



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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October 30, 2023

**PUBLIC HEARING NOTICE OF PENDING ACTION**  
**STANDARD COASTAL DEVELOPMENT PERMIT**

The Mendocino County Coastal Permit Administrator, at a special meeting to be held on Wednesday, November 15, 2023, 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 take place at the Planning & Building Services Conference Room, located at 860 North Bush Street, Ukiah and virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance the public may participate digitally in meetings by sending comments to [pbscommissions@mendocinocounty.gov](mailto:pbscommissions@mendocinocounty.gov) or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>, and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

**CASE#:** CDP\_2023-0017

**DATE FILED:** 4/5/2023

**OWNER/APPLICANT:** COHEN RESIDENTIAL LLC

**AGENT:** BRENDAN FRYE

**REQUEST:** Standard Coastal Development permit to replace an existing septic system with new septic tanks, pump system and highline leach field.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** In the Coastal Zone, 4.3± miles south of Elk, on the east side of State Route 1 (SR 1), located at 11701 S. Hwy 1, Elk; APN 131-050-11, -08 & 131-070-03, -02.

**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.gov](mailto:pbscommissions@mendocinocounty.gov) no later than November 14, 2023. 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.gov](mailto:pbscommissions@mendocinocounty.gov), 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.

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



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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT – STANDARD CDP**

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**NOVEMBER 15, 2023  
CDP\_2023-0017**

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**SUMMARY**

**OWNER/APPLICANT:** COHEN RESIDENTIAL LLC, SAM COHEN  
449 15<sup>TH</sup> STREET SUITE 400  
OAKLAND CA, 94612

**AGENT:** BRENDON FRYE  
1149 TOMALES ROAD  
PETALUMA, CA 94952

**REQUEST:** Standard Coastal Development permit to replace an existing septic system with new septic tanks, pump system and highline leach field.

**LOCATION:** In the Coastal Zone, 4.3± miles south of Elk, on the east side of State Route 1 (SR 1), located at 11701 S. Hwy 1, Elk; APN 131-050-11, -08 & 131-070-03, -02.

**TOTAL ACREAGE:** 163.3 Acres

**GENERAL PLAN:** Range Land 160-Acre Minimum (RL:160)

**ZONING:** Range Land 160-Acre (RL:160)

**SUPERVISORIAL DISTRICT:** 5 (Williams)

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** TIA SAR

**BACKGROUND**

**PROJECT DESCRIPTION:** The proposed project is to replace an existing septic system with new septic tanks, pump system and highline leach field.

**APPLICANT'S STATEMENT:** "1). *Replace existing septic system with new septic tanks, pump system, and highline leach field. Existing septic directs wastewater into a creek to the north of the house. Replacement system would move effluent away from ESHA, as outlined in the provided septic plan.*

*Trenching will be required for the pipes shown, and for leach field construction. Pipe pathways have been chosen for minimal impact and interaction with ESHAs. No vegetation removal will be necessary. Clean soil will need to be brought in for cover in the leach field as specified in the septic system design proposal. The leach field will be fenced off from cattle with four strand barbed wire fencing with lodge pole H braces as appropriate."*

**SITE CHARACTERISTICS:** The project site is within the Coastal Zone, 4.3± miles south of Elk, on the east side of State Route 1 (SR 1); located at 11701 S. Highway 1, Elk. The parcel is designated as conditional highly scenic, as shown on the Location and Aerial (Vicinity) maps. The property is located within a "Marginal Water Resources" and mapped as high and moderate fire hazard within Elk Community Service District and described as Prime and Non-Prime Agricultural Land Beach Deposit and Stream Alluvial and Terraces (Zone 3) -Intermediate Shaking. Mapping does not associate the following with the subject site: faults, landslides, erosion, flood, or tsunami hazard. The parcel can be accessed from State Route 1 (SR 1).

The subject parcels are a combined 163.3± acres in size, but the project area was focused to approximately 10± acres around the existing residence. The site is developed with a 2,624± square foot residence, 672± square foot garage, 120± square foot pump house, 242± square foot abandoned cottage 2,400± square foot abandoned hay barn, and three (3) small historic dairy buildings onsite with connections to existing well and septic system. The property is on a large, flat coastal terrace that quickly slopes upward on its eastern edge and the surrounding properties have historically been used for agriculture and ranching.

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1, the surrounding lands are classified and zoned similarly to the project site, with the exception of the property immediately to the South (See attachments General Plan Classifications and Zoning Districts).

**TABLE 1: SURROUNDING LAND USE AND ZONING**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	Agriculture (AG:60)	Agriculture (AG:60)	83.8 ± Acres	Developed Residential
<b>EAST</b>	Agriculture (AG:60)	Agriculture (AG:60)	120±, 60.12± & 71.17± Acres	Developed Residential
<b>SOUTH</b>	Range Land (RL:160)	Range Land (RL:160)	38.6±, 29.71±, 1.59± & 1.54± Acres	Developed Residential
<b>WEST</b>	Agriculture (AG:60)	Agriculture (AG:60)	8.5±, 18.1± & 34.6± Acres	Vacant

**PUBLIC SERVICES:**

Access: Department of Transportation  
 Fire District: Elk Community Service District  
 Water District: None (Well onsite)  
 Sewer District: None (Septic system onsite)  
 School District: Manchester School District

**LOCAL COASTAL PROGRAM CONSISTENCY**

The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

Land Use The parcel is classified as Range Land District with a 160-acre minimum parcel size. The Range Land District classification is intended to,

*"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 Range Land Land Use Designation, per Coastal Element Chapter 2.2, identifies one dwelling unit as a principally permitted use; the existing single-family residence conforms to this policy. Accessory uses are conditionally permitted in conjunction with an established principal use. The proposed project to replace an existing septic system with new septic tanks, pump system and highline leach field is an accessory use to the principally permitted residence use, therefore it is consistent with the Range Land Use classification.

Zoning: The project site is located within the Range Land District (RL), as shown on Zoning Display Map. Mendocino County Code (MCC) Section 20.368.005, states:

*"... 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..."*

Similar to the General Plan land use classification, the proposed project to replace existing septic system with new septic tanks, pump system and highline leach field supports the principally permitted residence use, pursuant to Mendocino County Code (MCC) Chapter 20.368. There's no increase to the proposed septic system.

Visual Resources: The purpose of MCC Section 20.504 is to “ensure 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 proposed project site is designated as Conditional Highly Scenic area situated along State Route 1. The project would not be visible heading north or south on State Route 1. As proposed, the project would be subordinate to the natural setting and would minimize reflective surfaces pursuant to the development criteria for Conditional Highly Scenic Areas, per MCC Section 20.504.015(C).

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 landforms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas...*

Staff reviewed the proposed project and found it would be consistent with the surrounding development criteria in protecting the visual resources in a conditional highly scenic area. As the project only involves the replacement of an existing septic system. As proposed, the project would be consistent with the intent of Visual Resource and Special Treatment Areas (MCC Sec 20.504.005 (C)). See conditions.

Habitats and Natural Resources: LCP Habitats & Resources Map does identify sensitive resource areas within 100 feet of the proposed project location. The site is mapped as Prime and Non-Prime Agricultural Land and Beach Deposit and Stream Alluvial and Terraces (Zone 3) - Intermediate Shaking. The lot is developed and regularly maintained throughout the year. 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*) On May 15, 2023, the project application was referred to California Coastal Commission (CCC), US Fish and Wildlife Service and California Department of Fish and Wildlife (CDFW).

Comments received from CDFW requested a site visit. On July 20, 2023, staff and CDFW performed a site visit to identify the extent of environmental impacts. The following comments were received from CDFW on August 8, 2023.

*“The site’s mapped riparian area on the south is dominated by non-native trees and ground cover (Hemlock, Nasturtium, wild radish) or native plants that are not locally native (Monterey pine) with few local, native species (a willow and a northern bishop pine). CDFW agrees to the 50-foot buffer reduction.”*

Comments received from US Fish and Wildlife Service, Greg Schmidt, on August 16, 2023.

*“I reviewed the March 20, 2023, biological scoping report for Case# CDP\_2023-0017 and shared the report with my coworkers, Clint Pogue (butterfly lead) a Brad Nissen (California red-legged frog lead) and we all concluded that the proposed project at 11701 S. Hwy 1, Elk, CA is unlikely to result in the “take”, as defined by the federal endangered species act, of any federally-listed species and may proceed at any time. We based our conclusion on, (1) The absence of the larval food plants required by the endangered Behren’s silverspot and lotis blue butterflies, (2) No evidence of occupancy of the Point Arena mountain beaver based on a USFWS-approved habitat assessment and presence/absence survey, and (3) the general lack of suitable habitat and proposed mitigation measures for the California red-legged frog. Please contact the U.S. Fish and Wildlife Service for additional technical assistance for this proposed project if it hasn’t been*

*completed within 5 calendar years of this email, or 8/16/2028.”*

Wynn Coastal Planning and Biology (WCPB) prepared and submitted the Biological Scoping Survey report on March 20, 2023. The WCPB staff conducted floristic and ESHA surveys on May 3 & 26, June 21, and August 11, 2022. Three types of presumed ESHA were identified within the study area according to the definitions by the California Coastal Act (CCA) and Mendocino County Local Coastal Plan (LCP).

**DISCUSSION:** Based on the Biological assessment prepared by WCPB as proposed the project is located in the least damaging and most feasible option.

*Three types of presumed ESHAs were identified within the study area:*

**Stream ESHA** – A stream was present north of the existing house, draining from the hillside down across Highway One.

**Plant Community ESHA** – one special status plant community was identified on the property- Pacific willow thickets (*Salix lasiolepis* Provisional Shrubland Association)

**Wetland/Riparian ESHA** – Pacific willow thickets growing as riparian vegetation were observed along the banks of the stream. Pacific willow thickets were also present just south of the existing driveway serving the residence and this stand was determined to be **Coastal Act wetland**.

*The proposed primary and replacement leach fields were designed to avoid all special status resources by at least 100ft with the exception of the septic tanks and 320 linear feet of septic lines that out of necessity need to be installed within ESHA buffers in order to connect to the existing residence. Impact avoidance measures included to prevent impacts from the proposed septic tanks installation and trenching include straw wattles and orange construction fencing between the protected resources and development, and covering areas of bare soil resulting from construction with native erosion control seed mix and/or with biodegradable erosion control materials (e.g. coconut fiber, jute, weed free straw). Pre-construction bird surveys will be conducted prior to vegetation removal and/or construction if these activities are to begin in the bird nesting season in order to avoid impact to these animals' reproductive activities. Nest buffers and timing restrictions will be enacted if bird nests are present during the pre-construction surveys. Contractor amphibian avoidance training will inform construction personnel of amphibian identification and how to avoid impacting special status amphibians. **If all avoidance measures are followed, the proposed development is not expected to have any significant negative impact on any of the special status natural resources present.***

#### **AVOIDANCE MEASURES:**

*The proposed project has been analyzed relative to its proximity to natural resources to determine its potential disturbance to sensitive species, utilizing the methods and results gathered above and the Reduced Buffer Analysis of the Mendocino County's Local Coastal Program (Appendix H). As a result of those analyses, we believe that potential impacts to ESHA habitats (riparian, stream, and wetland) can be minimized or avoided if the project utilizes the mitigation measures, we recommend below. A map depicting recommended straw wattle locations is presented in Figure 13. The following avoidance measures are recommended to minimize impacts for development to Coastal Act wetlands, slough sedge sward, harlequin lotus, and shore pine forest. These measures will serve to prevent negative impacts to potential resources located within 100 feet from the proposed development.*

#### **7.1. Potential Impact to Birds**

*Removal of vegetation and construction activity near trees and vegetated areas has the potential to disturb birds' nesting process if it occurs during the nesting season.*

##### **7.1.1. Avoidance Measure: Seasonal avoidance**

*No nesting bird surveys are recommended if activity occurs in the non-breeding season (September to January). If vegetation removal or development is to occur during the breeding season (February to August), a pre-construction survey is recommended within 14 days of the onset of vegetation removal or construction to ensure that no nesting birds will be disturbed during*

development (Table 1).

**7.1.2. Avoidance Measure: Nest Avoidance**

If active native bird nests are observed, no vegetation removal or construction activities with the potential to disrupt nesting 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.

**7.1.3. Avoidance Measure: Construction activities only during daylight hours**

Construction should occur during daylight hours to limit disturbing construction noise and minimize artificial lights.

Table 1. Months surveys are or are not needed for birds and bats.

Months During Which Preconstruction Surveys Are Required For Birds											
January	February	March	April	May	June	July	August	September	October	November	December
Legend											
	Surveys Are Not Needed										
	Surveys Are Needed										

**7.2. Potential Impact to Special Status Amphibians**

Construction activities will involve walking across areas where amphibians may be traveling. Staging of materials and removal of construction debris could also disturb special status amphibians that may be hiding underneath these materials. To minimize impacts to amphibians, the following avoidance measures should be followed.

**7.2.1. Avoidance Measure: Contractor education**

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 special 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.

**7.2.2. Avoidance Measure: Pre-construction search**

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.

**7.2.3. Avoidance Measure: Careful debris removal**

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.

**7.2.4. Avoidance Measure: No construction during rain event**

If a rain event occurs during the ground disturbance period, all ground disturbing activities will cease for a period of 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.*

### **7.3. Potential Impact to Pacific Willow Thickets, Stream, Coast Act Wetland, and Riparian Areas**

*There is a potential for rain to carry sediment from construction areas into wetland, riparian, or stream habitat. There is a potential for vegetation removal or construction within or adjacent to the pacific willow thickets to negatively impact this plant community. There is a potential for ground compaction and vegetation disturbance from materials and vehicles to occur during staging and construction. During construction and landscaping, invasive species can be introduced and spread to surrounding areas that could out compete native flora and degrade habitat that native fauna may use.*

#### **7.3.1. Avoidance Measure: Staging area plan**

*Stage all building materials and construction vehicles in upland area greater than 50 feet from all ESHAs.*

#### **7.3.2. Avoidance Measure: Employ Best Management Practices (BMPs)**

*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, weed free straw).*

#### **7.3.3. Avoidance Measure: Clean heavy machinery**

*Heavy machinery such as and not limited to excavators and skid steers that may be used onsite have the potential to spread invasive plant material from use on other sites. Heavy machinery that power washed offsite to eliminate seeds and other propagules.*

#### **7.3.4. Avoidance Measure: Plant non-invasive vegetation**

*While many ornamental landscapes on the California coast use non-native plants, invasive plants should not be planted. Some invasive plants commonly seen by WCPB biologists on the coast that should be avoided are: Iceplant (*Carpobrotus edulis*, *C. chilensis*, & *Delosperma* sp.), cotoneaster (*Cotoneaster franchetii* & *C. pannosus*), English holly (*Ilex aquifolium*), English ivy (*Hedera helix*), cape ivy (*Delairea odorata*), pampas grass (*Cortaderia jubata* & *C. selloana*), cape weed (*Arctotheca calendula* & *A. prostrata*), montbretia (*Crocasmia* sp.), blue gum eucalyptus (*Eucalyptus globulus*), redhot poker (*Kniphofia uvaria*), periwinkle (*Vinca major*), bulbil bugle lily (*Watsonia meriana*), and callalily (*Zantedeschia aethiopica*).*

#### **7.3.5. Avoidance Measure: 100ft buffer**

*A suitable buffer should be established between special status plant communities and proposed development. A Reduced Buffer Analysis has been conducted and since the minimum buffer width allowable in this code is 50ft, and the proposed project will be closer to presumed ESHA than 50ft, no reduction in buffer width is requested. However, the Reduced Buffer Analysis was used as a tool to assist in the determination of suitable protection for potential sensitive species and presumed sensitive habitat in the study area.*

#### **7.3.6. Avoidance Measure: Straw wattles and orange fencing or silt fencing**

*Straw wattles paired with construction fencing or silt fencing shall be installed by contractors between the presumed 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.*



The proposed avoidance measures would satisfy Coastal Element Chapter 3.1 goals and policies for the protection of habitats and natural resources. The potential hazards are avoided and has demonstrated Coastal Element goals and policies protecting environmental habitats and natural resources. The project is consistent with MCC Chapter 20.496 as the project will not impact an ESHA or other resource area.

Hazards Management: The parcel is in an area classified with a “Moderate and High Fire Hazard” severity rating. Fire protection services are provided by the California Fire Protection (CalFire) and the Elk Community Service District (ECSD). The project application was referred to CalFire and ECSD on May 15, 2023; and no comment was received from CalFire and ECSD.

Grading, Erosion, and Run-Off: The project propose site preparation, including trenching in the proposed area of the replaced septic system. On May 15, 2023, a referral was sent, and no response was received from the Mendocino County Air Quality Management District (AQMD).

Archaeological/Cultural Resources: 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 at Sonoma State University. The proposed project was referred to Sonoma State University, who responded with comments on May 30, 2023, and was scheduled for a hearing before the Mendocino County Archaeological Commission on September 13, 2023, where it was determined that no survey is required.

Groundwater Resources: The project site is located within a mapped Critical and Marginal Water Resources Area (See attached *Ground Water Resources*). The subject parcel has an existing well and septic system onsite. The proposed project is to replace the failing septic system. On May 15, 2023, a referral was sent to Division of Environmental Health (EH), and Planning and Building Services received comments from EH on June 8, 2023. EH; ST27897 (8BR)

Transportation/Circulation: The project would not contribute a significant amount of new 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. Additionally, the subject parcel and surrounding parcels are developed and have homes that are occupied; therefore, the replacement of an onsite septic system is not anticipated to generate a significant amount of additional traffic beyond what presently exists. The project application was referred to the Mendocino County Department of Transportation (MCDOT) for input, and no comment was received from the MCDOT.

Public Access: The project site is located east 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 21: Bridgeport Landing*). 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 Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 1, Section 15302 (c).

### **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 septic system replacement of an existing single-family residence is in conformity with the entire certified Local Coastal Program. The replacement of a septic system is a permitted use within the Range Land, land use classification and is consistent with the intent of the RL Classification; and

2. Pursuant with MCC Section 20.532.095(A)(2), the proposed project to replace the onsite septic system of an existing single-family residence would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site is accessed by State Route 1 and connects to an existing well and septic system onsite. The project is not expected to make use of other utilities; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed project 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 request to replace the onsite septic system of an existing single-family residence is considered and accessory use permitted under Sec 20.456.015 consistent with the purpose and intent of the Range Land Zoning District, as well as all other provisions of District II of Title 20 of the Mendocino County Code, including development criteria for Environmentally Sensitive Habitat Areas and non-Highly Scenic Areas, and preserves the integrity of the Rang Land Zoning District. The project would not significantly impact agricultural viability of the lot and conforms to all other applicable regulations of the Rural Land zoning district, including setbacks, height limit, and lot coverage; 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 request to replace the onsite septic system of an existing single-family residence is categorically exempt pursuant to Sections 15302(c); and
5. Pursuant with MCC Section 20.532.095(A)(5), the project was referred to the Northwest Information Center at Sonoma State University (SSU), who responded with comments on May 30, 2023, and was scheduled for a hearing before the Mendocino County Archaeological Commission on September 13, 2023, where it was determined that no survey is required; 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 request to replace the onsite septic system of an existing single-family residence are not anticipated to significantly affect demands on public services because no new development is proposed beyond what currently exists; and
7. Pursuant to MCC Section 20.532.100(A)(2), The proposed project to replace the onsite septic system of an existing single-family residence are not anticipated to significantly affect the resource lands because no new development is proposed beyond what currently exists. The request is consistent with the long-term protection of resource lands per Coastal Element Policy 2.2; and

**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\_2023-0017 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\_2023-0017 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. Avoidance Measures proposed in the Biological Scoping & Wetland Delineation (March 20, 2020) by Wynn Coastal Planning and Biology Consulting Section 7.1 shall be required to provide for the protection of potential special status during nesting season, as follows:
  - a. Seasonal Avoidance: No surveys are required if construction activity occurs in the non-breeding season (September to January). If construction activity is to occur during the breeding season (February to August), a pre-construction survey is required within 14 days of the onset of construction to ensure that no nesting birds will be disturbed during development. A copy of the survey, if required, shall be submitted to Planning and Building Services.
  - b. Nest Avoidance: If active special status bird nests are observed, no ground disturbing activities shall occur within a 100-foot exclusion zone. These exclusion zones vary depending upon 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 sit weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.
  - c. Construction shall occur during daylight hours to limit disturbing construction noise and minimize artificial lights.
11. Avoidance Measures proposed in the Biological Scoping & Wetland Delineation (March 20, 2023) by Wynn Coastal Planning and Biology Consulting Section 7.2 shall be required to provide for the protection of potential special status amphibians, as follows:
  - a. Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the frogs and salamanders that occur along the Mendocino County coast. Workers shall be trained to differentiate between special status and common species and

- instructed on actions and communications required to be conducted in the event that any special status amphibians are observed during construction.
- b. During ground disturbing activities, construction crews shall begin each day with a visual search around the staging and impact area to detect the presence of amphibians.
  - c. During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.
  - d. Some special status amphibians are more active at night. Construction shall occur during daylight hours to minimize disturbing construction noise and artificial lights.
  - e. Ground disturbing construction shall occur during the dry season, which is generally April 1 to October 31 of any year.
  - f. If a rain event occurs during the ground disturbance period, all ground disturbing activities shall cease for a period of 48 hours, starting after the rain stops.
  - g. 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.
  - h. 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.
12. Avoidance Measures proposed in the Biological Scoping & Wetland Delineation (March 20, 2023) by Wynn Coastal Planning and Biology Consulting Section 7.3 shall be required to provide for the protection of potential special Pacific Willow Thickets, Stream, Coast Act Wetland, and Riparian Areas, as follows:
- a. Stage all building materials and construction vehicles in upland area greater than 50 feet from all ESHAs.
  - b. 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, weed free straw).
  - c. Heavy machinery such as and not limited to excavators and skid steers that may be used onsite have the potential to spread invasive plant material from use on other sites. Heavy machinery that is used in dirt needs to be power washed offsite to eliminate seeds and other propagules.
  - d. Invasive plants should not be planted onsite.
  - e. A suitable buffer should be established between special status plant communities and proposed development.
  - f. Straw wattles paired with construction fencing or silt fencing shall be installed by contractors between the presumed ESHAs and the proposed development.
  - g. 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.

13. Prior to Final of the Building Permit, a Septic System permit shall be issued and Finaled from the Division of Environmental Health.
14. Applicant shall comply with the U.S. Fish and Wildlife Service condition:
  - a. The applicant shall contact U.S. for additional technical assistance for this proposed project if it has not been completed within 5 calendar years, (8/16/2028).

10/3/2023

*Sokuntia Sar*

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DATE

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TIA SAR  
PLANNER II

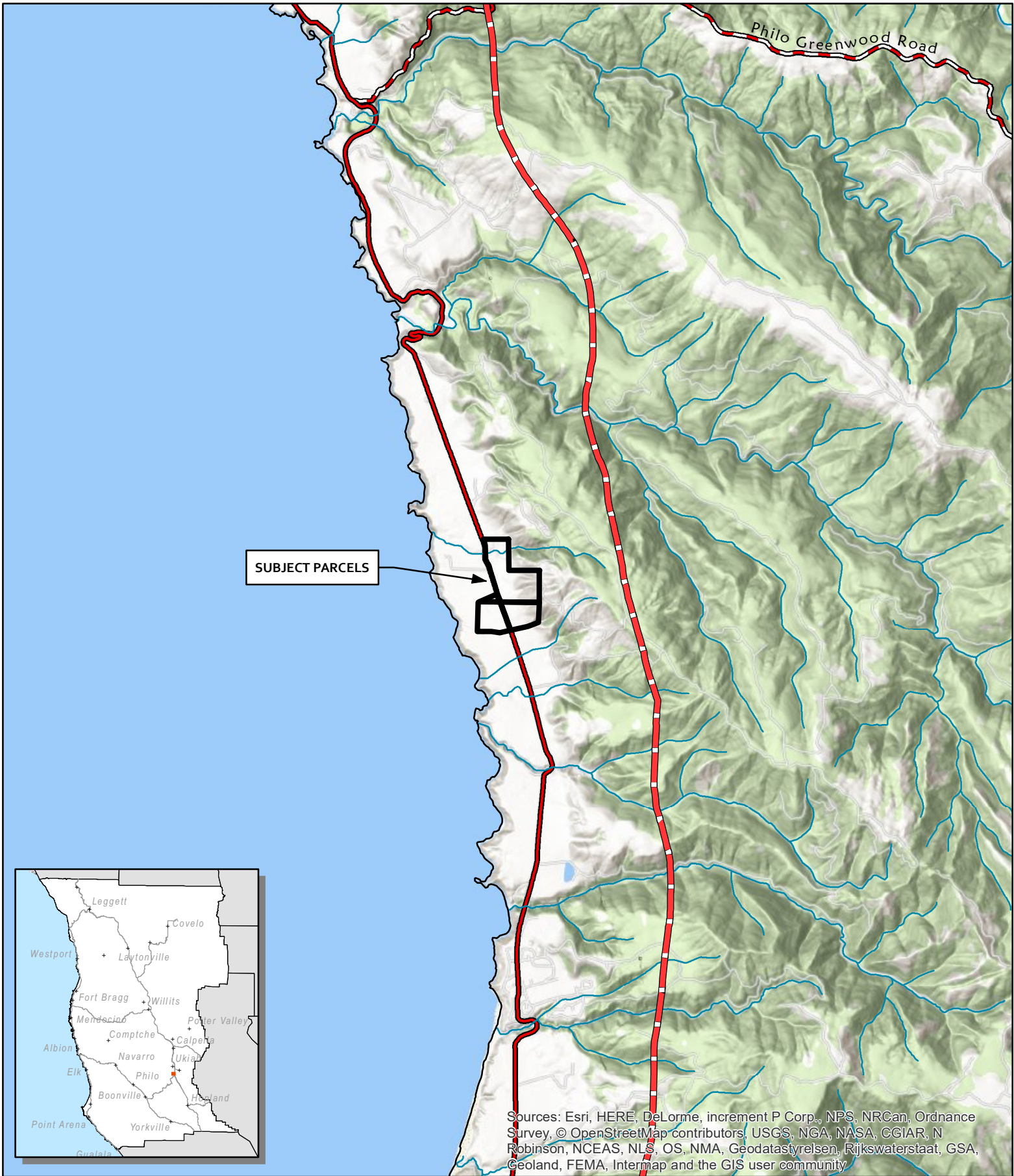
Appeal Period: 10 Days  
Appeal Fee: \$2,674.00

**ATTACHMENTS:**

- |  |  |
|--|--|
| A. Location Map                            | M. Fire Hazard Zone & responsibility Areas |
| B. Aerial                                  | N. Wildland-Urban Interface                |
| C. Aerial Imagery                          | O. Wetlands                                |
| D. Topographic Map                         | P. Coastal Ground Water Resource Area      |
| E. Site Plan                               | Q. Highly Scenic & Tree Removal Areas      |
| F. Zoning Display Map                      | R. Estimated Slope                         |
| G. General Plan Classifications            | S. Western Soil Classification             |
| H. LCP Land Use Map 21: Bridgeport Landing | T. Williamson Act                          |
| I. LCP Land Capabilities & Natural Hazards | U. Important Farmland                      |
| J. LCP Habitats & Resources                | V. Crop Type                               |
| K. LCP Certification & Appeal Jurisdiction |  |
| L. Adjacent Parcels                        |  |

**SUMMARY OF REFERRAL AGENCIES COMMENTS:**

Air Quality Management District	No Comment
Archaeological Commission	Comment
Assessor's Office	No Response
Building Division (FB)	No Comment
County Addresser	No Response
Department of Transportation (DOT)	No Comment
Environmental Health (FB)	Comment
Planning Division (Ukiah)	No Comment
Sonoma State University	Comment
CALFIRE (Land Use)	No Comment
California Coastal Commission	No Response
California Dept. of Fish & Wildlife	Comment
US Fish and Wildlife	Comment
CALTRANS	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response
Elk Community Service District	No Comment

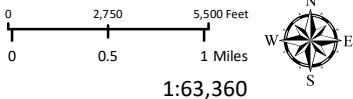


SUBJECT PARCELS



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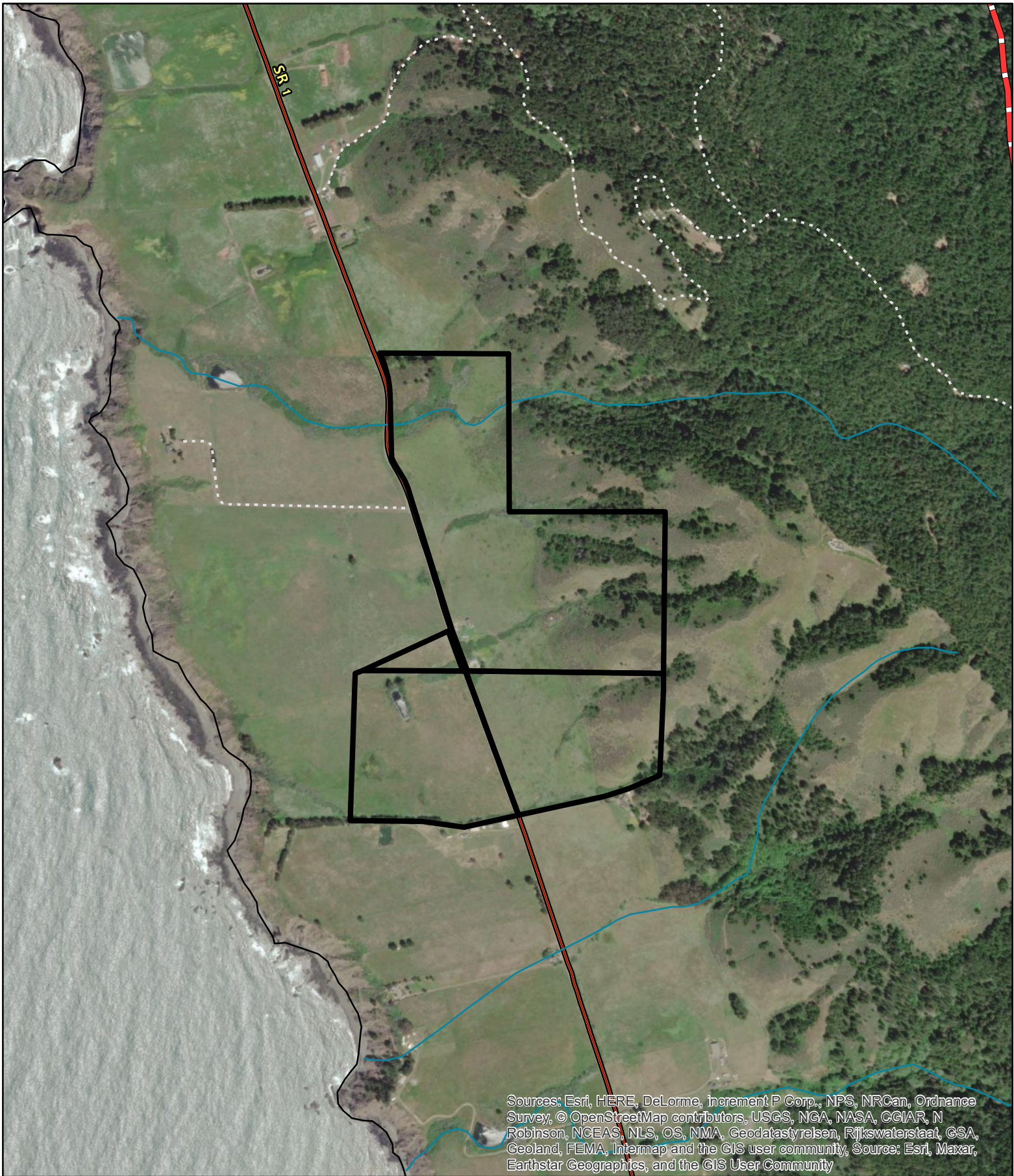
- Coastal Zone Boundary
- Major Roads
- Hydrology\_092122
- Highways



**CASE: CDP 2023-0017**  
**OWNER: COHEN RESIDENTIAL**  
**APN: 131-070-02, 03, 131-050-08, 11,**  
**APLCT: Sam Cohen**  
**AGENT: Brendan Frye**  
**ADDRESS: 11701 S Hwy 1, Elk**


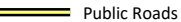
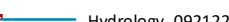
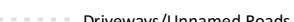

LOCATION

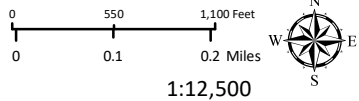
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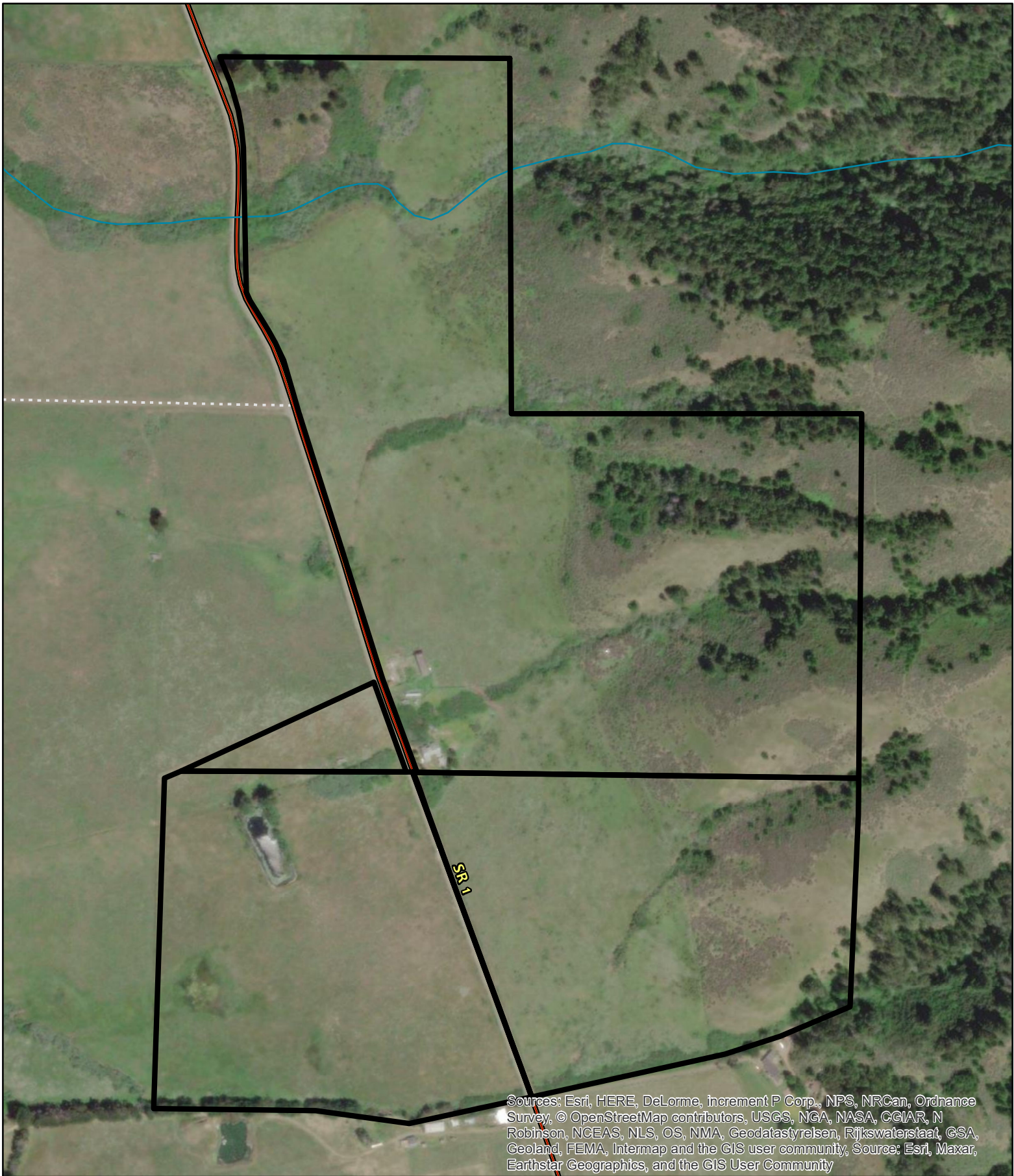
**CASE: CDP 2023-0017**  
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-  Coastal Zone Boundary
-  Public Roads
-  Hydrology\_092122
-  Driveways/Unnamed Roads
-  Highways (2017)



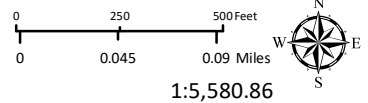
**AERIAL IMAGERY**

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- Hydrology\_092122
- Highways (2017)
- Public Roads
- Driveways/Unnamed Roads

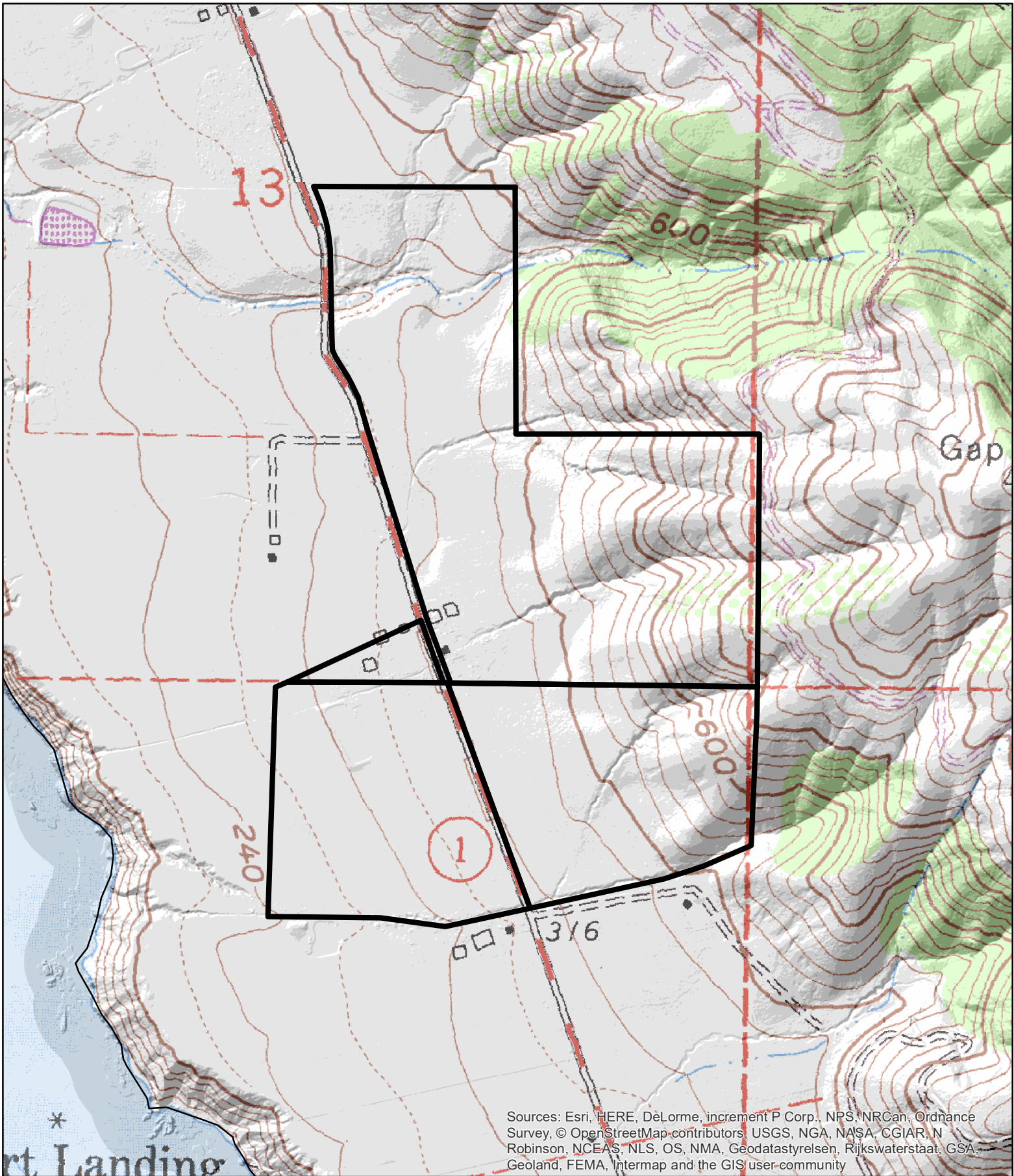


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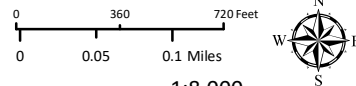
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1:8,000

**TOPOGRAPHIC MAP**  
 CONTOUR INTERVAL IS 40 FEET

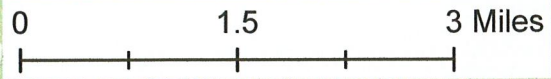
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Subject parcels

City of Point Arena

Map created 1/19/2023  
Nicole Herrera

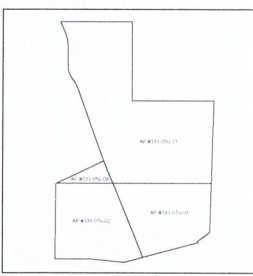
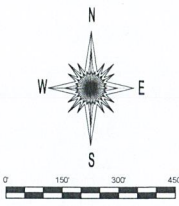


CLIENT: Cohen  
APN: 131-050-11 & 131-070-03  
ADDRESS: 11701 S Hwy 1  
Eik, CA

# Location Map

LEGEND	
	(E) GRAVEL DRIVEWAY
	(E) BUILDING
	(E) FENCE
	50' BUFFER
	100' BUFFER
	CAL FIRE 30' YARD SETBACK
	CORRIDOR PRESERVATION SETBACK
	YARD SETBACK

EXISTING LEACHFIELD LOCATION BASED UPON  
CARL RITTIMAN & ASSOCIATES  
DISCOVERY LETTER DATED OCTOBER 28, 2022.



Lands of Cohen Residential, LLC  
Section 24, Township 14 North,  
Range 17 West, Mount Diablo Meridian  
Mendocino County, CA

General Notes  
Proposed Land Use:  
General Plan Designation:  
Zoning District:  
Entitlement/Permit Type:  
Appealable to Coastal Commission:

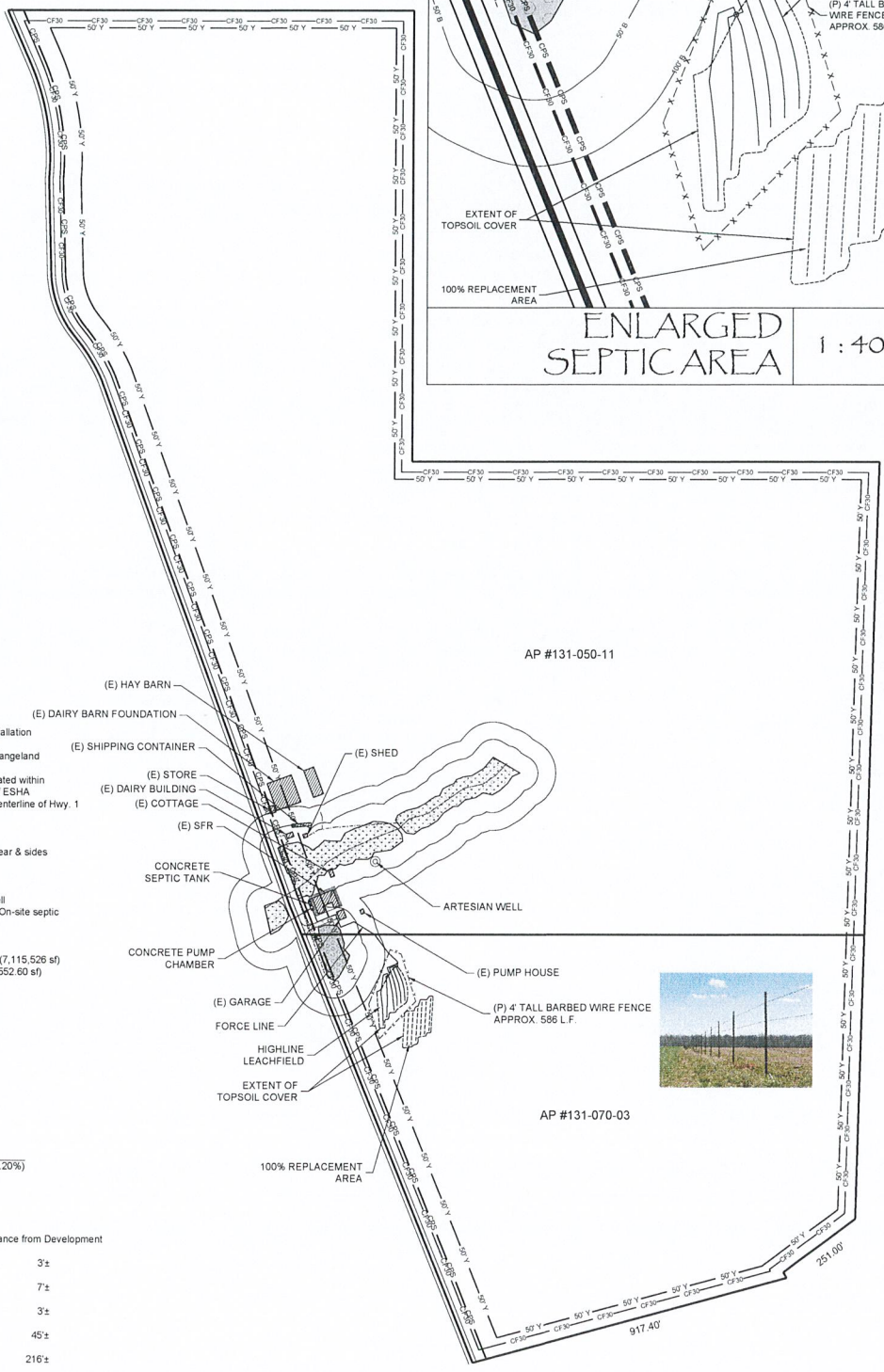
Corridor Preservation Setback:  
Highly Scenic Area:  
Height Limit:  
Tree Removal:  
Yard Setbacks:  
CalFire Setbacks:  
Environmental Constraints:  
Potential Geologic Hazards:  
Water Source:  
Wastewater Disposal:  
Landscaping:

Lot Coverage Tabulation Gross Site Area:  
Gross Site Area:  
Maximum allowable lot coverage:

Lot Coverage:	Area
(E) Footprint- Residence:	2,624 sf
(E) Footprint- Garage:	480 sf
(E) Footprint- Pump House:	120 sf
(E) Footprint- Cottage:	242 sf
(E) Footprint- Hay Barn:	2,400 sf
(E) Footprint- Dairy Barn (Foundation Only):	5,760 sf
(E) Footprint- Shipping Container:	459 sf
(E) Footprint- Shed:	120 sf
(E) Footprint- Store:	300 sf
(E) Footprint- Dairy Building:	247 sf
(E) Footprint- Concrete Walk:	1,228 sf
<b>Total Building Footprint:</b>	<b>13,980 sf</b>

Total Lot Coverage (Footprint): 13,980 sf (0.20%)  
(E) Driveway & Parking: 1,425 sf  
Total Driveway & Parking: 1,425 sf

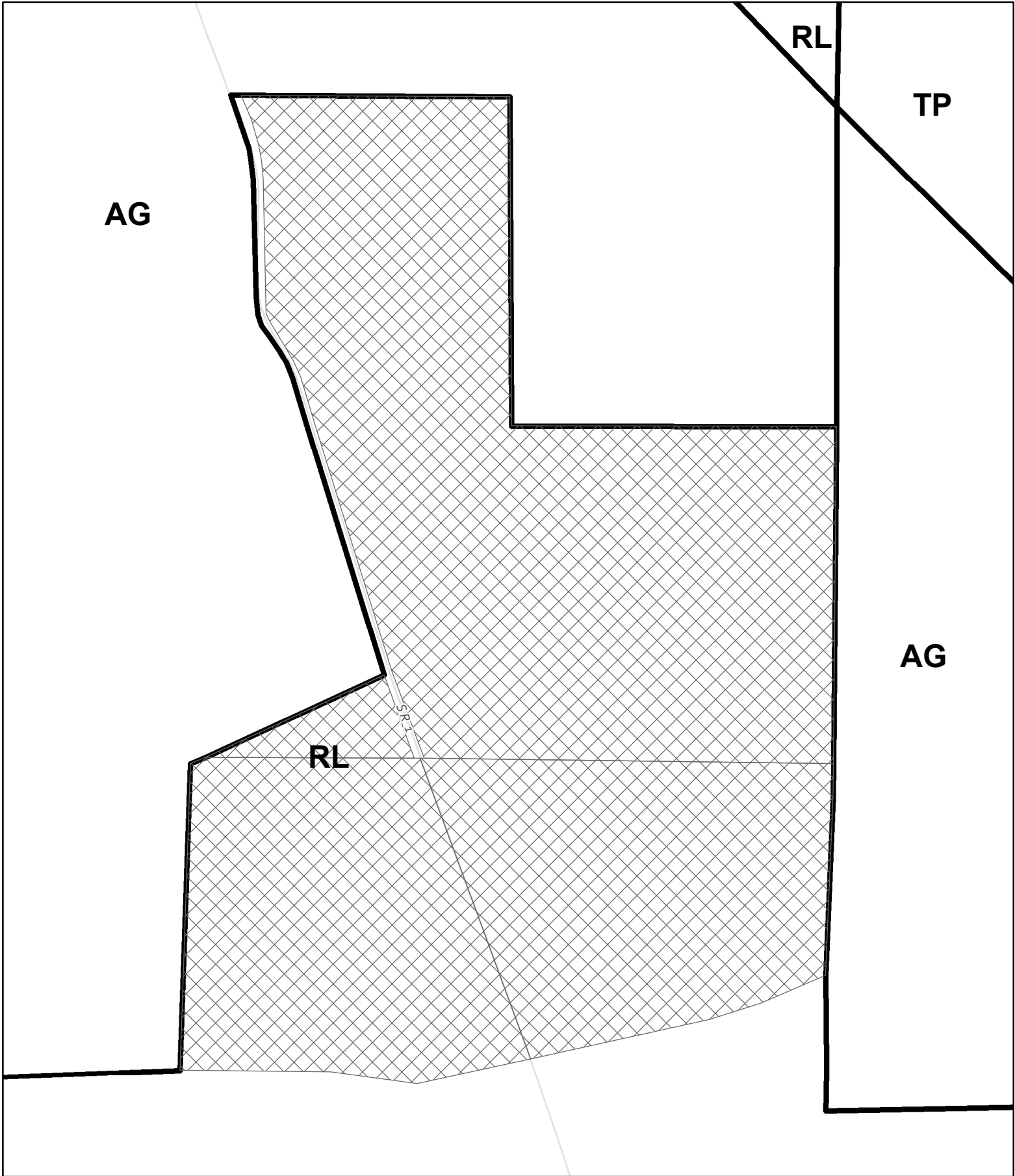
Legend	Type	Distance from Development
	PACIFIC WILLOW THICKETS	3'±
	RIPARIAN	7'±
	COASTAL ACT WETLAND	3'±
	PERENNIAL STREAM	45'±
	ARTESIAN WELL	216'±



ENLARGED SEPTIC AREA 1:40

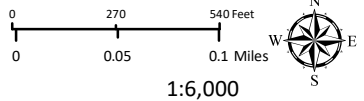
STEP PLAN 1:150 1

SHEET	REVISION	BY	DATE	APN	Cohen Residential, LLC		Property lines are approximate and not results of Professional Land Surveyor data.	Design review, not meant for construction.
				31-070-11-005, 31-070-03 8-02 DRAWN BY: TH DATE: 12-1-2022 SCALE: AS SHOWN APPROVED BY:				
OF 1 SHEETS					11701 S Hwy. 1 Elk, CA 95432	702 North Main Street, Fort Bragg, CA 94727 ph: 707-464-2319 fx: 707-964-2862 www.WCP.com		



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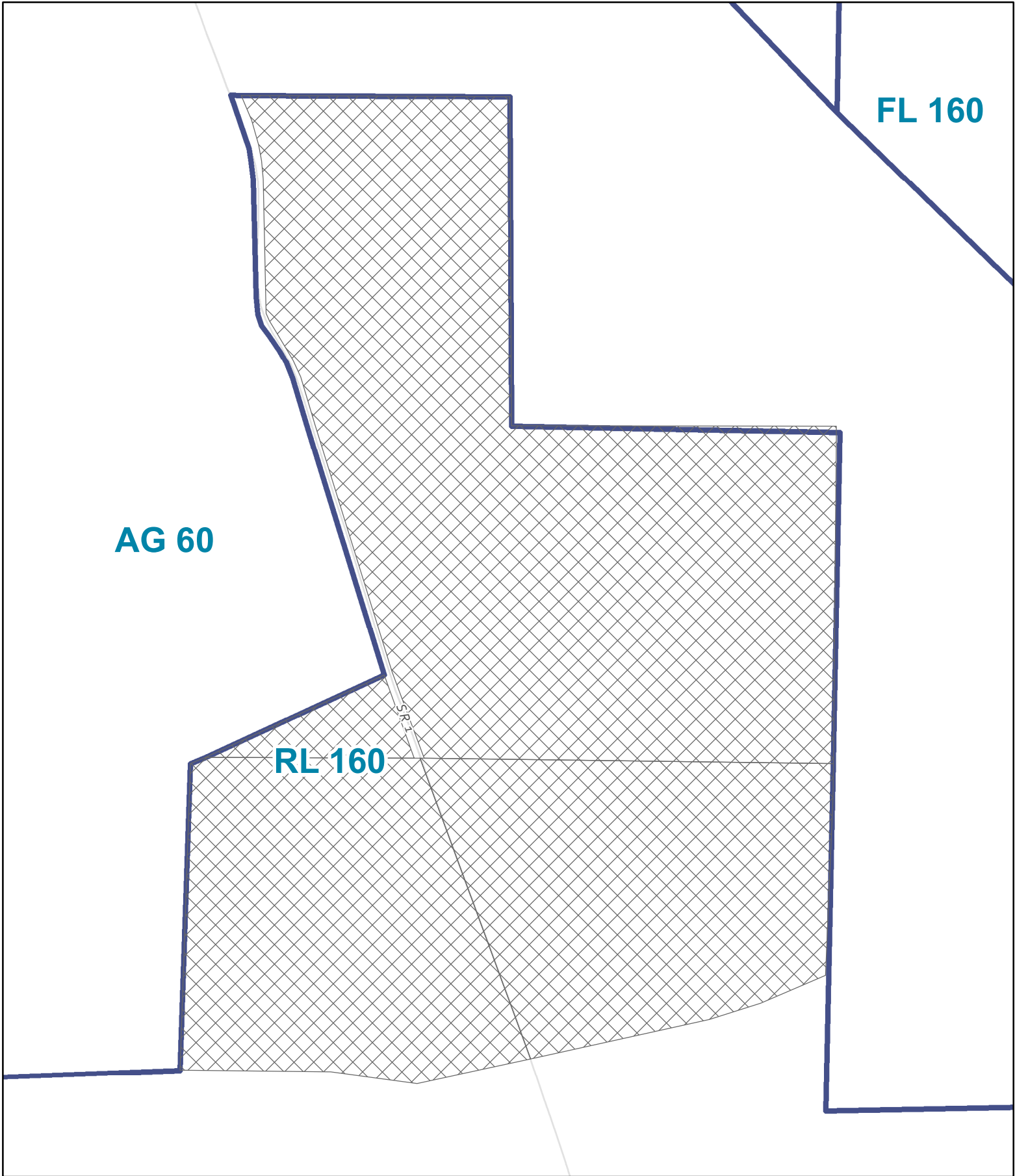
 Zoning Districts  
 Public Roads



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ZONING

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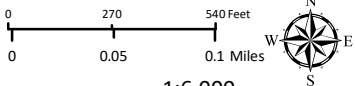
**AG 60**

**FL 160**

**RL 160**

S HWY 1

Public Roads

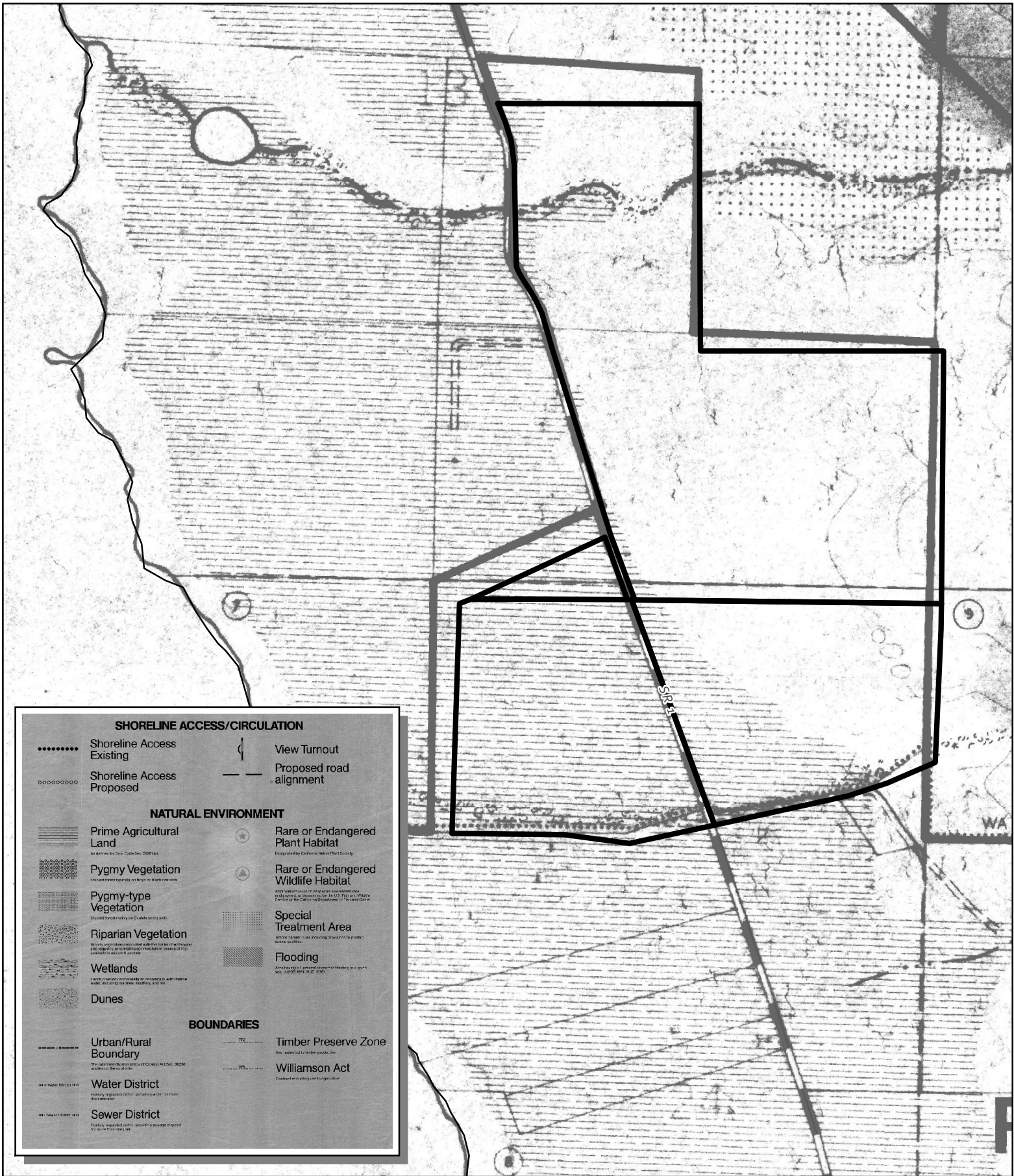


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**GENERAL PLAN**

**CASE: CDP 2023-0017**  
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**SHORELINE ACCESS/CIRCULATION**

- Shoreline Access Existing
- Shoreline Access Proposed
- View Turnout
- Proposed road alignment

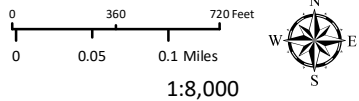
**NATURAL ENVIRONMENT**

- Prime Agricultural Land
- Pygmy Vegetation
- Pygmy-type Vegetation
- Riparian Vegetation
- Wetlands
- Dunes
- Rare or Endangered Plant Habitat
- Rare or Endangered Wildlife Habitat
- Special Treatment Area
- Flooding

**BOUNDARIES**

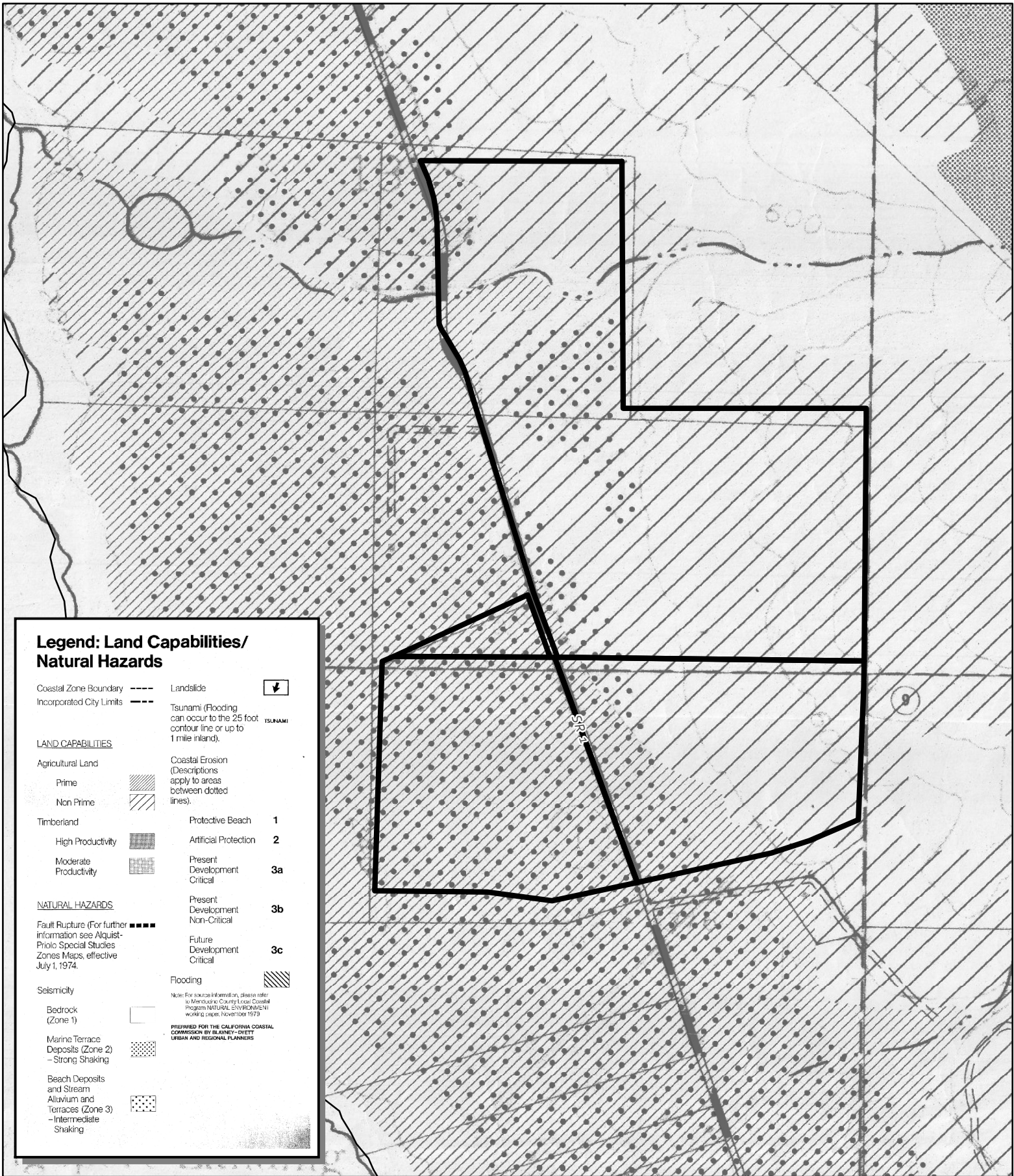
- Urban/Rural Boundary
- Water District
- Sewer District
- Timber Preserve Zone
- Williamson Act

**CASE: CDP 2023-0017**  
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LCP LAND USE MAP 21: BRIDGEPORT LANDING

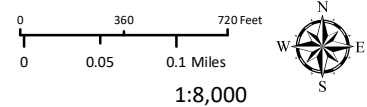
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**Legend: Land Capabilities/  
Natural Hazards**

- Coastal Zone Boundary ---
- Incorporated City Limits - - -
  
- LAND CAPABILITIES
- Agricultural Land
  - Prime [diagonal lines]
  - Non Prime [cross-hatch]
- Timberland
  - High Productivity [grid]
  - Moderate Productivity [stippled]
  
- 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]
  - Marine Terrace Deposits (Zone 2) - Strong Shaking [dotted]
  - Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking [stippled]
- 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 [diagonal lines]
  - Artificial Protection 2 [cross-hatch]
  - Present Development Critical 3a [grid]
  - Present Development Non-Critical 3b [stippled]
  - Future Development Critical 3c [diagonal lines]
- Flooding [wavy line]

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENTAL working paper, November 1979.  
PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANEY-DYETT URBAN AND REGIONAL PLANNERS

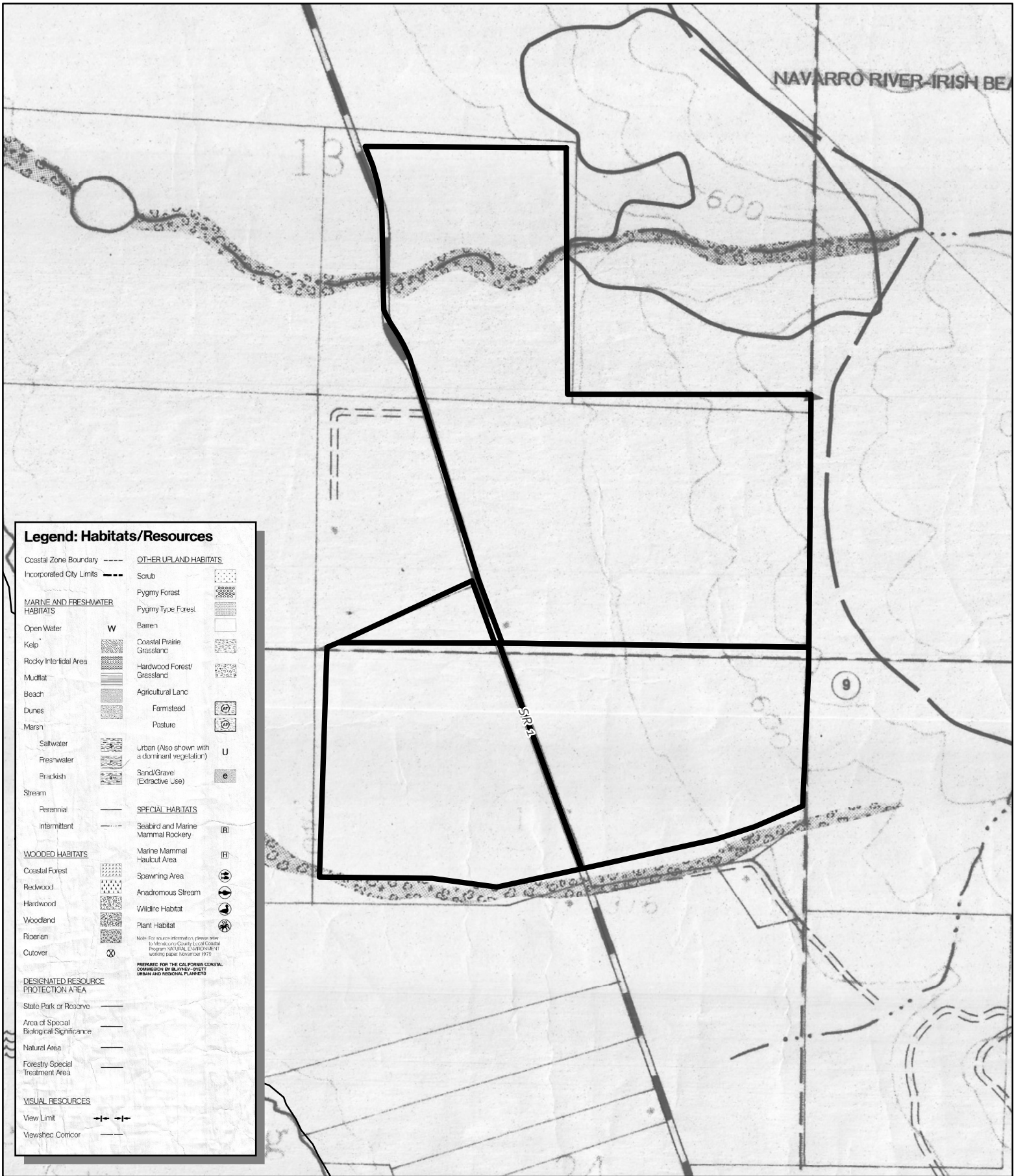


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Public Roads

**LCP LAND CAPABILITIES & NATURAL HAZARDS**

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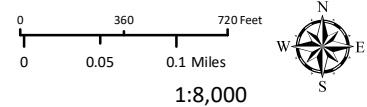


**Legend: Habitats/Resources**

Coastal Zone Boundary	---	OT-HER UPLAND HABITATS	
Incorporated City Limits	---	Scrub	[Pattern]
<b>MARINE AND FRESHWATER HABITATS</b>		Pygmy Forest	[Pattern]
Open Water	W	Pygmy Tree Forest	[Pattern]
Kelp	[Pattern]	Barren	[Pattern]
Rocky Intertidal Area	[Pattern]	Coastal Prairie	[Pattern]
Mudflat	[Pattern]	Grossland	[Pattern]
Beach	[Pattern]	Hardwood Forest/	[Pattern]
Dunes	[Pattern]	Grossland	[Pattern]
Marsh	[Pattern]	Agricultural Land	[Pattern]
Saltwater	[Pattern]	Farmstead	[Symbol]
Freshwater	[Pattern]	Pasture	[Symbol]
Brackish	[Pattern]	Urban (Also shown with	U
Stream		a dominant vegetation)	
Perennial	—	Sand/Grave	e
Intermittent	---	(Extractive Use)	
<b>WOODED HABITATS</b>		<b>SPECIAL HABITATS</b>	
Coastal Forest	[Pattern]	Seabird and Marine	[Symbol]
Redwood	[Pattern]	Mammal Rockery	[Symbol]
Hardwood	[Pattern]	Marine Mammal	[Symbol]
Woodland	[Pattern]	Haulcut Area	[Symbol]
Riparian	[Pattern]	Spawning Area	[Symbol]
Cuover	[Symbol]	Anadromous Stream	[Symbol]
		Wildfire Habitat	[Symbol]
		Plant Habitat	[Symbol]
<small>Note: For more information, please refer to Marin County Local Coastal Program NATURAL ENVIRONMENT working paper November 1992.</small>			
<small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAINY-O'NEILL URBAN AND REGIONAL PLANNERS</small>			
<b>DESIGNATED RESOURCE PROTECTION AREA</b>			
State Park or Reserve	—		
Area of Special Biological Significance	—		
Natural Area	—		
Forestry Special Treatment Area	—		
<b>VISUAL RESOURCES</b>			
View Limit	—+—+—		
Viewshed Corridor	—		

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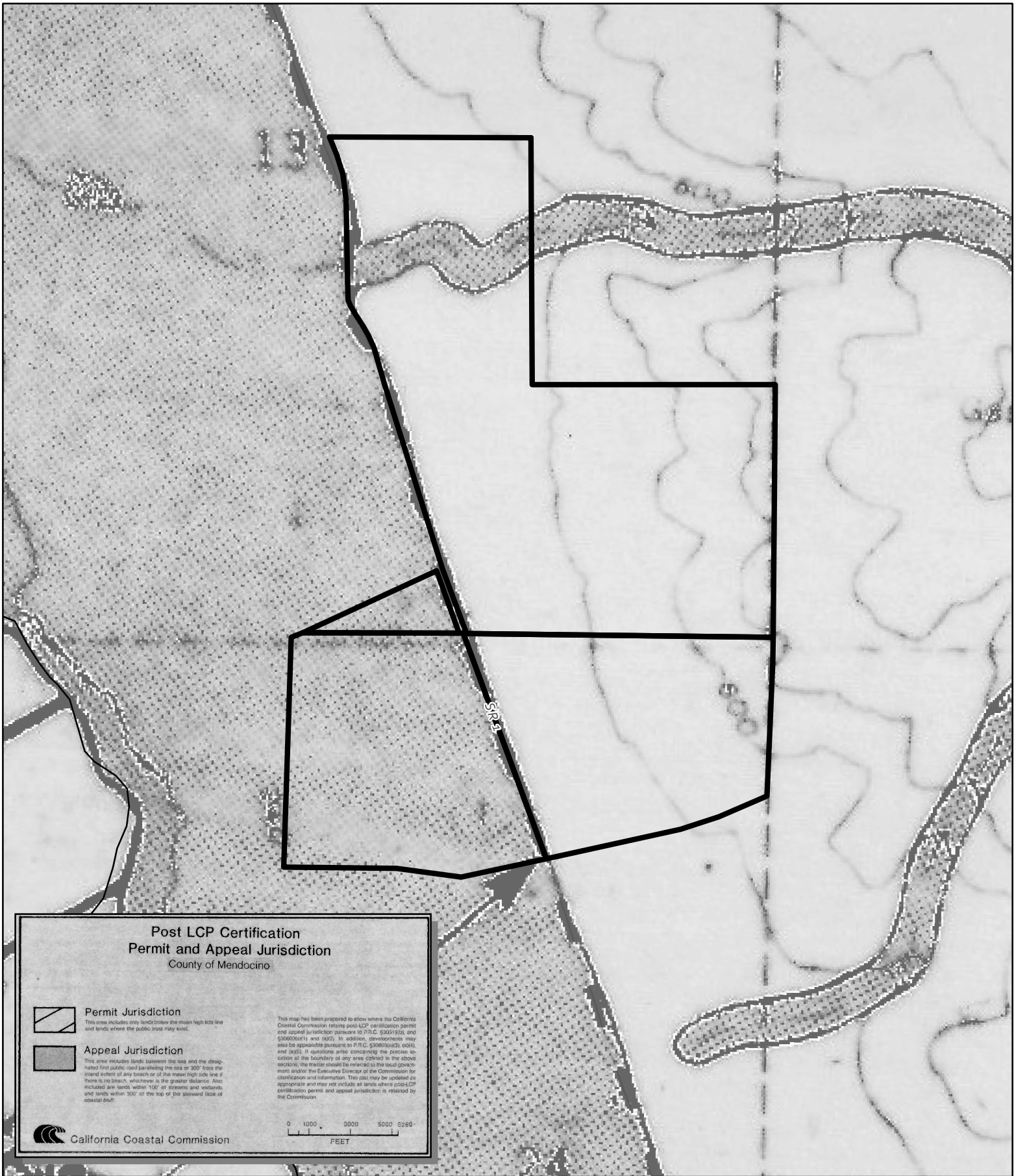
Public Roads





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**LCP HABITATS & RESOURCES**

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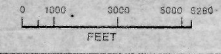
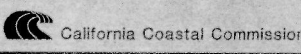




**Post LCP Certification  
Permit and Appeal Jurisdiction**  
County of Mendocino

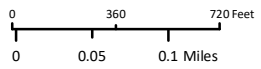
-  **Permit Jurisdiction**  
This area includes only lands below the mean high tide line and lands where the public trust may exist.
-  **Appeal Jurisdiction**  
This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any beach 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 dunes.

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.R.C. §§30519(b), and §30602(a)(1) and (a)(2). In addition, developments may also be appealable pursuant to P.R.C. §§30605(a)(3), 6064, and 6065. If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This plot 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 2023-0017**  
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**APN: 131-070-02, 03, 131-050-08, 11,**  
**APLCT: Sam Cohen**  
**AGENT: Brendan Frye**  
**ADDRESS: 11701 S Hwy 1, Elk**

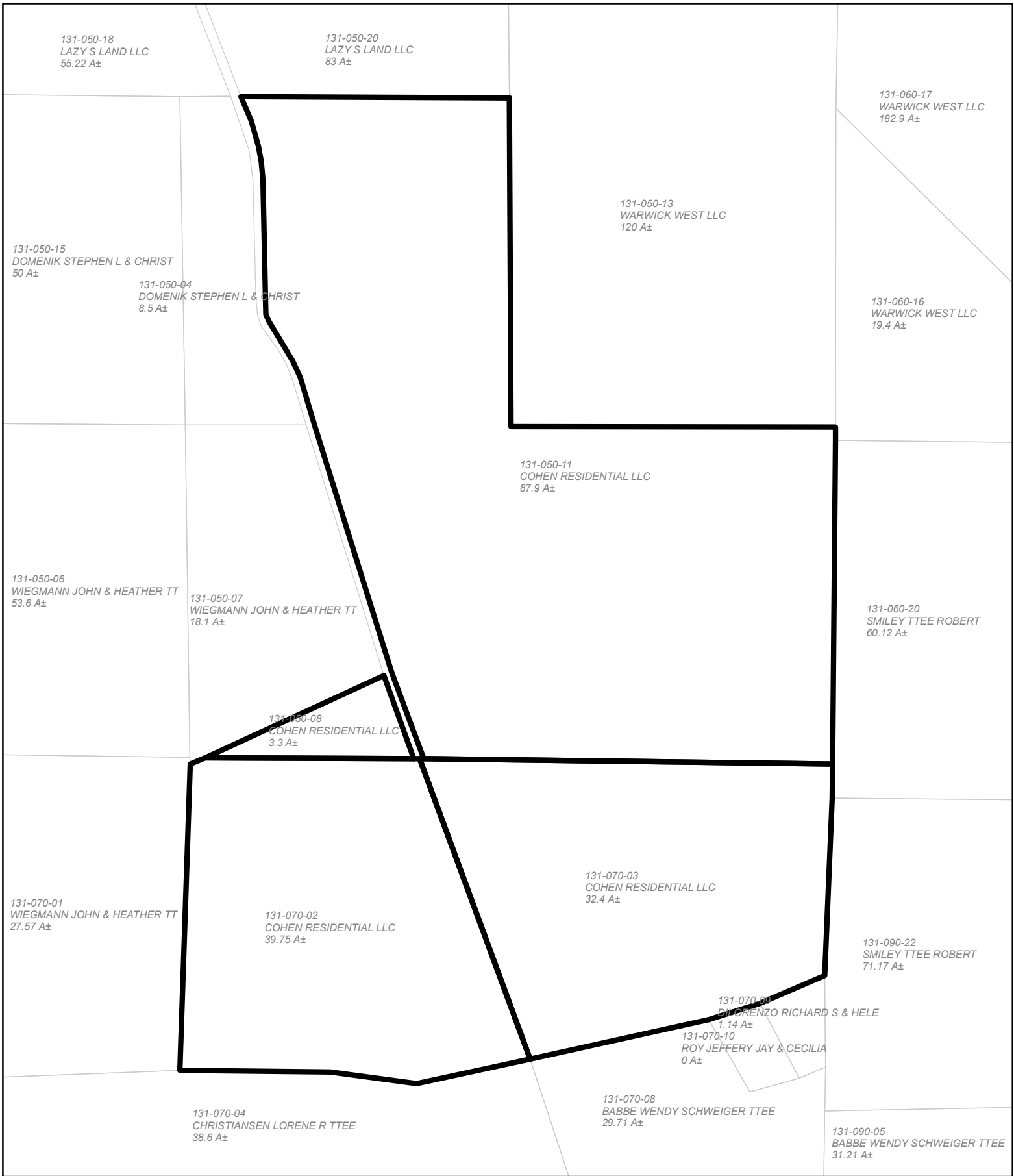
Public Roads




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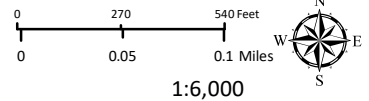
**POST LCP CERTIFICATION & APPEAL JURISDICTION**

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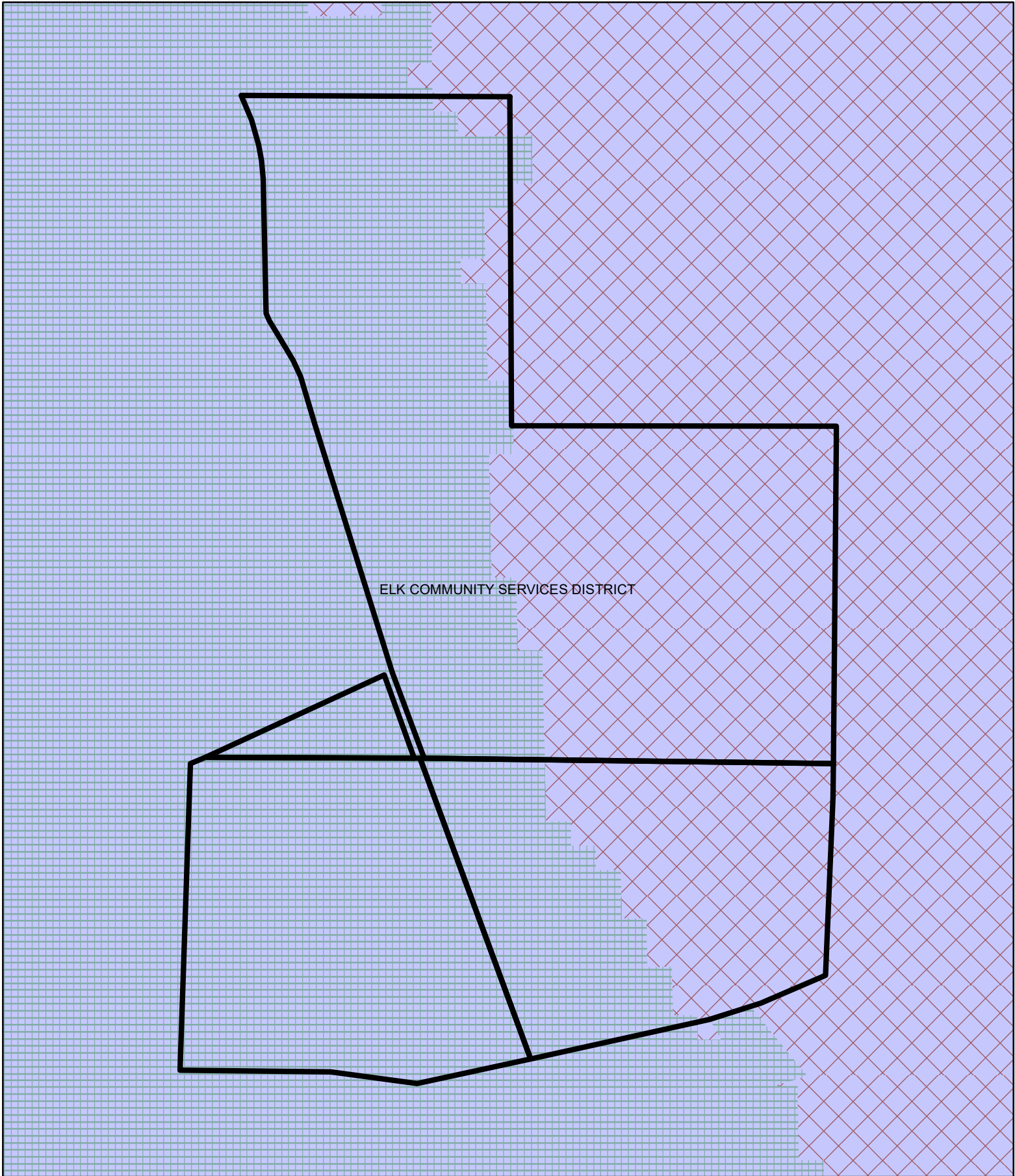
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 Assessor's Parcels






**1:6,000**  
**ADJACENT PARCELS**

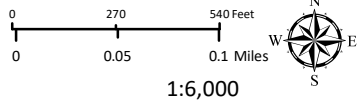
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ELK COMMUNITY SERVICES DISTRICT

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-  High Fire Hazard
-  Moderate Fire Hazard
-  County Fire Districts

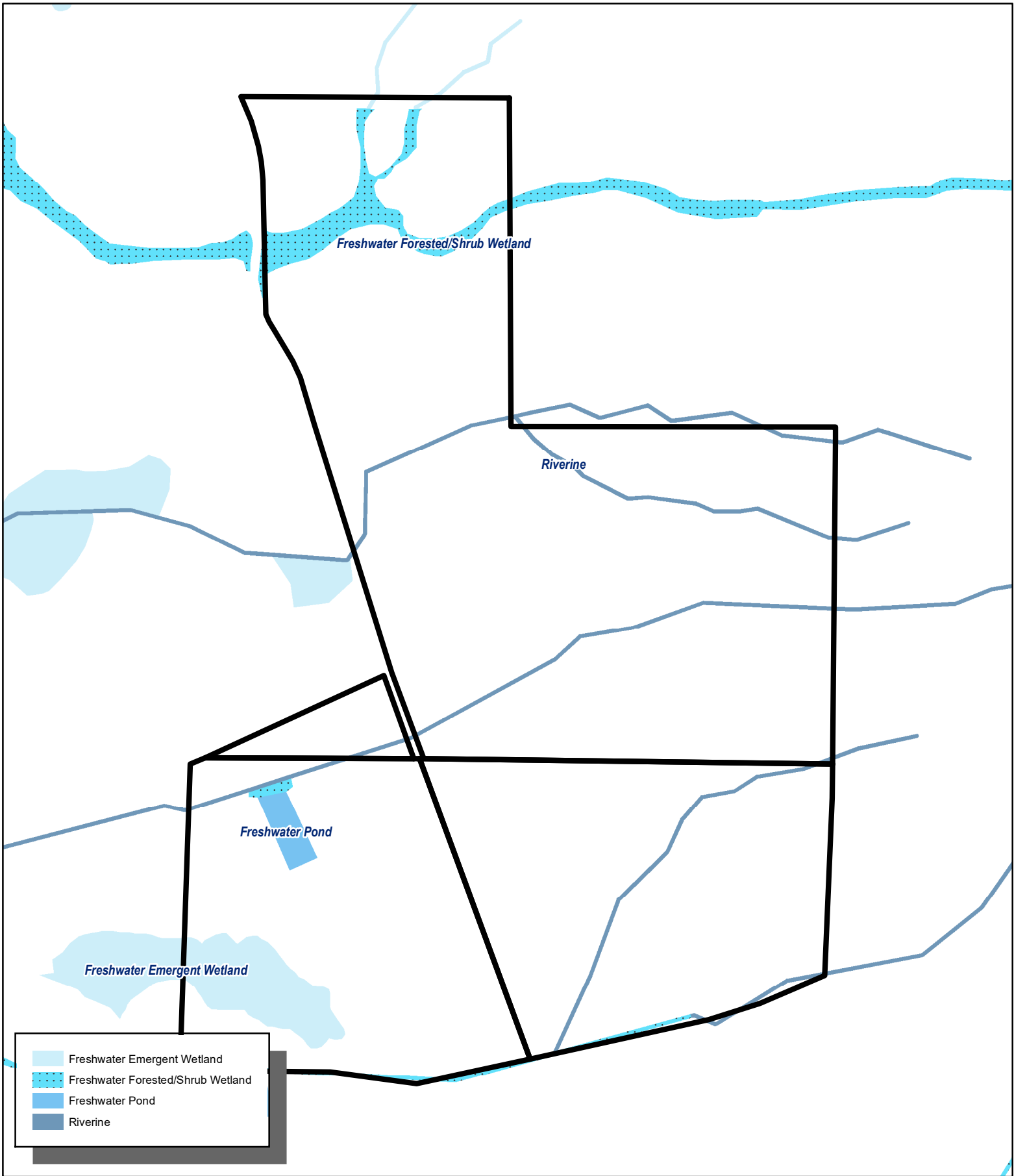


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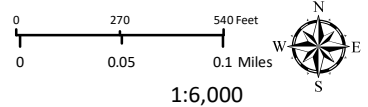
**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

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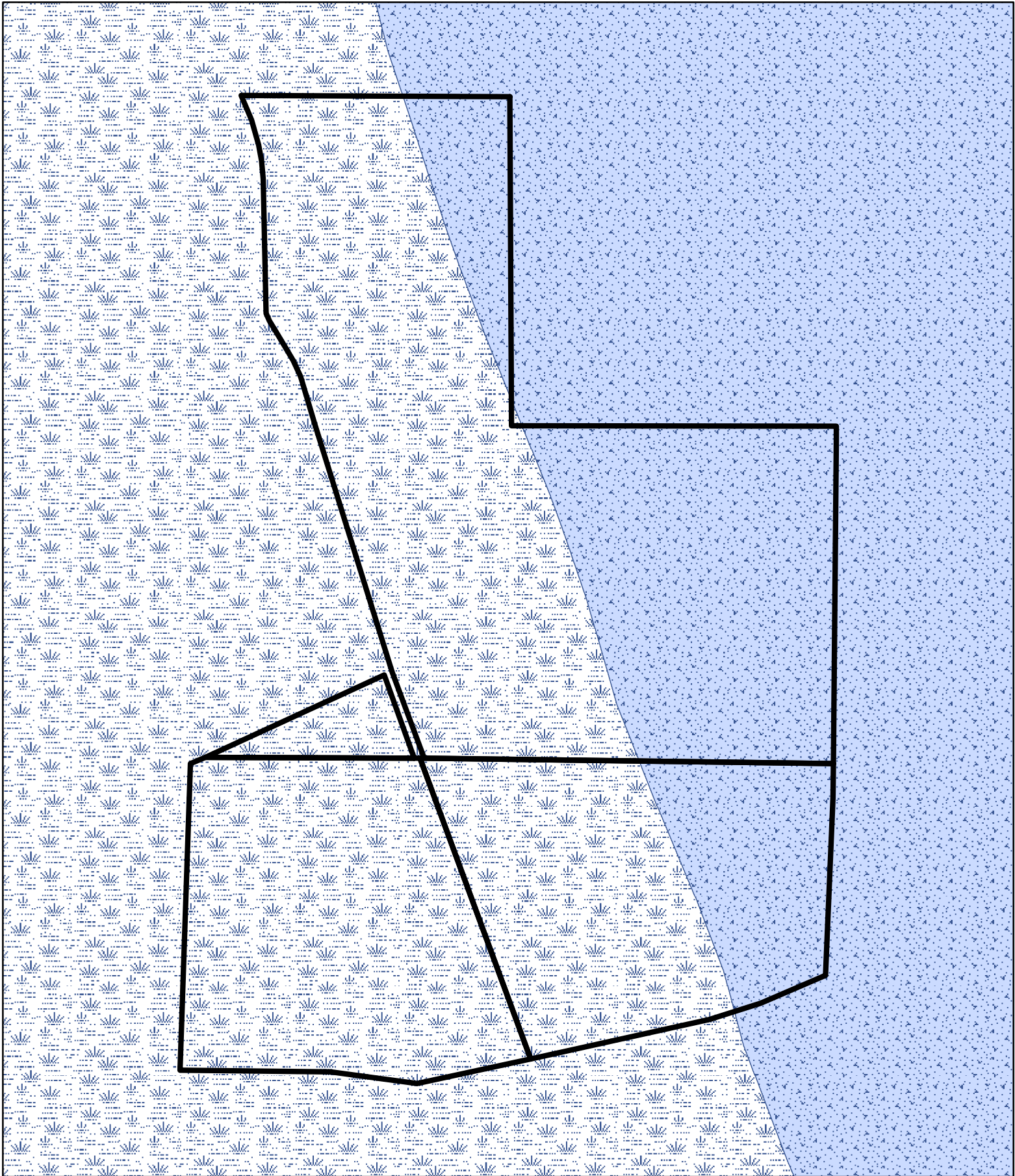
**CASE: CDP 2023-0017**  
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1:6,000

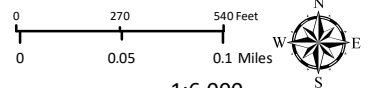
**WETLANDS**

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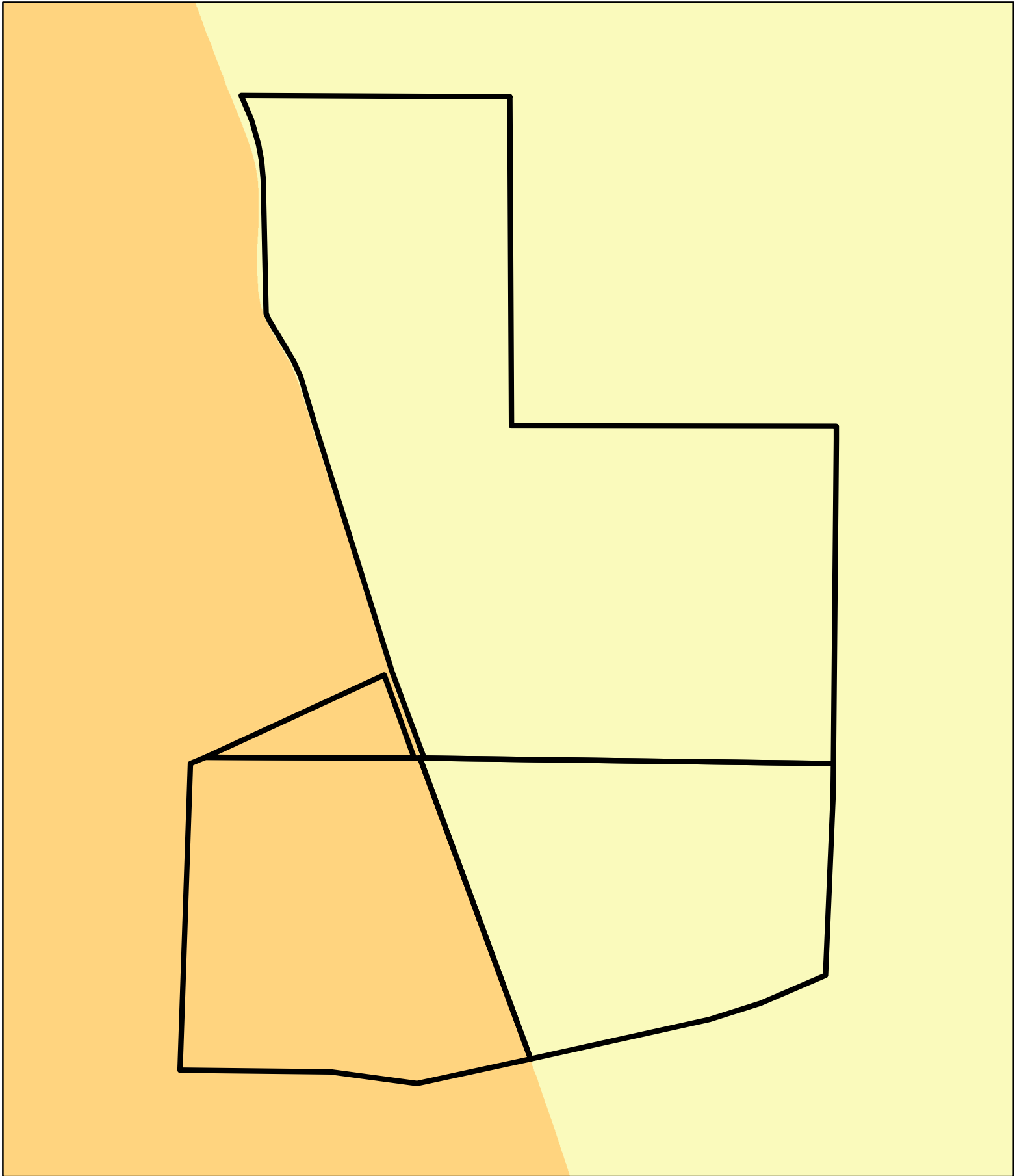
 Critical Water Resources Bedrock  
 Marginal Water Resources



1:6,000

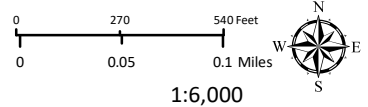
**COASTAL GROUND WATER RESOURCES**

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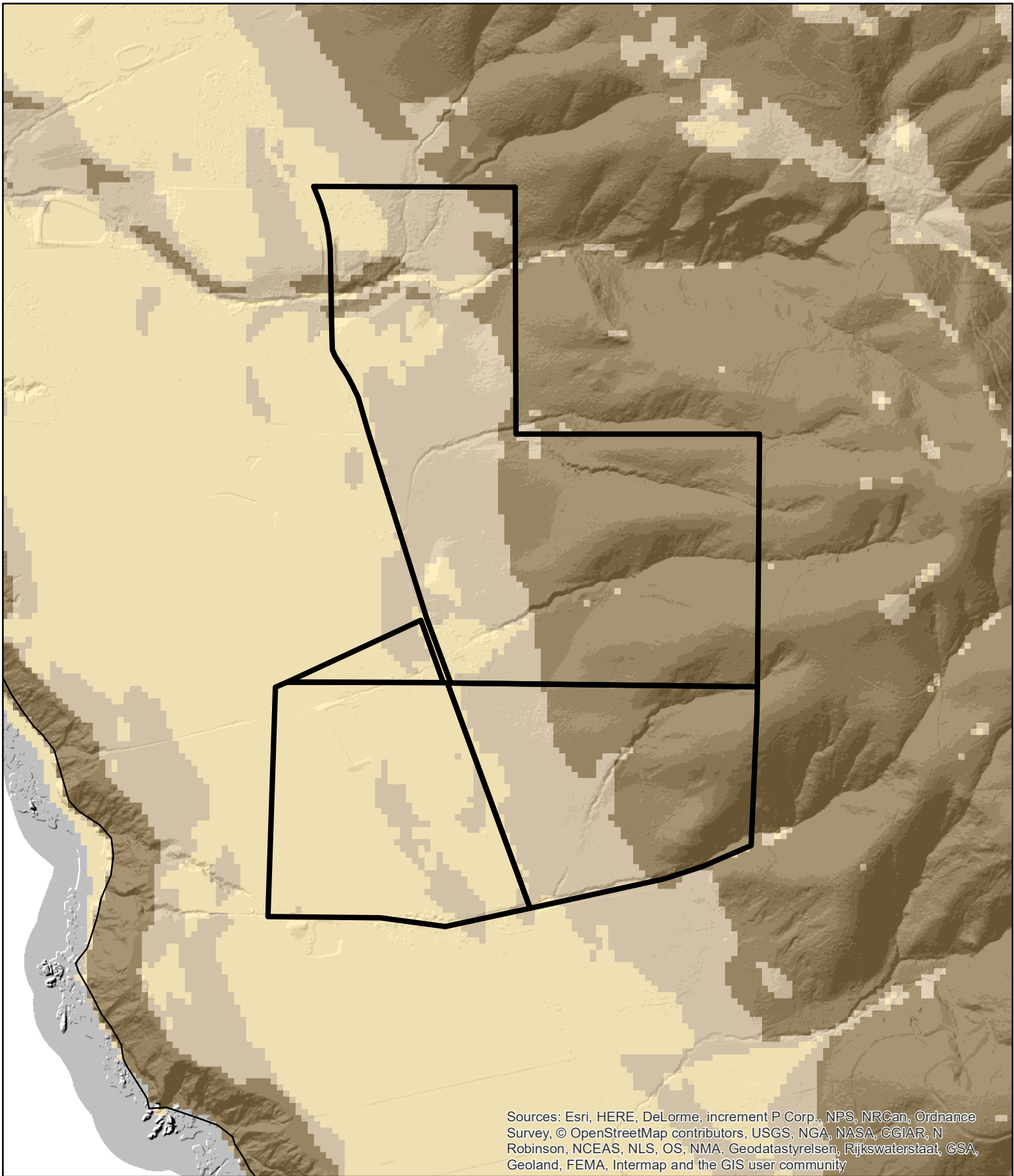
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Highly Scenic Area  
 Highly Scenic Area (Conditional)



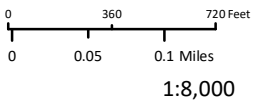
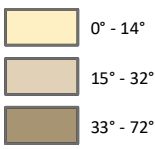
**HIGHLY SCENIC AREAS**

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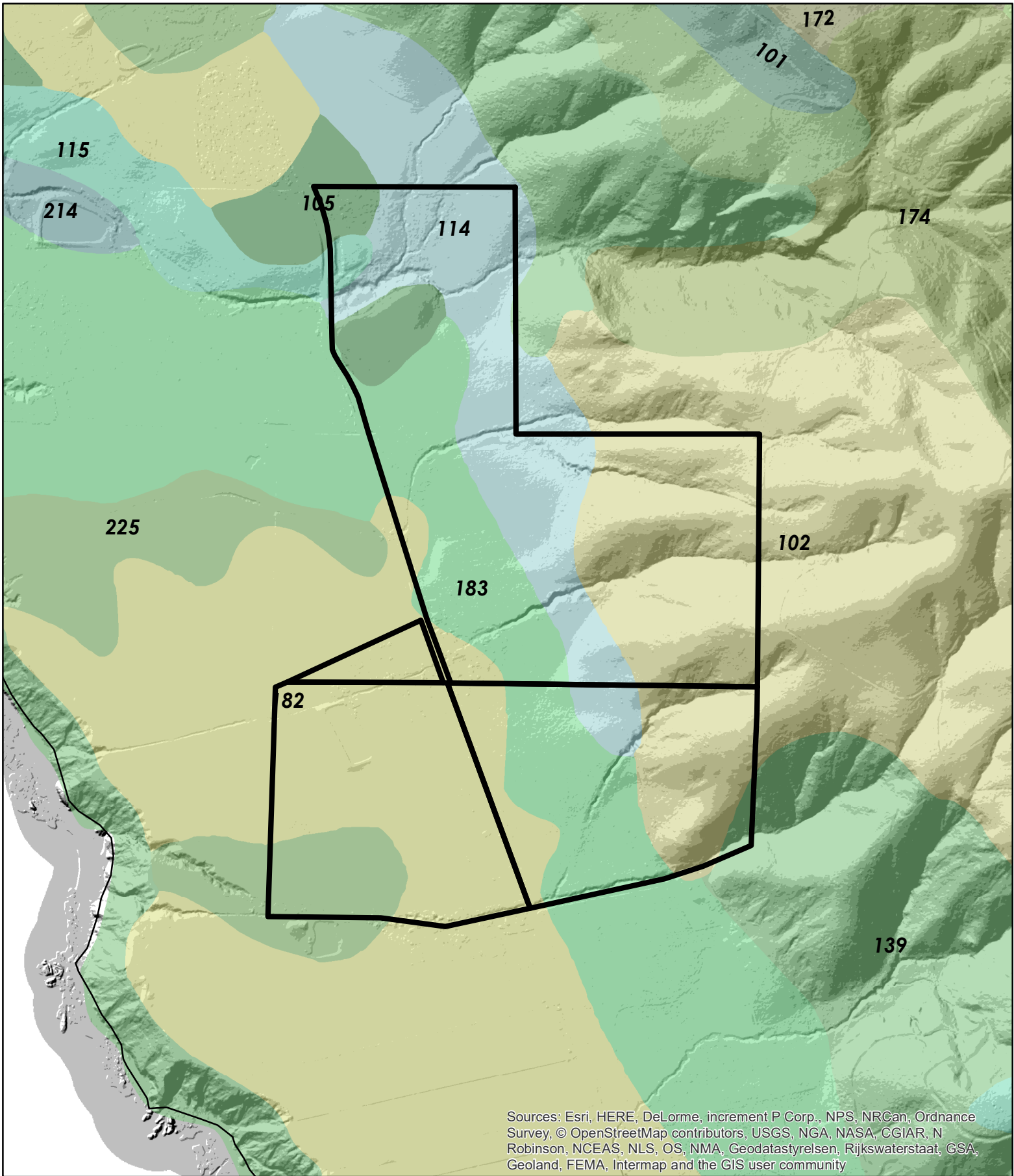
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**ESTIMATED SLOPE**

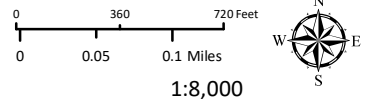
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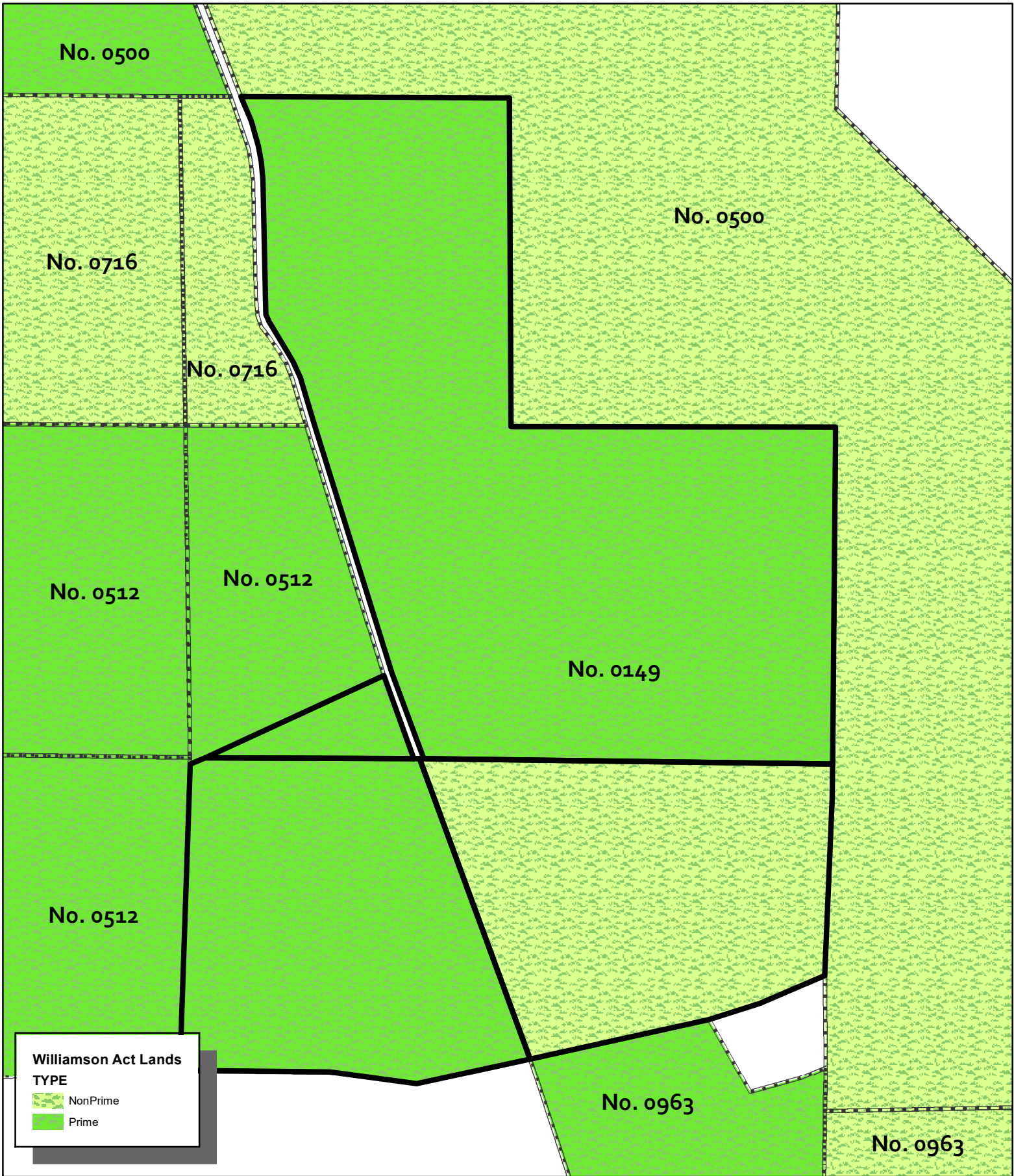
Sources: Esri, HERE, DeLorme, increment P Corp., NPS, NRCAn, Ordnance Survey, © OpenStreetMap contributors, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

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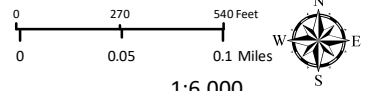
**WESTERN SOIL CLASSIFICATIONS**

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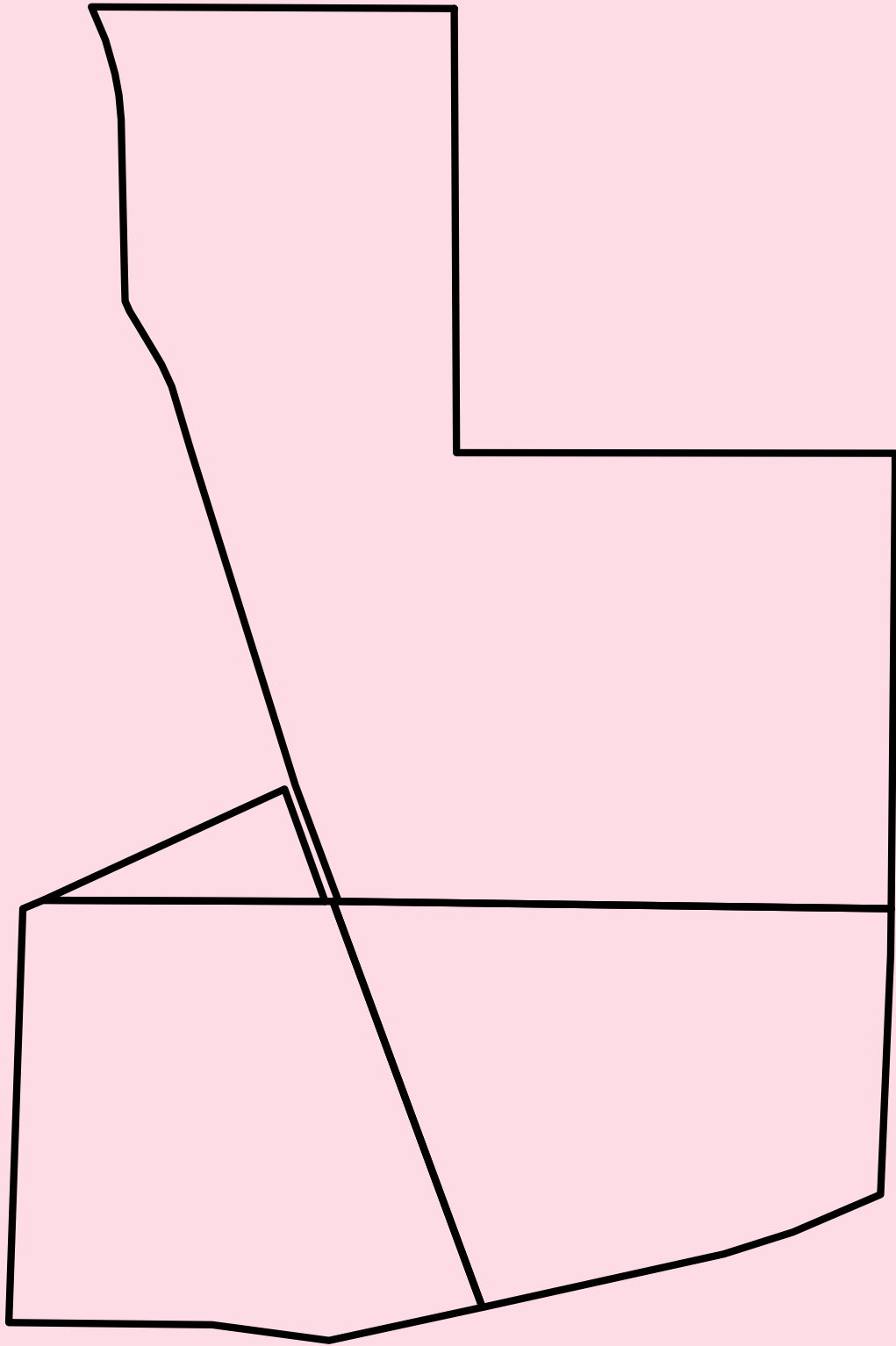
**Williamson Act Lands**  
**TYPE**  
 NonPrime  
 Prime


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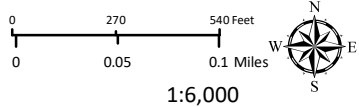
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 WILLIAMSON ACT

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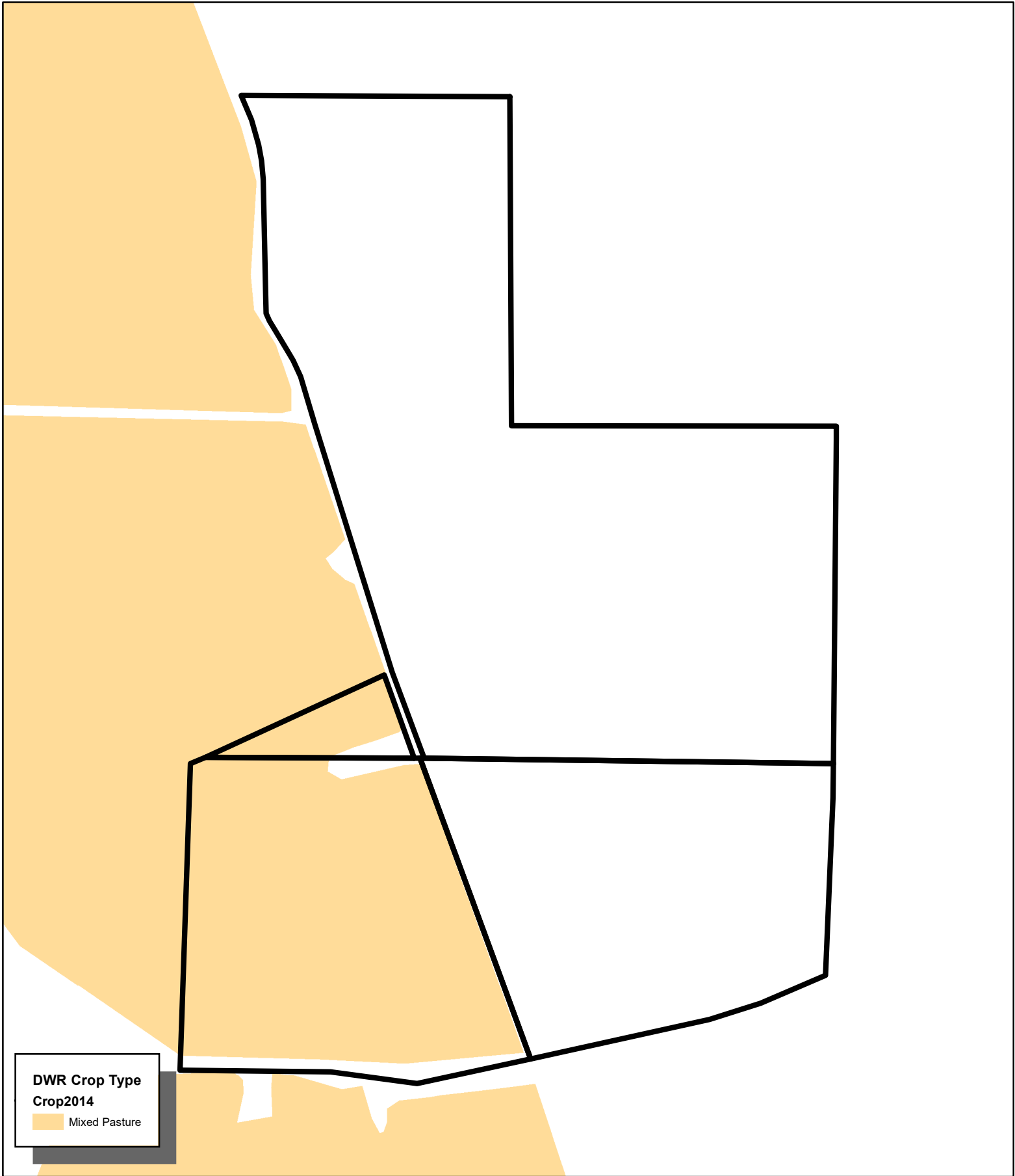
 Grazing Land (G)

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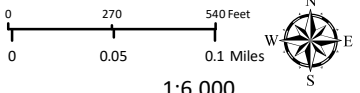
**IMPORTANT FARMLAND**

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**DWR Crop Type**  
**Crop2014**  
Mixed Pasture

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1:6,000

**CROP TYPE**

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