist-Priolo Special Studies Zones Maps, effective July 1, 1974.) [thick dashed line]
- Seismicity
 - Bedrock (Zone 1) [white box]
 - Marine Terrace Deposits (Zone 2) - Strong Shaking [dotted pattern]
 - Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking [dotted pattern]
- Landslide [arrow pointing down]
- Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland). [wavy line]
- Coastal Erosion (Descriptions apply to areas between dotted lines).
 - Protective Beach **1**
 - Artificial Protection **2**
 - Present Development Critical **3a**
 - Present Development Non-Critical **3b**
 - Future Development Critical **3c**
- Flooding [diagonal lines]

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT website posted November 1977.
PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAYNEY-DYETT URBAN AND REGIONAL PLANNERS

CASE: CDP 2021-0043
 OWNER: CAHILL, Edward & Donna
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MENDOCINO COUNTY PLANNING DEPARTMENT - 10/19/2021



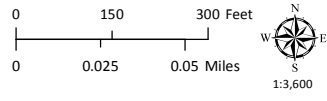
Legend: Habitats/Resources

Coastal Zone Boundary	---	OTHER UPLAND HABITATS	
Incorporated City Limits	---	Scrub	[Pattern]
MARINE AND FRESHWATER HABITATS		Pygmy Forest	[Pattern]
Open Water	W	Pygmy Type Forest	[Pattern]
Kelp	[Pattern]	Barren	[Pattern]
Rocky Intertidal Area	[Pattern]	Coastal Prairie Grassland	[Pattern]
Mudflat	[Pattern]	Hardwood Forest/Grassland	[Pattern]
Beach	[Pattern]	Agricultural Land	[Pattern]
Dunes	[Pattern]	Farmstead	[Pattern]
Marsh	[Pattern]	Pasture	[Pattern]
Saltwater	[Pattern]	Urban (Also shown with a dominant vegetation)	U
Freshwater	[Pattern]	Sand/Gravel (Extractive Use)	e
Brackish	[Pattern]		
Stream		SPECIAL HABITATS	
Perennial	---	Seabird and Marine Mammal Rookery	[Symbol]
Intermittent	---	Marine Mammal Haulout Area	[Symbol]
WOODED HABITATS		Spawning Area	[Symbol]
Coastal Forest	[Pattern]	Anadromous Stream	[Symbol]
Redwood	[Pattern]	Wildlife Habitat	[Symbol]
Hardwood	[Pattern]	Plant Habitat	[Symbol]
Woodland	[Pattern]		
Riparian	[Pattern]		
Cutover	[Symbol]		
DESIGNATED RESOURCE PROTECTION AREA			
State Park or Reserve	---		
Area of Special Biological Significance	---		
Natural Area	---		
Forestry Special Treatment Area	---		
VISUAL RESOURCES			
View Limit	---+---+---		
Viewshed Corridor	---		

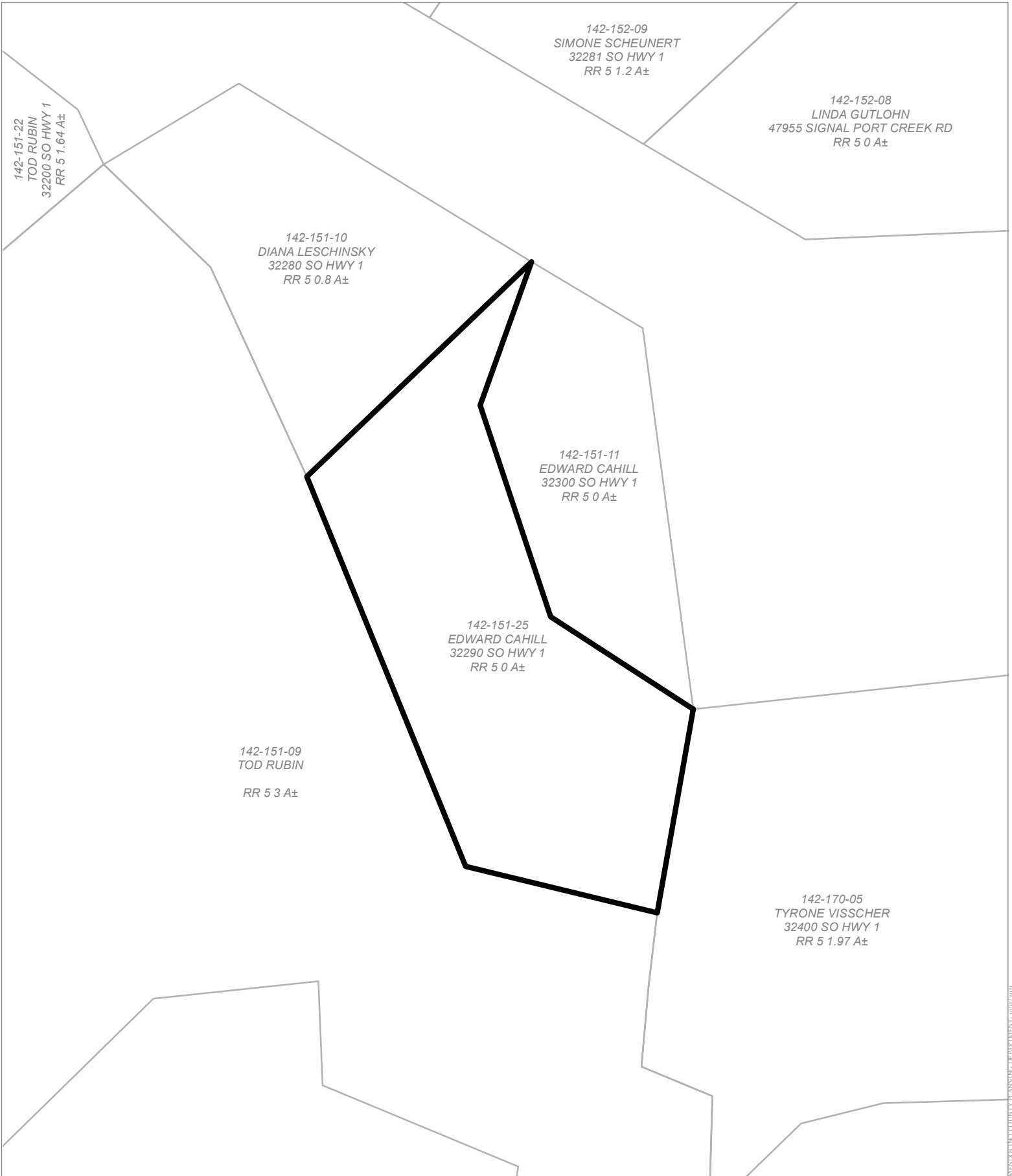
Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL DIVISION/ENVIRONMENT WORKING PAPER November 1979

PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAVNEY-DWETT URBAN AND REGIONAL PLANNERS

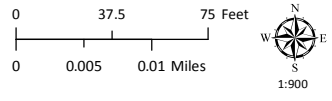
CASE: CDP 2021-0043
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MENDOCINO COUNTY PLANNING DEPARTMENT - 10/05/2021



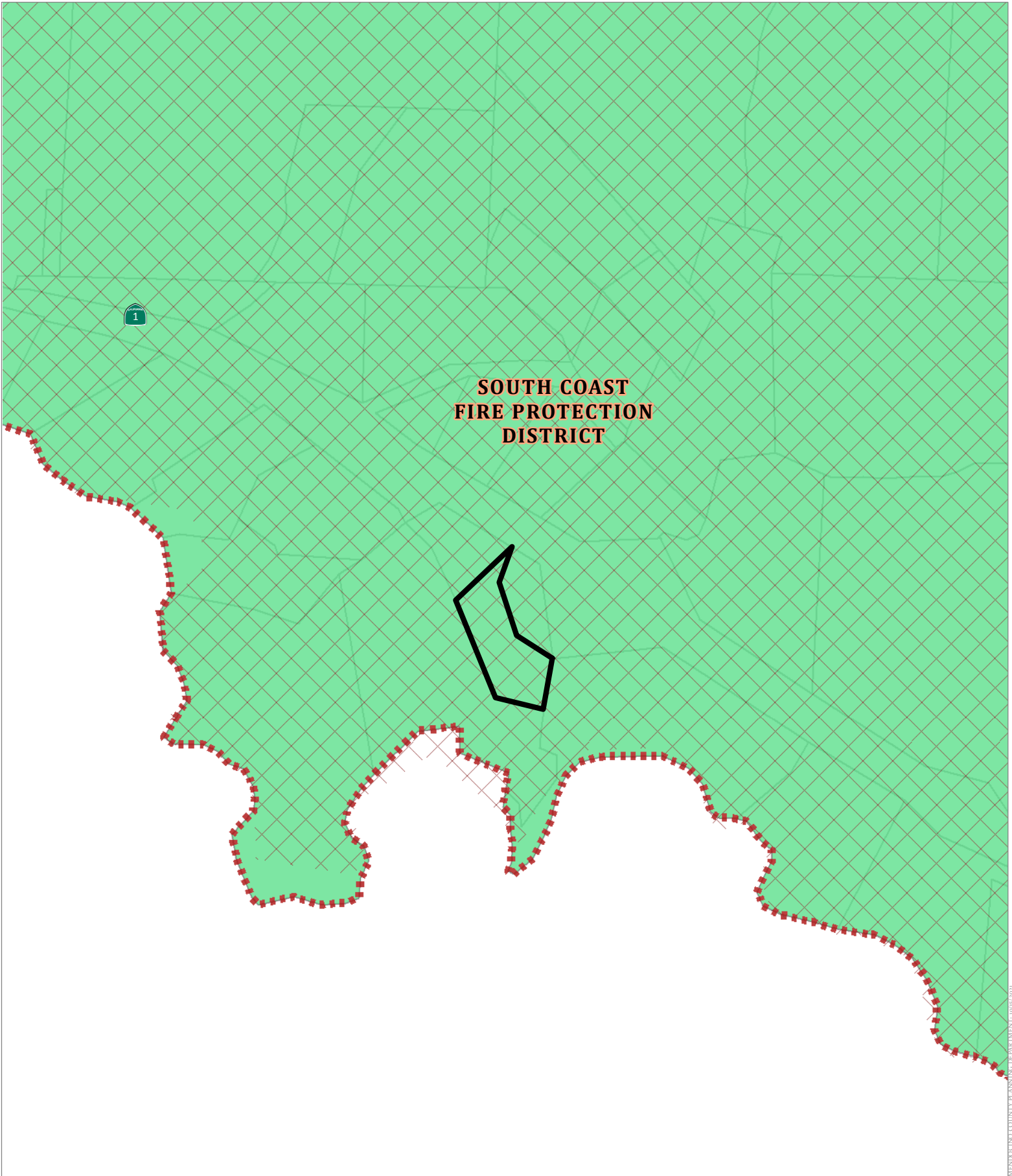
CASE: **CDP 2021-0043**
 OWNER: **CAHILL, Edward & Donna**
 APN: **142-151-25**
 APLCT: **Edward & Donna Cahill**
 AGENT: **Sean Gaynor-Rousseau**
 ADDRESS: **32290 S. Highway 1, Gualala**



ADJACENT PARCELS

ATTACHMENT J



MENDOCINO COUNTY PLANNING DEPARTMENT - 10/05/2021

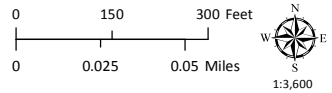


**SOUTH COAST
FIRE PROTECTION
DISTRICT**

1

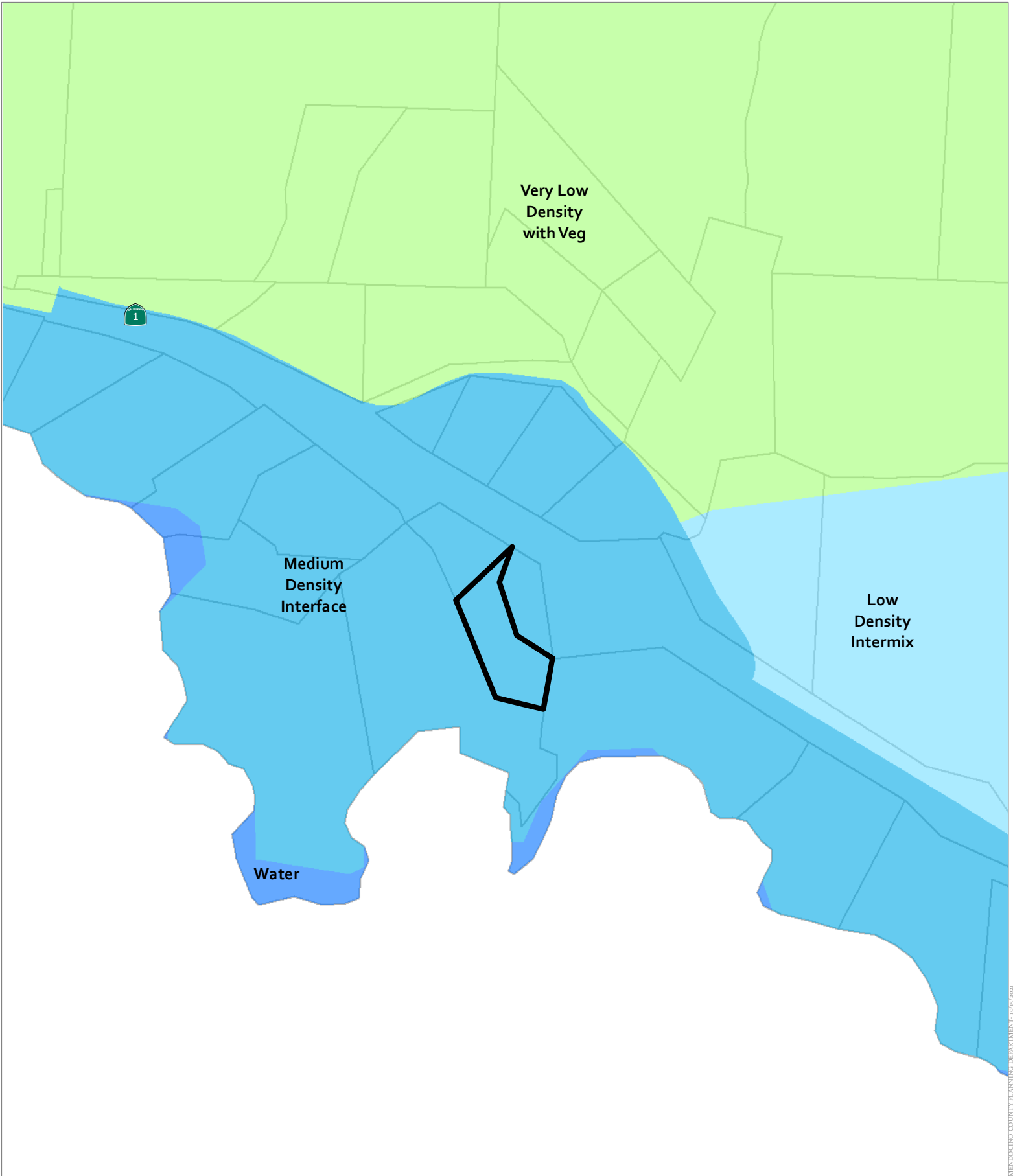
CASE: CDP 2021-0043
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 APLCT: Edward & Donna Cahill
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 ADDRESS: 32290 S. Highway 1, Gualala

 High Fire Hazard
 County Fire Districts



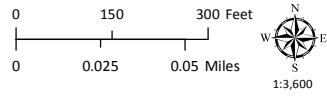
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

ATTACHMENT K



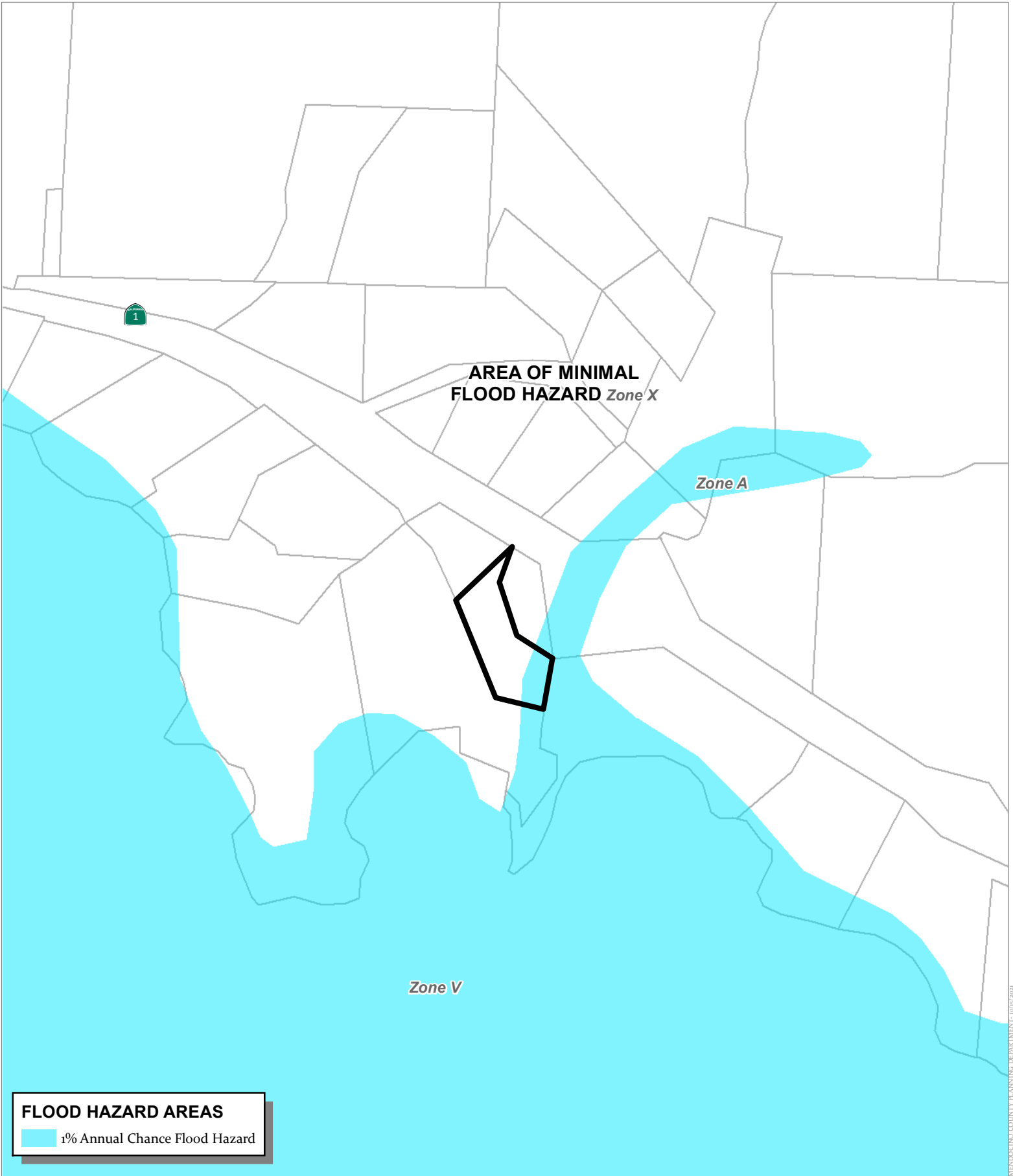
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/09/2021

CASE: CDP 2021-0043
 OWNER: CAHILL, Edward & Donna
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 APLCT: Edward & Donna Cahill
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 ADDRESS: 32290 S. Highway 1, Gualala



WILDLAND-URBAN INTERFACE ZONES

ATTACHMENT L

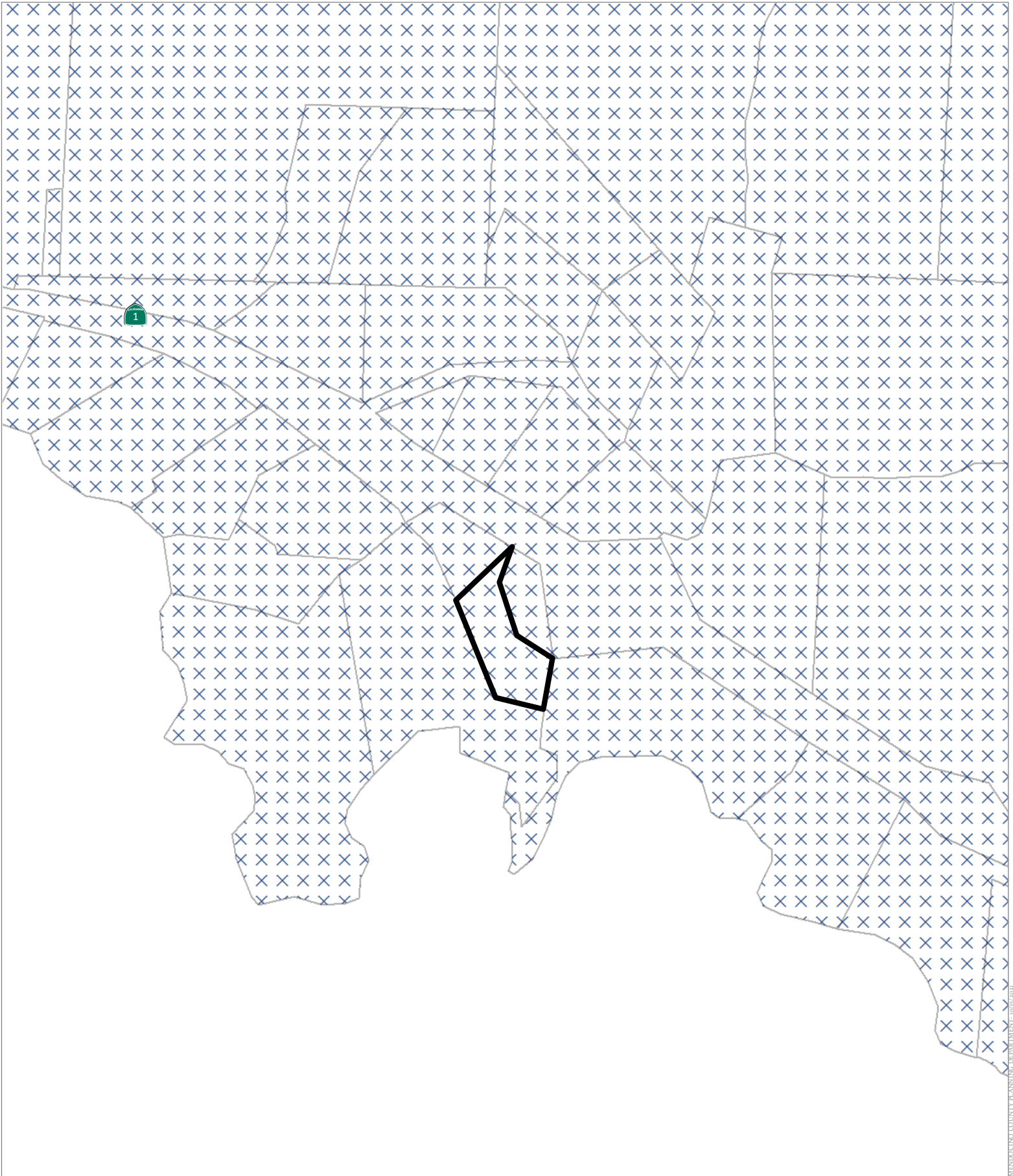


MENDOCINO COUNTY PLANNING DEPARTMENT - 10/25/2021

CASE: CDP 2021-0043
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SPECIAL FLOOD HAZARD AREAS

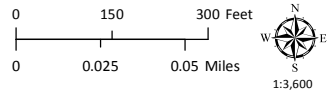
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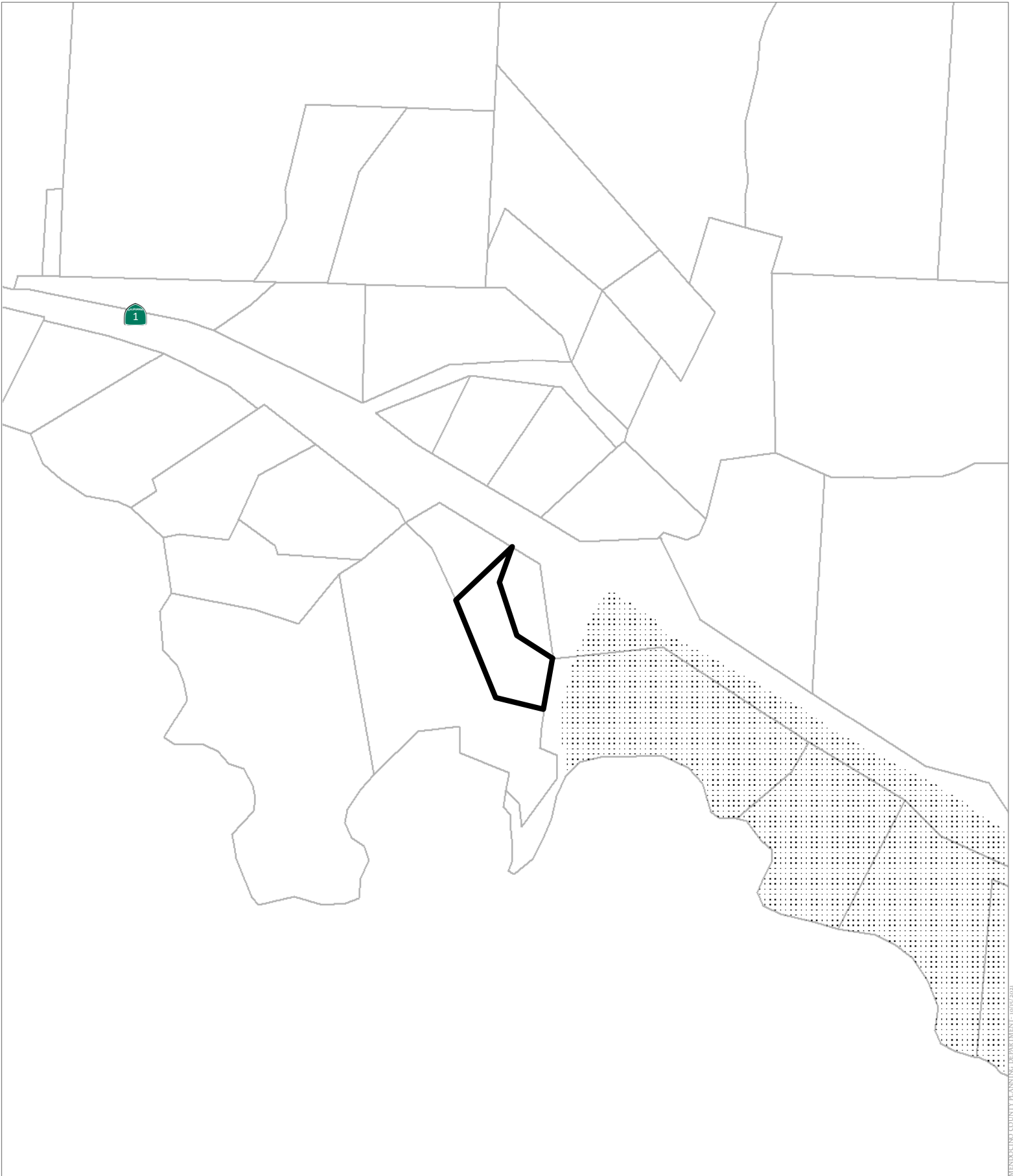
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/19/2021

CASE: **CDP 2021-0043**
 OWNER: **CAHILL, Edward & Donna**
 APN: **142-151-25**
 APLCT: **Edward & Donna Cahill**
 AGENT: **Sean Gaynor-Rousseau**
 ADDRESS: **32290 S. Highway 1, Gualala**

 Critical Water Areas



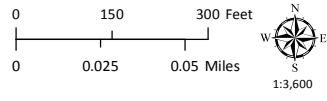
GROUND WATER RESOURCES
ATTACHMENT N



MENDOCINO COUNTY PLANNING DEPARTMENT - 10/19/2021

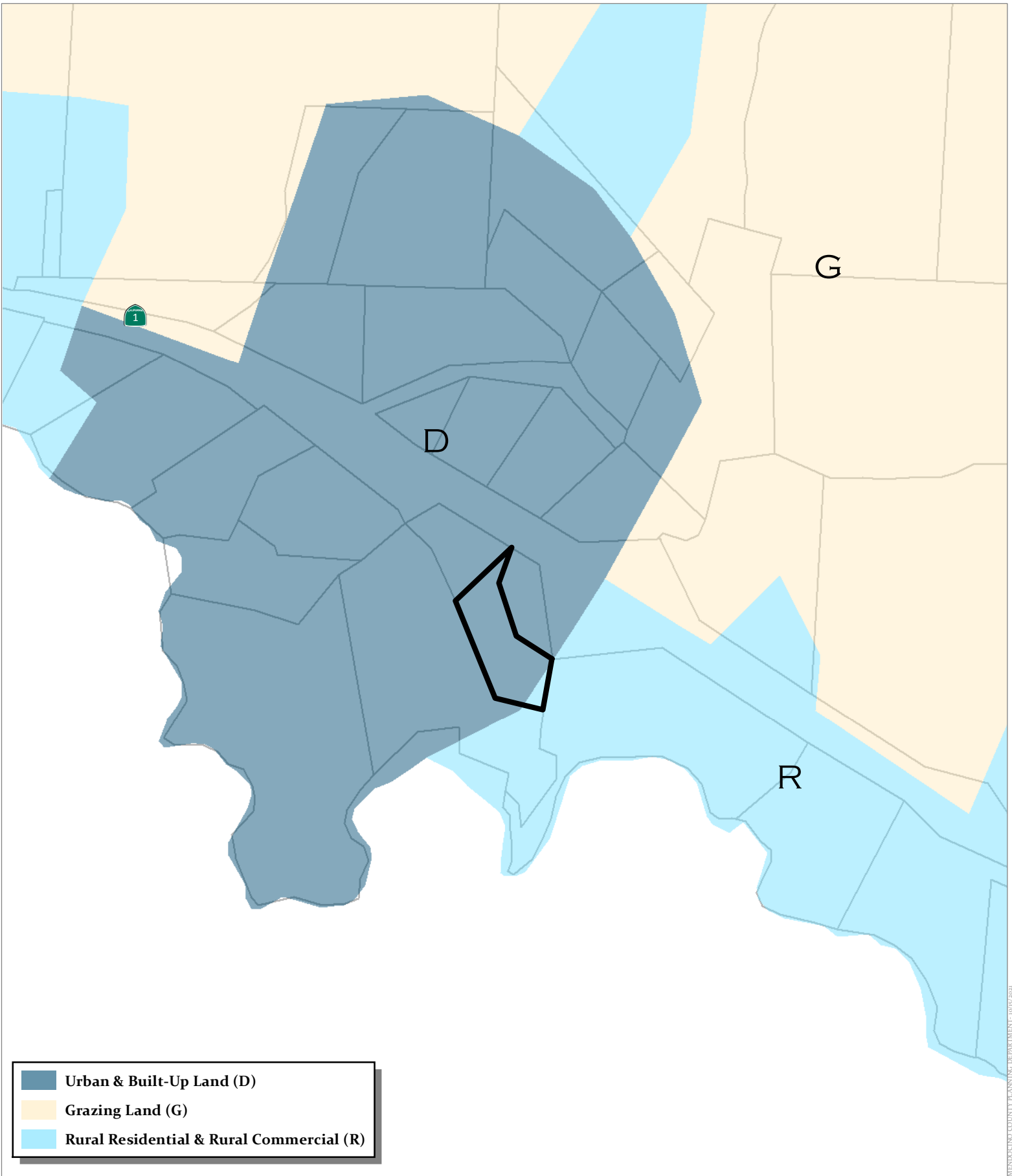
CASE: **CDP 2021-0043**
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 ADDRESS: **32290 S. Highway 1, Gualala**

 Tree Removal Area



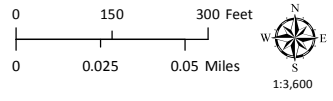
HIGHLY SCENIC & TREE REMOVAL AREAS

ATTACHMENT O

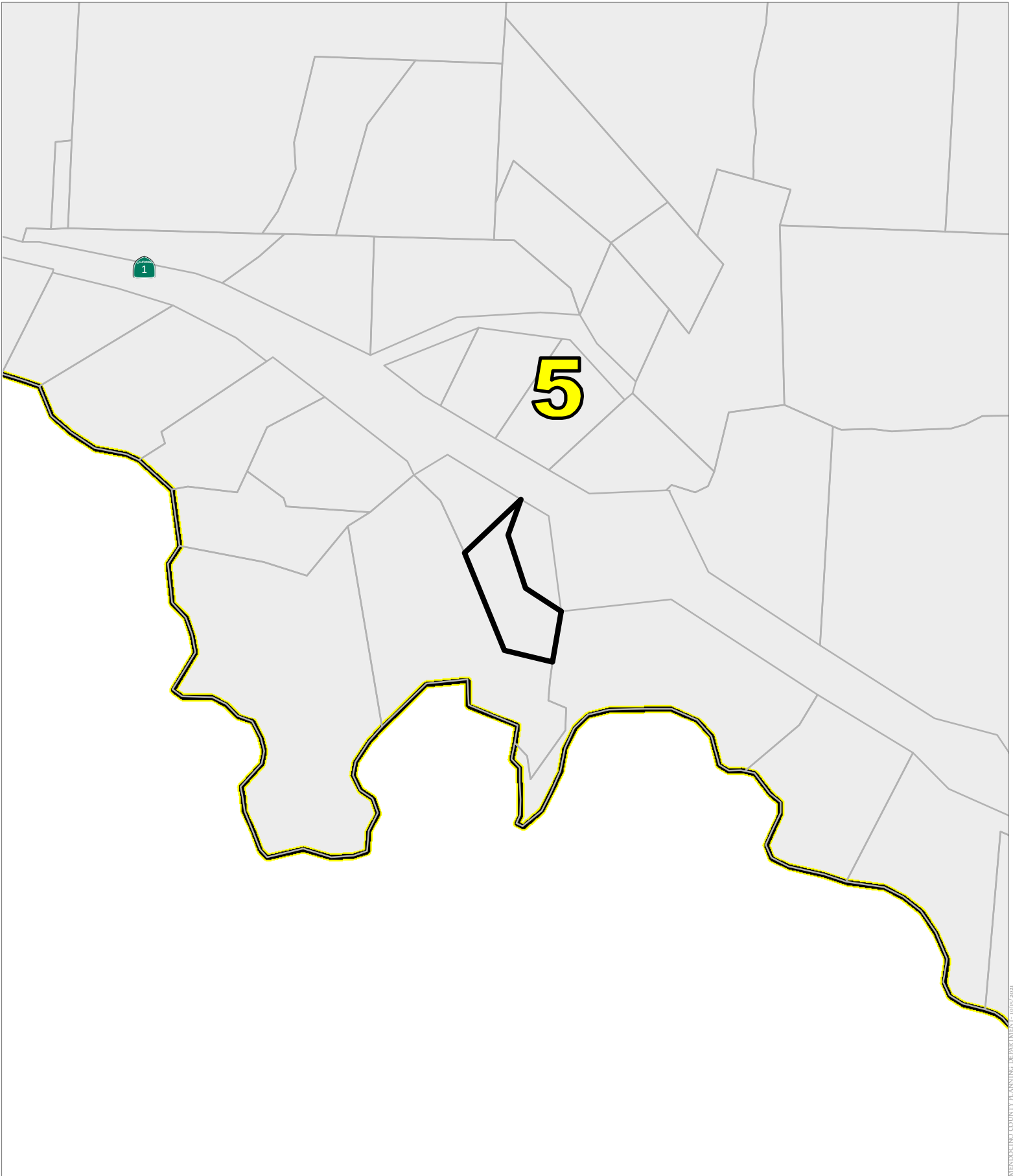


- Urban & Built-Up Land (D)
- Grazing Land (G)
- Rural Residential & Rural Commercial (R)

CASE: **CDP 2021-0043**
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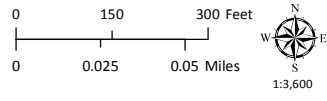
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/09/2021



MENDOCINO COUNTY PLANNING DEPARTMENT 10/25/2021

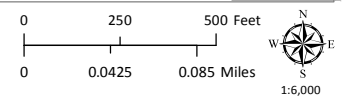
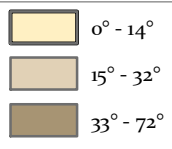
CASE: **CDP 2021-0043**
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 AGENT: **Sean Gaynor-Rousseau**
 ADDRESS: **32290 S. Highway 1, Gualala**

 **Supervisorial Districts 2010**
 **Gualala MAC**





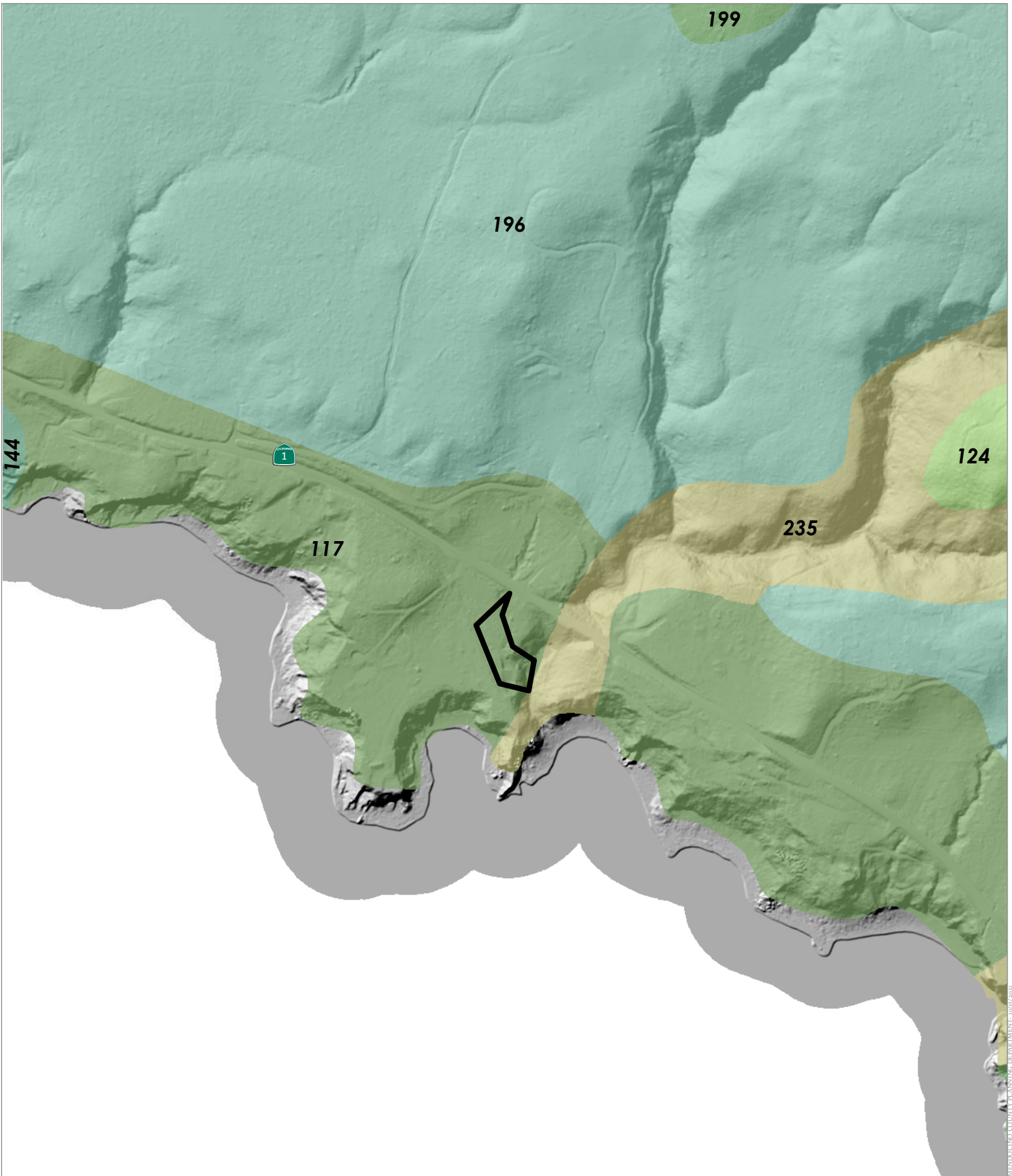
CASE: **CDP 2021-0043**
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 ADDRESS: **32290 S. Highway 1, Gualala**




ESTIMATED SLOPE

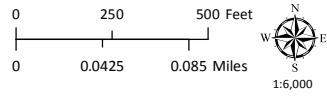
ATTACHMENT R

MENDOCINO COUNTY PLANNING DEPARTMENT - 01/29/2021



CASE: CDP 2021-0043
 OWNER: CAHILL, Edward & Donna
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 AGENT: Sean Gaynor-Rousseau
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
 Shinglemill-Gibney Complex



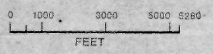
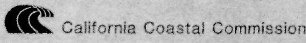


**Post LCP Certification
Permit and Appeal Jurisdiction
County of Mendocino**

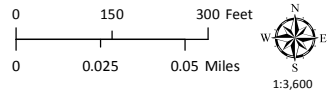
 **Permit Jurisdiction**
This area includes only lands below the mean high tides line and lands where the public trust may exist.

 **Appeal Jurisdiction**
This area includes lands between the sea and the designated first public land paralleling the sea or 300' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 300' of the top of the seaward face of coastal bluff.

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.C. §30512.05, and §30603(a)(1) and (a)(2). In addition, developments may also be appealable pursuant to P.C. §30603(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any area defined in the above sections, the reader should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This map may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.



CASE: **CDP 2021-0043**
 OWNER: **CAHILL, Edward & Donna**
 APN: **142-151-25**
 APLCT: **Edward & Donna Cahill**
 AGENT: **Sean Gaynor-Rousseau**
 ADDRESS: **32290 S. Highway 1, Gualala**



MENDOCINO COUNTY PLANNING DEPARTMENT - 06/07/2021