JULIA KROG, DIRECTOR PHONE: 707-234-6650 FAX: 707-463-5709 FB PHONE: 707-964-5379 FB FAX: 707-961-2427 pbs@mendocinocounty.org www.mendocinocounty.org/pbs

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 <a href="https://www.youtube.com/MendocinoCountyVideo">https://www.youtube.com/MendocinoCountyVideo</a>. In lieu of personal attendance the public may participate digitally in meetings by sending comments to 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 Mendocino County YouTube on the page, at https://www.youtube.com/MendocinoCountyVideo.

**CASE#**: CDP\_2023-0028 **DATE FILED**: 6/16/2023

**OWNER:** CHARLES BUCHANAN III **APPLICANT:** DONALD BUCHANAN

AGENT: MEGHAN DURBIN, WYNN COASTAL PLANNING

**REQUEST:** Standard Coastal Development Permit to replace on-site septic and wastewater disposal system for existing four (4) bedroom single-family residence in the Coastal Zone.

**ENVIRONMENTAL DETERMINATION**: Categorically Exempt

**LOCATION:** In the Coastal Zone, within the town of Elk, lying west of Highway 1, 0.43± north of its intersection with Philo-Greenwood Road (CR 132). Located at 5800 S. Highway 1, Elk;

APN: 127-181-01-00.

SUPERVISORIAL DISTRICT: 5 (Williams)
STAFF PLANNER: SUSAN SUMMERFORD

The staff report, and notice, will be available 10 days before the hearing on the Department of Planning and Building Services website at: <a href="https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator">https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator</a>

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 <a href="mailto:pbscommissions@mendocinocounty.gov">pbscommissions@mendocinocounty.gov</a> 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 <a href="mailto:pbscommissions@mendocinocounty.gov">pbscommissions@mendocinocounty.gov</a>, 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: <a href="https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator">https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator</a>

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

## NOVEMBER 15, 2023 CDP\_2023-0028

SUMMARY

OWNER/ APPLICANT: DONALD BUCHANAN, SUCCESSOR TRUSTEE

5645 W. DALCROSS DRIVE

BOISE, ID 83714

**AGENT:** MEGHAN DURBIN, WYNN COASTAL PLANNING

703 N. MAIN STREET FORT BRAGG, CA 95437

REQUEST: Standard Coastal Development Permit to replace an on-

site septic and wastewater disposal system for an existing four (4) bedroom single-family residence in the

Coastal Zone.

**LOCATION:** In the Coastal Zone, within the town of Elk, lying west of

Highway 1, 0.43± north of its intersection with Philo-Greenwood Road (CR 132). Located at 5800 S

Highway 1, Elk; APN: 127-181-01-00

**TOTAL ACREAGE:** 0.73± Acres

GENERAL PLAN: Rural Village (RV)

**ZONING:** Rural Village:40K:Flood Plain Combining District

(RV:40K[FP])

**SUPERVISORIAL DISTRICT**: 5 (Williams)

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption

APPEALBLE: Yes

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** SUSAN SUMMERFORD

#### **BACKGROUND**

**PROJECT DESCRIPTION**: Standard Coastal Development Permit to allow the replacement of an on-site septic and wastewater disposal system for an existing 2,156± square foot four (4) bedroom single-family residence in the Coastal Zone with minimal grading and vegetation removal. A septic permit is pending further review with Mendocino County Division of Environmental Health, as the subject site lies within an area in the certified LCP maps as 'Appealable" to the California Coastal Commission, and therefore requires review by the Coastal Permit Administrator, per MCC Section 20.532.045

#### **RELATED APPLICATIONS:**

(County of Mendocino Division of Environmental Health) Septic Permit # 27481

**Neighboring Property:** Neighboring properties include similar residential uses immediately adjacent to the north, south, and to the east across Highway 1 as well as a large tract of Rangeland directly east across the highway, and the Pacific Ocean to the west.

SITE CHARACTERISTICS: The project site is located in the Coastal Zone, within the town of Elk, lying west of Highway 1, 0.43± miles north of its intersection with Philo-Greenwood Road (CR 132), as shown on the attached Location and Aerial (Vicinity) Maps. The parcel currently has an existing single-family residence, detached garage, chicken coop/shed, as well as an existing septic tank and leach field. The property contains various levels of slopes, with elevations ranging from 0° at the eastern portion of the property to as much as 72° as it runs to the west. (See Estimated Slope and Topographic maps). The zoning of the parcel contains the designation of Flood Plain Combining District due to the proximity of the site to the coastline of the Pacific Ocean. Per the attached Wetlands map, the site contains Estuarine and Marine Wetlands, which is typical of both the limit of tidal influence and the limit of ocean-derived salinity that play key determining factors in the delineation of wetlands. The project, as proposed, seeks no disturbance of the existing Marine or Estuarine System. The location of the proposed new septic system is over 150' from the blufftop, on the other side of the existing residence.

SURROUNDING LAND USE AND ZONING: The site is surrounded to the north and south by developed properties within a residential neighborhood running along SR 1. West of the parcel lies the Pacific Ocean. Lands to the east of the site are parcels designated Conditional Highly Scenic Area, as well as a Williamson Act Contracted Lands (No. 0718). Greenwood State Beach lies approximately 0.14± miles to the south.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Village District (RV)	Rural Village District (RV)	0.48± Acres	Residential
EAST	Rangeland (RL 160)	Rangeland (RL)	81.36± Acres	Residential
SOUTH	Rural Village District (RV)	Rural Village District (RV)	0.19± & 1.53± Acres	Residential
WEST	Pacific Ocean	Pacific Ocean	N/A	Pacific Ocean

#### **PUBLIC SERVICES:**

Access: SR 1
Fire District: CalFire
Water District: Elk County
Sewer District: None

School District: Mendocino Unified School District

**AGENCY COMMENTS:** On August 7, 2023, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. A summary of the submitted agency comments are listed below.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Environmental Health-Fort Bragg	Septic permit #27481	Septic permit required	8/11/23
Northwest Information Center		Comment letter received-no survey required	8/21/23
Building Services-Fort Bragg		No response	
Elk Community Services District		No response	
Elk Fire District		No response	
Elk Water District		No response	
Cal Fire (Land Use)		No response	
California Coastal Commission		No response	
California Department of Fish & Wildlife		No response	
Agriculture Commissioner		No response	
California State Clearinghouse		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 parcel is classified as Rural Village (RV). The intent of the Coastal Rural Village District classification is to "preserve and maintain the character of the rural atmosphere and (the) visual quality". One dwelling unit per existing parcel and associated utilities constitutes a principally permitted use, however, further restrictions are placed upon this land use classification relative to parcel size and available infrastructure. Per Chapter 2 of the Mendocino County Coastal Element of the General Plan, minimum parcel size for development within water or sewer service is 12,000 square feet, and the maximum dwelling density for a site within either a water or sewer district is one (1) single-family dwelling per 12,000 square feet. Therefore, the proposed project is in compliance with the intent and parameters of the Rural Village designation and meet the minimum setback requirements for development.

Additionally, General Plan (Chapter 3: Development Element) Geologic Conditions Policies requires the development of parcels be, "supported by water supply and wastewater treatment systems adequate to serve the long-term needs of the intended density, intensity, and use", as well as requires all new buildings and structures to comply with the uniform construction codes and other regulations adopted by the County and State to minimize geologic hazards.

**Zoning:** The project site is located within the Rural Village (RV), with a forty thousand (40K) square foot minimum parcel size, with a Flood Plain Combining District (RV:40K[FP]), as shown on Zoning Display and Flood maps. Mendocino County Code (MCC) Section 20.388.005, states:

"This district is intended to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities."

The Flood Plain Combining District associated with the parcel is due to the presence of Estuarine and Marine Wetlands running adjacent to the westernmost border of the site and hugging the coastline, as illustrated on the attached Wetlands map. Per the site plan and proposed project description provided by the septic contractor, Rittiman and Associates, the replacement septic system for the existing single-family residence will be located further away from the wetland delineated area and coastline and well within the required setback areas.

Due to the location of the proposed project being within the town of Elk, and per MCC Section 20.388.060 (Special Development Regulations), "Development in Westport, Caspar, Little River, Albion, Elk, Manchester, Anchor Bay and Gualala shall be subject to the development criteria in Section 20.504.020." Section 20.504.020 stipulates the following:

<u>Visual Resources</u>: As established by MCC Section 20.388.060, the development criteria established by MCC Sections 20.504.020 (B), (C), and (D) are applicable to the current proposal. However, there are no new structures proposed as a part of the septic and wastewater system replacement, and the parcel is not located within the Highly Scenic designation, as illustrated in the attached Highly Scenic Areas map.

<u>Habitats and Natural Resources</u>: LCP Habitats & Resources Map does not identify sensitive resource areas within 100 feet of the proposed septic replacement location. The site is mapped as Urban, as are surrounding parcels.

<u>Hazards Management</u>: The parcel is located in an area classified with a "High Fire Hazard" severity rating (FHZ map attached). Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire). The project application was referred to CalFire for input; however, no responses were received. Staff finds the project would not result in significant impacts.

<u>Grading, Erosion, and Run-Off</u>: Site preparation is required to accommodate the proposed development. Additionally, trenching is required to install underground the septic system and leach field, which is illustrated in the attached site plan and proposed project design submitted by the project soil scientist.

At this time, this project does not propose any grading, and therefore below threshold amounts hat would require an Air Quality Permit. The project would be required to implement standard Best Management Practices (BMPs) to prevent erosion and run-off during project construction and revegetate any bare soil as soon as feasible after the construction phase is complete. Staff finds the project would not result in significant erosion or run-off impacts and is compliant with MCC Section 20.492.010 grading standards, MCC Section 20.492.015 erosion standards, MCC Section 20.492.020 sedimentation standards.

<u>Archaeological/Cultural Resources</u>: As proposed, the project would be consistent with the archaeological resource policies of Coastal Element Chapter 3.5 and MCC Chapter 22.12. The "Discovery Clause" referenced in MCC Section 22.12.090 is applicable to all projects in Mendocino County.

<u>Groundwater Resources</u>: The project site is located within a mapped "Critical Water Area". The applicant has applied for a Septic Permit with the Division of Environmental Health in Fort Bragg, which is on hold, pending the processing of this standard coastal development permit, as required by MCC Section 20.544.20 (B).

<u>Transportation/Circulation</u>: The project would not contribute any 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 site and surrounding parcels are currently developed and have homes that are occupied.

<u>Public Access</u>: The project site is located west of State Route 1, approximately 0.42± miles north of its intersection with Philo-Greenwood Road (CR 132). There is no shoreline access on the site as shown on LCP Land Use Maps 20: Elk. Although not designated as a potential public access trail location, the site is located to the west of State Route 1, and therefore subject to the Findings related to public access are required for this project as the site is located east of the first public road paralleling the sea provisions in MCC Section 20.532.095(B)(1), which states, "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." Staff finds that the proposed replacement septic and wastewater treatment system project is in conformity with the public access and public recreation policies of Chapter 3 in that no public access routes will be or have the potential to be impacted as a result of this project.

<u>Geologic Hazards:</u> As the subject site is an ocean front parcel on a bluff top, MCC Section 20.500.020(B)(1) requires, "New structures shall be setback a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (seventy-five (75) years). New development shall be setback from the edge of bluffs a distance determined from information derived from the required geologic investigation and the setback formula as follows:

Setback (meters) = structure life (75 years) x retreat rate (meters/year)"

The proposed project is the replacement and relocation of a septic tank for an existing four (4) bedroom residential structure. As is illustrated on the attached Site Plan, the new septic tank will be located 135 feet from the bluff top. The presumed site of the existing septic tank is within the required setback area from the bluff top, and therefore likely not in conformance with the formula above. Additionally, the parcel is identified as being located within a potential landslide area, but the development is not located within a historic or existing landslide, nor is the nature of the project expected to trigger the need for ground stabilization to facilitate the new septic and wastewater disposal system.

**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 2, 15302(c): Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

## **PROJECT FINDINGS AND CONDITIONS**

Pursuant to the provisions of Chapter 20.532.095 of the Mendocino 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 proposed septic and wastewater replacement project with minimal grading and vegetation removal is in conformity with the entirety of the certified Local Coastal Program. The repair and replacement of vital infrastructure and utilities is a permitted use in the Rural Village land classification and is consistent with the intent of the RV classification; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), the proposed project would be provided with adequate utilities, access roads, driveway access, drainage, and other necessary facilities and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed project is consistent with the purpose and intent of the Rural Village Zoning District, as well as all other provisions of District II of Title 20 of the Mendocino County Code, including development criteria for Special Development Regulations (MCC Sec 20.388.060), and preserves the integrity of the Rural Village Zoning District; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed project, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts replacement septic and wastewater system are categorically exempt pursuant to Sections15302(c); and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed project would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site and Condition 8 is in place in the event archaeological sites or artifacts are discovered; and
- 6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. The proposed project is a repair and replacement of the solid waste and wastewater system and is not anticipated to significantly affect demands on public services; and
- 7. Pursuant with MCC Section 20.532.095(B)(1), and being as the proposed development is located between the first public road and the sea or the shoreline of any body of water, staff states that the additional finding can be made that 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.

### **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\_2023-0028 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 the 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 Planning Commission.
- 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. Future vegetation removal or management is subject to review by Mendocino County Planning and Building Services and California Department of Fish and Wildlife. The Applicant shall obtain any permits necessary from County or State agencies for vegetation removal or management.
- 10. The applicant shall continue the process of securing a septic permit from the Mendocino County Division of Environmental Health for the development of the replacement system.
- 11. 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 shall be seeded with native erosion control seed mix and/or covered with biodegradable erosion control materials (e.g. coconut fiber, jute, weed-free straw).

10-2-23	Susan Summerford		
DATE	SUSAN SUMMERFORD		
	PLANNER III		

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

## **COASTAL PERMIT ADMINISTRATOR** STAFF REPORT FOR STANDARD CDP

## CDP\_2023-0028 **PAGE CPA-7**

## **ATTACHMENTS:**

- A. Proposed Site Plan
- B. Location Map
- C. Aerial Map
- D. Adjacent Owner Map
- E. Zoning Map
  F. General Plan/LCP Maps
  G. Fire Hazards Map
- H. Appeals Map

- I. Flood Zone

- J. Slope Map
  K. Soils Map
  L. Ground Water Resource Area
- M. Highly Scenic
- N. Wetlands
- O. Williamson Act
- P. State Parks





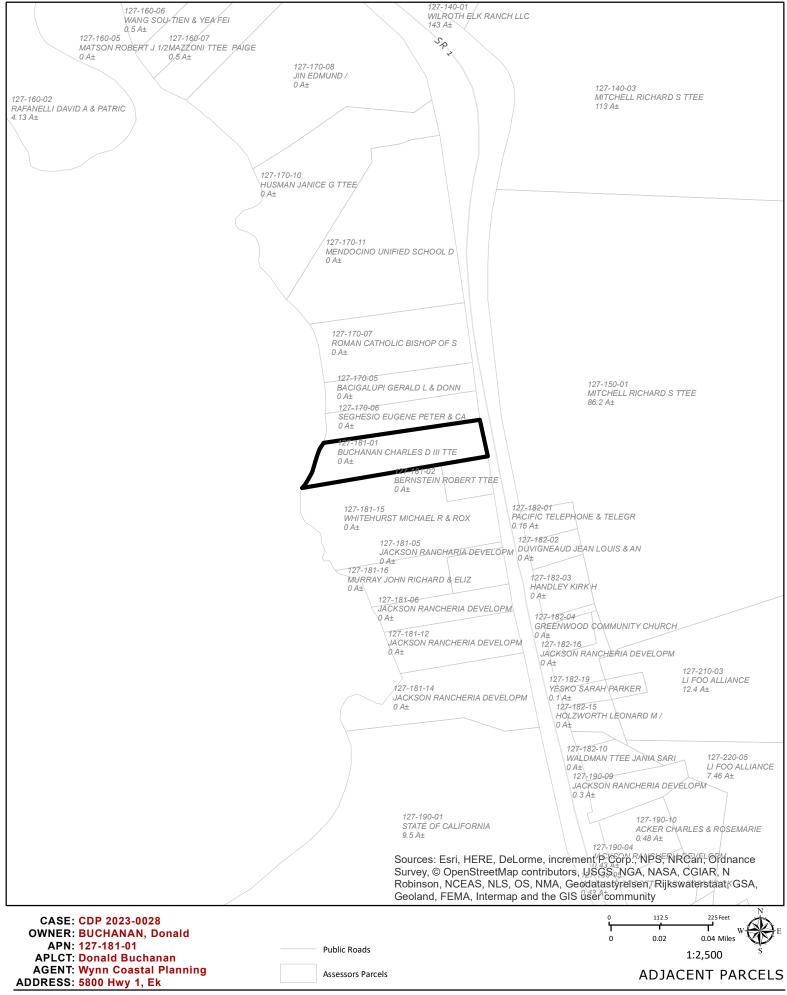


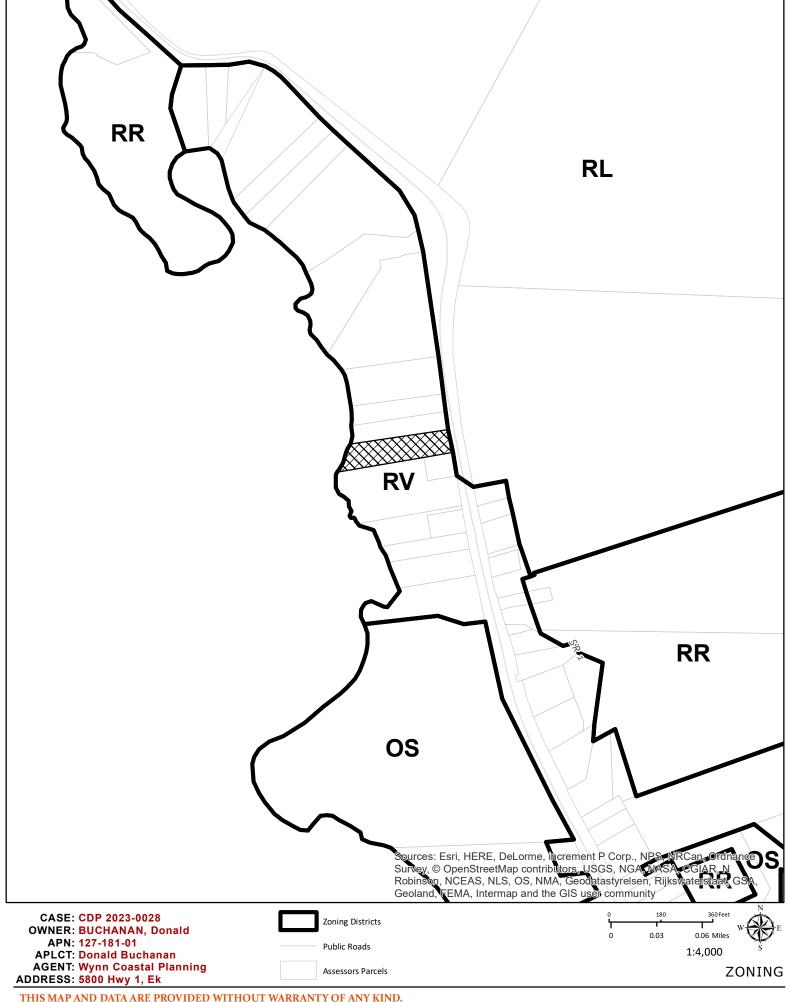
APN: 127-181-01
APLCT: Donald Buchanan
AGENT: Wynn Coastal Planning
ADDRESS: 5800 Hwy 1, Ek

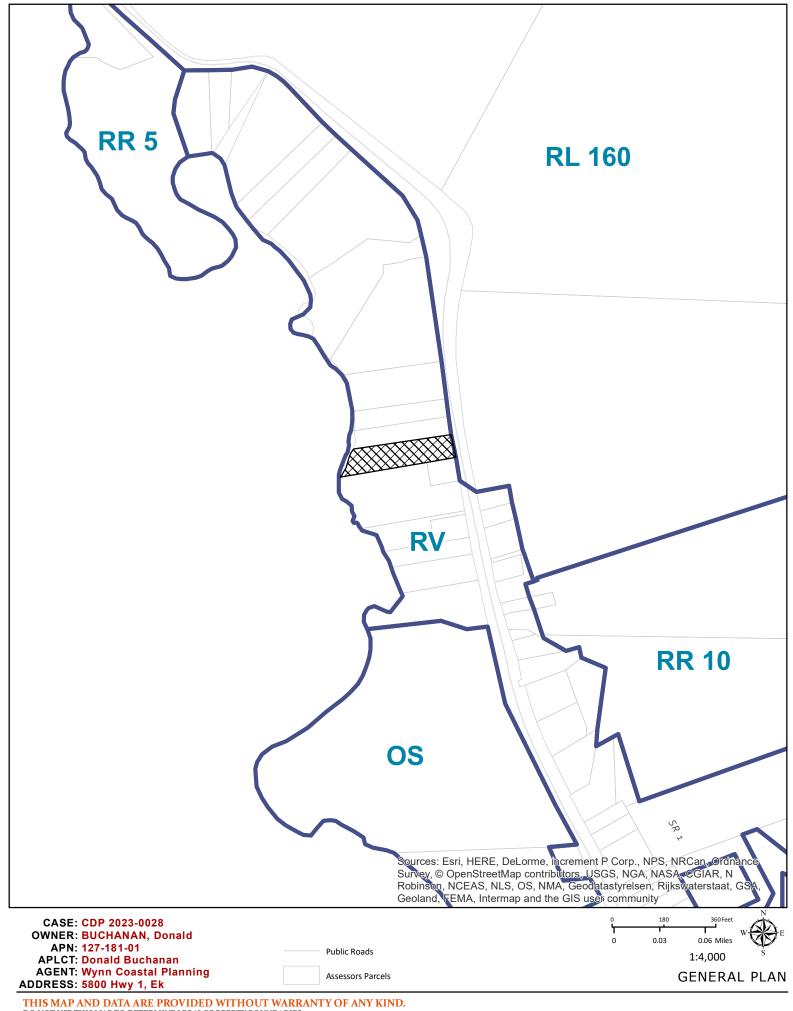
Highways (2017) Public Roads

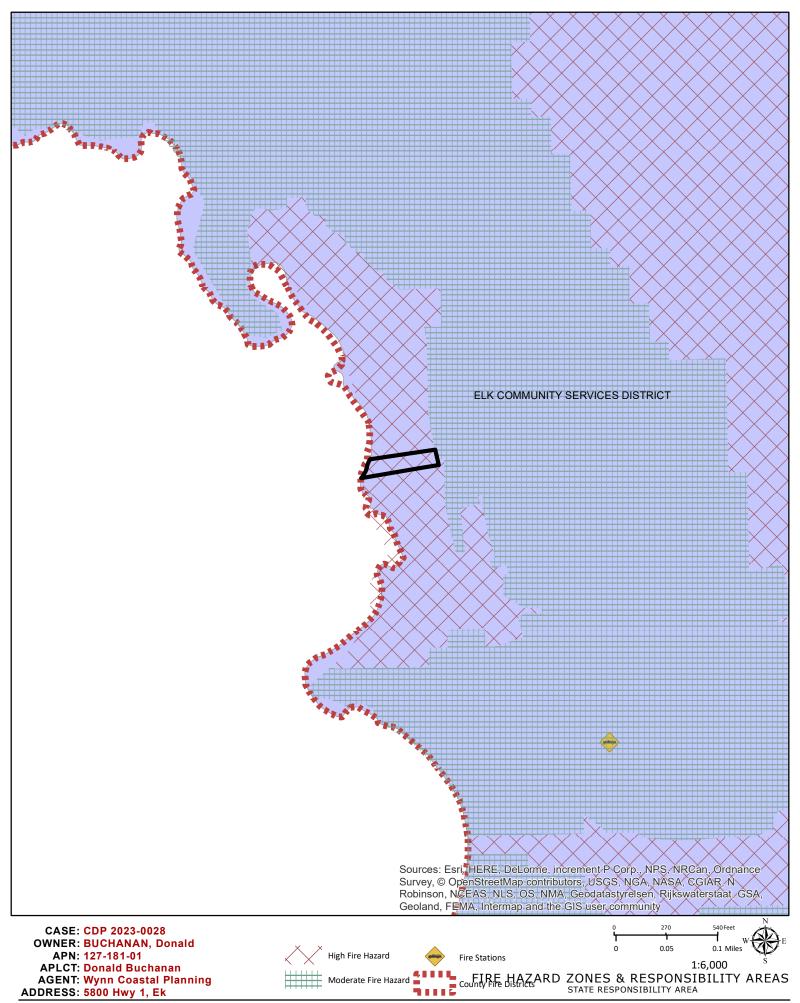
0.01 Miles 1:800

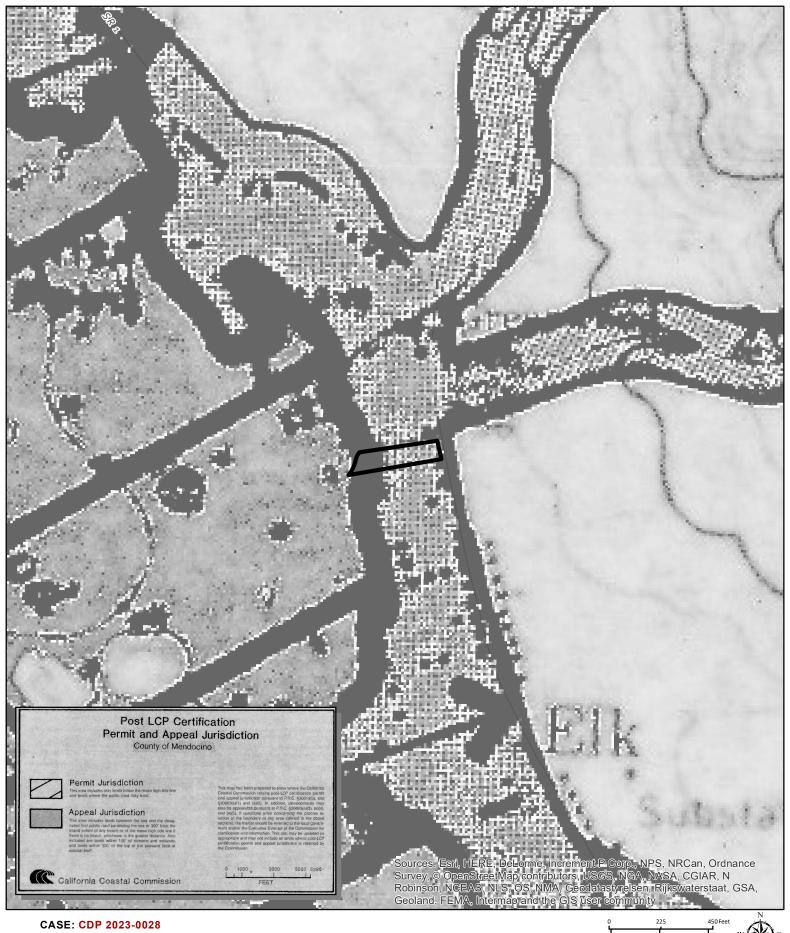
**AERIAL IMAGERY** 









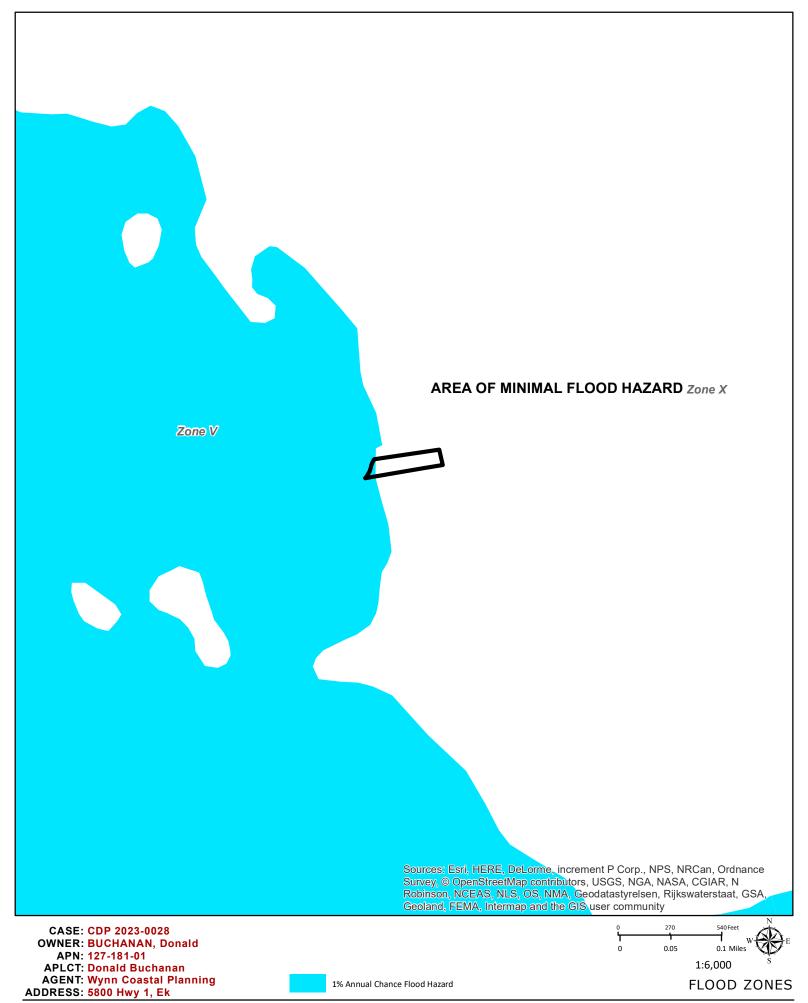


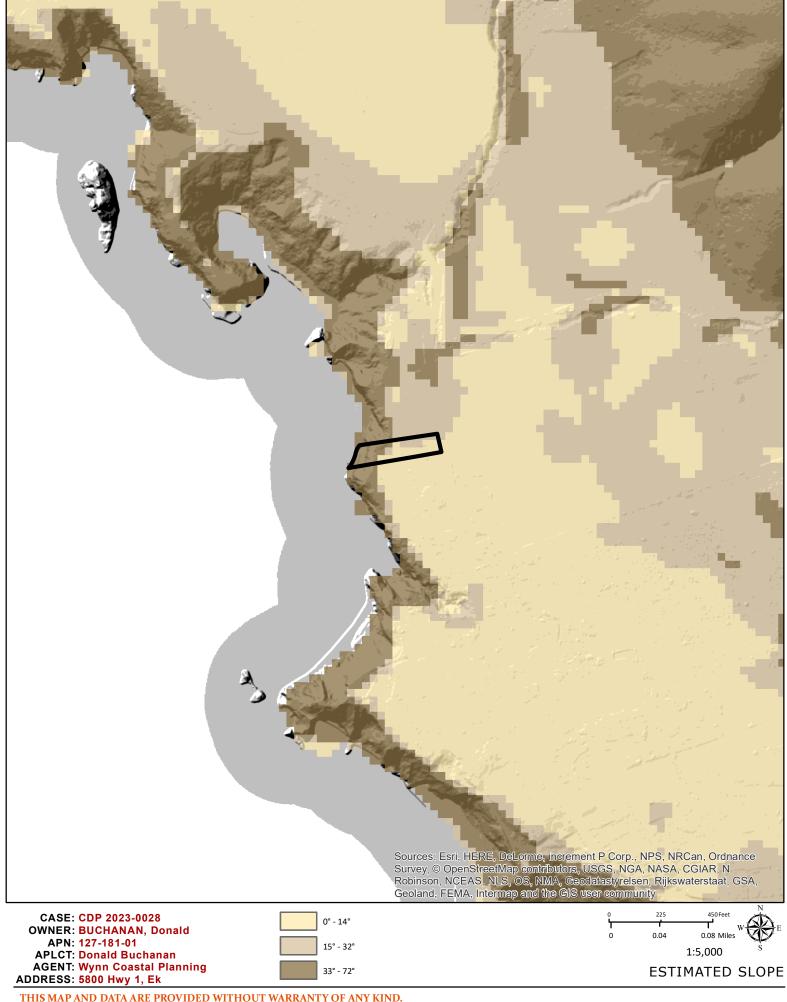
CASE: CDP 2023-0028
OWNER: BUCHANAN, Donald APN: 127-181-01
APLCT: Donald Buchanan
AGENT: Wynn Coastal Planning
ADDRESS: 5800 Hwy 1, Ek

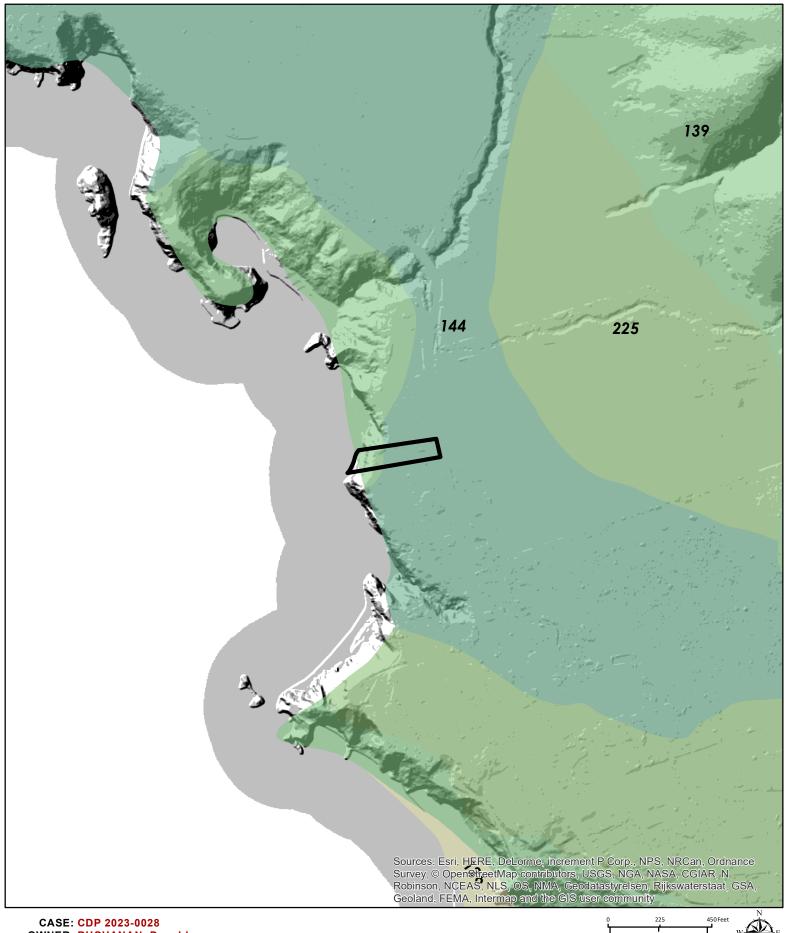
**Public Roads** 

0.08 Miles 1:5,000

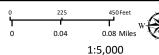
POST LCP CERTIFICATION & APPEAL JURISDICTION







OWNER: BUCHANAN, Donald
APN: 127-181-01
APLCT: Donald Buchanan
AGENT: Wynn Coastal Planning
ADDRESS: 5800 Hwy 1, Ek



WESTERN SOIL CLASSIFICATIONS

