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December 09, 2022

PUBLIC HEARING NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a Special Meeting to be held on Thursday, December 22, 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 via telecomment. The telecomment form may be found at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas. The meeting available for viewing the Mendocino County YouTube page on https://www.youtube.com/MendocinoCountyVideo

CASE#: CDP_2022-0023 **DATE FILED**: 6/14/2022

OWNER/APPLICANT: THOMAS & KELLEY PARSONS

REQUEST: Standard Coastal Development Permit to drill a test well on an undeveloped parcel.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 4.8± miles south of Elk, on the west side of State Route 1

(SR1), located at 12200 S. Hwy 1; APN: 131-070-06.

SUPERVISORIAL DISTRICT: 5
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 email to pbscommissions@mendocinocounty.org no later than December 21, 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.

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 item may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m.

JULIA KROG, Director of Planning and Building Services

DECEMBER 22, 2022 CDP_2022-0023

OWNER/APPLICANT: THOMAS & KELLY PARSONS

1617 WOOD RD FULTON, CA 95439

REQUEST: Standard Coastal Development permit to drill a test well

on an undeveloped parcel.

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

on the west side of State Route 1 (SR1), located at 12200

S. Hwy 1 (APN: 131-070-06).

TOTAL ACREAGE: 11.5 ± Acre

GENERAL PLAN: Range Land (RL160:R)

Coastal Element Chapter 4.8

ZONING: Range Land (RL:160)

Mendocino County Coastal Zoning Code, Chapter

20.524

SUPERVISORIAL DISTRICT: 5th (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: TIA SAR

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal development permit to drill a test well on the parcel.

ADDITIONAL INFORMATION: This application stems from CDP_2020-0037 (SFR). An approved test well is required prior to future residential development on this site; a test well location has been chosen to optimize the probability of achieving sufficient access to groundwater.(See *site plan*).

APPLICANT'S STATEMENT: "Drill a well (Test)."

RELATED APPLICATIONS ON-SITE:

CDP 2020-0037 (Currently on Hold)

SITE CHARACTERISTICS: The bluff top parcel is designated highly scenic and located in the Coastal Zone, 4.8± miles south of the town of Elk, lying on the west side of State Route 1 (SR1), 0.4± miles southeast of its intersection with Ohlson Lane (private), located at 12200 S. Highway 1 (APN: 118-230-08). as shown on the *Location* and *Aerial (Vicinity)* maps. The property is mapped as moderate fire hazard within Elk Community Service District. The site is underlain by prime, marine terrace deposits (Zone 2), which are subject to strong shaking. The proposed parcel can be accessed from State Route 1.

The bluff top parcel is undeveloped, surrounded by developed and undeveloped properties. The parcel is relatively flat with some slope to the west, with an entrance gate and a fence present along the eastern property boundaries as shown on the *Topographic Map*. The site has very minimal vegetation, three (3) large trees to the western and ten (10) trees to the eastern property boundaries. The site is relatively flat and appeared to be maintained by regular mowing.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified and zoned similarly to the project site, except for the property immediately to the West (See attachments General Plan Classification and Zoning Districts).

Table 1: Surrounding Land Use and Zoning					
	GENERAL PLAN	ZONING	LOT SIZES	USES	
NORTH	Range Land RL160:R	RL160	13.1± Acres	Residential	
EAST	Range Land RL160:R	RL160	29.7± Acres	Residential	
SOUTH	Range Land RL160:R	RL160	5.2± Acres	Residential	
WEST	Ocean	Ocean	Ocean	Ocean	

PUBLIC SERVICES:

ACCESS: STATE ROUTE 1

FIRE DISTRICT: ELK COMMUNITY SERVICE DISTRICT

WATER DISTRICT: NONE SEWER DISTRICT: NONE

SUMMARY OF REFERRAL AGENCY COMMENTS: On July 13, 2022, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. A comment response summary is listed below.

REFERRAL AGENCIES	COMMENT
Air Quality	No Comment
Archaeological Commission	No Comment
Assessor	No Response
Building Services Division	No Comment
County Addresser	No Response
California Department of Transportation	No Comment
Environmental Health (FB)	Comment
Department of Transportation (DOT)	No Comment
Department of Environmental Health (DEH)	Comment
Elk Community Service District	No Comment
Planning Division (Ukiah)	No Comment
CalFire (Land Use)	No Comment
California Coastal Commission	No Comment
California Dept. of Fish & Wildlife	No Response
Cloverdale Rancheria Manchester	No Response
US Department of Fish & Wildlife	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

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 project site is located within the boundaries of the LCP area, as shown on *LCP Land Use Map 21: Bridgeport Landing.* The subject parcel is classified as Range Land (RL) in Mendocino Coastal Element Chapter 2.2 (See attachment General Plan Classifications).

"... is intended to be applied to lands which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas. The classification includes land eligible for incorporation into Type II Agricultural Preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands."

The proposed development is consistent with the allowed uses associated with residential development per Mendocino County Coastal Element Chapter 2.2.

Zoning: The zoning codes enforce the intent of the land use classification. This project site is located within a Range Land district, as shown on the *Zoning Display* map.

The Rang Land district, per Mendocino County Code (MCC) Section 20.368.005,

"... is intended to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas."

The proposed test well project will not have an impact on the agricultural viability of the property or conflict with the uses within the Range Land District (MCC Chapter 20.368 *RL – Range Land District*). As currently proposed, the test well is consistent with the principal permitted residential uses for Range Land Zoning District and the coastal development standards of MCC 20.532.

The project would not impact or encroach on any property line setback requirement for the RL District per MCC Sec. 20.368.035.

Visual Resources: The purpose of MCC Section 20.504 is to

"...insure that 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."

The bluff top parcel is designated as highly scenic in the coastal zone, it is visible from the ocean and State Route 1. As proposed, the test well project would be subordinate to the natural setting and would minimize reflective surfaces pursuant to the development criteria for bluff top parcel Highly Scenic Areas, per MCC Section 20.504.015(C). (See Attachment: Highly Scenic Map)

Any future exterior lighting will be downcast and shielded. As proposed, the project would be consistent with the intent of Visual Resource and Special Treatment Areas (MCC Sec 20.504.005 (C)). The project site is subject to the regulations of Chapter 20.504 *Visual Resource and Special Treatment Areas*. Staff recommends a condition of project approval requiring the project to comply with the exterior lighting requirements of MCC Section 20.504.035.

With the inclusion of the recommended condition, the proposed project would be consistent with Coastal Element Policy 3.5-15, which reads in part, "... In any event no lights shall be installed so that they distract motorists and they shall be shielded so that they do not shine or glare beyond the limits of the parcel wherever possible."

Staff finds the proposed test well project consistent with the development criteria in protecting the visual resources in a highly scenic area. (See Attachment: *Elevation Plan*).

<u>Hazard Management</u>: The test well project will have minimal to no impact on geologic, fire, and flood hazards. The test well will be located a maximum distance from the bluff top edge. The site is rated as "Moderate Fire Hazard", and fire protection services are provided by Elk Community Service District, as

shown on the Fire Hazard Zones & Responsibility Areas map. The parcel is not located in a flood hazard area. Given the minimal impact and the location chosen for the test well, the proposed project will not conflict with Coastal Element 3.4, and complies with MCC Chapter 20.500 Hazard Areas, including geologic, faults, bluffs, tsunami, landslides, erosion fire, and flood hazards.

The proposed project was referred to Elk Community Service District. On September 14, 2022, our office received no comment.

<u>Habitats and Natural Resources</u>: LCP Habitats & Resources Map does not identify any sensitive resource areas within 100 feet of the proposed test well location. The site is mapped as barren upland habitats. As proposed, the test well project would be developed at a sufficient distance to ensure that any environmentally sensitive habitats and other designated resource areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations. (See attachments LCP Habitats & Resources and Wetlands maps)

On July 13, 2022, the proposed project was referred to the California Coastal Commission (CCC) and California Department Fish and Wildlife (CDFW). Our office received no comment from CCC and no response from CDFW.

Grading, Erosion and Run Off: The proposed project requires minimal ground disturbance for the test well. No grading permit is required by the Mendocino County Planning and Building Department unless the project exceeds 50 cubic yards of soil movement (Condition 7). The test wells will not significantly alter the original elevation, compaction, or the agricultural viability of the property. The proposed project complies with MCC Chapter 20.492 Grading, Erosion, and Runoff and MCC Section 18.70.027 Grading as "Development" in the Coastal Zone.

<u>Groundwater Resources</u>: The site is designated as having critical water resources by the Mendocino County Coastal *Groundwater Study*, as shown on the *Ground Water Resources* map. The project was referred to the Mendocino County Division of Environmental Health (DEH)-Fort Bragg for input on water well and septic developments. On August 4, 2022, our office received comments that owners will need to sign the Governor's Executive Order N-7-22 regarding new domestic wells. See conditions.

Archaeological/Cultural Resources: An agency referral request was sent to the Archaeological Commission. On our office received comments from Arch Commission, "if test well are in area previously reviewed by Arch Survey dated April 17, 2019 and accepted by Arch Commission on May 12, 2021, then no need to schedule for Arch." Applicant submitted an Arch survey, the Archaeological Commission reviewed and approved the survey on March 12, 2021.

Staff notes that Condition 8 advises the property owners and contractor of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction activities associated with the project. Comments were requested from the following tribes: Cloverdale Rancheria-Manchester, Redwood Valley Rancheria and Sherwood Valley Band of Pomo Indians, no comments were received. The proposed project complies with MCC Sections 22.12.090 *Discoveries* and 22.12.100 *Discoveries* of *Human Remains*.

<u>Transportation/Circulation</u>: The project would not contribute new sources of traffic on local and regional roadways. The project would not impact transportation or circulation and will be provided with adequate access for future residential use of the parcel. There is an existing dirt driveway on the property. The project was referred to Mendocino County Department of Transportation (DOT) and Caltrans for input. DOT responded with "no comment" and no response has been received from Caltrans. The proposed project complies with MCC Section 20.516.015 (C) (2) *Transportation Systems*.

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 project meets the criteria to be Categorically Exempt from the California Environmental Quality Act. Per Section 15306, Class 6, information collection and Section 15303, Class 3, new construction.

County Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions:

FINDINGS:

- 1. Pursuant with MCC Section 20.532.095(A)(1), the test wells comply with the certified Local Coastal Program. The test wells are not in conflict with the Range Land (RL), land use classification, the test well would support future residential use of the site, which is consistent with the intent of the Rang Land Classification; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), the test well would support future residential use of the site and not have any adverse impact on future utilities, access roads, drainage, and other necessary facilities; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the test well is consistent with the purpose and intent of the Rang Land District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code.
- 4. Pursuant with MCC Section 20.532.095(A)(4), the test well, 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 and is determined to be Categorically Exempt from further environmental review; and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the test well will not have any adverse impact on any known archaeological or paleontological resources, and Condition #8 is in place when archaeological sites or artifacts are discovered; and
- 6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the site. The site is currently undeveloped, and the test well will not affect demands on public services.
- 7. Pursuant with MCC Section 20.532.095(B)(1) the test well will not conflict with public access and public recreation policies in Chapter 3 of the California Coastal Act and the coastal element of the General Plan.

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. In the event of further mitigation processes needed regarding this project, 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 test wells from County, State, and Federal agencies having jurisdiction.
- 5. 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.

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 test wells from County, State, and Federal agencies having jurisdiction.
- 5. 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.
- 6. 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.
- 7. If more than 50 cubic yards of soil movement is performed, a grading permit will be required from the Mendocino County Department of Planning and Building Services.
- 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. The property owner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the property owner.
- 10. The property owner understands that the site may be subject to extraordinary geologic, fire, flood, and other hazards and the property owner assumes the risk from such hazards.
- 11. The applicant shall obtain a well permit from Mendocino County Environmental Health and sign the Governor's Executive Order N-7-22 regarding new domestic wells

PLANNER II

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





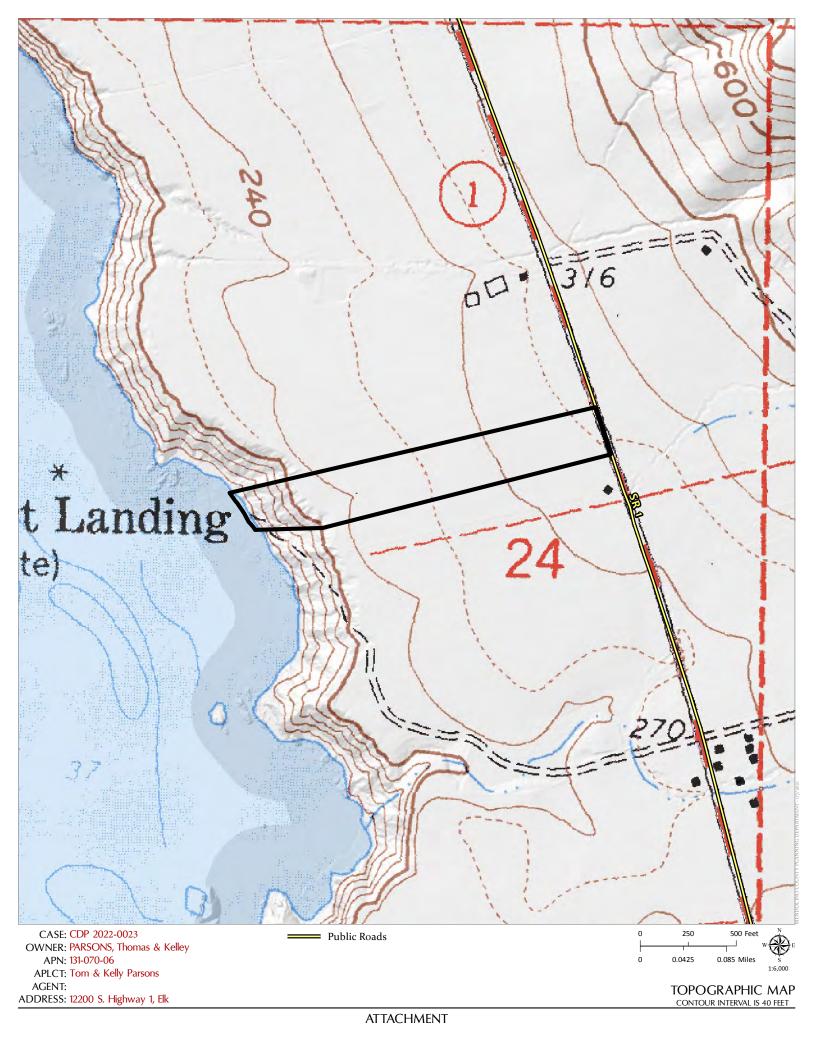
CASE:CDP 2022-0023
OWNER:Tom & Kelly Parsons
APN:131-07-006
APLCT:Tom & Kelly Parsons
AGENT:N/A
ADDRESS:12200 S Hwy 1, Elk

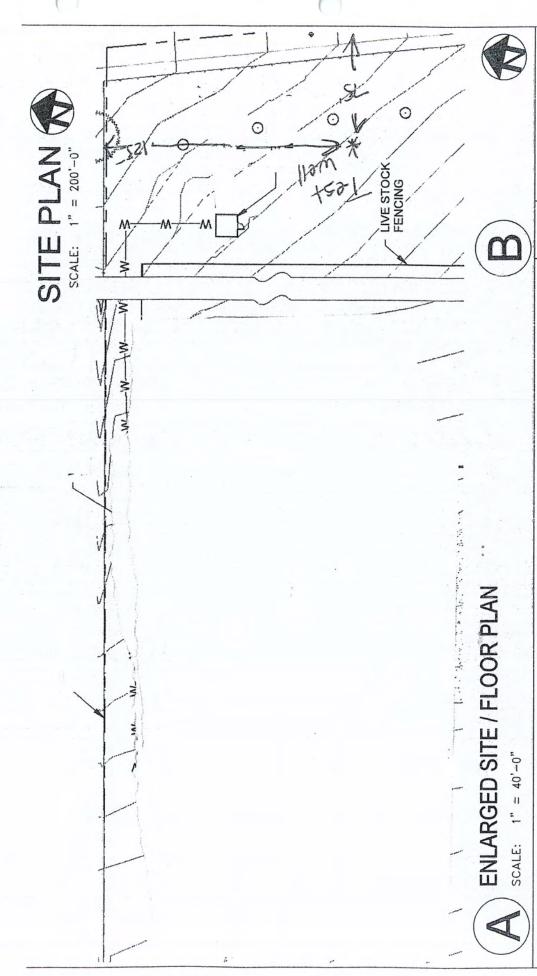




CASE:CDP 2022-0023
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AGENT:N/A
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RESIDENCE FOR TOM & KELLY PARSONS # 12200 SO HWY-1, ELK, CA 95432 # APN# 131-07-006 SITE PLANS | SP

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Plot Plot Plom

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